



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 238

CAPE TOWN, 3 APRIL 1985

KAAPSTAD, 3 APRIL 1985

No. 9654

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 666.

3 April 1985

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

No. 21 of 1985: Nuclear Energy Amendment Act, 1985.

No. 666.

3 April 1985

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

No. 21 van 1985: Wysigingswet op Kernenergie, 1985.

Act No. 21, 1985

NUCLEAR ENERGY AMENDMENT ACT, 1985

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 Nuclear Energy Act, 1982, so as to substitute the definition of "special nuclear material"; to delete the provision which requires the chairman of the Atomic Energy Corporation of South Africa, Limited, to be a full-time chairman; to substitute certain designations so as to bring them into line with new designations of office and departments; to provide for the appointment of an accounting officer by the board of directors; further to define the powers of inspectors; and to effect certain textual improvements; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 15 March 1985.)

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

Amendment of
section 1 of
Act 92 of 1982.

1. Section 1 of the Nuclear Energy Act, 1982 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution in subsection (1) for the definition of "special nuclear material" of the following definition:

"'special nuclear material' means—

(a) uranium-233; **[and]**

(b) uranium enriched in its uranium-235 isotope; **[and]**

(c) transuranium elements; **[and]** or

(d) any compound **[thereof derived from source material]** of any of the materials referred to in paragraphs (a), (b) and (c), or of anything so referred to and any other substance or substances,

which has under subsection (2) (d) of this section been declared to be special nuclear material;"; and

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

"(d) declare—

(i) **[any compound of]** uranium-233 **[and];**

(ii) uranium enriched in its uranium-235 isotope **[and];**

(iii) transuranium elements **[derived from source material]; or**

(iv) any compound of any of the materials referred to in subparagraphs (i), (ii) and (iii), or of anything so referred to and any other substance or substances,

above concentration and mass limits specified in the proclamation, to be special nuclear material for the purposes of this Act."

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 Kernenergie, 1982, ten einde die omskrywing van "spesiale kernmateriaal" te vervang; die bepaling wat vereis dat die voorsitter van die Atoomenergie-korporasie van Suid-Afrika, Beperk, 'n voltydse voorsitter moet wees, te skrap; sekere benamings te vervang ten einde hulle aan te pas by nuwe benamings van ampte en departemente; voorsiening te maak vir die aanwys van 'n rekenpligtige beampde deur die raad van direkteure; die bevoegdhede van inspekteurs nader te omskryf; en sekere teksverbeteringe aan te bring; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 15 Maart 1985.)*

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

1. Artikel 1 van die Wet op Kernenergie, 1982 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van
artikel 1 van
Wet 92 van 1982.

5 (a) deur in subartikel (1) die omskrywing van "spesiale kernmateriaal" deur die volgende omskrywing te vervang:

"spesiale kernmateriaal"—

- 10 (a) uraan-233; [en]
(b) uraan verryk in sy uraan-235-isotoop; [en]
(c) transuraanelemente; [en] of
(d) 'n samestelling [daarvan wat uit bronmateriaal verkry is en] van enige van die materiale in paragrafe (a), (b) en (c) bedoel, of van enigiets aldus bedoel en enige ander stof of stowwe.

wat kragtens subartikel (2) (d) van hierdie artikel tot spesiale kernmateriaal verklaar is;"; en

20 (b) deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

- (d) (i) [enige samestelling van] uraan-233 [en];
(ii) uraan verryk in sy uraan-235-isotoop [en];
(iii) transuraanelemente [wat verkry is uit bronmateriaal]; of
25 (iv) 'n samestelling van enige van die materiale in subparagrafe (i), (ii) en (iii) bedoel, of van enigiets aldus bedoel en enige ander stof of stowwe.

30 bo sterkte- en massaperke wat in die proklamasie vermeld word, vir die doeleindes van hierdie Wet tot spesiale kernmateriaal verklaar."

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Amendment of
section 5 of
Act 92 of 1982.

2. Section 5 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
“(a) a **[full-time]** chairman appointed by the State President for a period of office not exceeding five years, on the conditions which the Minister, with the concurrence of the Minister of Finance, shall determine, and who may be reappointed;”;
- (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:
“(b) an official in the Department: Mineral and Energy Affairs designated by the Minister;”;
- (c) by the substitution for paragraph (c) of subsection (2) of the following paragraph:
“(c) the Director-General: Foreign Affairs **[and Information];** and”;
- (d) by the deletion of subsection (5).

Amendment of
section 11 of
Act 92 of 1982.

3. Section 11 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The corporation may delegate any power, duty or function which is by any provision of this Act, except any provision contained in Chapter III, entrusted to or imposed on it, to **[the chief executive officer or]** any **[other]** director, any committee, or any officer or employee of the corporation, or to any director, officer or employee of a subsidiary company.”

Amendment of
section 14 of
Act 92 of 1982.

4. Section 14 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The corporation shall invest money not required for immediate use or as a reasonable operating balance, with the **[Public Debt Commissioners] Corporation for Public Deposits**, or shall dispose thereof in such other manner as the Minister, with the concurrence of the Minister of Finance, shall determine.”

Substitution of
section 17 of
Act 92 of 1982.

5. The following section is hereby substituted for section 17 of the principal Act:

“Accounting officer. 17. (a) **[The chief executive]** A director; or
(b) an officer of the corporation, appointed by the board of directors, **[or any officer of the corporation authorized by him,]** shall be the accounting officer charged with the responsibility of accounting for all the money received, and for all payments made, by the corporation.”

Amendment of
section 36 of
Act 92 of 1982.

6. Section 36 of the principal Act is hereby amended by the substitution in subparagraph (iii) of paragraph (b) for the expression “section 36 (4)” of the expression “section 35 (4)”.

Amendment of
section 46 of
Act 92 of 1982.

7. Section 46 of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of subsection (2) for the words following upon subparagraph (iv) of the following words:
“with such equipment, and carry out thereon such **[tests and]** inspections and conduct such investigations, as the inspector may consider necessary or expedient: Provided that before carrying out any such **[test or]** inspection or conducting any such investigation the inspector shall consult with the appropriate persons having duties upon the site or place in question, to determine whether the carrying out of any such **[test]** inspection or the conducting of any such investigation would be likely to be injurious to any person's health, or to cause in-

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2. Artikel 5 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 5 van
Wet 92 van 1982.

(a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

5 “(a) ’n **[voltydse]** voorsitter, wat deur die Staatspresident vir ’n tydperk van hoogstens vyf jaar aangestel word op die voorwaardes wat die Minister, met die instemming van die Minister van Finansies, bepaal, en wat weer aangestel kan word;”;

10 (b) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

“(b) ’n beamppte in die Departement: Mineraal- en Energiesake deur die Minister aangewys;”;

(c) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

15 “(c) die Direkteur-generaal: Buitelandse Sake **[en Inligting]**; en”;

(d) deur subartikel (5) te skrap.

3. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 11 van
Wet 92 van 1982.

20 “(1) Die korporasie kan ’n bevoegdheid, plig of werksaamheid wat by ’n bepaling van hierdie Wet, uitgesonderd ’n bepaling vervat in Hoofstuk III, aan hom verleen of hom opgelê word, aan **[die hoof- uitvoerende amptenaar of]** ’n **[ander]** direkteur, ’n komitee, of ’n beamppte of werknemer van die korporasie, of aan ’n direkteur, beamppte of werknemer van ’n filiaalmaatskappy, delegeer.”.

4. Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van
artikel 14 van
Wet 92 van 1982.

30 “(2) Die korporasie moet geld wat nie vir onmiddellike gebruik of as ’n redelike bedryfsaldo nodig is nie, by die **[Staatsskuld-kommissarisse]** Korporasie vir Openbare Deposito’s belê, of op die ander wyse daarvoor beskik wat die Minister, met die instemming van die Minister van Finansies, bepaal.”.

5. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van
artikel 17 van
Wet 92 van 1982.

35 “Rekenpligtige beamppte. 17. (a) **[Die hoof- uitvoerende]** ’n Direkteur; of

40 (b) ’n beamppte van die korporasie, deur die raad van direkteure aangewys, **[of ’n beamppte van die korporasie deur hom gemagtig,]** is die rekenpligtige beamppte belas met die verantwoording van al die geld ontvang, en al die betalings gedoen, deur die korporasie.”.

6. Artikel 36 van die Hoofwet word hierby gewysig deur in subparagraaf (iii) van paragraaf (b) die uitdrukking “artikel 36 (4)” deur die uitdrukking “artikel 35 (4)” te vervang.

Wysiging van
artikel 36 van
Wet 92 van 1982.

7. Artikel 46 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 46 van
Wet 92 van 1982.

50 (a) deur in paragraaf (a) van subartikel (2) die woorde wat op subparagraaf (iv) volg deur die volgende woorde te vervang:

55 “betree met dié toerusting, en op daardie terrein of plek die **[toetse uitvoer]** inspeksies doen en die ondersoeke instel, wat die inspekteur nodig of dienstig ag: Met dien verstande dat ’n inspekteur, alvorens hy enige sodanige **[toets uitvoer]** inspeksie doen of ondersoek instel, oorleg moet pleeg met gepaste persone wat pligte op dié betrokke terrein of plek moet uitvoer, ten einde te bepaal of die **[uitvoering]** doen van so ’n **[toets]** inspeksie of die
60 instel van so ’n ondersoek vir enigiemand se gesondheid waarskynlik nadelig kan wees, of ’n bese-

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jury to any person or damage to any property: Provided further that in the event of disagreement as to whether the proposed **[test]** inspection or investigation would or would not be likely to have any such effect, the inspector shall refer the matter **[shall be referred]** to the corporation, whose decision thereon shall be final;";

- (b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) require the licensee or applicant in question, or any other person having duties in connection with or on the relevant site or place referred to in paragraph (a), to permit the inspector to take away for **[inspection]** investigation the articles or objects pointed out by the inspector or to inspect the documents specified by the inspector, and to make copies thereof or to take them away for **[inspection]** investigation, or require such applicant, licensee or person, or any other person, to give the inspector information which he may possess and which the corporation requires for the purposes of any provision of this Chapter;"; and

- (c) by the substitution for subsection (4) of the following subsection:

"(4) The Minister may require any applicant for a nuclear licence, or any licensee, or any owner or person in control of any site or place referred to in subsection (2) (a), to pay, within the period specified by the Minister, such fees to the corporation as the Minister may from time to time, with the concurrence of the Minister of Finance, determine, in connection with **[tests and]** inspections **[which are]** carried out and investigations conducted in terms of this section."

Amendment of
section 47 of
Act 92 of 1982.

8. Section 47 of the principal Act is hereby amended by the substitution in subsection (13) for the word "functions" of the word "powers".

Amendment of
section 49 of
Act 92 of 1982.

9. Section 49 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) dispose of **[or use]** any source material;".

40

Short title.

10. This Act shall be called the Nuclear Energy Amendment Act, 1985.

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ring aan enige persoon of skade aan enige eiendom kan veroorsaak: Met dien verstande voorts dat in die geval van 'n meningsverskil oor die vraag of die beoogde **[toets] inspeksie** of ondersoek waarskynlik so 'n uitwerking kan hê, die inspekteur die vraag na die korporasie moet verwys, wie se beslissing daaroor afdoende is;";

(b) deur paragraaf (b) van subartikel (2) van die Engelse teks deur die volgende paragraaf te vervang:

"(b) require the licensee or applicant in question, or any other person having duties in connection with or on the relevant site or place referred to in paragraph (a), to permit the inspector to take away for **[inspection] investigation** the articles or objects pointed out by the inspector or to inspect the documents specified by the inspector, and to make copies thereof or to take them away for **[inspection] investigation**, or require such applicant, licensee or person, or any other person, to give the inspector information which he may possess and which the corporation requires for the purposes of any provision of this Chapter;"; en

(c) deur subartikel (4) deur die volgende subartikel te vervang:

"(4) Die Minister kan vereis dat 'n aansoeker om 'n kernlisensie, of 'n gelisensieerde, of enige eienaar of persoon in beheer van enige terrein of plek bedoel in subartikel (2) (a), die gelde van tyd tot tyd deur die Minister met die instemming van die Minister van Finansies bepaal, in verband met **[toetse uitgevoer] inspeksies gedoen** en ondersoeke ingestel ooreenkomstig hierdie artikel, binne die tydperk bepaal deur die Minister, aan die korporasie betaal."

8. Artikel 47 van die Hoofwet word hierby gewysig deur in die Engelse teks van subartikel (13) die woord "functions" deur die woord "powers" te vervang.

Wysiging van artikel 47 van Wet 92 van 1982.

9. Artikel 49 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) van die Engelse teks deur die volgende paragraaf te vervang:

Wysiging van artikel 49 van Wet 92 van 1982.

"(b) dispose of **[or use]** any source material;".

10. Hierdie Wet heet die Wysigingswet op Kernenergie, 1985. Kort titel.

