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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 438.

23 Maart 1977.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 20 van 1977: Wysigingswet op Krygstuigontwikkeling en -vervaardiging, 1977.

No. 438.

23 March 1977.

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

No. 20 of 1977: Armaments Development and Production Amendment Act, 1977.

Act No. 20, 1977

ARMAMENTS DEVELOPMENT AND PRODUCTION
AMENDMENT ACT, 1977.

ACT

To amend the Armaments Development and Production Act, 1968, so as to provide for the vesting in the corporation established by the said Act of all the assets, rights, liabilities and obligations of the Armaments Board established by the Armaments Act, 1964, and for the transfer of the officers and employees of the said Armaments Board to the said corporation; to extend the powers of the said corporation; to provide for the furnishing of a guarantee in respect of the repayment of loans obtained by certain subsidiary companies; and to repeal the said Armaments Act, 1964; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 15 March 1977.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 57 of 1968,
as amended by
section 1 of
Act 65 of 1972.

1. Section 1 of the Armaments Development and Production Act, 1968 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of “armaments” of the following definition:
“‘armaments’ means any vessels, vehicles, aircraft, bombs, ammunition or weapons or any substance, material, raw material, components or articles of whatever nature capable of being used in the manufacture thereof or for defence purposes or other purposes determined by the Minister with the concurrence of the Minister of Economic Affairs;”;
- (b) by the substitution for the definition of “corporation” of the following definition:
“‘corporation’ means the Armaments Corporation of South Africa, Limited, established by section 2;”;
- and
- (c) by the deletion of subparagraph (ii) of paragraph (b) of the definition of “employee”.

Amendment of
section 2 of
Act 57 of 1968.

2. Section 2 of the principal Act is hereby amended by the addition of the following subsections:

- “(3) (a) As from the commencement of the Armaments Development and Production Amendment Act, 1977, the corporation established by subsection (1) shall be known as the Armaments Corporation of South Africa, Limited.
- (b) The Registrar of Companies shall at such commencement record such change of name in his register.
- (4) Any reference in any other law or elsewhere to the Armaments Development and Production Corporation of South Africa, Limited, or to the Armaments Board shall be construed as a reference to the Armaments Corporation of South Africa, Limited.”

WYSIGINGSWET OP KRYGSTUIGONTWIKKELING EN
-VERVAARDIGING, 1977.

Wet No. 20, 1977

WET

Tot wysiging van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968, ten einde voorsiening te maak vir die oorgaan van alle bates, regte, laste en verpligtinge van die Krygstuigraad, by die Krygstuigwet, 1964, ingestel, op die korporasie by genoemde Wet op Krygstuigontwikkeling en -vervaardiging, 1968, ingestel, en vir die oorpasing van genoemde Krygstuigraad se beamptes en werknemers na genoemde korporasie; die bevoegdhede van genoemde korporasie uit te brei; voorsiening te maak vir die verstrekking van 'n waarborg ten opsigte van die terugbetaling van lenings verkry deur sekere filiaalmaatskappye; en genoemde Krygstuigwet, 1964, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 15 Maart 1977.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur die omskrywing van „korporasie” deur die volgende omskrywing te vervang:
„korporasie” die Krygstuigkorporasie van Suid-Afrika, Beperk, by artikel 2 ingestel;”; en
 - (b) deur die omskrywing van „krygstuig” deur die volgende omskrywing te vervang:
„krygstuig” enige vaartuig, voertuig, vliegtuig, bom, ammunisie, wapen of enige stof, materiaal, grondstof, onderdeel of artikel van watter aard ook al wat by die vervaardiging daarvan of vir weermagsdoeleindes of ander deur die Minister met die instemming van die Minister van Ekonomiese Sake bepaalde doeleindes gebruik kan word;”; en
 - (c) deur subparagraaf (ii) van paragraaf (b) van die omskrywing van „werknemer” te skrap.
2. Artikel 2 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:
 - „(3) (a) Vanaf die inwerkingtreding van die Wysigingswet op Krygstuigontwikkeling en -vervaardiging, 1977, heet die by subartikel (1) ingestelde korporasie die Krygstuigkorporasie van Suid-Afrika, Beperk.
 - (b) Die Registrateur van Maatskappye teken dié naamsverandering by daardie inwerkingtreding in sy register aan.
 - (4) 'n Verwysing in enige ander wet of elders na die Krygstuigontwikkelings- en vervaardigingskorporasie van Suid-Afrika, Beperk, of na die Krygstuigraad, word as 'n verwysing na die Krygstuigkorporasie van Suid-Afrika, Beperk, uitgelê.”.

Wysiging van
artikel 1 van
Wet 57 van 1968,
soos gewysig deur
artikel 1 van
Wet 65 van 1972.

Wysiging van
artikel 2 van
Wet 57 van 1968.

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ARMAMENTS DEVELOPMENT AND PRODUCTION
AMENDMENT ACT, 1977.

Insertion of
section 2A in
Act 57 of 1968.

3. The following section is hereby inserted in the principal Act after section 2:

“Vesting of
assets,
rights, lia-
bilities and
obligations
of Armaments
Board in
corporation.

2A. (1) As from the date of commencement of the Armaments Development and Production Amendment Act, 1977—

- (a) all the assets, rights, liabilities and obligations of the Armaments Board shall vest in the corporation; and
- (b) anything done prior to that date by the Armaments Board in terms of the provisions of the Armaments Act, 1964 (Act No. 37 of 1964), shall be deemed to have been done by the corporation in terms of the provisions of this Act.

(2) The registrar of deeds concerned shall, as soon as practicable after the date mentioned in subsection (1), make such entries or endorsements in or on any relevant register, title deed or other document in his office or submitted to him as he may deem necessary in order to give effect to the provisions of subsection (1) (a), and no transfer duty, stamp duty, office fee or other charge shall be payable in respect of any vesting in terms of the said subsection (1) (a) or in respect of any such entry or endorsement.”

Amendment of
section 3 of
Act 57 of 1968,
as substituted by
section 2 of
Act 65 of 1972.

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

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

“(1) The objects of the corporation shall be to meet as effectively and economically as may be feasible the armaments requirements of the Republic, as determined by the Minister, including armaments required for export and firearms, ammunition or pyrotechnical products required for supply to members of the public.”;

- (b) by the insertion after paragraph (f) of subsection (2) of the following paragraphs:

“(fA) to erect, construct or maintain or enter into contracts for the erection, construction or maintenance of any buildings, structures or other works required by the corporation for the performance of its functions or by the State for such purposes as the Minister may determine;

(fB) to obtain or establish facilities in order to achieve the objects of this Act;”;

- (c) by the insertion after paragraph (k) of the said subsection (2) of the following paragraphs:

“(kA) to undertake or cause to be undertaken in the Republic or elsewhere any investigation or research in connection with the manufacture, maintenance, testing, inspection or development of armaments;

(kB) to promote and co-ordinate the development, manufacture, standardization, maintenance, acquisition or supply of armaments by collaborating with, or assisting or rendering services to, or utilizing the services of, any person, body or institution or any department of State, or by taking such other steps as the corporation may consider necessary;”;

- (d) by the insertion after paragraph (l) of the said subsection (2) of the following paragraphs:

“(lA) to exercise control over the manufacture, acquisition or supply of armaments;

(lB) in the Republic or elsewhere, to acquire, modify, test, inspect, lease, dispose of, lend or let armaments;

(lC) to enter into contracts with persons in the Republic or elsewhere for the manufacture, modification, maintenance, testing or inspection of armaments;

(lD) to render to any person, company, body established by or in terms of any law, department of State or provincial administration such services as may

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3. Die volgende artikel word hierby in die Hoofwet na artikel 2 ingevoeg:

Invoeging van
artikel 2A in
Wet 57 van 1968.

„Oorgang van bates, regte, laste en verpligtinge van Krygstuigraad op korporasie. 2A. (1) Vanaf die datum van inwerkingtreding van die Wysigingswet op Krygstuigontwikkeling en -vervaardiging, 1977—

(a) gaan alle bates, regte, laste en verpligtinge van die Krygstuigraad op die korporasie oor; en

(b) word enigiets wat voor daardie datum deur die Krygstuigraad ingevolge die bepalings van die Krygstuigwet, 1964 (Wet No. 87 van 1964), gedoen is, geag deur die korporasie ingevolge die bepalings van hierdie Wet gedoen te gewees het.

(2) Die betrokke registrateur van aktes moet, so gou doenlik na die datum in subartikel (1) vermeld, die inskrywings of aantekeninge wat hy nodig ag ten einde aan die bepalings van subartikel (1) (a) gevolg te gee, in of op enige betrokke register, titelbewys of ander stuk in sy kantoor of aan hom voorgelê, maak, en geen hereregte, seëlregte, kantoorgelde of ander gelde is ten opsigte van 'n oorgang ingevolge genoemde subartikel (1) (a) of ten opsigte van so 'n inskrywing of aantekening betaalbaar nie.”.

4. Artikel 3 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 3 van
Wet 57 van 1968,
soos vervang deur
artikel 2 van
Wet 65 van 1972.

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die oogmerke van die korporasie is om, so doeltreffend en ekonomies as wat doenlik is, te voorsien in die krygstuigbehoefte van die Republiek, soos deur die Minister bepaal, met inbegrip van krygstuig vir uitvoer benodig en vuurwapens, ammunisie of pirotegniese produkte benodig vir verskaffing aan lede van die publiek.”;

(b) deur na paragraaf (f) van subartikel (2) die volgende paragrafe in te voeg:

„(fA) om geboue, bou- of ander werke op te rig, aan te lê of in stand te hou wat die korporasie vir die verrigting van sy werksaamhede of die Staat vir die doeleindes wat die Minister bepaal, nodig het, of om kontrakte vir die oprigting, aanlê of instandhouding daarvan aan te gaan;

(fB) om fasiliteite te verkry of tot stand te bring ten einde die oogmerke van hierdie Wet te bereik”;

(c) deur na paragraaf (k) van genoemde subartikel (2) die volgende paragrafe in te voeg:

„(kA) om ondersoeke of navorsing in verband met die vervaardiging, instandhouding, toets, inspeksie of ontwikkeling van krygstuig in die Republiek of elders te onderneem of te laat onderneem;

(kB) om die ontwikkeling, vervaardiging, standaardisering, instandhouding, verkryging of verskaffing van krygstuig te bevorder en te koördineer deur saam te werk met, of hulp te verleen of dienste te verskaf aan, of gebruik te maak van die dienste van, die een of ander persoon, liggaam, inrigting of Staatsdepartement, of deur die ander stappe te doen wat die korporasie nodig ag”;

(d) deur na paragraaf (l) van genoemde subartikel (2) die volgende paragrafe in te voeg:

„(lA) om beheer uit te oefen oor die vervaardiging, verkryging of verskaffing van krygstuig;

(lB) om krygstuig in die Republiek of elders te verkry, te modifiseer, te toets, te inspekteer, te huur, van die hand te sit, uit te leen of te verhuur;

(lC) om met persone in die Republiek of elders kontrakte aan te gaan vir die vervaardiging, modifikasie, instandhouding, toets of inspeksie van krygstuig;

(lD) om aan enige persoon, maatskappy, of by of ingevolge 'n wet ingestelde liggaam, Staatsdepartement of provinsiale administrasie die dienste te

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- from time to time be determined by the Minister who shall, if the services are required by any person, company or any such body, act with the concurrence of the Minister of Economic Affairs;
- (IE) on behalf of any person, company, body established by or in terms of any law, department of State or provincial administration, to enter into contracts with persons in the Republic or elsewhere for the supply or rendering of armaments or services, which services shall be determined as in the case of services mentioned in paragraph (ID);
- (IF) to make such arrangements as the Minister may with the concurrence of the Minister of Economic Affairs consider necessary for the stock-piling of strategic raw materials, materials and components for the manufacture of armaments;
- (IG) to collaborate with any educational, scientific or other body or institution in connection with the provision of instruction for or the training of persons for professional or technical service or as skilled artisans in the manufacture, maintenance or development of armaments, and to provide on such conditions as it may deem fit financial or other assistance to such persons in order to enable them to receive such instruction or undergo such training;"; and
- (e) by the insertion after paragraph (m) of the said subsection (2) of the following paragraph:
“(mA) to advise the Minister on any matter relating to armaments which he may refer to the corporation or as to which the corporation may consider it to be necessary to advise the Minister;”.

Insertion of
section 4A*bis* in
Act 57 of 1968.

5. The following section is hereby inserted in the principal Act after section 4A:

“Staff of
Armaments
Board to
become
employees of
corporation.

4A*bis*. (1) As from the date of commencement of the Armaments Development and Production Amendment Act, 1977, the service, with the Armaments Board, of every person who is on that date in the service of the Armaments Board shall terminate and he shall become an employee of the corporation.

(2) Save in pursuance of disciplinary measures applied by the corporation, the salary or scale of salary of any person who so becomes an employee of the corporation shall not be reduced without his consent.

(3) Any leave which may have accrued in favour of any such person before he so became an employee of the corporation, shall be deemed to have accrued in his favour by virtue of service with the corporation.

(4) Subject to the provisions of subsections (2) and (3), the corporation may determine the remuneration, furnishing of benefits and other conditions of service of persons who become employees of the corporation in terms of subsection (1), as it may deem fit.”.

Amendment of
section 6A of
Act 57 of 1968,
as inserted by
section 7 of
Act 65 of 1972.

6. Section 6A of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Minister may in consultation with the Minister of Finance, on behalf of the State, and on such conditions as the Minister may deem fit, guarantee the repayment of any moneys raised, borrowed or obtained by the corporation in terms of subsection (1) or by any subsidiary company, together with any interest thereon and any charges incurred in connection therewith.”.

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lewer wat van tyd tot tyd bepaal word deur die Minister wat, indien die dienste deur 'n persoon, maatskappy of so 'n liggaam benodig is, optree met die instemming van die Minister van Ekonomiese Sake;

- (IE) om namens enige persoon, maatskappy, by of ingevolge 'n wet ingestelde liggaam, Staatsdepartement of provinsiale administrasie, met persone in die Republiek of elders kontrakte aan te gaan vir die verskaffing of lewering van krygstuig of dienste, welke dienste bepaal word soos in die geval van dienste in paragraaf (ID) vermeld;
- (IF) om die reëlins te tref wat die Minister met die instemming van die Minister van Ekonomiese Sake nodig ag vir die opstapeling van strategiese grondstowwe, materiaal en onderdele vir die vervaardiging van krygstuig;
- (IG) om met 'n opvoedkundige, wetenskaplike of ander liggaam of instelling saam te werk in verband met die verskaffing van onderrig aan of opleiding van persone vir professionele of tegniese diens of as geskoolde ambagsmanne by die vervaardiging, instandhouding of ontwikkeling van krygstuig, en om op die voorwaardes wat die korporasie goedvind, geldelike of ander hulp aan dié persone te verleen ten einde hulle in staat te stel om dié onderrig te ontvang of dié opleiding te ondergaan;"; en
- (e) deur na paragraaf (m) van genoemde subartikel (2) die volgende paragraaf in te voeg:
„(mA) om die Minister van advies te dien oor die een of ander aangeleentheid met betrekking tot krygstuig wat hy na die korporasie verwys of waaromtrent die korporasie dit nodig ag om die Minister te adviseer;”.

5. Die volgende artikel word hierby in die Hoofwet na artikel 4A ingevoeg:

Invoeging van artikel 4A bis in Wet 57 van 1968.

„Personeel van Krygstuigraad word werknemers van korporasie.

4A bis. (1) Vanaf die datum van inwerkingtreding van die Wysigingswet op Krygstuigontwikkeling en -vervaardiging, 1977, eindig die diens, by die Krygstuigraad, van elke persoon wat op daardie datum in die diens van die Krygstuigraad is, en word hy 'n werknemer van die korporasie.

(2) Behalwe ingevolge tugmaatreëls deur die korporasie toegepas, word 'n persoon wat 'n werknemer van die korporasie aldus word, se salaris of skaal van salaris nie sonder sy toestemming verminder nie.

(3) Enige verlof wat ten gunste van so 'n persoon opgeloop het, voordat hy aldus 'n werknemer van die korporasie geword het, word geag uit hoofde van diens by die korporasie ten gunste van hom op te geloop het.

(4) Behoudens die bepalinge van subartikels (2) en (3), kan die korporasie die besoldiging, verskaffing van voordele en ander diensvoorwaardes van persone wat ingevolge subartikel (1) werknemers van die korporasie word, na goeë dunske bepaal.”.

6. Artikel 6A van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 6A van Wet 57 van 1968, soos ingevoeg deur artikel 7 van Wet 65 van 1972.

„(2) Die Minister kan in oorleg met die Minister van Finansies, namens die Staat, en op die voorwaardes wat die Minister goedvind, die terugbetaling van enige geld wat deur die korporasie ingevolge subartikel (1) of deur 'n filiaal-maatskappy opgeneem, geleen of verkry word, tesame met enige rente daarop en enige koste wat in verband daarmee aangegaan is, waarborg.”.

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Insertion of
section 7B in
Act 57 of 1968.

7. The following section is hereby inserted in the principal Act after section 7A:

“Funds of
corporation.

7B. (1) The funds of the corporation shall consist of—

- (a) the share capital mentioned in section 6;
- (b) moneys appropriated by Parliament in order to enable the corporation to perform its functions;
- (c) moneys raised, borrowed or obtained by the corporation in terms of section 6A (1);
- (d) moneys obtained from any other source.

(2) The corporation may receive donations or contributions from any person and shall use any moneys so acquired for such purposes and in accordance with such conditions as the donors or contributors may specify.

(3) The corporation may utilize any balance of its moneys remaining at the end of any financial year of the corporation for any expenses in connection with the performance of its functions.”.

Substitution of
section 13 of
Act 57 of 1968.

8. The following section is hereby substituted for section 13 of the principal Act:

“Repeal of
Act 87 of
1964.

13. (1) Subject to the provisions of section 2A (1) (b) and subsection (2) of this section, the Armaments Act, 1964, is hereby repealed.

(2) Subject to the provisions of section 2A (1) (b), anything done under any provision of the Armaments Act, 1964, which could have been done under any provision of this Act, shall be deemed to have been done under such latter provision.”.

Substitution of
long title of
Act 57 of 1968.

9. The following long title is hereby substituted for the long title of the principal Act:

“ACT

To establish a corporation for the development and production of armaments; to repeal the Armaments Act, 1964; and to provide for other incidental matters.”.

Short title and
commencement.

10. This Act shall be called the Armaments Development and Production Amendment Act, 1977, and shall come into operation on 1 April 1977.

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7. Die volgende artikel word hierby in die Hoofwet na artikel 7A ingevoeg:

Invoeging van
artikel 7B in
Wet 57 van 1968.

„Fondse van
korporasie.

7B. (1) Die fondse van die korporasie bestaan uit—

- (a) die aandeelkapitaal in artikel 6 vermeld;
- (b) geld deur die Parlement bewillig ten einde die korporasie in staat te stel om sy werksaamhede te verrig;
- (c) geld deur die korporasie ingevolge artikel 6A (1) opgeneem, geleen of verkry;
- (d) geld uit enige ander bron ontvang.

(2) Die korporasie kan skenkings of bydraes van enige persoon ontvang en moet gelde aldus verkry, aanwend vir die doel en ooreenkomstig die voorwaardes wat die skenkers of bydraers bepaal.

(3) Die korporasie kan enige saldo van sy geld wat aan die end van die een of ander boekjaar van die korporasie oorbly, vir enige uitgawes in verband met die verrigting van sy werksaamhede aanwend.”

8. Artikel 13 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 13 van
Wet 57 van 1968.

„Herroeping
van Wet 87
van 1964.

13. (1) Behoudens die bepalings van artikel 2A (1) (b) en subartikel (2) van hierdie artikel, word die Krygstuigwet, 1964, hierby herroep.

(2) Behoudens die bepalings van artikel 2A (1) (b), word enigiets wat gedoen is kragtens 'n bepaling van die Krygstuigwet, 1964, en wat kragtens 'n bepaling van hierdie Wet gedoen sou kon word, geag kragtens laasgenoemde bepaling gedoen te gewees het.”

9. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

Vervanging van
lang titel van
Wet 57 van 1968.

„WET

Om 'n korporasie vir die ontwikkeling en vervaardiging van krygstuig in te stel; om die Krygstuigwet, 1964, te herroep; en om vir ander aangeleenthede wat daarmee in verband staan, voorsiening te maak.”

10. Hierdie Wet heet die Wysigingswet op Krygstuigontwikkeling en -vervaardiging, 1977, en tree op 1 April 1977 in werking.

Kort titel en
inwerkingtreding.

