



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

Selling price • Verkoopprijs
(GST excluded/AVB uitgesluit)

Local **50c** Plaaslik
Other countries 70c Buitelands
Post free • Posvry

Vol. 267

CAPE TOWN, 25 SEPTEMBER 1987

No. 10943

KAAPSTAD, 25 SEPTEMBER 1987

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2139.

25 September 1987

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

No. 70 of 1987: Coal Amendment Act, 1987.

No. 2139.

25 September 1987

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

No. 70 van 1987: Wysigingswet op Steenkool, 1987.

Act No. 70, 1987

COAL AMENDMENT ACT, 1987

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 Coal Act, 1983, so as to make provision for the payment of levies to the Central Energy Fund and of contributions to the Council for Scientific and Industrial Research; to regulate the utilization of such levies and contributions; and to make provision in connection with the delegation of the powers of the Minister of Mineral and Energy Affairs; to amend the Central Energy Fund Act, 1977, so as to make provision for the investment of certain moneys; to amend the Scientific Research Council Act, 1984, so as to effect certain consequential amendments; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 11 September 1987.)*

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

Amendment of
section 1 of
Act 32 of 1983.

1. Section 1 of the Coal Act, 1983 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of “bunkering” of the following definition:

“‘Central Energy Fund’ means the Central Energy Fund referred to in section 1 (1) of the Central Energy Fund Act, 1977 (Act No. 38 of 1977);”

and

(b) by the substitution for the definition of “council” of the following definition:

“‘council’ means the Council for Scientific and Industrial Research referred to in section 2 of the Scientific Research Council Act, [1962 (Act No. 32 of 1962)] 1984 (Act No. 82 of 1984);”

Substitution of
section 8 of
Act 32 of 1983,
as amended by
section 1 of
Act 14 of 1985.

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

“Levies on coal and contributions by Minister.

8. (1) (a) Not later than 31 March in each year the Minister shall by way of a notice in writing inform each colliery which produced not less than 10 000 metric tons of coal during the preceding calendar year that he, with the concurrence of the Minister of Finance, imposes the levy specified in the notice, which levy shall not be more than three cents per metric ton, on all coal sold or used for any industrial purpose (other than for the production of coal at the colliery in

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 Steenkool, 1983, ten einde voorsiening te maak vir die betaling van heffings aan die Sentrale Energiefonds en van bydraes aan die Wetenskaplike en Nywerheidsnavorsingsraad; die aanwending van sodanige heffings en bydraes te reël; en voorsiening te maak in verband met die delegering van die bevoegdhede van die Minister van Mineraal- en Energiesake; tot wysiging van die Wet op die Sentrale Energiefonds, 1977, ten einde voorsiening te maak vir die belegging van sekere gelde; tot wysiging van die Wet op die Wetenskaplike Navorsingsraad, 1984, ten einde sekere gevolglike wysigings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 September 1987.)*

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

1. Artikel 1 van die Wet op Steenkool, 1983 (hieronder die Hoofwet genoem), word hierby gewysig—
 - 5 (a) deur die omskrywing van "raad" deur die volgende omskrywing te vervang:

"'raad' die Wetenskaplike en Nywerheidsnavorsingsraad bedoel in artikel 2 van die Wet op die Wetenskaplike Navorsingsraad, **[1962 (Wet No. 32 van 1962)]** 1984 (Wet No. 82 van 1984);"; en
 - 10 (b) deur na die omskrywing van "regulasie" die volgende omskrywing in te voeg:

"'Sentrale Energiefonds' die Sentrale Energiefonds bedoel in artikel 1 (1) van die Wet op die Sentrale Energiefonds, 1977 (Wet No. 38 van 1977);".
- 15 2. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

"Heffings op steenkool en bydraes deur Minister.

 - 20 8. (1) (a) Nie later as 31 Maart in elke jaar nie, moet die Minister elke steenkoolmyn wat gedurende die vorige kalenderjaar nie minder nie as 10 000 metrieke ton steenkool voortgebring het, by wyse van 'n skriftelike kennisgewing in kennis stel dat hy, met die instemming van die Minister van Finansies, die heffing in die kennisgewing vermeld, welke heffing nie meer as drie sent per metrieke ton mag wees nie, op alle steenkool oplê wat die betrokke steenkoolmyn gedurende bedoelde kalenderjaar verkoop of vir enige nywerheidsdoel (behalwe vir die produk-
 - 25

Wysiging van artikel 1 van Wet 32 van 1983.

Vervanging van artikel 8 van Wet 32 van 1983, soos gewysig deur artikel 1 van Wet 14 van 1985.

Act No. 70, 1987

COAL AMENDMENT ACT, 1987

- question) by the relevant colliery during such calendar year.
- (b) For the purposes of paragraph (a), a 'notice in writing' includes a notice in the *Gazette*.
- (2) (a) The amount of a levy imposed in terms of subsection (1) shall be paid by the colliery in question to the Central Energy Fund not later than 30 June in the year in which the levy has been imposed. 5
- (b) If a colliery fails to pay such amount on or before the date mentioned in paragraph (a), the colliery shall, in addition to such amount, pay to the Central Energy Fund a penalty equal to five per cent of such amount for each month or part thereof during which the failure continues. 10 15
- (3) (a) The Minister shall, from money appropriated by Parliament for that purpose, contribute an amount at least equal to the total proceeds of the levy imposed in terms of subsection (1).
- (b) Such amount shall, subject to section 9, be paid by the Minister to the council. 20

Substitution of section 9 of Act 32 of 1983, as amended by section 2 of Act 14 of 1985.

3. The following section is hereby substituted for section 9 of the principal Act:

"Utilization of levies and contributions.

9. (1) Moneys acquired from—

- (a) the imposition of a levy in terms of section 8 (1); 25
- (b) the payment of a penalty in terms of section 8 (2) (b); and
- (c) the investment of moneys in terms of section 1 (2) (c) of the Central Energy Fund Act, 1977 (Act No. 38 of 1977), 30
- shall, in accordance with such conditions as the Minister may determine or prescribe, be utilized by persons designated by the Minister for the financing of—
- (i) research, investigations and surveys in connection with coal and its uses; or 35
- (ii) research, investigations and surveys in connection with coal-mining and safety in and at coal-mines.
- (2) In addition to any condition determined or prescribed by the Minister under subsection (1), the Minister may direct in writing any person designated by him under the said subsection— 40
- (a) to keep proper records of moneys received and utilized by him in terms of the said subsection and of the activities or functions performed by him in the utilization of such moneys; 45
- (b) to furnish the Minister within the period specified in the direction with such information as the Minister may require in connection with the utilization of such moneys or such activities or functions; or 50
- (c) to submit to the Minister, not later than the last day of February, or the other date specified in the direction, in the year or years so specified, annual financial statements showing, with full particulars, moneys received and utilized by him in terms of the said subsection during, and the balance at the end of, the preceding calendar year, together with a report on the activities or functions performed by him during such calendar year in the utilization of such moneys. 55 60

WYSIGINGSWET OP STEENKOOI, 1987

Wet No. 70, 1987

sie van steenkool by die betrokke steenkoolmyn) gebruik het.

(b) By die toepassing van paragraaf (a) beteken 'n 'skriftelike kennisgewing' ook 'n kennisgewing in die *Staatskoerant*.

(2) (a) Die bedrag van 'n heffing opgelê ingevolge subartikel (1) moet deur die betrokke steenkoolmyn nie later nie as 30 Junie van die jaar waarin die heffing opgelê is, aan die Sentrale Energiefonds betaal word.

(b) Indien 'n steenkoolmyn versuim om bedoelde bedrag op of voor die datum genoem in paragraaf (a) te betaal, moet die steenkoolmyn, benewens bedoelde bedrag, 'n boete aan die Sentrale Energiefonds betaal wat gelyk is aan vyf persent van bedoelde bedrag vir elke maand of gedeelte daarvan waartydens die versuim voortduur.

(3) (a) Die Minister moet uit geld wat die Parlement vir dié doel bewillig 'n bedrag bydra wat minstens gelyk is aan die totaalopbrengs van die heffing ingevolge subartikel (1) opgelê.

(b) Bedoelde bedrag word, behoudens artikel 9, deur die Minister aan die raad betaal.”

25 3. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

“Aanwending
van heffings
en bydraes.

9. (1) Geld verkry uit—

(a) die oplegging van 'n heffing ingevolge artikel 8 (1);

(b) die betaling van 'n boete ingevolge artikel 8 (2) (b); en

(c) die belegging van gelde ingevolge artikel 1 (2) (c) van die Wet op die Sentrale Energiefonds, 1977 (Wet No. 38 van 1977),

moet ooreenkomstig die voorwaardes wat die Minister bepaal of voorskryf, aangewend word deur persone deur die Minister aangewys ter finansiering van—

(i) navorsing, ondersoeke en opnames in verband met steenkool en die gebruike daarvan; of

(ii) navorsing, ondersoeke en opnames in verband met steenkoolmynbou en veiligheid in en by steenkoolmyne.

(2) Benewens enige voorwaarde deur die Minister kragtens subartikel (1) bepaal of voorgeskryf, kan die Minister 'n persoon deur hom kragtens genoemde subartikel aangewys skriftelik gelas—

(a) om behoorlike aantekeninge te hou van geld deur hom ingevolge genoemde subartikel ontvang en aangewend en van die bedrywighede of werksaamhede deur hom verrig by die aanwending van sodanige geld;

(b) om binne die tydperk in die lasgewing vermeld die inligting wat die Minister in verband met die aanwending van sodanige geld of sodanige bedrywighede of werksaamhede verlang, aan die Minister te verstrek; of

(c) om nie later nie as die laaste dag van Februarie, of die ander datum in die lasgewing vermeld, in die jaar of jare aldus vermeld, aan die Minister finansiële jaarstate voor te lê wat, met volledige besonderhede, geld deur hom ingevolge genoemde subartikel ontvang en aangewend gedurende, en die balans aan die einde van, die voorafgaande kalenderjaar aantoon, tesame met 'n verslag oor die bedrywighede of werksaamhede gedurende bedoelde kalenderjaar deur hom verrig by die aanwending van sodanige geld.

Vervanging van
artikel 9 van
Wet 32 van 1983,
soos gewysig deur
artikel 2 van
Wet 14 van 1985.

Act No. 70, 1987

COAL AMENDMENT ACT, 1987

(3) The records and annual financial statements referred to in subsection (2) shall be audited by the Auditor-General or by such other qualified person as the Minister may appoint: Provided that such records and statements shall always be open to inspection by the Auditor-General, or any person authorized by him. 5

(4) Moneys paid to the council by the Minister in terms of section 8 (3) (b), and all revenue acquired from the investment of such moneys, shall, in accordance with such conditions as the Minister may determine, be utilized for the financing of— 10

- (a) research, investigations and surveys in connection with coal and its uses; or
- (b) research, investigations and surveys in connection with coal-mining and safety in and at coal-mines. 15

(5) The council shall—

- (a) keep separate records of moneys received and utilized by it in terms of this Act and of the activities or functions performed by it in the utilization of such moneys; and 20
- (b) furnish the Minister with such information as he may call for from time to time in connection with the utilization of such moneys or such activities or functions.” 25

Amendment of section 11 of Act 32 of 1983.

4. Section 11 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) Any person **[or body]** designated by the Minister under subsection **[(2)]** (1) of section 9 who fails to comply 30 with or who contravenes any condition contemplated in that subsection determined or prescribed by the Minister, or who fails to comply with any **[provision of]** direction under paragraph (a), (b) or (c) of subsection **[(3)]** (2) of that section, shall be guilty of an offence and liable on conviction to 35 a fine not exceeding R200, and in a case where a person so fails to comply with **[any provision of]** any such condition or **[that paragraph]** direction, also to a penalty not exceeding R100 for every day on which the default continues.”

Amendment of section 12 of Act 32 of 1983.

5. Section 12 of the principal Act is hereby amended by the 40 deletion of paragraph (f).

Insertion of section 13A in Act 32 of 1983.

6. The following section is hereby inserted after section 13 of the principal Act:

“Delegation of powers. **13A.** (1) The Minister may delegate to the Director-General any power conferred upon the Minister by this Act, excluding the power referred to in section 12. 45

(2) Any delegation under subsection (1) shall not prevent the exercise of the relevant power by the Minister himself.” 50

Amendment of section 1 of Act 38 of 1977, as substituted by section 1 of Act 46 of 1985.

7. Section 1 of the Central Energy Fund Act, 1977, is hereby amended—

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

“(b) such moneys as may accrue to the Central Energy Fund by virtue of— 55

(i) section 11 of the Petroleum Products Act, 1977 (Act No. 120 of 1977);

(ii) section 8 (2) of the Coal Act, 1983 (Act No. 32 of 1983); or 60

(iii) any other law; and”;

WYSIGINGSWET OP STEENKOOL, 1987

Wet No. 70, 1987

(3) Die aantekeninge en finansiële jaarstate in sub-artikel (2) bedoel, word geouditeer deur die Ouditeur-generaal of deur die ander bevoegde persoon wat die Minister aanstel: Met dien verstande dat sodanige aantekeninge en state altyd vir inspeksie deur die Ouditeur-generaal, of iemand deur hom gemagtig, beskikbaar moet wees.

(4) Geld wat die Minister ingevolge artikel 8 (3) (b) aan die raad betaal, en alle inkomste verkry uit die belegging van sodanige geld, moet ooreenkomstig die voorwaardes wat die Minister bepaal, aangewend word ter finansiering van—

(a) navorsing, ondersoeke en opnames in verband met steenkool en die gebruike daarvan; of

(b) navorsing, ondersoeke en opnames in verband met steenkoolmynbou en veiligheid in en by steenkoolmyne.

(5) Die raad moet—

(a) afsonderlike aantekeninge hou van geld deur hom ingevolge hierdie Wet ontvang en aangewend en van die bedrywighede of werksaamhede deur hom verrig by die aanwending van sodanige geld; en

(b) aan die Minister die inligting verstrek wat hy van tyd tot tyd mag vra in verband met die aanwending van sodanige geld of sodanige bedrywighede of werksaamhede.”

4. Artikel 11 van die Hoofwet word hierby gewysig deur sub-artikel (5) deur die volgende subartikel te vervang:

Wysiging van
artikel 11 van
Wet 32 van 1983.

“(5) ’n Persoon **[of liggaam]** wat kragtens subartikel **[(2)]** (1) van artikel 9 deur die Minister aangewys is en wat versuim om te voldoen aan enige voorwaarde in daardie subartikel beoog wat deur die Minister bepaal of voorgeskryf is of so ’n voorwaarde oortree, of wat versuim om aan ’n **[bepaling van]** lasgewing kragtens paragraaf (a), (b) of (c) van subartikel **[(3)]** (2) van daardie artikel te voldoen, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens R200, en in die geval waar ’n persoon aldus versuim het om aan **[’n bepaling van]** so ’n voorwaarde of **[daardie paragraaf]** lasgewing te voldoen, ook met ’n boete van hoogstens R100 vir elke dag waarop daardie versuim voortduur.”

5. Artikel 12 van die Hoofwet word hierby gewysig deur paragraaf (f) te skrap.

Wysiging van
artikel 12 van
Wet 32 van 1983.

6. Die volgende artikel word hierby na artikel 13 van die Hoofwet ingevoeg:

Invoeging van
artikel 13A in
Wet 32 van 1983.

“Delegering
van bevoegd-
hede.

13A. (1) Die Minister kan aan die Direkteur-generaal ’n bevoegdheid by hierdie Wet aan die Minister verleen, uitgesonderd die bevoegdheid in artikel 12 bedoel, delegeer.

(2) ’n Delegering kragtens subartikel (1) belet nie die uitoefening van die betrokke bevoegdheid deur die Minister self nie.”

7. Artikel 1 van die Wet op die Sentrale Energiefonds, 1977, word hierby gewysig—

Wysiging van
artikel 1 van
Wet 38 van 1977,
soos vervang deur
artikel 1 van
Wet 46 van 1985.

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

“(b) dié gelde wat die Sentrale Energiefonds toeval uit hoofde van—

(i) artikel 11 van die Wet op Petroleumprodukte, 1977 (Wet No. 120 van 1977);

(ii) artikel 8 (2) van die Wet op Steenkool, 1983 (Wet No. 32 van 1983); of

(iii) ’n ander wetsbepaling **[toeval]**; en”;

Act No. 70, 1987

COAL AMENDMENT ACT, 1987

- (b) by the substitution in paragraph (a) of subsection (2) for the words preceding subparagraph (i) of the following words:

“Moneys paid under subsection (1) into the said Central Energy Fund, excluding moneys referred to in subsection (1) (b) (ii), shall be utilized in accordance with directions of the Minister of Mineral and Energy Affairs for the financing or promotion of—”; and

- (c) by the addition to subsection (2) of the following paragraph:

“(c) Moneys referred to in subsection (1) (b) (ii) which in the opinion of the Minister of Mineral and Energy Affairs are not immediately required for a purpose mentioned in section 9 (1) of the Coal Act, 1983, shall be invested in such manner as the said Minister with the concurrence of the Minister of Finance may determine.”.

Amendment of
section 17 of
Act 82 of 1984.

8. Section 17 of the Scientific Research Council Act, 1984, is hereby amended—

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

“(c) money paid to the council in terms of section [9 (1)] 8 (3) (b) of the Coal Act, 1983 (Act No. 32 of 1983);”; and

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

“(a) Subject to the provisions of subsection (5) and of section 9 [(1)] of the Coal Act, 1983, the council shall utilize its funds for defraying expenses in connection with the exercise of its powers or the performance of its functions, and for the purchase of shares allotted to it in terms of section 10 of the Inventions Development Act, 1962.”.

Short title and
commencement.

9. This Act shall be called the Coal Amendment Act, 1987, and shall come into operation on a date fixed by the State President by proclamation in the *Government Gazette*.

WYSIGINGSWET OP STEENKOOL, 1987

Wet No. 70, 1987

- (b) deur in paragraaf (a) van subartikel (2) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:
- 5 “Gelde wat kragtens subartikel (1) in genoemde Sentrale Energiefonds gestort word, uitgesonderd gelde in subartikel (1) (b) (ii) bedoel, moet ooreenkomstig voorskrifte van die Minister van Mineraal- en Energiesake aangewend word ter finansiering of bevordering van—”; en
- 10 (c) deur die volgende paragraaf by subartikel (2) te voeg:
- “(c) Gelde in subartikel (1) (b) (ii) bedoel wat na die oordeel van die Minister van Mineraal- en Energiesake nie onmiddellik nodig is vir ’n doel in artikel 9 (1) van die Wet op Steenkool, 1983, genoem nie, word belê op die wyse wat genoemde Minister met die instemming van die Minister van Finansies bepaal.”.
- 15

8. Artikel 17 van die Wet op die Wetenskaplike Navorsingsraad, 1984, word hierby gewysig—

Wysiging van
artikel 17 van
Wet 82 van 1984.

- 20 (a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:
- “(c) geld wat ingevolge artikel **[9 (1)] 8 (3) (b)** van die Wet op Steenkool, 1983 (Wet No. 32 van 1983), aan die raad betaal word;”; en
- 25 (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
- “(a) Behoudens die bepalings van subartikel (5) en van artikel 9 **[(1)]** van die Wet op Steenkool, 1983, moet die raad sy fondse aanwend om uitgawes in verband met die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede te bestry, en vir die aankoop van aandele wat aan hom toegeken word ingevolge artikel 10 van die Wet op die Ontwikkeling van Uitvindings, 1962.”.
- 30

- 35 9. Hierdie Wet heet die Wysigingswet op Steenkool, 1987, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en
inwerkingtreding.

