

CULTURE PROMOTION ACT 35 OF 1983

[ASSENTED TO 13 APRIL 1983]

[DATE OF COMMENCEMENT: 1 APRIL 1984]

(Afrikaans text signed by the State President)

as amended by

Proclamation R36 of 1995

Culture Promotion Amendment Act 59 of 1998

NOTE: 1. The application of this Act has been affected by the provisions of s. 20 of the Cultural Affairs Act (House of Assembly) 65 of 1989, which came into operation on 1 March 1991.

2. See Proclamation R36 in Government Gazette 16363 of 13 April 1995 concerning the extent of the assignment of the administration of this Act to the provinces.

ACT

To provide for the preservation, development, fostering and extension of culture in the Republic by planning, organizing, co-ordinating and providing facilities for the utilization of leisure and for non-formal education; for the development and promotion of cultural relations with other countries; and for the establishment of regional councils for cultural affairs; to confer certain powers upon Ministers in order to achieve those objects; and to provide for matters connected therewith.

[Long title substituted by s. 2 of Act 59 of 1998.]

[s1]1 Definitions

In this Act, unless the context otherwise indicates-

'Minister'-

(a) in so far as the administration of a provision of this Act has under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), been assigned to a competent authority within the jurisdiction of the government of a province and the provision is applied in or with reference to the province concerned, means that competent authority; or

(b) in so far as the administration of a provision of this Act has not been so assigned, means the Minister of Arts, Culture, Science and Technology;

[Definition of 'Minister' substituted by Proclamation R36 of 13 April 1995.]

'Minister of Finance', in so far as a provision of this Act is applied in or with reference to a particular province, means the member of the Executive Council of that province responsible for the budget in the province;

[Definition of 'Minister of Finance' inserted by Proclamation R36 of 13 April 1995.]

'officer' means an officer or employee as defined in section 1 of the Public Service Act, 1994 (Proclamation 103 of 1994);

[Definition of 'officer' substituted by Proclamation R36 of 13 April 1995.]

'province' means a province established in terms of section 124 of the Constitution of the Republic of South Africa, 1993;

[Definition of 'province' inserted by Proclamation R36 of 13 April 1995.]

'regional council' means a regional council for cultural affairs established under section 3 (1).

[s2]2 Powers of Minister

(1) The Minister may-

(a) in order to develop and promote arts and culture in the Republic-

[Para. (a) substituted by s. 1 (a) of Act 59 of 1998.]

(i) acquire, develop and maintain movable and immovable property;

(ii) award bursaries and make grants for the undertaking of study tours to foreign countries;

(iii) develop pilot projects in order to further the work of the Department in promoting arts and culture throughout the country;

[Sub-para. (iii) added by s. 1 (b) of Act 59 of 1998.]

(iv) establish, launch or finance any organisation or project whose objects are likely to have an impact throughout the country;

[Sub-para. (iv) added by s. 1 (b) of Act 59 of 1998.]

- (v) confer honours and awards;

[Sub-para. (v) added by s. 1 (b) of Act 59 of 1998.]

- (vi) assist non-formal or community-based arts education projects;

[Sub-para. (vi) added by s. 1 (b) of Act 59 of 1998.]

- (vii) provide such other services as are necessary or expedient, or subsidise or finance the provision of services by any person.

[Sub-para. (vii) added by s. 1 (b) of Act 59 of 1998.]

- (b) in order to develop and promote cultural relations with other countries-

- (i) award bursaries to persons in other countries for the purposes of study or research in the Republic;

- (ii) arrange for visits by persons from other countries to the Republic, and from the Republic to other countries;

- (iii) arrange for the exhibition of art, books and other objects of culture from the Republic abroad and of art, books and other objects of culture from other countries in the Republic;

(iv) subsidize or finance a chair in a university, an association, a programme or a project in any other country having as its object the making known of the culture of the Republic;

(v) donate books and periodicals to libraries and similar institutions and to associations in other countries;

(vi) provide such other services as he may deem necessary or expedient, or subsidize or finance the provision of services by any person.

[Para. (b) amended by s. 1 (c) of Act 59 of 1998.]

(2) Any expenditure incurred by virtue of the provisions of subsection (1) shall be defrayed out of moneys appropriated by Parliament for the purpose.

(3) The Minister may-

(a) provide such services as he may deem necessary or expedient in connection with the preservation, development, fosterage or extension of culture on a country-wide basis, whether or not in co-operation with a Department of State or any person, but excluding instruction and training for an examination conducted in terms or by virtue of the provisions of any law; and

(b) subsidize or finance such functions to preserve, develop, foster or extend culture as the Minister may deem necessary or expedient on a country-wide basis.

[Sub-s. (3) substituted by Proclamation R36 of 13 April 1995.]

(4) Any expenditure incurred in terms of subsection (3) shall be defrayed out of moneys appropriated by Parliament for the purpose.

(5) A bursary or grant or a subsidy or the financing of a service in terms of subsection (1) or (3) shall be subject to such conditions as the Minister may determine, including conditions as to the holding of inspections and the submission of reports.

(6)

[Sub-s. (6) deleted by Proclamation R36 of 13 April 1995.]

[s3]3 Establishment and functions of regional councils for cultural affairs

(1) The Minister may establish for every region determined by him one or more regional councils for cultural affairs.

(2) A regional council shall consist of a chairman and such other persons as the Minister may, subject to the provisions of subsection (4), appoint on such conditions as he may determine.

(3) A regional council shall frame rules for the convening of, the procedure at and the quorum for a meeting of a regional council.

(4) A member of a regional council not in the full-time service of the State may in respect of his attendance of a meeting of the regional council be paid such remunerative and other allowances as the Minister may with the concurrence of the Minister of Finance determine.

(5) The functions of a regional council shall be to preserve, develop, foster or extend culture as it finds expression in the region for which it has been

established and to make recommendations, either of its own accord or at the request of the Minister, as to how culture, as it finds expression in the said region, may best be preserved, developed, fostered or extended, in particular by means of non-formal out-of-school education of adults and youthful persons in the following fields:

- (a) The visual arts, music and the literary arts;
- (b) the acquisition, in popular fashion, of knowledge of the applied, natural and human sciences;
- (c) the utilization of leisure, including physical recreative activities which are of such a nature as not to be courses of training with a view to participating in competitions; and
- (d) such other fields as the Minister may from time to time determine.

(6) The Minister may convoke such members of regional councils as he may deem suitable and consult them in connection with the advancement of the activities referred to in subsection (5).

[Sub-s. (6) amended by Proclamation R36 of 13 April 1995.]

(7) Any regional council established under subsection (1) before the assignment of the administration of a provision of this Act under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), to a competent authority within the government of a province, shall cease to exist with effect from the date of such assignment

[Sub-s. (7) added by Proclamation R36 of 13 April 1995.]

(8) If one or more regional councils for cultural affairs have been established under section 4 (in so far as a provision thereof has been applied in or with reference to a particular province) of the Cultural Affairs Act (House of Assembly), 1989 (Act 65 of 1989), the provisions of this section shall not be applicable in respect of that province.

[Sub-s. (8) added by Proclamation R36 of 13 April 1995.]

[s4]4

[S. 4 repealed by Proclamation R36 of 13 April 1995.]

[s5]5 Delegation of powers

(1) The Minister may delegate any power conferred upon him by this Act to an officer in the department administered by him.

(2) A delegation under subsection (1) shall not prevent the exercise of the relevant power by the Minister himself.

[s6]6 Regulations

(1) The Minister may make regulations as to the powers of regional councils and the performance of the secretarial work connected with the functions of a regional council.

(2) Any regulation under subsection (1) relating to State revenue or expenditure shall be made only with the concurrence of the Minister of Finance.

[s7]7 Repeal of laws

The laws mentioned in the Schedule are hereby repealed to the extent set out in the third column thereof.

[s8]8 Short title and commencement

This Act shall be called the Culture Promotion Act, 1983, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

Schedule

LAWS REPEALED

Number and year of law	Title	Extent of repeal
Act 27 of 1969	National Culture Promotion Act, 1969	The whole
Act 17 of 1977	National Culture Promotion Amendment Act, 1977.	The whole
Act 11 of 1981	Culture and Educational Laws Amendment Act, 1981.	The long title in so far as it refers to the National Culture Promotion Act, 1969, section 3, section 4, section 5, and section 12 in so far as it relates to the National Culture Promotion Act, 1969