(English text signed by the President.)
(Assented to 17 November 2008.)

ACT

To ensure that diverse energy resources are available, in sustainable quantities and at affordable prices, to the South African economy in support of economic growth and poverty alleviation, taking into account environmental management requirements and interactions amongst economic sectors; to provide for energy planning, increased generation and consumption of renewable energies, contingency energy supply, holding of strategic energy feedstocks and carriers, adequate investment in, appropriate upkeep and access to energy infrastructure; to provide measures for the furnishing of certain data and information regarding energy demand, supply and generation; to establish an institution to be responsible for promotion of efficient generation and consumption of energy and energy research; and to provide for all matters connected therewith.

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

ARRANGEMENT OF SECTIONS

CHAPTER 1

DEFINITIONS AND OBJECTS

1. Definitions
2. Objects of Act

CHAPTER 2

ENERGY SUPPLY, OPTIMISATION AND UTILISATION

3. Provision of data and access to data sources
4. Safety, health and environment
5. Energy access by households

CHAPTER 3

INTEGRATED ENERGY PLANNING

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SOUTH AFRICAN NATIONAL ENERGY DEVELOPMENT INSTITUTE

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(Engelse teks deur die President geteken.)
(Goedgekeur op 17 November 2008.)

WET

Om te verseker dat verskillende energiehulpbronne in volhoubare hoeveelhede en teen bekostigbare pryse vir die Suid-Afrikaanse ekonomie beskikbaar is ten einde ekonomiese groei en armoedeverligting te ondersteun, met inagneming van die vereistes van omgewingsbestuur en die wisselwerking tussen ekonomiese sektore; om voorsiening te maak vir energiebeplanning, die verhoogde generering en verbruik van hernubare energie, gebeurlikheidsenergievoorsiening, die berging van strategiese energievoerstof en -draers, voldoende investering in, geskikte instandhouding van en toegang tot die energie-infrastruktuur; om maatreëls te tref vir die verskaffing van sekere data en inligting met betrekking tot die aanvraag, voorsiening en generering van energie; om 'n instelling in te stel wat verantwoordelik sal wees vir die bevordering van die doeltreffende generering en verbruik van energie en vir energienavorsing; en om voorsiening te maak vir alle aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

INDELING VAN WET

HOOFSTUK 1

WOORDOMSKRYWINGS EN OOGMERKE

1. Woordomskrywings
2. Oogmerke van Wet

HOOFSTUK 2

ENERGIEVOORSIENING, -OPTIMERING EN -BENUTTING

3. Verskaffing van data en toegang tot databronne
4. Veiligheid, gesondheid en omgewing
5. Toegang tot energie deur huishoudings

HOOFSTUK 3

GEÏNTEGREERDE ENERGIEBEPLANNING

6. Geïntegreerde energiebeplanning

HOOFSTUK 4

SUID-AFRIKAANSE ENERGIEONTWIKKELINGSINSTITUUT

7. Instelling van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut
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10. Meetings of Board of South African National Energy Development Institute
11. Chief Executive Officer of South African National Energy Development Institute
12. South African National Energy Development Institute employees and conditions of service
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17. Acquisition and maintenance of National Strategic energy feedstocks and carriers
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GENERAL PROVISIONS

19. Regulations
20. Offences and penalties
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CHAPTER 1

DEFINITIONS AND OBJECTS

Definitions

1. In this Act, unless the context indicates otherwise—

"Board" means the Board of the South African National Energy Development Institute contemplated in section 8;

"Department" means the Department of Minerals and Energy;

"energy carrier" means a substance or system that moves or carries energy in a usable form from one place to another;

"energy data" means energy-related statistics, facts, figures, information and records of the energy industry and all other economic sectors;

"energy efficiency" means economical and efficient production and utilisation of an energy carrier or resource;

"energy feedstocks" means any substance used or that can be used as a raw material in an industrial process producing energy;

"energy infrastructure" means public and privately owned physical structures which are used for the production, transformation, conversion, transportation or distribution of energy carriers;

"energy-related sectors" means all sectors which are impacted by or have an impact on the energy sector;

"energy resource" means non-value added material or mineral that can be used to produce energy or be converted to an energy carrier;

"free basic electricity" means a limited free amount of electricity supply deemed necessary to support basic energy services of a typical poor household as determined from time to time;

"greenhouse gases" mean gases present in the atmosphere, which reduce the loss of heat into space and thereby contributing to an increase in global temperatures through a process known as the greenhouse effect;

"Integrated Energy Plan" means the national energy plan contemplated in section 6, approved by Cabinet and published in the *Gazette* by the Minister;

"Minister" means the Minister of Minerals and Energy;

"organ of the state" means an organ of state as defined in section 239 of the Constitution;

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10. Vergaderings van Raad van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut
11. Hoof- uitvoerende Beampte van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut
12. Werknemers van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut en hulle diensvoorwaardes
13. Oorgangsbepalings
14. Befondsing van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut
15. Boekhouding en ouditering by Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut
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SEKERHEID VAN VOORSIENING

17. Verkryging en instandhouding van nasionale strategiese energievoerstof en -draers
18. Belegging in en onderhoud van energie-infrastruktuur

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19. Regulasies
20. Misdrywe en strawwe
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HOOFSTUK 1

WOORDOMSKRYWINGS EN OOGMERKE

Woordomskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

"**Departement**" die Departement van Minerale en Energie;

"**energiedata**" energieverwante statistieke, feite, syfers, inligting en rekords van die energiebedryf en alle ander ekonomiese sektore;

"**energiedoeltreffendheid**" die ekonomiese en doeltreffende vervaardiging en benutting van 'n energiedraer of -hulpbron;

"**energiedraer**" 'n stof of stelsel wat energie in 'n bruikbare vorm van een plek na 'n ander verplaas of dra;

"**energiehulpbron**" materiaal of minerale waar geen waarde toegevoeg is nie wat gebruik kan word om energie te vervaardig of wat verander kan word na 'n energiedraer;

"**energie-infrastruktuur**" publieke en private besit van fisiese strukture wat gebruik word vir die produksie, hervorming, verandering, omskepping, vervoer of verspreiding van energiedraers;

"**energieverwante sektore**" alle sektore wat beïnvloed word of wat 'n invloed het op die energiesektor;

"**energievoerstof**" enige stof wat gebruik word of gebruik kan word as 'n grondstof in 'n industriële energievervaardingsproses;

"**Geïntegreerde Energieplan**" die nasionale energieplan beoog in artikel 6, soos deur die Kabinet goedgekeur en gepubliseer in die *Staatskoerant* deur die Minister;

"**gratis basiese elektrisiteit**" 'n beperkte gratis hoeveelheid elektrisiteitsvooraad wat nodig geag word om die basiese energiedienste van 'n tipiese minderbevoorregte huishouding te onderhou, soos van tyd tot tyd bepaal word;

"**hernubare energie**" energie gegenereer uit natuurlike, nie-uitputlike hulpbronne, insluitend sonenergie, windenergie, biomassa-energie, bioafval-energie, hidroënergie, geotermiese energie en see- en gety-energie;

"**hierdie Wet**" ook regulasies uitgevaardig kragtens hierdie Wet;

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"prescribed" means prescribed by regulation;
"Promotion of Access to Information Act" means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
"Public Finance Management Act" means the Public Finance Management Act, 1999 (Act No. 1 of 1999);
"regulation" means any regulation made in terms of this Act;
"renewable energy" means energy generated from natural non-depleting resources including solar energy, wind energy, biomass energy, biological waste energy, hydro energy, geothermal energy and ocean and tidal energy; and
"this Act" includes regulations made in terms of this Act.

Objects of Act

2. The objects of this Act are to—
(a) ensure uninterrupted supply of energy to the Republic;
(b) promote diversity of supply of energy and its sources;
(c) facilitate effective management of energy demand and its conservation;
(d) promote energy research;
(e) promote appropriate standards and specifications for the equipment, systems and processes used for producing, supplying and consuming energy;
(f) ensure collection of data and information relating to energy supply, transportation and demand;
(g) provide for optimal supply, transformation, transportation, storage and demand of energy that are planned, organised and implemented in accordance with a balanced consideration of security of supply, economics, consumer protection and a sustainable development;
(h) provide for certain safety, health and environment matters that pertain to energy;
(i) facilitate energy access for improvement of the quality of life of the people of Republic;
(j) commercialise energy-related technologies;
(k) ensure effective planning for energy supply, transportation and consumption; and
(l) contribute to sustainable development of South Africa's economy.

CHAPTER 2

ENERGY SUPPLY, OPTIMISATION AND UTILISATION

Provision of data and access to data sources

3. (1) The Minister must establish mechanisms to ensure—
(a) provision of any data and information reasonably required for the purposes of conducting analysis required for energy planning from any person and the time period for the provision of such data and information, where such data is not already made available to any other public institution; and
(b) connection to any data and information management system, or any other system within the public administration, for the acquisition of energy data and information, in accordance with the Promotion of Access to Information Act and the Statistics Act, 1999 (Act No. 6 of 1999) where such data or information is collected by that public institution.

(2) The Minister may, for the purpose of ensuring optimal collection of data, subject to observation of confidentiality of information in the possession of a particular entity, permit sharing of information with any other entity within and outside of the boundaries of the Republic.

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"**kweekhuisgasse**" die gasse teenwoordig in die atmosfeer wat die verlies van hitte in die ruimte verminder en daardeur bydra tot 'n verhoging in die globale temperature deur 'n proses bekend as die kweekhuiseffek;
"**Minister**" die Minister van Minerale en Energie;
"**Raad**" die Raad van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut beoog in artikel 8;
"**regulasie**" 'n regulasie uitgevaardig kragtens hierdie Wet;
"**staatsorgaan**" 'n staatsorgaan soos omskryf in artikel 239 van die Grondwet;
"**voorgeskryf**" voorgeskryf by regulasie;
"**Wet op Bevordering van Toegang tot Inligting**" die Wet op Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000); en
"**Wet op Openbare Finansiële Bestuur**" die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).

Oogmerke van Wet

2. Die oogmerke van die Wet is om—
(a) die ononderbroke voorsiening van energie aan die Republiek te verseker;
(b) diversiteit in die voorsiening van energie en van energiebronne te bevorder;
(c) die doeltreffende bestuur van die aanvraag na energie en energiebesparing te fasiliteer;
(d) energienavorsing te bevorder;
(e) gepaste standaarde en spesifikasies vir die toerusting, stelsels en prosesse wat in die produksie, voorsiening en verbruik van energie aangewend word, te bevorder;
(f) die insameling van data en inligting met betrekking tot die voorsiening en vervoer van en die aanvraag na energie te verseker;
(g) voorsiening te maak vir die optimale voorsiening, hervorming, vervoer en berging van en aanvraag na energie wat beplan, georganiseer en toegepas word ooreenkomstig die ewewigtige inagneming van sekerheid van voorsiening, die ekonomie, verbruikersbeskerming en volhoubare ontwikkeling;
(h) voorsiening te maak vir veiligheids-, gesondheids- en omgewingsaangeleenthede wat met energie verband hou;
(i) die verbetering van die lewensgehalte van die mense van Suid-Afrika ten opsigte van die toegang tot energie te fasiliteer;
(j) energieverwante tegnologieë te kommersialiseer;
(k) die doeltreffende beplanning van energievoorsiening, -vervoer en -verbruik te verseker; en
(l) die volhoubare ontwikkeling van Suid-Afrika se ekonomie te bevorder.

HOOFSTUK 2

ENERGIEVOORSIENING, -OPTIMERING EN -BENUTTING

Verskaffing van data en toegang tot databronne

3. (1) Die Minister moet meganismes saamstel om—
(a) die verskaffing te verseker van enige data en inligting wat redelikerwys vir doeleindes van die uitvoering van analisering vir energiebeplanning nodig is van enige persoon, asook die tydperk ten opsigte waarvan sodanige data en inligting verskaf moet word, indien daardie data nie reeds aan enige ander openbare instelling beskikbaar gestel is nie; en
(b) koppeling te verseker met enige data- en inligtingsbestuurstelsel, of enige ander stelsel in die openbare administrasie, vir die verkryging van energiedata en -inligting ooreenkomstig die Wet op Bevordering van Toegang tot Inligting en die Wet op Statistieke, 1999 (Wet No. 6 van 1999), indien sodanige data of inligting deur die betrokke openbare instelling ingesamel word.

(2) Ten einde die optimale insameling van data te verseker, kan die Minister, onderworpe aan die handhawing van die vertroulikheid van die inligting in besit van 'n bepaalde entiteit, die deling van inligting met enige entiteit binne of buite die grense van die Republiek toelaat.

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(3) The information provided under this Act that is not already in the public domain may only be supplied to persons outside of the Department subject to the provisions of the Promotion of Access to Information Act.

(4) The Minister must establish mechanisms to—

(a) collect, collate and analyse energy data and information;

(b) manage energy data and information; and

(c) avail, in a manner prescribed, energy statistics and energy information to the public.

(5) The Minister must annually publish an analysis—

(a) reviewing energy demand and supply for previous year;

(b) forecasting energy supply and demand for no less than 20 years; and

(c) of plausible energy scenarios of how the future energy demand and supply landscape could look like under different demand and supply assumptions.

(6) The Minister must publish—

(a) models used for data and information analysis;

(b) all the assumptions that are underpinning the models contemplated in subsection *(a)*; and

(c) a list of categories of information or data that have been classified as confidential and the reasons thereof.

Safety, health and environment

4. The Minister may, after consultation with the Minister of Trade and Industry, the Minister of Labour and the Minister of Environmental Affairs and Tourism, adopt measures not contemplated in any other legislation, to minimise the negative safety, health and environmental impacts of energy carriers.

Energy access by households

5. (1) The Minister must adopt measures that provide for the universal access to appropriate forms of energy or energy services for all the people of the Republic at affordable prices.

(2) The measures contemplated in subsection (1) must take into account—

(a) the safety, health and environmental suitability of such energy;

(b) the availability of energy resources;

(c) the optimisation of existing energy infrastructure;

(d) the need for new infrastructure;

(e) the provision of information and training regarding energy and its optimal utilisation;

(f) the sustainability of the energy provision;

(g) affordability;

(h) cost-effectiveness;

(i) the State's commitment to provide free basic electricity to poor households; and

(j) appropriate governance procedures for government sponsored programmes as prescribed by the Public Finance Management Act.

CHAPTER 3

INTEGRATED ENERGY PLANNING

Integrated energy planning

6. (1) The Minister must develop and, on an annual basis, review and publish the Integrated Energy Plan in the *Gazette*.

(2) The Integrated Energy Plan must deal with issues relating to the supply, transformation, transport, storage of and demand for energy in a way that accounts for—

(a) security of supply;

(b) economically available energy resources;

(c) affordability;

(d) universal accessibility and free basic electricity;

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(3) Die inligting wat ingevolge hierdie Wet verskaf moet word en nie reeds in die openbare domein is nie, mag slegs aan partye buite die Departement verskaf word behoudens die bepalings van die Wet op Bevordering van Toegang tot Inligting.

(4) Die Minister moet meganismes saamstel om—

(a) energiedata en -inligting in te samel, te sorteer en te ontleed;

(b) energiedata en -inligting te bestuur;

(c) op die voorgeskrewe wyse energiestatistieke en -inligting aan die publiek beskikbaar te stel.

(5) Die Minister moet jaarliks 'n analise publiseer—

(a) wat die vorige jaar se aanvraag na energie en energievoorsiening hersien;

(b) wat energievoorsiening en -aanvraag vir nie minder nie as 20 jaar voorspel; en

(c) met geloofwaardige energie-scenarios van hoe die toekomstige landskap van energievoorsiening en -aanvraag kan lyk, gegewe verskillende voorsienings- en aanvraagaannames.

(6) Die Minister moet—

(a) modelle wat vir die analisering van data en inligting gebruik word;

(b) alle aannames wat die modelle beoog in subartikel *(a)* onderstut; en

(c) 'n lys van kategorieë van inligting of data wat as vertroulik geklassifiseer is, en die redes daarvoor,

publiseer.

Veiligheid, gesondheid en omgewing

4. Die Minister kan, na raadpleging met die Minister van Handel en Nywerheid, die Minister van Arbeid en die Minister van Omgewingsake en Toerisme, maatreëls wat nie in ander wetgewing beoog word nie, instel ten einde die negatiewe uitwerking van energiedraers op veiligheid, gesondheid en die omgewing tot die minimum te beperk.

Toegang tot energie deur huishoudings

5. (1) Die Minister moet maatreëls instel wat voorsiening maak vir algemene toegang tot gepaste vorme van energie of energiedienste teen bekostigbare pryse vir al die mense van die Republiek.

(2) Die maatreëls beoog in subartikel (1) moet in ag neem—

(a) die veiligheid, gesondheid en omgewingsgeskiktheid van sodanige energie;

(b) die beskikbaarheid van energiehulpbronne;

(c) die optimering van bestaande energie-infrastruktuur;

(d) die behoefte aan nuwe infrastruktuur;

(e) die verskaffing van inligting en opleiding betreffende energie en die optimale benutting daarvan;

(f) die volhoubaarheid van die energievoorsiening;

(g) bekostigbaarheid;

(h) kostedoeltreffendheid;

(i) die Staat se verbintenis om gratis basiese elektrisiteit aan behoeftige huihoudings te verskaf; en

(j) gepaste beheerprosedures vir staatsgesteunde programme soos voorgeskryf deur die Wet op Openbare Finansiële Bestuur.

HOOFSTUK 3

GEÏNTEGREERDE ENERGIEBEPLANNING

Geïntegreerde energiebeplanning

6. (1) Die Minister moet die Geïntegreerde Energieplan opstel en dit jaarliks hersien en in die *Staatskoerant* publiseer.

(2) Die Geïntegreerde Energieplan moet handel met aangeleenthede wat verband hou met die voorsiening, hervorming, vervoer, berging van en aanvraag na energie op 'n wyse wat rekening hou met—

(a) sekerheid van voorsiening;

(b) ekonomies beskikbare energiebronne;

(c) bekostigbaarheid;

(d) algemene toeganklikheid van gratis basiese elektrisiteit;

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(e) social equity;
(f) employment;
(g) the environment;
(h) international commitments;
(i) consumer protection; and
(j) contribution of energy supply to socio-economic development.

(3) The Integrated Energy Plan must—
(a) take account of plans relating to transport, electricity, petroleum, water, trade, macro-economy energy infrastructure development, housing, air quality management, greenhouse gas mitigation within the energy sector and integrated development plans of local and provincial authorities;
(b) inform and be informed by plans from all supply, production and demand sectors whose plans impact on or are impacted by the Integrated Energy Plan; and
(c) be based on the results of the energy analysis envisaged in sections 3(4)*(a)* and 3(5).

(4) The development of the Integrated Energy Plan must take into account—
(a) sustainable development;
(b) optimal use of indigenous and regional energy resources;
(c) balance between supply and demand;
(d) economic viability;
(e) environmental, health, safety and socio-economic impacts; and
(f) developmental requirements of the Southern African region.

(5) The Integrated Energy Plan must have a planning horizon of no less than 20 years.

(6) The Integrated Energy Plan must—
(a) serve as a guide for energy infrastructure investments;
(b) take into account all viable energy supply options; and
(c) guide the selection of the appropriate technology to meet energy demand.

(7) Before finalising the Integrated Energy Plan, the Minister must—
(a) invite public comments; and
(b) duly consider such comments.

CHAPTER 4

SOUTH AFRICAN NATIONAL ENERGY DEVELOPMENT INSTITUTE

Establishment of South African National Energy Development Institute

7. (1) The South African National Energy Development Institute is hereby established as a juristic person.

(2) The functions of the South African National Energy Development Institute are to, in respect of—
(a) energy efficiency—
(i) undertake energy efficiency measures as directed by the Minister;
(ii) increase energy efficiency throughout the economy;
(iii) increase the gross domestic product per unit of energy consumed; and
(iv) optimise the utilisation of finite energy resources;
(b) energy research and development—
(i) direct, monitor, conduct and implement energy research and technology development in all fields of energy, other than nuclear energy; and
(ii) promote energy research and technology innovation;
(iii) provide for—
(aa) training and development in the field of energy research and technology development;
(bb) establishment and expansion of industries in the field of energy; and

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(e) maatskaplike billikheid;
(f) werkgeleenthede;
(g) die omgewing;
(h) internasionale verbintenisse;
(i) beskerming van die verbruiker; en
(j) bydrae van energievoorsiening tot sosio-ekonomiese ontwikkeling.

(3) Die Geïntegreerde Energieplan moet—

(a) die planne betreffende vervoer, elektrisiteit, petroleum, water, handel, makro-ekonomiese energie-infrastruktuurontwikkeling, behuising, die bestuur van lugkwaliteit, die vermindering van kweekhuisgas binne die energiesektor en die geïntegreerde ontwikkelingsplanne van plaaslike en provinsiale owerhede in ag neem;
(b) ingelig wees en ingelig word deur planne van alle voorsienings-, vervaardigings- en aanvraagsektore wat 'n uitwerking het op die Geïntegreerde Energieplan en waarop die Geïntegreerde Energieplan 'n uitwerking het; en
(c) op die resultate van die energie-analise wat in artikels 3(4)*(a)* en 3(5) beoog word, gebaseer wees.

(4) Die opstel van die Geïntegreerde Energieplan moet in ag neem—

(a) volhoubare ontwikkeling;
(b) optimale gebruik van inheemse en streeksenergiebronne;
(c) die balans tussen aanvraag en aanbod;
(d) ekonomiese lewensvatbaarheid;
(e) die omgewings-, gesondheids-, veiligheids- en sosio-ekonomiese impak; en
(f) ontwikkelingsvereistes van die Suider-Afrikaanse streek.

(5) Die Geïntegreerde Energieplan moet 'n beplanningshorison van nie minder nie as 20 jaar hê.

(6) Die Geïntegreerde Energieplan moet—

(a) dien as 'n gids vir energie-infrastruktuurbeleggings;
(b) alle energievoorsieningsopsies wat haalbaar is, in ag neem; en
(c) leiding gee ten opsigte van die keuse van toepaslike tegnologie om aan die energie- aanvraag te voldoen.

(7) Voordat die Geïntegreerde Energieplan gefinaliseer word, moet die Minister—

(a) openbare kommentaar uitnooi; en
(b) sodanige kommentaar behoorlik oorweeg.

HOOFSTUK 4

SUID-AFRIKAANSE NASIONALE ENERGIEONTWIKKELINGSINSTITUUT

Instelling van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut

7. (1) Die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut word hierby as 'n regspersoon ingestel.

(2) Die werksaamhede van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut is, ten opsigte van—

(a) energiedoeltreffendheid, om—
  (i) energiedoeltreffendheidsmaatreëls te tref soos deur die Minister gelas;
  (ii) energiedoeltreffendheid regdeur die ekonomie te vergroot;
  (iii) die bruto binnelandse produk per eenheid van energieverbruik te vergroot; en
  (iv) die benutting van eindige energiehulpbronne te optimeer.
(b) energienavorsing en -ontwikkeling, om—
  (i) energienavorsing en tegnologie-ontwikkeling op alle energieterreine, uitgesonderd kernenergie, te bestuur, te moniteer, te doen en te implementeer; en
  (ii) energienavorsing en innovering in tegnologie te bevorder;
  (iii) voorsiening te maak vir—
    (aa) opleiding en ontwikkeling op die terrein van energienavorsing en tegnologie-ontwikkeling;
    (bb) die instelling en uitbreiding van nywerhede op die terrein van energie; en

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(cc) commercialisation of energy technologies resulting from energy research and development programmes;

(iv) register patents and intellectual property in its name resulting from its activities;

(v) issue licences to other persons for the use of its patents and intellectual property;

(vi) publish information concerning its objects and functions;

(vii) establish facilities for the collection and dissemination of information in connection with research, development and innovation;

(viii) undertake any other energy technology development related activity as directed by the Minister, with the concurrence of the Minister of Science and Technology;

(ix) promote relevant energy research through cooperation with any entity, institution or person equipped with the relevant skills and expertise within and outside the Republic;

(x) make grants to educational and scientific institutions in aid of research by their staff or for the establishment of facilities for such research;

(xi) promote the training of research workers by granting bursaries or grants-in-aid for research;

(xii) undertake the investigations or research that the Minister, after consultation with the Minister of Science and Technology, may assign to it; and

(xiii) advise the Minister and the Minister of Science and Technology on research in the field of energy technology.

Constitution of South African National Energy Development Institute

8. (1) Subject to this Act, the South African National Energy Development Institute is managed and controlled by a Board, which—

(a) must determine the South African National Energy Development Institute's policies and procedures;

(b) must exercise control over the performance of the South African National Energy Development Institute's functions; and

(c) has the same powers and authority as are conferred upon the South African National Energy Development Institute in terms of this Act.

(2) The Minister must, after consultation with the Minister of Science and Technology, appoint as members of the Board—

(a) a Chairperson;

(b) a Deputy Chairperson;

(c) representatives from the Departments of Minerals and Energy, Trade and Industry, Science and Technology, Environmental Affairs and Tourism and Transport; and

(d) two other suitably qualified persons.

(3) The Chief Executive Officer appointed in terms of section 11, or if unavailable, an employee of the South African National Energy Development Institute designated by the Chief Executive Officer, must attend all meetings of the Board and has the right to speak, but not to vote, at such meetings.

(4) If the Chairperson cannot perform his or her duties, the Deputy Chairperson must perform such duties until the Chairperson can resume his or her duties or until the Minister, after consultation with the Minister of Science and Technology, has appointed a replacement for him or her.

(5) The Chairperson or Deputy Chairperson presides at any meeting of the Board.

(6) A member of the Board, excluding the Chief Executive Officer, holds office for a period not exceeding four years, but may be reappointed.

(7) A member of the Board must vacate his or her office if he or she—

(a) becomes of unsound mind;

(b) resigns by written notification to the Minister of at least one month;

(c) in the case of members appointed in terms of subsection (2)*(c)*, resigns from his or her respective department; or

(d) materially fails to perform any duty imposed on him or her in terms of this Act.

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(cc) die kommersialisering van energietegnologieë wat voortspruit uit energienavorsing- en -ontwikkelingsprogramme;

(iv) patente en intellektuele goedere wat uit sy bedrywighede voortspruit, op sy naam te registreer;

(v) lisensies aan ander persone te verleen vir die gebruik van sy patente en intellektuele goedere;

(vi) inligting te publiseer met betrekking tot sy oogmerke en werksaamhede;

(vii) fasiliteite in te stel vir die insameling en verspreiding van inligting in verband met navorsing, ontwikkeling en innovering;

(viii) enige ander tegnologieontwikkelingsverwante bedrywigheid te onderneem soos deur die Minister gelas, met die instemming van die Minister van Wetenskap en Tegnologie;

(ix) toepaslike energienavorsing te bevorder deur samewerking met enige entiteit, instansie of persoon binne of buite die Republiek wat oor die nodige vaardighede en kundigheid beskik;

(x) bewilligings aan opvoedkundige en wetenskaplike instansies te doen ter ondersteuning van navorsing deur hulle personeel of ten einde fasiliteite vir sodanige navorsing te skep;

(xi) die opleiding van navorsingswerkers te bevorder deur beurse en hulptoelaes vir navorsing toe te ken;

(xii) die ondersoeke of navorsing te doen wat die Minister, na oorleg met die Minister van Wetenskap en Tegnologie, aan hom opdra; en

(xiii) die Minister en die Minister van Wetenskap en Tegnologie te adviseer oor navorsing op die terrein van energietegnologie.

Samestelling van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut

8. (1) Die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut word, behoudens die bepalings van hierdie Wet, bestuur en beheer deur 'n Raad, wat—

(a) die beleid en prosedures van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut moet bepaal;

(b) beheer moet uitoefen oor die werkverrigting van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut se werksaamhede; en

(c) dieselfde bevoegdhede en gesag het as wat by hierdie Wet aan die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut verleen is.

(2) Die Minister, na oorleg met die Minister van Wetenskap en Tegnologie, moet as lede van die Raad aanstel—

(a) 'n Voorsitter;

(b) 'n Ondervoorsitter;

(c) verteenwoordigers van die Departemente van Minerale en Energie, Handel en Nywerheid, Wetenskap en Tegnologie, Omgewingsake en Toerisme en Vervoer; en

(d) twee ander paslik gekwalifiseerde persone.

(3) Die Hoof- uitvoerende Beampte aangestel ingevolge artikel 11 of, indien hy of sy nie beskikbaar is nie, 'n werknemer van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut wat deur die Hoof- uitvoerende Beampte aangewys is, moet alle vergaderings van die Raad bywoon en het op sodanige vergaderings die reg om te praat, maar het nie stemreg nie.

(4) Indien die Voorsitter nie sy of haar pligte kan verrig nie, verrig die Ondervoorsitter daardie pligte totdat die Voorsitter sy of haar pligte kan hervat of totdat die Minister, na oorleg met die Minister van Wetenskap en Tegnologie, iemand in die plek van die Voorsitter aangestel het.

(5) Die Voorsitter of Ondervoorsitter sit op 'n vergadering van die Raad voor.

(6) 'n Lid van die Raad, uitgesonderd die Hoof- uitvoerende Beampte, beklee sy of haar amp vir 'n tydperk van hoogstens vier jaar, maar kan heraangestel word.

(7) 'n Lid van die Raad moet sy of haar amp ontruim indien hy of sy—

(a) geestesversteurd word;

(b) met skriftelike kennisgewing van ten minste een maand aan die Minister bedank;

(c) in die geval van lede wat aangestel is ingevolge subartikel 2*(c)*, bedank van sy of haar onderskeie departemente; of

(d) wesenlik versuim om enige plig wat hom of haar by hierdie Wet opgelê word, uit te voer.

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(8) The members of the Board, with the exclusion of those members who are in the full-time employment of an organ of the state, must be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may, with the concurrence of the Ministers of Finance and Science and Technology, determine.

(9) The members of the Board must be persons who have relevant qualifications and experience or who have special knowledge or experience in relation to one or other aspect of the South African National Energy Development Institute's functions.

(10) Upon appointment, every member of the Board must disclose to the Minister and to the Board—

(a) his or her pecuniary interest in any person, firm, association or company engaged in any of the functions of the South African National Energy Development Institute; and

(b) if his or her spouse, life partner, parent or child is in the employ of, or acts as a consultant to, or has any relationship with, any person, firm, association or company engaged in any of the functions of the South African National Energy Development Institute.

(11) If a member of the Board acquires an interest contemplated in subsection 10*(a)* or *(b)*, such member must immediately, in writing, declare that fact to the Minister and Board.

(12) 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 Board will be subject to the consent of the Minister and the Minister of Science and Technology.

(13) 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.

South African National Energy Development Institute subcommittees for specific purposes

9. (1) The Board may establish subcommittees and may appoint any of its members to join one or more of such subcommittees, which must, subject to the instructions of the Board, perform those functions of the Board as the Board may determine.

(2) *(a)* A subcommittee contemplated in subsection (1) consists of such number of persons, including at least one Board member and any employees of the South African National Energy Development Institute, as the Board deems necessary.

(b) The Board may at any time dissolve or reconstitute a subcommittee.

(3) If a subcommittee referred to in subsection (1) consists of more than one member, the Board must designate one member as a Chairperson.

(4) The South African National Energy Development Institute may pay the members of a subcommittee referred to in subsection (1) who are—

(a) not in the full-time service of the State;

(b) not employees of the South African National Energy Development Institute; and

(c) not members of the Board,

the remuneration and allowances determined by the Minister, with the concurrence of the Minister of Finance.

(5) The Board shall not be discharged from its responsibility for any function performed in terms of this section by any subcommittee of the Board.

Meetings of Board of South African National Energy Development Institute

10. (1) The meetings of the Board must be held at such times and places as determined by the Chairperson of the Board.

(2) The Chairperson, or in his or her absence the Deputy Chairperson, may at any time call a special meeting of the Board, which must be held at such time and place as the Chairperson or the Deputy Chairperson, as the case may be, may direct.

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

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(8) Die lede van die Raad, uitgesonderd die lede wat voltyds in diens van 'n staatsorgaan is, word aangestel op sodanige voorwaardes, met inbegrip van voorwaardes met betrekking tot die betaling van besoldiging en toelaes, wat die Minister, in oorleg met die Ministers van Finansies en van Wetenskap en Tegnologie, bepaal.

(9) Die lede van die Raad moet persone wees wat toepaslike kwalifikasies en ondervinding het of oor spesiale kennis of ondervinding met betrekking tot die een of ander aspek van die werksaamhede van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut beskik.

(10) By aanstelling moet elke lid van die Raad aan die Minister en die Raad bekend maak—

(a) sy of haar finansiële belang in enige persoon, firma, vereniging of maatskappy wat betrokke is by die werksaamhede van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut; en

(b) indien sy of haar eggenoot, lewensmaat, ouer of kind is diens is van, of werk as 'n konsultant by, of enige verhouding het met, enige persoon, firma, vereniging of maatskappy wat betrokke is by die werksaamhede van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut.

(11) Indien 'n lid van die Raad 'n belang beoog in artikel 10*(a)* en *(b)* verkry, moet sodanige lid hierdie feit onmiddellik en skriftelik aan die Minister en die Raad bekend maak.

(12) Die Minister kan van tyd tot tyd enige aangeleentheid waarvoor hierdie Wet voorsiening maak, as 'n aangeleentheid reserveer ten opsigte waarvan 'n besluit van die Raad onderworpe is aan die instemming van die Minister en die Minister van Wetenskap en Tegnologie.

(13) Die Minister en die Minister van Finansies kan gesamentlik van tyd tot tyd enige finansiële aangeleentheid waarvoor hierdie Wet voorsiening maak, reserveer as 'n aangeleentheid ten opsigte waarvan 'n besluit van die Raad onderworpe is aan die instemming van die Minister en die Minister van Finansies.

Subkomitees van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut vir bepaalde doeleindes

9. (1) Die Raad kan subkomitees instel en mag enige van sy lede aanstel om by een of meer sodanige subkomitees aan te sluit wat, behoudens die opdragte van die Raad, sodanige werksaamhede van die Raad wat hy bepaal, moet verrig.

(2) *(a)* 'n Subkomitee beoog in subartikel (1) bestaan uit sodanige aantal persone, insluitend ten minste een Raadslid en enige werknemers van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut as wat die Raad nodig ag.

(b) Die Raad kan te eniger tyd 'n subkomitee ontbind of hersaamstel.

(3) Indien 'n subkomitee bedoel in subartikel (1) uit meer as een lid bestaan, moet die Raad een lid as voorsitter aanwys.

(4) Die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut kan die lede van 'n subkomitee in subartikel (1) bedoel wat—

(a) nie voltyds in diens van die Staat is nie; en

(b) nie werknemers van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut is nie; en

(c) nie lede van die Raad is nie,

die besoldiging en toelaes betaal wat die Minister, met instemming van die Minister van Finansies, bepaal.

(5) Die Raad word nie van sy verantwoordelikheid ontdoen vir enige werksaamheid deur 'n subkomitee van die Raad kragtens hierdie artikel verrig nie.

Vergaderings van Raad van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut

10. (1) Die vergaderings van die Raad word op sodanige tye en plekke gehou as wat die Voorsitter van die Raad bepaal.

(2) Die Voorsitter of, in sy of haar afwesigheid, die Ondervoorsitter, kan te eniger tyd 'n spesiale vergadering van die Raad belê, wat op sodanige tyd en plek gehou word as wat die Voorsitter of Ondervoorsitter, na gelang van die geval, gelas.

(3) 'n Kworum vir 'n vergadering van die Raad is 'n meerderheid van sy lede.

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(4) A decision of the Board is 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 or her deliberative vote as a member of the Board.

(5) No decision taken by or act performed under the authority of the Board shall be invalid by reason only of—

(a) a vacancy on the Board; or

(b) the fact that a person who was not entitled to sit as a member of the Board, sat as a member at the time when the decision was taken or the act was authorised,

if the decision was taken or the act was authorised by the requisite majority of the members of the Board who were present at the time and entitled to sit as members.

Chief Executive Officer of South African National Energy Development Institute

11. (1) The Board appoints the Chief Executive Officer of the South African National Energy Development Institute.

(2) The Chief Executive Officer—

(a) is responsible for and exercises control over the performance of the functions of the South African National Energy Development Institute; and

(b) must report on the affairs of the South African National Energy Development Institute to the Board as may be required of him or her by the Board.

(3) If the Chief Executive Officer is absent or unable to carry out his or her duties or in the event of a vacancy, the Board may appoint an employee of the South African National Energy Development Institute to act as Chief Executive Officer, and that employee shall, while so acting, have all the powers and perform all the duties of the Chief Executive Officer.

(4) The Chief Executive Officer is appointed for a period of not more than five years, but may be reappointed on the conditions, including conditions relating to the payment of remuneration and allowances, which the Board may determine in accordance with a system approved, from time to time, by the Minister, with the concurrence of the Ministers of Finance and Science and Technology.

(5) The Chief Executive Officer must enter into an annual performance contract with the Board and the Board must assess his or her performance annually.

(6) Any dispute between the Board and the Chief Executive Officer which cannot be amicably resolved must be referred to arbitration in terms of the Arbitration Act, 1965 (Act No. 42 of 1965).

South African National Energy Development Institute employees and conditions of service

12. (1) The Chief Executive Officer of the South African National Energy Development Institute may, on the conditions which must be determined by the Board, appoint the employees of the South African National Energy Development Institute whom it deems necessary to assist the South African National Energy Development Institute in the performance of its functions.

(2) The South African National Energy Development Institute must pay its employees such remuneration, allowances, subsidies and other benefits as the Board may determine, in accordance with a system approved from time to time by the Minister, with the concurrence of the Minister of Finance.

(3) The South African National Energy Development Institute may, in addition to employees referred to in subsection (1), be assisted in the performance of its functions by officers and employees in the public service who have been placed at the disposal of the South African National Energy Development Institute in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

(4) The Board may, on such conditions as it may deem fit and for a fixed period of time, second an employee of the South African National Energy Development Institute

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(4) 'n Besluit van die Raad word geneem by besluit van die meerderheid van die lede wat op enige vergadering van die Raad teenwoordig is, en in die geval van 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, 'n beslissende stem benewens sy of haar beraadslagende stem as lid van die Raad.

(5) Geen besluit geneem deur of handeling verrig op gesag van die Raad is ongeldig nie slegs op grond van—

(a) 'n vakature in die Raad; of

(b) die feit dat 'n persoon wat nie daarop geregtig was om as lid van die Raad te sit nie, as lid gesit het ten tyde van die neem van die besluit of die magtiging van die handeling,

mits die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die Raad wat op die betrokke vergadering teenwoordig was en daarop geregtig was om as lede te sit.

Hoof- uitvoerende Beampte van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut

11. (1) Die Raad stel die Hoof- uitvoerende Beampte van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut aan.

(2) Die Hoof- uitvoerende Beampte—

(a) is verantwoordelik vir en oefen beheer uit oor die verrigting van die werksaamhede van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut; en

(b) moet oor die sake van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut aan die Raad verslag doen soos wat die Raad van hom of haar verlang.

(3) Indien die Hoof- uitvoerende Beampte afwesig is of nie in staat is om sy of haar pligte te verrig nie, of indien die pos vakant is, kan die Raad 'n werknemer van die Suid-afrikaanse Nasionale Energieontwikkelingsinstituut aanstel om as Hoof- uitvoerende Beampte op te tree, en terwyl daardie werknemer aldus optree, beskik hy of sy oor al die bevoegdhede en verrig hy of sy al die pligte van die Hoof- uitvoerende Beampte.

(4) Die Hoof- uitvoerende Beampte word vir 'n tydperk van hoogstens vyf jaar aangestel, maar kan heraangestel word op die voorwaardes, insluitende voorwaardes met betrekking tot die betaling van besoldiging en toelaes, wat die Raad bepaal ooreenkomstig 'n stelsel wat die Minister, met instemming van die Ministers van Finansies en van Wetenskap en Tegnologie, van tyd tot tyd goedkeur.

(5) Die Hoof- uitvoerende Beampte moet 'n jaarlikse prestasie-ooreenkoms teken met die Raad en die Raad moet sy of haar prestasie jaarliks beoordeel.

(6) Enige geskil tussen die Raad en die Hoof- uitvoerende Beampte wat nie vriendskaplik opgelos kan word nie moet ingevolge die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965), vir arbitrasie verwys word.

Werknemers van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut en hulle diensvoorwaardes

12. (1) Die Hoof-uitvoerende Beampte van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut kan, op die voorwaardes wat die Raad moet bepaal, die werknemers van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut aanstel wat die Raad nodig ag om die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut by te staan in die verrigting van sy werksaamhede.

(2) Die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut moet sy werknemers sodanige besoldiging, toelaes, subsidies en ander voordele betaal as wat die Raad bepaal ooreenkomstig 'n stelsel wat die Minister, met die instemming van die Minister van Finansies, van tyd tot tyd goedkeur.

(3) Die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut kan, buiten die werknemers bedoel in subartikel (1), in die verrigting van sy werksaamhede bygestaan word deur amptenare en werknemers in die staatsdiens wat kragtens die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), tot die beskikking van die Suid-Afrikaanse Nasionale Energieinstellingsinstituut gestel word.

(4) Die Raad kan, op sodanige voorwaardes as wat hy goeddink en vir 'n vasgestelde tydperk, 'n werknemer van die Suid-Afrikaanse Nasionale Energieontwikkelings-

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to perform a particular service for an organ of state or for the government of any other country or territory, provided that—

(a) such an employee's rights, privileges and benefits by virtue of his conditions of service as an employee of the South African National Energy Development Institute are not adversely affected by such secondment; and

(b) such employee consents thereto.

Transitional provisions

13. (1) In this section—

(a) "CEF (Proprietary) Ltd." means the company referred to in the Central Energy Fund Act, 1977 (Act No. 38 of 1977);

(b) "NEEA" means the entity known as the National Energy Efficiency Agency which existed immediately before the commencement of this Act as a division of CEF (Proprietary) Ltd.; and

(c) "SANERI" means the entity known as the South African National Energy Research Institute which existed immediately before the commencement of this Act as a division of CEF (Proprietary) Ltd.

(2) As from the date of commencement of this Act—

(a) the persons who immediately before that date constituted the personnel of SANERI and of NEEA, are deemed to be the personnel of the South African National Energy Development Institute, without any interruption of service; and

(b) all assets and liabilities which vested in SANERI and NEEA as divisions of CEF (Proprietary) Ltd, immediately before that date vest in the South African National Energy Development Institute.

Funding of South African National Energy Development Institute

14. (1) The funds of the South African National Energy Development Institute consist of—

(a) money appropriated by Parliament;

(b) donations or contributions which the South African National Energy Development Institute may receive from any person, body, government or administration; and

(c) money received from any other appropriate source.

(2) The South African National Energy Development Institute must utilise its funds for defraying expenses in connection with the performance of its functions.

(3) The South African National Energy Development Institute must utilise its money in accordance with the statement of its estimated income and expenditure contemplated in subsection (4), as approved by the Minister.

(4) The Board must in each financial year, as required by the Public Finance Management Act, submit a statement of the South African National Energy Development Institute's estimated income and expenditure during the following financial year to the Minister for his or her approval.

(5) The Board may invest any unexpended portion of the South African National Energy Development Institute's funds with the Corporation for Public Deposits established in terms of section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984) or, subject to the approval of the Minister with the concurrence of the Minister of Finance, dispose thereof in any other manner.

(6) The Board may create surplus funds as envisaged by subsection (5) and deposit such funds as the Minister, acting with the concurrence of the Minister of Finance, may approve.

Accounting and auditing at South African National Energy Development Institute

15. (1) The Chief Executive Officer is the accounting officer charged with the responsibility of accounting for all money received and payments made by the South African National Energy Development Institute.

(2) The accounting officer must cause such records of account to be kept as are necessary to represent fairly the state of affairs and business of the South African

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instituut sekondeer om 'n bepaalde diens vir 'n staatsorgaan of vir die regering van enige ander land of gebied te verrig, met dien verstande dat—

(a) sodanige werknemer se regte, voorregte en voordele uit hoofde van sy of haar diensvoorwaardes as 'n werknemer van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut nie nadelig deur sodanige sekondering geraak word nie; en

(b) sodanige werknemer daartoe instem.

Oorgangsbepalings

13. (1) In hierdie artikel beteken—

(a) "SEF (Eiendoms) Bpk." die maatskappy bedoel in die Wet op die Sentrale Energiefonds, 1977 (Wet No. 38 van 1977);

(b) "AED" die entiteit bekend as die Afdeling Energiedoeltreffendheid wat onmiddellik voor die inwerkingtreding van hierdie Wet as 'n afdeling van SEF (Eiendoms) Bpk. bestaan het;

(c) "SANE" die entiteit bekend as die Suid-Afrikaanse Nasionale Energienavorsingsinstituut wat onmiddellik voor die inwerkingtreding van hierdie Wet as 'n afdeling van SEF (Eiendoms) Bpk. bestaan het.

(2) Met ingang van die datum van inwerkingtreding van hierdie Wet—

(a) word die persone wat onmiddellik voor daardie datum die personeel van SANE en van AED was, geag die personeel van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut, sonder enige onderbreking van diens, te wees; en

(b) berus alle bates en laste wat in SANE en AED as afdelings van SEF (Eiendoms) Bpk. berus het onmiddellik voor daardie datum, in die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut.

Befondsing van Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut

14. (1) Die fondse van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut bestaan uit—

(a) geld deur die Parlement bewillig;

(b) skenkings of bydraes wat die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut van enige persoon, liggaam, regering of administrasie ontvang;

(c) geld ontvang van enige ander gepaste bron.

(2) Die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut moet sy fondse aanwend om uitgawes in verband met die verrigting van sy werksaamhede te bestry.

(3) Die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut moet sy geld ooreenkomstig die staat van geraamde inkomste en uitgawe beoog in subartikel (4) aanwend, soos deur die Minister goedgekeur.

(4) Die Raad moet in elke boekjaar, soos vereis deur die Wet op Openbare Finansiële Bestuur, 'n staat van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut se geraamde inkomste en uitgawe vir die volgende boekjaar aan die Minister voorlê vir sy of haar goedkeuring.

(5) Die Raad kan enige onbestede deel van die fondse van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut belê by die Korporasie vir Openbare Deposito's, wat gestig is ingevolge artikel 2 van die Wet op die Korporasie vir Openbare Deposito's, 1984 (Wet No. 46 van 1984), of, behoudens die goedkeuring van die Minister, met instemming van die Minister van Finansies, op enige ander wyse daaroor beskik.

(6) Die Raad kan die reserwefondse, soos beoog in subartikel (5), skep en sodanige fondse deponeer as wat die Minister, met die instemming van die Minister van Finansies, goedkeur.

Boekhouding en ouditering by Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut

15. (1) Die Hoof- uitvoerende Beampte is die rekenpligtige beampte belas met die verantwoordelikheid vir boekhouding van alle geld ontvang en betalings gemaak deur die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut.

(2) Die rekenpligtige beampte moet sodanige rekeningkundige rekords laat hou as wat nodig is om die stand van die sake en besigheid van die Suid-Afrikaanse Nasionale

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National Energy Development Institute and to explain the transactions and financial position of the business of the South African National Energy Development Institute.

(3) The accounting and compilation of annual financial statements of the South African National Energy Development Institute must be done in accordance with the provisions of the Public Finance Management Act.

Discoveries, inventions and improvements

16. (1) Subject to 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 South African National Energy Development Institute or officers and employees in the public service who have been placed at the disposal of the Energy Research and Development Division of the South African National Energy Development Institute in terms of section 12(3);

(b) persons assisting the South African National Energy Development Institute with any investigation or research; or

(c) persons to whom contracts, including bursaries or grants-in-aid, have been granted by the South African National Energy Development Institute,

vests in the South African National Energy Development Institute.

(2) The South African National Energy Development Institute may make the discoveries, inventions and improvements referred to in subsection (1) available for use in the public interest subject to the conditions and the payment of fees or royalties that the South African National Energy Development Institute may determine.

(3) In respect of the rights in any discovery, invention or improvement that are contemplated in subsection (1), the South African National Energy Development Institute 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 him or her in the profit derived from such discovery, invention or improvement to such extent as the Minister may determine with the concurrence of the Minister of Finance.

(4) The South African National Energy Development Institute may apply for a patent in respect of any discovery, invention or improvement contemplated 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.

(5) Unless it is otherwise agreed, the rights in a discovery, invention or improvement made by the South African National Energy Development Institute in the course of an investigation for or on behalf of another person, government or administration shall vest with the South African National Energy Development Institute.

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

(a) in the course of his or her employment as an employee of the South African National Energy Development Institute;

(b) during the performance of functions in respect of which he or she has been placed at the disposal of the South African National Energy Development Institute in terms of section 12(3);

(c) in the course of any investigation or research while assisting the South African National Energy Development Institute; or

(d) in the course of any research in respect of which he or she receives a bursary or grant-in-aid from the South African National Energy Development Institute, which is not connected with such employment, functions, investigation or research.

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Energieontwikkelingsinstituut billik weer te gee en wat die transaksies en finansiële posisie van die besigheid van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut verduidelik.

(3) Die boekhouding en opstel van finansiële jaarstate van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut moet ooreenkomstig die Wet op Openbare Finansiële Bestuur geskied.

Ontdekkings, uitvindings en verbeteringe

16. (1) Behoudens subartikels (5) en (6) berus die regte op alle ontdekkings en uitvindings en op alle verbeteringe ten opsigte van prosesse, apparaat en masjiene gemaak deur—

(a) werknemers van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut of beamptes en werknemers in die staatsdiens wat kragtens artikel 12(3) tot beskikking van die Afdeling Energienavorsing en -ontwikkeling van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut gestel is;

(b) persone wat die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut bystaan in enige ondersoek of navorsing; of

(c) persone aan wie kontakte, insluitend beurse of hulptoelaes, toegeken is deur die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut,

by die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut.

(2) Die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut kan die ontdekkings, uitvindings en verbeteringe bedoel in subartikel (1) in die openbare belang vir gebruik beskikbaar stel, op die voorwaardes en betaling van die fooie of tantième wat hy bepaal.

(3) Die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut kan, ten opsigte van die regte op enige ontdekking, uitvinding of verbetering bedoel in subartikel (1), aan die persoon wat vir die ontdekking, uitvinding of verbetering verantwoordelik was, sodanige bonus gee as wat hy gepas ag of voorsiening maak vir finansiële deelname, in die mate wat die Minister in oorleg met die Minister van Finansies bepaal, deur daardie persoon aan die wins wat uit sodanige ontdekking, uitvinding of verbetering verkry word.

(4) Die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut mag om 'n patent aansoek doen ten opsigte van 'n ontdekking, uitvinding of verbetering bedoel in subartikel (1), en word vir doeleindes van die Wet op Patente, 1978 (Wet No. 57 van 1978), geag die regsverkrygende van die betrokke ontdekker of uitvinder te wees.

(5) Tensy anders ooreengekom, berus die regte op 'n ontdekking, uitvinding of verbetering gedoen deur die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut in die loop van 'n ondersoek vir of namens 'n ander persoon, regering of administrasie by die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut.

(6) Die bepalings van hierdie artikel is nie van toepassing nie op 'n ontdekking, uitvinding of verbetering bedoel in subartikel (1) wat na die mening van die Minister deur die betrokke persoon gedoen is in ander omstandighede as—

(a) in die loop van sy of haar diens as 'n werknemer van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut;

(b) gedurende die verrigting van werksaamhede ten opsigte waarvan hy of sy kragtens artikel 25(3) tot beskikking van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut gestel is;

(c) in die loop van 'n ondersoek of navorsing terwyl hy of sy die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut bygestaan het; of

(d) in die loop van enige navorsing ten opsigte waarvan hy of sy 'n beurs of hulptoelae van die Suid-Afrikaanse Nasionale Energieontwikkelingsinstituut ontvang het en wat nie met sodanige diens, ondersoek of navorsing verband hou nie.

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CHAPTER 5

SECURITY OF SUPPLY

Acquisition and maintenance of national strategic energy feedstocks and carriers

17. (1) The Minister may, in a prescribed manner, for the purposes of ensuring security of supply, direct any state-owned entity to acquire, maintain, monitor and manage national strategic energy feedstocks and carriers.

(2) The nominated state-owned entity must perform the functions contemplated in subsection (1) in accordance with the relevant published security of supply strategies or policies.

(3) The strategies or policies contemplated in subsection (2) may contain but not be limited to—

(a) the minimum level of energy carrier or energy feedstock for the production of an energy carrier;

(b) the conditions under which—

(i) the strategic energy feedstocks and carriers may be built; and

(ii) withdrawals may be made from such strategic energy feedstocks and carriers;

(c) cost and benefit analysis;

(d) funding mechanism for such energy feedstock or carrier; and

(e) obligations to be imposed, on producers of energy feedstocks, to supply to the nominated state-owned entity the requisite energy feedstock, in a manner prescribed by regulation.

(4) Before finalising the strategy or policy, the Minister must—

(a) invite public comments on such strategy or policy; and

(b) duly consider such comments.

Investment in and maintenance of Energy Infrastructure

18. The Minister may, for the purposes of ensuring security of supply, direct any state-owned entity, in a prescribed manner, to—

(a) undertake security of supply measures;

(b) provide for adequate investment in energy infrastructure;

(c) invest in critical energy infrastructure; and

(d) ensure upkeep of all critical energy infrastructure.

CHAPTER 6

GENERAL PROVISIONS

Regulations

19. (1) The Minister may, after consultation with those Cabinet Ministers whose areas of responsibility will be affected by the proposed regulations, without derogating from his or her general regulatory powers, by notice in the *Gazette* make regulations regarding—

(a) the publication of energy statistics or information;

(b) the type, manner and form of energy data and information that must be provided by any person;

(c) the form and manner of the link between the energy database and information system to any other system within the public administration;

(d) minimum contributions to national energy supply from renewable energy sources;

(e) the nature of the sources that may be used for renewable energy contributions to the national energy supply;

(f) measures and incentives designed to promote the production, consumption, investment, research and development of renewable energy;

(g) minimum levels of energy efficiency in each sector of the economy;

(h) steps and procedures necessary for the application of energy efficiency technologies and procedures;

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HOOFSTUK 5

SEKERHEID VAN VOORSIENING

Verkryging en instandhouding van nasionale strategiese energievoerstof en -draers

17. (1) Die Minister kan op die voorgeskrewe wyse vir die doel van sekerheid van voorsiening enige staatsentiteit gelas om nasionale strategiese energievoerstof en -draers te verkry, onderhou, moniteer en bestuur.

(2) Die benoemde staatsentiteit moet die werksaamhede beoog in subartikel (1) ooreenkomstig die relevante gepubliseerde sekerheid van verskaffingstrategieë of beleid verrig.

(3) Die strategieë of beleid beoog in subartikel (2) mag behels maar nie beperk wees nie tot—

(a) die minimumvlak van voorraad van energiedraers of energievoerstof vir die vervaardiging van 'n energiedraer;

(b) die voorwaardes waaronder—

(i) die strategiese energievoerstof en -draers gebou mag word; en

(ii) onttrekkings van die strategiese energievoerstof en -draers gemaak mag word;

(c) die koste- en voordele-analise;

(d) die befondsingsmeganismes vir sodanige energievoerstof of -draer; en

(e) die verpligtinge wat op vervaardigers van energievoerstof opgelê kan word om die benoemde staatsentiteit van die vereiste energievoerstof, op 'n wyse soos voorgeskryf deur regulasie, te voorsien.

(2) Voor die finalisering van die strategie of beleid, moet die Minister—

(a) openbare kommentaar oor sodanige strategie of beleid aanvra; en

(b) enige sodanige kommentaar oorweeg.

Belegging in en onderhoud van Energie-infrastruktuur

18. (1) Die Minister kan, op die voorgeskrewe wyse vir die doel van sekerheid van voorsiening, enige staatsentiteit aanwys om—

(a) sekerheid van voorraadmaatreëls te onderneem;

(b) voorsiening te maak vir voldoende belegging in energie-infrastruktuur;

(c) te belê in kritiese energie-infrastruktuur; en

(d) te verseker dat alle kritiese energie-infrastruktuur onderhou word.

HOOFSTUK 6

ALGEMENE BEPALINGS

Regulasies

19. (1) Die Minister, in oorleg met daardie Kabinetsministers wie se terrein van verantwoordelikheid deur die voorgestelde regulasies beïnvloed sal word, kan, sonder om afbreuk te doen aan sy of haar algemene reguleringsbevoegdhede, by kennisgewing in die *Staatskoerant* regulasies uitvaardig betreffende—

(a) die publikasie van energiestatistieke of -inligting;

(b) die tipe, wyse en vorm van energiedata en inligting wat deur 'n persoon verskaf moet word;

(c) die vorm en wyse van die koppeling tussen die energiedatabasis en -inligtingstelsel en enige ander stelsel in die openbare sektor;

(d) minimumbydraes tot nasionale energievoorsiening uit hernubare energiebronne;

(e) die aard van die bronne wat gebruik kan word vir die bydrae van hernubare energie tot die nasionale energievoorraad;

(f) metodes en aansporings wat ontwerp is om die vervaardiging, verbruik, belegging, navorsing en ontwikkeling van hernubare energie te bevorder;

(g) minimumvlakke van energiedoeltreffendheid in elke sektor van die ekonomie;

(h) stappe en prosedures wat vir die aanwending van energiedoeltreffendheidstegnologieë en -prosedures nodig is;

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(i) labelling for energy efficiency purposes of household appliances, devices and motor vehicles;

(j) prohibition of the manufacture, or importation or sale of electrical and electronic products and fuel burning appliances for reasons of poor energy efficiency;

(k) standards and specifications for energy carriers;

(l) energy efficiency standards for specific technologies, processes, appliances, devices, motor vehicles and buildings;

(m) holding of strategic energy feedstocks and carriers, including financing mechanisms for such stocks;

(n) energy conservation measures to be used during energy shortage, which may include but not limited to the amount of energy to be saved, the duration for such measures and penalties associated with non-compliance to such measures;

(o) measures to ensure adequate provision of energy-related infrastructure;

(p) measures to ensure operating reliability of all key energy infrastructure, to the minimum standards as may be determined by the Minister;

(q) measures to promote security of supply through access to common infrastructure by any party, where not provided for under any other legislation;

(r) the prohibition of disposal methods of certain fuels or post-combustion residues;

(s) the safe, healthy and sustainable use of energy, standards and specifications, not elsewhere legislated or regulated, for—

(i) the composition, colouring, labelling and form of energy carriers;

(ii) low-smoke fuels;

(iii) the prohibition of the sale or combustion of polluting fuels;

(iv) cooking, heating, lighting and other energy consuming household appliances;

(v) transport of energy carriers;

(vi) the storage and packaging of energy carriers; and

(vii) any other energy-consuming appliance in all sectors of the economy.

(t) any other matter that may or has to be prescribed, determined or provided for by regulation in terms of this Act.

(2) Before promulgating regulations, the Minister must—

(a) invite public comments on such regulations; and

(b) duly consider such comments.

Offences and penalties

20. (1) A person who contravenes or fails to comply with any provision of this Act, shall be guilty of an offence and be liable on conviction to—

(a) a fine not exceeding five million rand;

(b) imprisonment for a period not exceeding five years; or

(c) both such fine and such imprisonment.

(2) The Minister may, by a notice in the *Gazette*, amend the amount referred to in subsection (1) in order to counter the effect of inflation.

Short title and commencement

21. (1) This Act is called the National Energy Act, 2008 and comes into operation on a date determined by the President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act.

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(i) die etikettering van huishoudelike toestelle, ander toestelle en motorvoertuie vir energiedoeltreffendheidsdoeleindes;

(j) 'n verbod op die vervaardiging, invoer of verkoop van elektriese en elektroniese produkte en brandstofverbruikende toestelle op grond van swak energiedoeltreffendheid;

(k) standaarde en spesifikasies vir energiedraers;

(l) energiedoeltreffendheidstandaarde vir bepaalde tegnologieë, prosesse, toestelle, apparate, motorvoertuie en geboue;

(m) die hou van strategiese energievoerstof en -draers, insluitend die finansieringsmetodes van sodanige voerstowwe;

(n) die gebruik van energiebewaringsmetodes tydens energietekorte, wat kan insluit, maar nie beperk mag wees nie tot, die hoeveelheid energie wat bespaar moet word, die tydperk van sodanige metodes en die boetes wat met nie-nakoming van sodanige maatreëls geassosieer word;

(o) metodes om voldoende verskaffing van energieverwante infrastruktuur te verseker;

(p) metodes om die bedryfsbetroubaarheid van alle sleutel-energie-infrastruktuur, volgens die minimumstandaarde wat die Minister bepaal, te verseker;

(q) metodes om sekerheid van voorsiening te bevorder deur die toegang van gemeenskaplike infrastruktuur deur enige party, indien daar nie in enige ander wetgewing daarvoor voorsiening gemaak word nie;

(r) die verbod op sekere metodes van wegdoening van sekere brandstowwe of naverbrandingsresidu's;

(s) die veiligheid, gesondheid en volhoubare gebruik van energie, standaarde en spesifikasies, waarvoor nie in enige ander wetgewing voorsiening gemaak word of gereguleer word nie, vir—

(i) die samestelling, kleuring, etikettering en vorm van energiedraers;

(ii) minrookbrandstowwe;

(iii) die verbod op die verkoop en verbranding van besoedelende brandstowwe;

(iv) kook-, verhitting-, beligting- en ander energieverbruikende huishoudelike toestelle;

(v) vervoer van energiedraers;

(vi) die berging en verpakking van energiedraers; en

(vii) enige ander energieverbruikende toestel in enige sektor van die ekonomie.

(t) enige ander aangeleentheid wat by regulasie voorgeskryf mag of moet word, of waarvoor by regulasie voorsiening gemaak kan of moet word kragtens hierdie Wet.

(2) Die Minister moet, voordat hy of sy enige regulasies afkondig—

(a) openbare kommentaar oor sodanige regulasie aanvra; en

(b) sodanige kommentaar behoorlik oorweeg.

Misdrywe en strawwe

20. (1) Enigiemand wat enige bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met—

(a) 'n boete van hoogstens vyf miljoen rand;

(b) gevangenisstraf vir 'n tydperk van hoogstens vyf jaar; of

(c) sowel sodanige boete as sodanige gevangenisstraf.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* die bedrag bedoel in subartikel (1) wysig om die uitwerking van inflasie teen te werk.

Kort titel en inwerkingtreding

21. (1) Hierdie Wet heet die Nasionale Energiewet, 2008, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan vasgestel word ten opsigte van verskillende bepalings van hierdie Wet.

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