



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

### VAN DIE REPUBLIEK VAN SUID-AFRIKA

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#### DEPARTMENT OF THE PRIME MINISTER

#### DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1051.

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

No. 76 of 1977: Atomic Energy Amendment Act, 1977.

No. 1051.

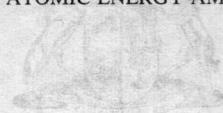
15 Junie 1977.

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

No. 76 van 1977: Wysigingswet op Atoomkrag, 1977.

Act No. 76, 1977

ATOMIC ENERGY AMENDMENT ACT, 1977.



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE ACT

To amend the Atomic Energy Act, 1967, with respect to certain definitions; to provide for the reporting to the board of the occurrence of source material; for the abolition of alternates to certain members of the board; for the payment into the Atomic Energy Research Account of moneys obtained from certain discoveries, inventions, improvements and patents; to extend the category of persons with reference to whom rights in discoveries, inventions and improvements vest in the board; to extend the power of the board with reference to the agreements it may enter into; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)  
(Assented to 7 June 1977.)*

**B**E 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 90 of 1967.

1. Section 1 of the Atomic Energy Act, 1967 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of "commission" of the following definition:  
"corporation" means the South African Inventions Development Corporation established by section 2 of the Inventions Development Act, 1962 (Act No. 31 of 1962);"; and
- (b) by the substitution for the definition of "special nuclear material" of the following definition:  
"special nuclear material" means U-233 and uranium enriched in its U-235 isotope and transuranium elements and any of their compounds derived from source material above concentration limits specified by the State President by proclamation in the *Gazette*";.

Amendment of  
section 10 of  
Act 90 of 1967.

2. The following section is hereby substituted for section 10 of the principal Act:

"Information relating to existence of source material to be reported to Secretary for Mines and the board.

10. Any person who by virtue of information obtained in the course of prospecting or mining operations, or of carrying out any scientific investigation or chemical or metallurgical operation, or otherwise, has reason to believe that any source material occurs at any place, shall within a period of thirty days after such reason became apparent to him submit to the Secretary for Mines and the board a written report in regard to the matter, containing full particulars of the grounds on which his belief is based and full particulars of the locality and occurrence concerned.".

## WYSIGINGSWET OP ATOOMKRAAG, 1977.

Wet No. 76, 1977

## WET

Tot wysiging van die Wet op Atoomkrag, 1967, met betrekking tot sekere woordomskrywings; om voorsiening te maak vir verslag aan die raad oor die voorkoms van bronmateriaal; vir die afskaffing van plaasvervangers vir sekere raadslede; vir die inbetalings in die Atoomkragnavoringsrekening van geld verkry uit sekere ontdekings, uitvindings, verbeterings en patente; vir die uitbreiding van die kategorie persone met betrekking tot wie regte op ontdekings, uitvindings en verbeterings by die raad berus; vir die uitbreiding van die bevoegdheid van die raad met betrekking tot die ooreenkoms wat hy mag aangaan; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 7 Junie 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 Atoomkrag, 1967 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die volgende omskrywing na die omskrywing van „kommissie” in te voeg:

„,korporasie’ die Suid-Afrikaanse Ontwikkelingskorporasie vir Uitvindings ingestel by artikel 2 van die Wet op die Ontwikkeling van Uitvindings, 1962 (Wet No. 31 van 1962);”; en

(b) deur die omskrywing van „spesiale kernmateriaal” deur die volgende omskrywing te vervang:

„,spesiale kernmateriaal’ U-233 en uraan verryk in sy U-235-isotoop en transuraanelemente en ‘n samestelling daarvan verkry uit bronmateriaal bo sterkeperke deur die Staatspresident by proklamasie in die Staatskoerant bepaal.”

**Wysiging van artikel 1 van Wet 90 van 1967.**

- 2. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:**

„Inligting betreffende aanwesigheid van bronmateriaal moet aan Sekretaris van Mynwese en die raad gerapporteer word.

**10.** Iemand wat op grond van inligting ingewin in die loop van prospektering of mynbouwerksaamhede, of van die uitvoering van wetenskaplike navorsing of 'n chemiese of metallurgiese proses, of andersins, rede het om te vermoed dat bronmateriaal op enige plek voorkom, moet binne 'n tydperk van dertig dae nadat sodanige rede aan hom gevlyk het, 'n skriftelike verslag in verband met die aangeleentheid, met volledige besonderhede van die gronde waarop sy mening berus, en volle besonderhede van die betrokke lokaliteit en voorkoms, aan die Sekretaris van Mynwese en die raad voorlê.”.

## Wysiging van artikel 10 van Wet 90 van 1967

**Act No. 76, 1977****ATOMIC ENERGY AMENDMENT ACT, 1977.**

Amendment of  
section 12 of  
Act 90 of 1967,  
as amended by  
section 2 of  
Act 34 of 1970.

**3. Section 12 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:**

“(5) The attendance at board meetings by alternates to members during the absence of members at board meetings shall take place as follows:—

- (a) If a member referred to in subsection (1) (b) (i), (iv) or (v) is unable to attend a meeting, he may allow himself to be represented thereat by an alternate approved by the Minister prior to such meeting.
- (b) If a member referred to in subsection 1 (c) is unable to attend a meeting, he may allow himself to be represented thereat by his nominee as his alternate.”.

Amendment of  
section 18 of  
Act 90 of 1967.

**4. Section 18 of the principal Act is hereby amended—**

(a) by the insertion of the following paragraph after paragraph (c) of subsection (1):

“(cA) fees and royalties referred to in section 27 (1) that are paid to the board;”;

(b) by the insertion of the following paragraph after paragraph (e) of subsection (1):

“(eA) fees and royalties paid to the board in pursuance of an agreement referred to in section 28 or 28A;”;

(c) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) such portion of the moneys derived from the licensing or sale of patents held by the board in respect of inventions discovered or made by or on behalf of the board (but excluding patents referred to in paragraph (e) or in an agreement referred to in paragraph (eA)) as may remain after the board has each year paid to present and past contributors to the board’s research funds, such proportion of such moneys as the board may determine; and”;

(d) by the substitution for subparagraph (ii) of paragraph (b) of subsection (2) of the following subparagraph:

“(ii) the moneys referred to in subsection (1) (b), (c), (cA), (d), (e), (eA) and (f).”; and

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

“(b) credit to an account to be known as the Atomic Energy Research Account all moneys referred to in subsection (1) (b), (c), (cA), (d), (e), (eA) and (f), and defray from that account all expenditure incurred by the board in the exercise of its powers referred to in section 13 (1)(g), and all payments to contributors in terms of subsection (1) (f);”.

Amendment of  
section 27 of  
Act 90 of 1967.

**5. Section 27 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:**

“(1) Subject to the provisions of section 28, the rights in all discoveries, inventions and improvements made by officers of the board, or by persons, other than officers of the board, assisting the board in any investigation or research, or by persons to whom grants-in-aid have been made by the board, in relation to any matter within the purview of the board in terms of this Act, and in any discovery, invention or improvement of whatever nature, whether within the purview of the board or not, made by such officer or such a person in the course of any investigation or research initiated or financed by the board, shall vest in the board, and the board may make such discoveries, inventions or improvements available for use in the public interest, subject to such terms and conditions and the payment of such fees or royalties as the board may determine.”.

## WYSIGINGSWET OP ATOOMKRAG, 1977.

Wet No. 76, 1977

**3. Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:**

- „(5) Die bywoning van raadsvergaderings deur plaasvervangers van lede gedurende die afwesigheid van lede van raadsvergaderings geskied soos volg:—
- (a) Indien 'n in subartikel (1)(b) (i), (iv) of (v) bedoelde lid nie 'n vergadering kan bywoon nie, kan hy hom daarop laat verteenwoordig deur 'n plaasvervanger deur die Minister voor die vergadering goedgekeur.
  - (b) Indien 'n in subartikel (1) (c) bedoelde lid nie 'n vergadering kan bywoon nie, kan hy hom daarop deur sy genomineerde as sy plaasvervanger laat verteenwoordig.”.

Wysiging van artikel 12 van Wet 90 van 1967, soos gewysig deur artikel 2 van Wet 34 van 1970.

**4. Artikel 18 van die Hoofwet word hierby gewysig—**

- (a) deur die volgende paragraaf na paragraaf (c) van subartikel (1) in te voeg:  
„(cA) gelde en tantièmes in artikel 27 (1) bedoel wat aan die raad betaal word;”;
- (b) deur die volgende paragraaf na paragraaf (e) van subartikel (1) in te voeg:  
„(eA) gelde en tantièmes wat uit hoofde van 'n ooreenkoms in artikel 28 of 28A bedoel aan die raad betaal word;”;
- (c) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:  
„(f) die gedeelte van die gelde verkry uit die lisensiëring of verkoop van patente gehou deur die raad met betrekking tot uitvindings ontdek of gedoen deur of ten behoeve van die raad (maar uitgesonderd patente bedoel in paragraaf (e) of in 'n ooreenkoms genoem in paragraaf (eA)) wat oorblý nadat die raad elke jaar aan die bestaande en gewese bydraers tot die raad se navorsingsfondse die gedeelte van sodanige gelde wat die raad bepaal, uitbetaal het; en”;
- (d) deur subparagraaf (ii) van paragraaf (b) van subartikel (2) deur die volgende subparagraaf te vervang:  
„(ii) die gelde in subartikel 1 (b), (c), (cA), (d), (e), (eA) en (f) bedoel.”; en
- (e) deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang:  
„(b) 'n rekening bekend as die Atoomkragnavorsingsrekening met al die in subartikel (1) (b), (c), (cA), (d), (e), (eA) en (f) bedoelde gelde krediteer, en uit daardie rekening alle uitgawes bestry wat die raad by die uitoefening van sy in artikel 13 (1) (g) bedoelde bevoegdhede aangaan, asook alle betalings aan bydraers ingevolge subartikel (1) (f);”.

Wysiging van artikel 18 van Wet 90 van 1967.

**5. Artikel 27 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**

Wysiging van artikel 27 van Wet 90 van 1967.

- „(1) Behoudens die bepalings van artikel 28 berus die regte op alle ontdekings, uitvindings en verbeterings gedoen deur beampies van die raad, of deur ander persone as beampies van die raad wat die raad met enige ondersoek of navorsing behulpsaam is, of deur persone aan wie hulptoelaes deur die raad toegestaan is, met betrekking tot enige aangeleentheid wat ingevolge hierdie Wet binne die raad se bestek val en op enige ontdekking, uitvinding of verbetering van watter aard ook al, hetsy binne die raad se bestek al dan nie, deur sodanige beampte of so 'n persoon gedoen gedurende enige ondersoek of navorsing op tou gesit of gefinansier deur die raad, by die raad, en kan die raad bedoelde ontdekings, uitvindings of verbeterings vir gebruik in die openbare belang beskikbaar stel op die bedinge en voorwaardes en teen betaling van die gelde of tantièmes wat die raad vasstel.”.

**Act No. 76, 1977****ATOMIC ENERGY AMENDMENT ACT, 1977.**

Amendment of section 28 of Act 90 of 1967, as amended by section 5 of Act 73 of 1971.

**6.** (1) The following section is hereby substituted for section 28 of the principal Act:

“Special investigations by arrangement with any person with a view to discoveries, inventions or improvements.

**28.** (1) (a) The board may, by arrangement with any person and at such place and subject to such terms and conditions and the payment of such charges and the furnishing of such contributions as may be agreed upon, carry out or cause to be carried out special investigations with the object of making discoveries, inventions or improvements in relation to any matter within the purview of the board in terms of this Act.

(b) The board may with the approval of the Minister enter into a similar agreement with any person in relation to any matter arising from the special investigations referred to in paragraph (a), but falling outside the original object of such investigations.

(2) The rights in any discovery, invention or improvement of whatever nature, whether within the purview of the board or not, so made, shall vest in either the board or any other person, or jointly in the board and any other person, according to the provisions of a written agreement entered into by the parties in question prior to the investigation: Provided that the rights in any discovery, invention or improvement which in the opinion of the board relates to or can be applied in connection with the enrichment of source material or special nuclear material, shall vest in the board solely, whose decision whether or not the said discovery, invention or improvement so relates or can be so applied, shall be final.

(3) If the rights in any discovery, invention or improvement vest in the board in pursuance of an agreement contemplated in subsection (2), the board may make such discovery, invention or improvement available for use in the public interest, subject to such terms and conditions and the payment of such fees or royalties as the board may determine, and the board may apply for a patent in respect thereof as if it were a discovery, invention or improvement referred to in section 27 (1).

(4) If the rights in any discovery, invention or improvement vest in any person other than the board in pursuance of an agreement contemplated in subsection (2), the said discovery, invention or improvement shall be used or made available for use in the public interest, subject to such terms and conditions as may be provided by the agreement.

(5) If the rights in any discovery, invention or improvement vest in the board and any other person in pursuance of an agreement contemplated in subsection (2), the said discovery, invention or improvement may be used or made available for use in the public interest, subject to such terms and conditions and the payment of such fees or royalties as shall be determined and stipulated in a further agreement, and the board may either by itself or jointly with any other person, according to the provisions of such further agreement, apply for a patent in respect of the said discovery, invention or improvement.”.

(2) The amendment effected by subsection (1) in respect of section 28 (1) (b) of the principal Act shall be deemed to have come into operation on 1 April 1976.

## WYSIGINGSWET OP ATOOMKRAAG, 1977.

Wet No. 76, 1977

**6.** (1) Artikel 28 van die Hoofwet word hierby deur die volgende artikel vervang:

„Spesiale ondersoeké by wyse van ooreenkoms met iemand met die oog op ontdek-kings, uit-vindings of verbeterings.

**28.** (1) (a) Die raad kan by wyse van ooreenkoms met iemand en op die plek en op die bedinge en voorwaardes en teen betaling van die koste en die verskaffing van die bydraes waarop ooreen gekom word, spesiale ondersoeké instel of laat instel met die doel om ontdekings, uitvindings of verbeterings te doen met betrekking tot enige aangeleenthed wat ingevolge hierdie Wet binne die raad se bestek val.

Wysiging van artikel 28 van Wet 90 van 1967, soos gewysig deur artikel 5 van Wet 73 van 1971.

(b) Die raad kan met die goedkeuring van die Minister 'n dergelike ooreenkoms met enig-iemand aangaan met betrekking tot enige aangeleenthed wat uit die spesiale ondersoeké bedoel in paragraaf (a) voortspruit, maar wat buite die oorspronklike doel van sodanige ondersoeké val.

(2) Die regte op 'n ontdekking, uitvinding of verbetering van watter aard ook al, aldus gedoen, hetsy binne die bestek van die raad, al dan nie, berus ḫ of by die raad ḫ of by iemand anders, ḫ gesamentlik by die raad en iemand anders, ooreenkomstig die bepalings van 'n skriftelike ooreenkoms wat voor die ondersoek deur die betrokke partye aangegaan is: Met dien verstande dat die regte op 'n ontdekking, uitvinding of verbetering wat na die oordeel van die raad betrekking het op of aangewend kan word in verband met die verryking van bronmateriaal of spesiale kernmateriaal net in die raad sal vestig, wie se beslissing of bedoelde ontdekking, uitvinding of verbetering aldus betrekking het of aangewend kan word, afdoende is.

(3) Indien die regte op enige ontdekking, uitvinding of verbetering uit hoofde van 'n in subartikel (2) beoogde ooreenkoms by die raad berus, kan die raad bedoelde ontdekking, uitvinding of verbetering in die openbare belang vir gebruik beskikbaar stel op die bedinge en voorwaardes en teen betaling van die gelde of tantièmes wat die raad bepaal, en kan die raad om 'n patent ten opsigte daarvan aansoek doen asof dit 'n in artikel 27 (1) vermelde ontdekking, uitvinding of verbetering was.

(4) Indien die regte op 'n ontdekking, uitvinding of verbetering by iemand anders as die raad uit hoofde van 'n in subartikel (2) beoogde ooreenkoms berus, word bedoelde ontdekking, uitvinding of verbetering in die openbare belang gebruik of vir gebruik beskikbaar gestel op die bedinge en voorwaardes wat by die ooreenkoms bepaal word.

(5) Indien die regte op 'n ontdekking, uitvinding of verbetering by die raad en iemand anders berus uit hoofde van 'n in subartikel (2) beoogde ooreenkoms, kan bedoelde ontdekking, uitvinding of verbetering in die openbare belang gebruik of vir gebruik beskikbaar gestel word op die bedinge en voorwaardes en teen betaling van die gelde of tantièmes wat by 'n verdere ooreenkoms bepaal en vasgestel word, en die raad kan, hetsy alleen of gesamentlik met iemand anders na gelang die verdere ooreenkoms bepaal, om 'n patent ten opsigte van bedoelde ontdekking, uitvinding of verbetering aansoek doen.”.

(2) Die wysiging deur subartikel (1) aangebring ten opsigte van artikel 28 (1)(b) van die Hoofwet word geag op 1 April 1976 in werking te getree het.

**Act No. 76, 1977****ATOMIC ENERGY AMENDMENT ACT, 1977.**

Insertion of  
section 28A in  
Act 90 of 1967.

**7. The following section is hereby inserted in the principal Act after section 28:**

"Cession by the board of certain rights to certain bodies and persons. **28A.** (1) If the rights in any discovery, invention or improvement vest in the board in terms of section 27 or 28, the board may, notwithstanding the provisions of the said sections, by written agreement and subject to the terms and conditions set out in such agreement, cede the said rights to the corporation, or to any other body established by or under any law and empowered to develop or exploit such discovery, invention or improvement, or to any other person, in order to enable the corporation or such body or person to develop or exploit the discovery, invention or improvement in terms of the provisions of the Inventions Development Act, 1962 (Act No. 31 of 1962), or the law applicable to such body, or according to the provisions of an agreement with such person, as the case may be.

(2) Where the rights in any discovery, invention or improvement have in terms of subsection (1) been ceded to the corporation or any body or person—

- (a) the corporation or body or person concerned shall for the purposes of the Patents Act, 1952 (Act No. 37 of 1952), be deemed to be the assignee of the discoverer or inventor in question;
- (b) any patent granted to the board in respect of such discovery, invention or improvement, or any application made by the board for any such patent, shall be deemed to have been ceded by the board to the corporation or to the body or person concerned."

Short title.

**8. This Act shall be called the Atomic Energy Amendment Act, 1977.**

## WYSIGINGSWET OP ATOOMKRAG, 1977.

Wet No. 76, 1977

**7. Die volgende artikel word hierby in die Hoofwet na artikel 28 ingevoeg:**

„Sessie van sekere regte deur die raad aan sekere liggeme en persone.

Invoeging van artikel 28A in Wet 90 van 1967.

**28A.** (1) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge artikel 27 of 28 by die raad berus, kan die raad, ondanks die bepalings van daardie artikels, bedoelde regte by skriftelike ooreenkoms en op die bedinge en voorwaardes wat in die ooreenkoms uiteengesit word, aan die korporasie, of aan 'n ander liggaaam wat by of kragtens wet ingestel is en bevoeg is om die ontdekking, uitvinding of verbetering te ontwikkel of te benut, of aan enige ander persoon sedeer ten einde die korporasie of so 'n liggaaam of persoon in staat te stel om die ontdekking, uitvinding of verbetering te ontwikkel of te benut ingevolge die bepalings van die Wet op die Ontwikkeling van Uitvindings, 1962 (Wet No. 31 van 1962), of die wet wat op so 'n liggaaam van toepassing is, of ingevolge die bepalings van 'n ooreenkoms met so 'n persoon, na gelang van die geval.

(2) Waar die regte op 'n ontdekking, uitvinding of verbetering ingevolge subartikel (1) aan die korporasie of 'n liggaaam of persoon gesedeer is—

- (a) word die korporasie of die betrokke liggaaam of persoon by die toepassing van die Wet op Patente, 1952 (Wet No. 37 van 1952), geag die sessionaris van die betrokke ontdekker of uitvinder te wees;
- (b) word 'n patent wat ten opsigte van die ontdekking, uitvinding of verbetering aan die raad verleen is, of 'n aansoek wat deur die raad om so 'n patent gedoen is, geag deur die raad aan die korporasie of aan die betrokke liggaaam of persoon gesedeer te wees.”.

**8. Hierdie Wet heet die Wysigingswet op Atoomkrag, 1977. Kort titel.**

