



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 734.

12 April 1978.

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

No. 46 of 1978: Atomic Energy Amendment Act, 1978.

No. 734.

12 April 1978.

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

No. 46 van 1978: Wysigingswet op Atoomkrag, 1978.

Wet No. 46, 1978

WYSIGINGSWET OP ATOOMKRAG, 1978.

## ALGEMENE VERDUIDELIKENDE NOTA:

**[**                      **]**      Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

\_\_\_\_\_      Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

# WET

Tot wysiging van die Wet op Atoomkrag, 1967, ten einde die bepalinge daarvan betreffende geheimhouding uit te brei en vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 5 April 1978.)

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

Wysiging van  
artikel 30 van  
Wet 90 van 1967.

1. Artikel 30 van die Wet op Atoomkrag, 1967 (hieronder die Hoofwet genoem), word hierby gewysig— 5

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

„(a) mag sonder die skriftelike toestemming van die raad of van die raad in oorleg met die Minister, indien die raad dit nodig ag, aan enigiemand hetsy binne of buite die Republiek meedeel, versend of bekend maak, of **[mag]** gebruik maak van, enige inligting, of enige inligting publiseer, met betrekking tot—

(i) reserwevoorrade ertse wat bronmateriaal bevat, en die ligging, omvang en bronmateriaalinhoud van sodanige ertse **[of];** 15

(ii) die **[jaarlikse]** omvang van die produksie, of moontlike produksie, met bestaande installasie, van **[sodanige materiaal]** bronmateriaal of ertse wat bronmateriaal bevat, deur enigiemand **[of];** 10

(iii) die prys betaal deur of aan enigiemand, hetsy binne of buite die Republiek, ten opsigte van **[sodanige materiaal]** bronmateriaal of ertse wat bronmateriaal bevat **[aan enigiemand betaal], geproduseer of ontgin in, uitgevoer uit, of ingevoer in die Republiek of die gebied** **[of];** 25

(iv) die bedinge en voorwaardes van die verkryging, verkoop, beskikking oor of bemaking van sodanige bronmateriaal of ertse deur enigiemand, hetsy binne of buite die Republiek, of die identiteit van 'n party daarby betrokke; 30

(v) enige ondersoek of navorsing of enige ontdekking of uitvinding betreffende die verwerking, herverwerking, verryking of gebruik van enige bronmateriaal of spesiale kernmateriaal of kern- of atoomkrag **[of enige sodanige ondersoek of navorsing wat geheel of gedeel-** 35 40

## ATOMIC ENERGY AMENDMENT ACT, 1978.

Act No. 46, 1978

## GENERAL EXPLANATORY NOTE:

**[** Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend the Atomic Energy Act, 1967, so as to extend the provisions thereof relating to secrecy and to provide for incidental matters.

*(Afrikaans text signed by the State President.)*  
*(Assented to 5 April 1978.)*

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

**1.** Section 30 of the Atomic Energy Act, 1967 (hereinafter 5 referred to as the principal Act), is hereby amended—

Amendment of  
section 30 of  
Act 90 of 1967.

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

“(a) shall, without the consent in writing of the board or of the board in consultation with the Minister if deemed necessary by it, communicate, transmit or make known to any person, whether in or outside the Republic, or use or publish, any information in regard to—

(i) reserves of ores containing any source material, and the locality, extent and source material content of such ores **[or]**;

(ii) the **[annual]** extent of the output, or potential output, by means of existing installation, of **[such]** source material or ores containing source material, by any person **[or]**;

(iii) the price paid by or to any person, whether in or outside the Republic, in respect of **[such]** source material or ores containing source material, produced or mined in or exported from or imported into the Republic or the territory **[or]**;

(iv) the terms and conditions of the acquisition, sale, disposal or marketing of such source material or ores by any person, whether in or outside the Republic, or the identity of any party involved therein;

(v) any investigation or research or any discovery or invention relating to the processing, re-processing, enrichment or use of any source material or special nuclear material or nuclear or atomic energy **[or any such investigation**

Wet No. 46, 1978

WYSIGINGSWET OP ATOOMKRAG, 1978.

**telik deur die raad of die Staat gefinansier word of wat betrekking het op], hetsy binne of buite die Republiek;**

- (vi) die prospektering na of die ontginning **[van]** of behandeling van ertse wat bronmateriaal bevat, **hetsy binne of buite die Republiek [of];** 5
- (vii) enigiets gedoen deur of ten behoeve van die Minister of die raad by die uitoefening van **[sy] die Minister of raad se bevoegdhede [gedoen] kragtens hierdie Wet; of** 10
- (viii) enige eiendom, hetsy roerend of onroerend, in die besit of onder die beheer van die raad;";
- (b) deur subartikel (3) deur die volgende subartikel te vervang: 15
  - „(3) Die Minister kan gelas dat—
  - (a) enige verrigtings, met inbegrip van verrigtings by arbitrasie, kragtens hierdie Wet, *in camera* gehou word, en dat die publiek van bywoning daarvan uitgesluit word; 20
  - (b) in enige verrigtings hoegenaamd, getuienis in verband met transaksies in, en besit van, aandele in 'n maatskappy wat bronmateriaal produseer, *in camera* gelewer word en dat die publiek by die lewering daarvan van die verrigtings uitgesluit word.”; en 25
- (c) deur subartikel (5) deur die volgende subartikel te vervang:
  - „(5) By die toepassing van hierdie artikel beteken „inligting” ook enigiets wat heet **inligting te wees of wat** 30
  - inligting bevat of verskaf.”.**

Invoeging van artikel 30A in Wet 90 van 1967.

2. Die volgende artikel word hierby in die Hoofwet na artikel 30 ingevoeg:

„Openbaar-making van inligting oor sekere bedrywighede in die verlede verbode.

### 30A. (1) Niemand—

- (a) wat oor inligting beskik wat op enige wyse hoegenaamd in verband staan met gesprekke, samesprekings, vergaderings of onderhandelings, van watter aard ook al, wat tussen 1 Januarie 1972 en 31 Desember 1975 plaasgevind het tussen produsente van bronmateriaal of derivate of samestellings daarvan, hetsy in of buite die Republiek, in verband met die produksie, invoer, uitvoer, veredeling, besit, eiendomsreg, gebruik of verkoop daarvan, mag sonder die skriftelike toestemming van die raad, of van die raad in oorleg met die Minister, indien die raad dit nodig ag, daardie inligting aan iemand anders hetsy binne of buite die Republiek meedeel, versend of bekend maak of dit publiseer nie; 35
- (b) mag inligting ontvang nie, as hy weet of redelike gronde het om te vermoed wanneer hy dit ontvang, dat die inligting aan hom in stryd met die bepaling van paragraaf (a) meegedeel, versend of bekend gemaak word; of 40
- (c) wat inligting wat hy ingevolge paragraaf (a) verbied word om aan enigiemand mee te deel, te versend of bekend te maak, in sy besit of onder sy beheer het, mag in gebreke bly om redelike stappe te doen om daardie inligting te beveilig of hom so gedra dat geheimhouding daarvan in gevaar gestel word nie. 45

(2) Die bepalinge van artikel 30 (2), (4) en (5) is *mutatis mutandis* van toepassing ten opsigte van inligting bedoel in en misdrywe kragtens subartikel (1) van hierdie artikel.”. 50

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## ATOMIC ENERGY AMENDMENT ACT, 1978.

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**or research financed wholly or partly by the board or the State or relating to], whether in or outside the Republic;**

5 (vi) prospecting or mining for or treatment of ores containing source material; whether in or outside the Republic [or];

(vii) anything done by or on behalf of the Minister or the board in the exercise of **[its]** the Minister's or the board's powers under this Act; or

10 (viii) any property, whether movable or immovable, in the possession or under the control of the board;";

15 (b) by the substitution for subsection (3) of the following subsection:

"(3) The Minister may direct that—

(a) any proceedings, including arbitration proceedings, under this Act, be held *in camera* and that the public be excluded from being present thereat;

20 (b) in any proceedings whatsoever, evidence in connection with transactions in, and possession of, shares in any company producing source material, be given *in camera* and that the public, when such evidence is given, be excluded from the proceedings."; and

25 (c) by the substitution for subsection (5) of the following subsection:

30 "(5) For the purposes of this section 'information' includes anything purporting to be or containing or affording information."

2. The following section is hereby inserted in the principal Act after section 30:

Insertion of section 30A in Act 90 of 1967.

"Disclosure of information regarding certain activities in the past prohibited.

35 30A. (1) No person—  
(a) who has at his disposal any information which is in any manner whatsoever connected with conversations, discussions, meetings or negotiations of any nature whatsoever, which took place between 1 January 1972 and 31 December 1975, between producers of source material or any derivatives or compounds thereof, whether in or outside the Republic, in connection with the production, importation, exportation, refinement, possession, ownership, use or sale thereof, shall, without the written permission of the board, or of the board in consultation with the Minister, if deemed necessary by it, communicate, transmit or make known such information, to any other person, whether in or outside the Republic, or publish such information;  
40  
45  
50 (b) shall receive any information knowing or having reasonable grounds to believe, at the time when he receives it, that the information is communicated, transmitted or made known to him in contravention of the provisions of paragraph (a); or  
55  
60 (c) who has in his possession or under his control any information which under paragraph (a) he is prohibited from communicating, transmitting or making known to any person, shall fail to take reasonable steps to safeguard such information or so conduct himself as to endanger the secrecy thereof.

65 (2) The provisions of section 30 (2), (4) and (5) shall *mutatis mutandis* apply in respect of information contemplated in and offences under subsection (1) of this section."

## Wet No. 46, 1978

## WYSIGINGSWET OP ATOOMKRAG, 1978.

Invoeging van  
artikel 30B in  
Wet 90 van 1967.

3. Die volgende artikel word hierby in die Hoofwet na artikel 30A ingevoeg:

„Openbaar-  
making van  
inligting met  
betrekking  
tot gelisen-  
sieerde  
terreine  
verbode.

**30B. (1) Niemand—**

- (a) mag sonder die skriftelike toestemming van die raad of die raad in oorleg met die Minister, indien die raad dit nodig ag, enige inligting waaroor hy beskik (hoe ook al verkry) en wat in verband staan met enige ondersoek of onderhandelings met die oog op die verkryging van 'n terreinlisensie of met enige gelisensieerde terrein of met 'n terrein wat staan gelisensieer te word kragtens die Wet op Kerninstallasies (Lisensiering en Sekerheidstelling), 1963 (Wet No. 43 van 1963), of met enigiets op so 'n terrein, aan iemand anders hetsy binne of buite die Republiek meedeel, versend of bekend maak of dit publiseer nie;
- (b) mag inligting ontvang nie, as hy weet of redelike gronde het om te vermoed wanneer hy dit ontvang, dat die inligting aan hom in stryd met die bepalings van paragraaf (a) meegedeel, versend of bekend gemaak word; of
- (c) wat inligting wat hy ingevolge paragraaf (a) verbied word om aan enigiemand mee te deel, te versend of bekend te maak, in sy besit of onder sy beheer het, mag in gebreke bly om redelike stappe te doen om daardie inligting te beveilig of hom so gedra dat geheimhouding daarvan in gevaar gestel word nie.

(2) Die bepalings van artikel 30 (2), (4) en (5) is *mutatis mutandis* van toepassing ten opsigte van inligting bedoel in en misdrywe kragtens subartikel (1) van hierdie artikel.”.

Invoeging van  
artikel 30C in  
Wet 90 van 1967.

4. Die volgende artikel word hierby in die Hoofwet na artikel 30B ingevoeg:

„Verstreking  
van redes vir  
besluite en  
hersiëning  
in verband  
daarmee.

**30C. Wanneer die Minister of sy gedelegeerde by**

die uitoefening van 'n bevoegdheid ingevolge hierdie Wet van oordeel is dat dit in belang van die veiligheid van die Staat is dat die redes vir sy voorgenome uitoefening van daardie bevoegdheid in die een of ander rigting nie openbaar gemaak word nie, hoef hy daardie redes nie aan iemand wat daardeur geraak gaan word, te openbaar nie, en is sy besluit om daardie redes nie aldus te openbaar nie, nie aan hersiening onderhewig nie.”.

Wysiging van  
artikel 34 van  
Wet 90 van 1967.

5. Artikel 34 van die Hoofwet word hierby gewysig deur paragraaf (f) deur die volgende paragraaf te vervang:

„(f) die bepalings van artikel 30, 30A of 30B oortree of versuim om daaraan te voldoen;”.

Kort titel.

6. Hierdie Wet heet die Wysigingswet op Atoomkrag, 1978.

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3. The following section is hereby inserted in the principal Act after section 30A:

Insertion of section 30B in Act 90 of 1967.

“Disclosure of information relating to licensed sites prohibited.

**30B. (1) No person—**

- (a) shall, without the written permission of the board or the board in consultation with the Minister if deemed necessary by it, communicate, transmit or make known to any other person, whether in or outside the Republic, or publish, any information at his disposal (howsoever acquired), connected with any investigation or negotiations with a view to acquiring a site licence, or with any licensed site or a site to be licensed under the Nuclear Installations (Licensing and Security) Act, 1963 (Act No. 43 of 1963), or with anything on such a site;
- (b) shall receive any information knowing or having reasonable grounds to believe, at the time when he receives it, that the information is communicated, transmitted or made known to him in contravention of the provisions of paragraph (a); or
- (c) who has in his possession or under his control any information which under paragraph (a) he is prohibited from communicating, transmitting or making known to any person, shall fail to take reasonable steps to safeguard such information or so conduct himself as to endanger the secrecy thereof.
- (2) The provisions of section 30 (2), (4) and (5) shall *mutatis mutandis* apply in respect of information contemplated in and offences under subsection (1) of this section.”

4. The following section is hereby inserted in the principal Act after section 30B:

Insertion of section 30C in Act 90 of 1967.

“Furnishing of reasons for decisions and review in connection therewith.

**30C. When the Minister or his delegate is, in the exercise of any power in terms of this Act, of the opinion that it is in the interests of the security of the State that the reasons for his proposed exercise of such power in any direction, be not disclosed, he need not disclose those reasons to any person to be affected thereby, and his decision not so to disclose those reasons, shall not be subject to review.”**

5. Section 34 of the principal Act is hereby amended by the substitution for paragraph (f) of the following paragraph:

Amendment of section 34 of Act 90 of 1967.

“(f) contravenes or fails to comply with the provisions of section 30, 30A or 30B.”

6. This Act shall be called the Atomic Energy Amendment Act, 1978.

Short title.

