



Government Gazette

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THE PRESIDENCY

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

No. 6 of 2003: National Development Agency Amendment Act, 2003.



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gender, disability, geographical spread, organisations based in rural areas and faith-based organisations:

(b) The Minister must, by notice in the *Gazette* and, within 30 days after the appointment of the members of the Board, publish the names of such members and the date of commencement of their term of office.”;

(c) by the substitution in subsection (5) for paragraph (b) of the following paragraph:

“(b) At that meeting the [members of the Board] Minister must [elect] appoint—

(i) a chairperson from among the members referred to in subsection (1)(b); and

(ii) a deputy chairperson from among the members referred to in subsection (1)(a) and (b).”;

(d) by the substitution for subsection (7) of the following subsection:

“(7) If the office of chairperson or deputy chairperson of the Board becomes vacant, a chairperson or deputy chairperson, as the case may be, must be [elected] appointed in accordance with subsection (5).”; and

(e) by the substitution for subsection (11) of the following subsection:

“(11) A member of the Board who is not in the full-time employment of the State is paid such remuneration and allowances as the Minister, in consultation with the Minister of Finance, determines.”.

Amendment of section 7 of Act 108 of 1998

3. Section 7 of the principal Act is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) The quorum for a meeting of the Board is at least [eight] six members of the Board.”; and

(b) by the addition of the following subsection:

“(9) (a) If, during the course of any proceedings of the Board, there is reason to believe that a member has any interest contemplated in subsection (8), that member must immediately fully disclose the nature of his or her interest and leave the meeting in question so as to enable the remaining members to discuss the matter and determine whether or not that member should be allowed to participate in the proceedings.

(b) The disclosure, and the decision taken by the remaining members, must be recorded in the minutes of the proceedings in question.”.

Amendment of section 9 of Act 108 of 1998

4. Section 9 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The [Board] Minister must, on the recommendation of the Board, appoint a chief executive officer for the NDA, who is also the accounting officer of the NDA.”;

(b) by the substitution for subsection (6) of the following subsection:

“(6) The chief executive officer is appointed—

(a) for such period, but not exceeding five years, as the [Board] Minister determines; and

(b) subject to such conditions as the [Board] Minister, subject to subsection (8), determines.”;

(c) by the substitution for subsection (7) of the following subsection:

“(7) On such conditions as the Board, in consultation with the Director-General: Social Development and subject to subsection (8), determines, the chief executive officer may appoint such employees as are necessary to enable the NDA to perform its duties and exercise its powers.”; and

(d) by the substitution for subsection (8) of the following subsection:

“(8) The NDA must pay to its chief executive officer and employees out of its funds such remuneration, allowances, subsidies and other benefits as the Minister, in consultation with the Minister of Finance, determines.”.

Act No. 6, 2003

NATIONAL DEVELOPMENT AGENCY
AMENDMENT ACT, 2003**Amendment of section 10 of Act 108 of 1998**

5. Section 10 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:

“(7) The NDA may establish such reserve funds, and deposit therein such amounts, as the Minister, in consultation with the Minister of Finance, approves.”. 5

Amendment of section 12 of Act 108 of 1998

6. Section 12 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:

“The Minister may delegate to the Director-General: [**Finance**] Social Development—”. 10

Short title and commencement

7. This Act is called the National Development Agency Amendment Act, 2003, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*.