



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1176.

17 Junie 1988

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

No. 56 van 1988: Wysigingswet op Kernenergie, 1988.

No. 1176.

17 June 1988

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

No. 56 of 1988: Nuclear Energy Amendment Act, 1988.

Wet No. 56, 1988

WYSIGINGSWET OP KERNENERGIE, 1988

**ALGEMENE VERDUIDELIKENDE NOTA:**

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

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

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# WET

Tot wysiging van die Wet op Kernenergie, 1982, ten einde voorsiening te maak vir die instelling van 'n regs persoon, bekend as die Raad vir Kernveiligheid; verdere voorsiening te maak met betrekking tot die vrywaring van die publiek teen kernskade; en ontoepaslike en uitgediende uitdrukkings te verander; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 1 Junie 1988.)*

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

Wysiging van artikel 1 van Wet 92 van 1982, soos gewysig deur artikel 1 van Wet 21 van 1985 en artikel 1 van Wet 43 van 1987

1. Artikel 1 van die Wet op Kernenergie, 1982 (hieronder die Hoofwet genoem), 5 word hierby gewysig—

- (a) deur in subartikel (1) die omskrywing van “inspekteur” deur die volgende omskrywing te vervang:  
“inspekteur” ’n inspekteur van die **[korporasie]** Raad vir Kernveiligheid 10  
bedoel in artikel 46;”;
- (b) deur in subartikel (1) die omskrywing van “kernlisensie” deur die volgende omskrywing te vervang:  
“kernlisensie” ’n kernlisensie bedoel in artikel 30 (1) (a) **[31 (1)]** of 32 (1);”;
- (c) deur in subartikel (1) die omskrywing van “Raad vir Kernveiligheid” deur 15 die volgende omskrywing te vervang:  
“Raad vir Kernveiligheid” die Raad vir Kernveiligheid by artikel 24 **[(1)]** ingestel;”;
- (d) deur in subartikel (1) na die omskrywing van “terrein” die volgende 20 omskrywing in te voeg:  
“uitvoerende beampte” die uitvoerende beampte van die Raad vir Kernveiligheid ingevolge artikel 24K (1) aangestel;” en
- (e) deur in subartikel (1) die omskrywing van “verantwoordelikheidstydperk” deur die volgende omskrywing te vervang:  
“verantwoordelikheidstydperk”, met betrekking tot ’n gelisensieerde aan 25 wie ’n kernlisensie bedoel in artikel 30 (1) (a) **[of artikel 31 (1)]** verleen is, die tydperk vanaf die datum waarop die betrokke kernlisensie verleen is tot op die vroegste van die volgende datums, naamlik—
  - (a) die datum waarop die **[korporasie]** Raad vir Kernveiligheid die gelisensieerde skriftelik kennis gee dat daar, na sy oordeel, nie meer 30 enige gevaar van kernskade verbonde is nie aan enigiets op die betrokke terrein, of by of in die betrokke kerninstallasie, of kan

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## 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 provide for the establishment of a juristic person, to be known as the Council for Nuclear Safety; to make further provision with regard to the safeguarding of the public against nuclear damage; and to alter inapplicable and obsolete expressions; and to provide for matters in connection therewith.

*(English text signed by the State President.)*  
*(Assented to 1 June 1988.)*

**B**E 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, as amended by section 1 of Act 21 of 1985 and section 1 of Act 43 of 1987**

- 5    **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 “Council for Nuclear Safety” of the following definition:
- 10        “‘Council for Nuclear Safety’ means the Council for Nuclear Safety established by section 24 **[1]**”;;
- (b) by the insertion in subsection (1), after the definition of “director”, of the following definition:
- “‘executive officer’ means the executive officer of the Council for Nuclear Safety appointed in terms of section 24K (1);”;
- 15    (c) by the substitution in subsection (1) for the definition of “inspector” of the following definition:
- “‘inspector’ means an inspector of the **[corporation]** Council for Nuclear Safety referred to in section 46;”;
- 20    (d) by the substitution in subsection (1) for the definition of “nuclear licence” of the following definition:
- “‘nuclear licence’ means a licence referred to in section 30 (1) (a) **[31 (1)]** or 32 (1);”;
- (e) by the substitution in subsection (1) for the definition of “period of responsibility” of the following definition:
- 25        “‘period of responsibility’, in relation to a licensee to whom a nuclear licence referred to in section 30 (1) (a) **[or section 31 (1)]** has been granted, means the period beginning on the date of the grant of the relevant licence and ending on whichever of the following dates is the earlier, namely—
- 30        (a) the date on which the **[corporation]** Council for Nuclear Safety gives notice in writing to the licensee that in its opinion there has ceased to be any risk of nuclear damage from anything on the site, or at or in the nuclear installation, in question, or from any activity referred to in

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voortvloei nie uit enige bedrywigheid bedoel in artikel 30 (1) wat verrig is met betrekking tot die betrokke kerngevaarlike materiaal, of uit enige handeling **[bedoel in artikel 31 (1)]** wat uitgevoer is met betrekking tot die betrokke kerninstallasie of terrein, na gelang van die geval; of

- (b) die datum waarop 'n kernlisensie ten opsigte van die betrokke kerninstallasie, kerngevaarlike materiaal of terrein aan iemand anders verleen word;”.

**Vervanging van artikel 3 van Wet 92 van 1982, soos vervang deur artikel 2 van Wet 43 van 1987**

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

**“Oogmerke van korporasie**

3. Die oogmerke van die korporasie is om navorsing op die gebied van kern- of atoomenergie en die voortbrenging van kern- of atoomenergie te onderneem, om kerntegnologie en verwante kundigheid te ontwikkel, te bevorder en beskikbaar te stel, om bronmateriaal en spesiale kernmateriaal te verryk, om bronmateriaal, spesiale kernmateriaal en beperkte materiaal te verwerk, om bronmateriaal en spesiale kernmateriaal te herverwerk en om beheer uit te oefen oor sekere kernbedrywighede in die Republiek **[met inbegrip van die lisensiering daarvan]**.”.

**Wysiging van artikel 5 van Wet 92 van 1982, soos gewysig deur artikel 2 van Wet 21 van 1985 en artikel 3 van Wet 43 van 1987**

3. Artikel 5 van die Hoofwet word hierby gewysig deur paragraaf (d) (ii) van subartikel (2) deur die volgende paragraaf te vervang:

- “(ii) een aangestel word om **[die Elektrisiteitsvoorsieningskommissie]** Eskom bedoel in artikel 2 van die **[Elektrisiteitswet, 1958 (Wet No. 40 van 1958)]** Eskomwet, 1987 (Wet No. 40 van 1987), te verteenwoordig.”.

**Wysiging van artikel 11 van Wet 92 van 1982, soos gewysig deur artikel 3 van Wet 21 van 1985 en artikel 5 van Wet 43 van 1987**

4. Artikel 11 van die Hoofwet word hierby gewysig—

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

“(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 beampte of 'n ander direkteur, 'n komitee, of 'n beampte of werknemer van die korporasie, of aan 'n direkteur, beampte of werknemer van 'n filiaal-maatskappy, delegeer.”;

- (b) deur subartikels (4) en (5) deur onderskeidelik die volgende subartikels te vervang:

“(4) Die korporasie is nie ontdoen van 'n bevoegdheid, werksaamheid of plig deur hom, of kragtens sy magtiging, gedelegeer nie, en hy kan, behoudens die bepalings van subartikel (7), 'n beslissing in die uitoefening van sodanige gedelegeerde bevoegdheid gegee, met inbegrip van 'n beslissing waardeur 'n beslissing gewysig of ingetrek word soos in subartikel (5) beoog, wysig of intrek.

(5) 'n Persoon of komitee in subartikel (2) bedoel, is nie ontdoen van 'n bevoegdheid, werksaamheid of plig deur hom gedelegeer nie, en kan, behoudens die bepalings van subartikel (7), 'n beslissing in die uitoefening van sodanige gedelegeerde bevoegdheid gegee, wysig of intrek.”; en

- (c) deur die volgende subartikel by te voeg:

“(7) 'n Besluit geneem in die uitoefening of verrigting van 'n bevoegdheid, werksaamheid of plig wat kragtens subartikel (1) of (2) gedelegeer is en waardeur 'n reg aan 'n persoon verleen is, word nie tersyde gestel of gewysig nie.”.

**Wysiging van artikel 14 van Wet 92 van 1982, soos gewysig deur artikel 4 van Wet 21 van 1985**

5. Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

- “(5) Die korporasie moet so spoedig doenlik na voltooiing van elke oudit aan die Minister die ouditeursverslag verstrek wat die voorgeskrewe besonderhede

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- section 30 (1) carried out in regard to the nuclear-hazard material, or from any act [referred to in section 31 (1)] performed in regard to the nuclear installation or site, in question, as the case may be; or
- 5 (b) the date on which a nuclear licence in respect of the nuclear installation, nuclear-hazard material or site in question is granted to some other person;”.

**Substitution of section 3 of Act 92 of 1982, as substituted by section 2 of Act 43 of 1987**

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

**“Objects of corporation**

- 10 3. The objects of the corporation are to undertake research in the field of nuclear or atomic energy and the production of nuclear or atomic energy, to develop, promote and make available nuclear technology and related expertise, to enrich source material and special nuclear material, to process source material, special nuclear material and restricted
- 15 material, to re-process source material and special nuclear material, and to exercise control over certain nuclear activities in the Republic [including the licensing thereof].”.

**Amendment of section 5 of Act 92 of 1982, as amended by section 2 of Act 21 of 1985 and section 3 of Act 43 of 1987**

- 20 3. Section 5 of the principal Act is hereby amended by the substitution for paragraph (d) (ii) of subsection (2) of the following paragraph:

“(ii) one shall be appointed to represent [the Electricity Supply Commission] Eskom referred to in section 2 of the [Electricity Act, 1958 (Act No. 40 of 1958)] Eskom Act, 1987 (Act No. 40 of 1987).”.

**25 Amendment of section 11 of Act 92 of 1982, as amended by section 3 of Act 21 of 1985 and section 5 of Act 43 of 1987**

4. Section 11 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
- 30 “(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.”;
- (b) by the substitution for subsections (4) and (5) of the following subsections,
- 35 respectively:
- “(4) The corporation shall not be divested of a power, duty or function delegated by it, or by virtue of its authority, and it may, subject to the provisions of subsection (7), amend or withdraw any decision made in the exercise of such delegated power, including a decision amending or withdrawing a decision as contemplated in subsection (5).
- 40 (5) A person or committee referred to in subsection (2) shall not be divested of a power, duty or function delegated by him or it, and may, subject to the provisions of subsection (7), amend or withdraw any decision made in the exercise of such delegated power.”; and
- 45 (c) by the addition of the following subsection:
- “(7) A decision made in the exercise or performance of any power, function or duty delegated under subsection (1) or (2) and by which a right has been conferred upon any person shall not be set aside or varied.”.

**Amendment of section 14 of Act 92 of 1982, as amended by section 4 of Act 21 of 1985**

- 50 5. Section 14 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) As soon as practicable after the completion of every audit the corporation shall furnish the Minister with the report of the auditor containing such

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bevat, tesame met 'n verslag oor die bedrywighede van die korporasie wat die voorgeskrewe besonderhede bevat, en die Minister lê elke verslag en die rekeningstate wat bedoelde verslag vergesel, in die **[Volksraad] Parlement** ter Tafel binne 'n maand nadat hy dit ontvang het indien die **[Volksraad] Parlement** in gewone sessie is, of, indien die **[Volksraad] Parlement** nie in gewone sessie is nie, binne 'n maand na die aanvang van die eersvolgende gewone sessie, tensy die openbaarmaking van bedoelde verslag, na die oordeel van die Minister, die veiligheid van die Staat aan gevaar kan blootstel, of strydig met die openbare belang kan wees.”.

## Herroeping van artikel 20 van Wet 92 van 1982

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6. Artikel 20 van die Hoofwet word hierby herroep.

## Vervanging van artikel 21 van Wet 92 van 1982

7. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

“Voortbrenging van kern- of atoomenergie om elektrisiteit op te wek

21. (1) Wanneer die **[korporasie] Raad vir Kernveiligheid** 'n aansoek om 'n kernlisensie bedoel in artikel 30 (1) (a) ontvang om kern- of atoomenergie voort te bring met die uitsluitlike doel om elektrisiteit op te wek in 'n gebied waarin **[die Elektrisiteitsvoorsieningskommissie] Eskom** bedoel in artikel 2 van die **[Elektrisiteitswet, 1958 (Wet No. 40 van 1958)] Eskomwet, 1987 (Wet No. 40 van 1987) [(in hierdie Hoofstuk die 20 Kommissie genoem)]**, ingevolge daardie Wet of 'n ander wet, die opwekking en voorsiening van elektrisiteit kan onderneem, moet die **[korporasie die Kommissie] Raad vir Kernveiligheid Eskom** raadpleeg en mag hy nie sodanige kernlisensie verleen nie indien **[die Kommissie] Eskom** die **[korporasie] Raad vir Kernveiligheid** binne ses maande nadat hy deur die **[korporasie] Raad vir Kernveiligheid** geraadpleeg is, in kennis stel dat hy die opwekking en voorsiening van elektrisiteit deur middel van kern- of atoomenergie in die voorsieningsgebied deur die aansoeker beoog, wil onderneem.

(2) Indien **[die Kommissie] Eskom** die **[korporasie] Raad vir Kernveiligheid** ooreenkomstig die bepaling van subartikel (1) in kennis stel, moet hy by die **[korporasie] Raad vir Kernveiligheid** aansoek doen om 'n kernlisensie bedoel in artikel 30 (1) (a), en moet hy na die verlening aan hom van so 'n lisensie, en behoudens die bepaling van die voorwaardes (indien daar is) wat ten opsigte van dié lisensie kragtens hierdie Wet opgelê of voorgeskryf is, in samewerking met die **[korporasie] Raad vir Kernveiligheid** en binne die tydperk waarop daar met die **[korporasie] Raad vir Kernveiligheid** ooreengekom is, die oprigting van die nodige uitrusting onderneem, waarna **[die Kommissie] Eskom** daardie uitrusting ooreenkomstig die bepaling van die **[Elektrisiteitswet, 1958] Eskomwet, 40 1987**, moet bestuur.”.

## Vervanging van artikel 22 van Wet 92 van 1982

8. Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:

“Oorname van sekere ondernemings

22. (1) **[Die Kommissie] Eskom** kan, te eniger tyd nadat die **[Korporasie] Raad vir Kernveiligheid** aan 'n ondernemer 'n kernlisensie verleen het om kern- of atoomenergie voort te bring met die uitsluitlike doel om elektrisiteit in 'n in artikel 21 (1) bedoelde gebied op te wek, of te eniger tyd nadat daardie ondernemer werke vir daardie doel opgerig het of begin oprig het, en na skriftelike kennisgewing van twee jaar aan daardie ondernemer, die oprigting van sodanige werke of bykomende werke of die bestuur van die onderneming oorneem, behoudens betaling deur **[die Kommissie] Eskom** aan die ondernemer van die waarde van die werke, masjinerie, bybehorende stowwe en uitrusting wat aan die ondernemer behoort of deur hom ten opsigte van genoemde onderneming gebruik is.

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particulars as may be prescribed, together with a report on the activities of the corporation containing the particulars so prescribed, and the Minister shall lay each report, and any statements of account accompanying such report, on the Table in **[the House of Assembly] Parliament** within one month after receipt thereof by him, if **[the House of Assembly] Parliament** is in ordinary session, or, if **[the House of Assembly] Parliament** is not in ordinary session, within one month after the commencement of the next ordinary session, unless disclosure of any such report may, in the opinion of the Minister, jeopardize the security of the State, or be contrary to the public interest.”.

## 10 Repeal of section 20 of Act 92 of 1982

6. Section 20 of the principal Act is hereby repealed.

## Substitution of section 21 of Act 92 of 1982

7. The following section is hereby substituted for section 21 of the principal Act:

**“Production of nuclear or atomic energy for generating electricity**

15        21. (1) Whenever the **[corporation] Council for Nuclear Safety** receives an application for a nuclear licence referred to in section 30 (1) (a) to produce nuclear or atomic energy for the exclusive purpose of generating electricity in an area in which **[the Electricity Supply Commission] Eskom** referred to in section 2 of the **[Electricity Act, 1958 (Act No. 40 of 1958)] Eskom Act, 1987 (Act No. 40 of 1987) [(in this Chapter referred to as the Commission)]**, may under that Act or any other law undertake the generation and supply of electricity, the **[corporation] Council for Nuclear Safety** shall consult **[the Commission] Eskom** and it shall not grant such nuclear licence if **[the Commission] Eskom** notifies the **[corporation] Council for Nuclear Safety** within six months after it has been consulted by the **[corporation] Council for Nuclear Safety** that it desires to undertake the generation and supply of electricity by means of nuclear or atomic energy in the area of supply contemplated by the applicant.

20        (2) If **[the Commission] Eskom** notifies the **[corporation] Council for Nuclear Safety** in accordance with the provisions of subsection (1), it shall apply to the **[corporation] Council for Nuclear Safety** for a nuclear licence referred to in section 30 (1) (a), and it shall after the granting to it of such licence, but subject to the provisions of conditions (if any) imposed or prescribed under this Act in respect of such licence, in collaboration with the **[corporation] Council for Nuclear Safety** and within a period agreed upon with the **[corporation] Council for Nuclear Safety**, undertake the construction of the necessary plant, and **[the Commission] Eskom** shall thereafter operate such plant in accordance with the provisions of the **[Electricity Act, 1958 (Act No. 40 of 1958)] Eskom Act, 1987.”.**

## Substitution of section 22 of Act 92 of 1982

8. The following section is hereby substituted for section 22 of the principal Act:

**“Taking over of certain undertakings**

45        22. (1) **[The Commission] Eskom** may, at any time after the **[corporation] Council for Nuclear Safety** has granted a nuclear licence to any undertaker to produce nuclear or atomic energy for the exclusive purpose of generating electricity in an area referred to in section 21 (1), or at any time after such undertaker has constructed or commenced to construct any works for that purpose, and after two years' written notice to such undertaker, take over the construction of such works or any additional works or the operation of the undertaking, subject to the payment by **[the Commission] Eskom** to the undertaker of the value of the works, machinery, materials and plant belonging to or used by the undertaker in respect of the said undertaking.

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(2) Vir die doeleindes van sodanige betaling en die oorneem van genoemde onderneming is die bepalings van **[artikels 34 en 37 van die Elektrisiteitswet, 1958 (Wet No. 40 van 1958)]** artikel 14 van die Eskomwet, 1987 (Wet No. 40 van 1987), *mutatis mutandis* van toepassing.”.

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#### Vervanging van artikel 23 van Wet 92 van 1982

9. Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Toepaslikheid van Elektrisiteitswet, 1987, ten opsigte van verspreiding van elektrisiteit**

23. Die verspreiding van elektrisiteit wat deur middel van kern- of atoomenergie opgewek is deur enigiemand, is onderworpe aan die bepalings van die Elektrisiteitswet, **[1958 (Wet No. 40 van 1958)]** 1987 (Wet No. 41 van 1987).”.

#### Vervanging van artikel 24 van Wet 92 van 1982, soos gewysig deur artikel 7 van Wet 43 van 1987

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10. Artikel 24 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Instelling van Raad vir Kernveiligheid**

**“24. Daar word hierby ’n regspersoon bekend as die Raad vir Kernveiligheid (hieronder in hierdie Hoofstuk die raad genoem) ingestel.”.**

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#### Vervanging van artikels 25 tot 29 van Wet 92 van 1982

11. Artikels 25 tot 29 van die Hoofwet word hierby deur die volgende artikels vervang:

**“Oogmerke van raad**

24A. Die oogmerke van die raad is om, met die oog op die vrywaring van die publiek teen kernskade, deur die uitreiking van kernlisensies of die uitoefening van die diskresie in artikel 30 (1) (b) beoog, die oprigting of gebruik van ’n kerninstallasie, die gebruik van ’n terrein vir die doeleindes van ’n kerninstallasie, of die gebruik, besit, produksie, opberging, verwerking, herverwerking, vervoer of wegruiming van kerngevaarlike materiaal, of enige ander bedrywigheid waarby kerngevaarlike materiaal betrokke is en wat kernskade kan veroorsaak, te reël en beheer daarvoor uit te oefen, en om die ander werksaamhede te verrig wat by of kragtens hierdie Wet aan hom opgedra word.

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**Werksaamhede van raad**

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24B. Die raad kan, behoudens die bepalings van hierdie Wet, en benewens die ander bevoegdhede aan hom verleen of werksaamhede aan hom toevertrou kragtens hierdie Wet, ten einde sy oogmerke te bereik—

- (a) roerende of onroerende goed huur, koop of andersins verkry en goed wat aldus verkry is, verhuur, verkoop of andersins daarvoor beskik: Met dien verstande dat onroerende goed nie sonder die voorafgaande goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, gekoop of andersins verkry, of verkoop, beswaar of andersins oor beskik word nie;
- (b) geriewe vir die insameling en verspreiding van wetenskaplike en tegniese inligting oor enige aangeleentheid betreffende kern- of atoomenergie wat binne die bestek van die raad se oogmerke val, tot stand bring en beheer;
- (c) met opvoedkundige, wetenskaplike of ander liggame of instellings saamwerk ten opsigte van die verskaffing van onderrig aan, of die opleiding van, persone wat die raad nodig het, en op die voorwaardes wat die raad bepaal, en, indien die Minister dit nodig ag, met sy goedkeuring, geldelike of ander hulp verleen in verband met

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(2) For the purposes of such payment and the taking over of the said undertaking, the provisions of **[sections 34 and 37 of the Electricity Act, 1958 (Act No. 40 of 1958)]** section 14 of the Electricity Act, 1987 (Act No. 41 of 1987), shall *mutatis mutandis* apply.”.

**5 Substitution of section 23 of Act 92 of 1982**

9. The following section is hereby substituted for section 23 of the principal Act:

**“Applicability of Electricity Act, 1987, in respect of distribution of electricity**

10       **23.** The distribution of electricity produced by means of nuclear or atomic energy by any person shall be subject to the provisions of the Electricity Act, **[1958 (Act No. 40 of 1958)]** 1987 (Act No. 41 of 1987).”.

**Substitution of section 24 of Act 92 of 1982, as amended by section 7 of Act 43 of 1987**

10. The following section is hereby substituted for section 24 of the principal Act:

**“Establishment of Council for Nuclear Safety**

15       **24.** There is hereby established a juristic person known as the Council for Nuclear Safety (hereinafter in this Chapter referred to as the council).”.

**Substitution of sections 25 to 29 of Act 92 of 1982**

11. The following sections are hereby substituted for sections 25 to 29 of the principal Act:

**“Objects of council**

25       **24A.** The objects of the council are, with a view to the safeguarding of the public against nuclear damage, to regulate and exercise control, through the issue of nuclear licences or the exercise of the discretion contemplated in section 30 (1) (b), over the construction or use of a nuclear installation, the use of any site for the purposes of a nuclear installation, or the use, possession, production, storage, processing, re-processing, conveyance or disposal of nuclear-hazard material, or the carrying out of any other activity involving nuclear-hazard material and which is capable of causing nuclear damage, and to perform such other functions as may be assigned to it by or under this Act.

**Functions of council**

35       **24B.** The council may, subject to the provisions of this Act, and in addition to the other powers granted and functions entrusted to it under this Act, for the purpose of achieving its objects—

- 40       (a) hire, purchase or otherwise acquire or alienate movable or immovable property and may rent, sell or otherwise dispose of property so acquired: Provided that immovable property shall not be purchased or otherwise acquired, or sold, burdened or otherwise disposed of, without the prior approval of the Minister, granted with the concurrence of the Minister of Finance;
- 45       (b) establish and control facilities for the collection and dissemination of scientific and technical information relating to any matter regarding nuclear and atomic energy falling within the purview of the council's objects;
- 50       (c) collaborate with any educational, scientific or other bodies or institutions in respect of the provision of instruction for, or the training of, persons required by the council, and to provide, on such conditions as the council may deem fit, and, if the Minister deems it necessary, with his approval, financial or other assistance in connec-

die opleiding van sodanige persone vir sover dit na die oordeel van die raad nodig is ten einde te verseker dat 'n voldoende aantal opgeleide persone beskikbaar sal wees om die raad in staat te stel om sy werksaamhede te verrig;

(d) homself verseker teen enige verlies, skade, risiko of aanspreeklikheid wat hy mag ly of oploop;

(e) die Minister adviseer oor aangeleenthede wat verband hou met enige bedrywigheid of toestand wat kernskade kan veroorsaak of wat die Minister na die raad verwys, of waaromtrent die raad dit nodig ag om die Minister te adviseer,

en die raad het in die algemeen die bevoegdheid om, in die Republiek of elders, kontrakte te sluit, ooreenkomste aan te gaan, en enige handeling te verrig, waardeur uitvoering aan die oogmerke van die raad ingevolge hierdie Wet gegee word, of wat daarop bereken is om regstreeks of onregstreeks die waarde van die dienste te verhoog wat die raad ten opsigte van sy werksaamhede kan lewer, of wat die Minister van tyd tot tyd bepaal.

#### Samestelling van raad

**24C.** (1) Die raad bestaan uit hoogstens veertien lede deur die Minister aangestel, wat nie gelisensieerdes of werknemers van gelisensieerdes mag wees nie, en van wie minstens vier lede beamptes van Staatsdepartemente moet wees wat na die oordeel van die Minister oor kennis van fisiese beplannings- en ontwikkelingsaangeleenthede, omgewingsgesondheidsaangeleenthede, vervoeraangeleenthede en omgewingsbewaringsaangeleenthede beskik.

(2) Die Minister kan, indien hy dit nodig of wenslik ag, met inagneming van die toepaslike bepalings van subartikel (1), vir enige lid van die raad 'n plaasvervangende lid aanstel.

(3) 'n Lid of 'n plaasvervangende lid van die raad beklee sy amp vir 'n tydperk wat deur die Minister bepaal word, maar hoogstens drie jaar: Met dien verstande dat hy aan die einde van die tydperk heraangestel kan word: Met dien verstande voorts dat die Minister, indien daar na sy oordeel gegronde rede daarvoor bestaan, sy ampstermyn te eniger tyd kan beëindig.

(4) By die bedanking, ampsbeëindiging of afsterwe van 'n lid of 'n plaasvervangende lid van die raad, kan die Minister 'n ander persoon vir die onverstreke deel van so 'n lid of plaasvervangende lid se ampstermyn in sy plek aanstel.

#### Voorsitter en vise-voorsitter van raad

**24D.** (1) Die Minister moet uit die lede van die raad wat nie beamptes of werknemers van die Staat is nie, 'n voorsitter en vise-voorsitter van die raad aanstel.

(2) Die voorsitter van die raad is met al die bevoegdhede en pligte beklee wat kragtens hierdie Wet aan hom verleen of opgelê word en kan, sonder om die raad te raadpleeg, die Minister adviseer oor enige aangeleentheid wat kragtens hierdie Wet aan die raad toevertrou is, of enige ander aangeleentheid in verband met die werksaamhede van die raad wat die voorsitter nodig ag.

(3) Die voorsitter, of in sy afwesigheid, die vise-voorsitter, sit voor op 'n vergadering van die raad, en indien sowel die voorsitter as die vise-voorsitter van enige vergadering van die raad afwesig is, kies die aanwesige lede 'n lid uit hul midde om op sodanige vergadering voor te sit.

(4) By die toepassing van subartikel (3) beteken "lid" ook 'n plaasvervangende lid wat by die betrokke vergadering van die raad aanwesig is tydens die afwesigheid, of vakature in die amp, van die lid in wie se plek hy as plaasvervangende lid aangestel is.

#### Koöptering van persone

**24E.** Die raad kan enige persoon koöpteer om hom by die verrigting van sy werksaamhede ingevolge hierdie Wet behulpsaam te wees: Met dien verstande dat so 'n persoon oor geen aangeleentheid mag stem wat voor die raad dien nie.

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tion with the training of such persons in so far as in the opinion of the council it may be necessary in order to ensure that a sufficient number of trained persons will be available to enable the council to perform its functions;

- 5 (d) insure itself against any loss, damage, risk or liability which it may suffer or incur;
- (e) advise the Minister on matters associated with the carrying on of any activity or condition which is capable of causing nuclear damage or which he may refer to the council, or regarding which the council
- 10 may deem it necessary to advise the Minister,
- and the council may, generally, enter into any contract, conclude any agreement, or perform any act, whether in the Republic or elsewhere, whereby the objects of the council under this Act are carried into effect, or which is calculated, directly or indirectly, to enhance the value of the
- 15 services which the council may render towards the achievement of its objects, or which the Minister may from time to time determine.

**Composition of council**

20 24C. (1) The council shall consist of not more than fourteen members appointed by the Minister, who shall not be licensees or employees of licensees, and of whom at least four members shall be officers of departments of State who in the opinion of the Minister have knowledge of physical planning and development matters, environmental health matters, transport matters and environmental conservation matters.

25 (2) The Minister may, whenever he deems it necessary or expedient, with due regard to the applicable provisions of subsection (1), appoint an alternate member for any member of the council.

(3) A member or alternate member of the council shall hold office for a period determined by the Minister, which shall not exceed three years: Provided that he may be reappointed at the end of such period: Provided

30 further that the Minister may, if in his opinion good reason exists therefor, at any time terminate his period of office.

(4) In the event of the resignation, vacation of office or death of a member or alternate member of the council, the Minister may appoint any other person in his stead for the unexpired term of office of such

35 member or alternate member.

**Chairman and vice-chairman of council**

40 24D. (1) The Minister shall appoint a chairman and a vice-chairman of the council from among the members of the council other than officers and employees of the State.

(2) The chairman of the council shall be vested with all the powers and duties granted to or imposed on him under this Act and may, without reference to the council, advise the Minister on any matter entrusted to the council by this Act, or any other matter regarding the functions of the council which the chairman deems necessary.

45 (3) The chairman or, in his absence, the vice-chairman, shall preside at a meeting of the council, and if both the chairman and the vice-chairman are absent from any meeting of the council, the members of the council present shall elect a member from amongst themselves to preside at such meeting.

50 (4) For the purposes of subsection (3) "member" shall include an alternate member present at a particular meeting of the council during the absence, or vacancy in the office, of the member in whose place he has been appointed as alternate member.

**Co-option of persons**

55 24E. The council may co-opt any person to assist it in the performance of its functions under this Act: Provided that such person shall not have any voting rights with regard to any matter before the council.

**Onbevoegdheid vir lidmaatskap van raad, en ontruiming van amp**

**24F.** (1) Niemand word as lid of plaasvervangende lid van die raad aangestel nie indien hy—

- (a) 'n ongerehabiliteerde insolvent is;
- (b) nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie; of
- (c) skuldig bevind is aan 'n misdryf en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is.

(2) 'n Lid of plaasvervangende lid van die raad ontruim sy amp indien—

- (a) hy onderhewig raak aan 'n onbevoegdheid in subartikel (1) genoem;
- (b) hy geestelik versteurd raak;
- (c) in die geval van 'n lid, hy sonder verlof van die voorsitter van meer as twee agtereenvolgende vergaderings van die raad afwesig is of, in die geval van 'n plaasvervangende lid, indien hy aldus afwesig is tydens die afwesigheid, of vakature in die amp, van die lid vir wie hy as plaasvervangende lid aangestel is; of
- (d) die Minister sy ampstermyn ingevolge artikel 24C (3) beëindig.

**Beperking van aanspreeklikheid van lid of plaasvervangende lid van raad**

**24G.** 'n Lid of plaasvervangende lid van die raad is nie persoonlik aanspreeklik vir verlies of skade wat uit, of in verband met, die uitvoering van sy pligte ontstaan uit hoofde van sy aanstelling as sodanig nie, tensy die verlies of skade te wyte is aan iets te kwader trou gedoen of aan growwe nalatigheid of 'n versuim om 'n bepaling van hierdie Wet na te kom.

**Vergaderings van raad**

**24H.** (1) Die meerderheid van die lede van die raad maak vir 'n vergadering van die raad 'n kworum uit.

(2) Die beslissing van 'n meerderheid van die lede van die raad wat op 'n vergadering aanwesig is, maak 'n besluit van die raad uit, en by 'n staking van stemme oor 'n aangeleentheid, het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem.

(3) Geen besluit van die raad of handeling op gesag van die raad verrig, is ongeldig bloot vanweë 'n vakature in die raad of omdat 'n persoon wat nie geregtig was om as lid van die raad sitting te neem, sitting geneem het as lid van die raad toe die besluit geneem of die handeling gemagtig is nie, indien die besluit geneem of die handeling gemagtig is deur die meerderheid van die lede van die raad wat wel aanwesig was en geregtig was om as lede van die raad sitting te neem.

(4) By die toepassing van hierdie artikel beteken "lid" ook 'n plaasvervangende lid wat by die betrokke vergadering van die raad aanwesig is tydens die afwesigheid, of vakature in die amp, van die lid in wie se plek hy as plaasvervangende lid aangestel is.

**Uitvoerende komitee van raad**

**24I.** (1) Die raad kan 'n uitvoerende komitee van die raad benoem, wat gedurende die tydperke tussen vergaderings van die raad dié werksaamhede van die raad kan verrig wat die raad van tyd tot tyd bepaal, maar die uitvoerende komitee is nie bevoeg om 'n besluit van die raad tersyde te stel of te wysig nie.

(2) Die uitvoerende komitee bestaan uit die voorsitter, vise-voorsitter en soveel lede van die raad as wat die raad bepaal.

(3) Die voorsitter van die raad of, in sy afwesigheid, die vise-voorsitter sit voor op 'n vergadering van die uitvoerende komitee.

(4) Die bepalinge van artikel 24H (2) is *mutatis mutandis* ten opsigte van 'n vergadering van die uitvoerende komitee van toepassing.

(5) 'n Besluit van die uitvoerende komitee van die raad moet by die eerste vergadering van die raad wat volg op die vergadering van die uitvoerende komitee waarop die betrokke besluit geneem is, ter tafel gelê word.

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**Disqualification for membership of council, and vacating of office**

24F. (1) No person shall be appointed as a member or alternate member of the council if such person—

- (a) is an unrehabilitated insolvent; or
- (b) is not a South African citizen permanently resident in the Republic; or
- (c) has been convicted of an offence and in respect thereof sentenced to imprisonment without an option of a fine.

(2) A member or alternate member of the council shall vacate his office if—

- (a) he becomes subject to a disqualification referred to in subsection (1);
- (b) he becomes of unsound mind;
- (c) in the case of a member, he has been absent from more than two consecutive meetings of the council without the leave of the chairman or, in the case of an alternate member, if he has been so absent during the absence, or vacancy in the office, of the member for whom he has been appointed as a member or alternate member; or
- (d) the Minister terminates his period of office in terms of section 24C (3).

**Limitation of liability of member or alternate member of council**

24G. A member or alternate member of the council shall not be personally liable for any loss or damage arising out of, or in connection with, the performance of his duties by virtue of his appointment as such, unless the loss or damage is due to anything done in bad faith or to gross negligence or to failure to comply with any provision of this Act.

**Meetings of council**

24H. (1) The majority of the members of the council shall form a quorum for any meeting of the council.

(2) The decision of a majority of the members present at a meeting of the council shall constitute a decision of the council, and in the event of an equality of votes on any matter the member presiding at any meeting of the council shall have a casting vote in addition to his deliberative vote.

(3) No decision taken by the council or act performed under the authority of the council shall be invalid merely by reason of a vacancy on the council or of the fact that any person not entitled to sit as a member of the council sat as a member of the council at the time the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the majority of the members of the council present at the time who were entitled to sit as members of the council.

(4) For the purposes of this section "member" shall include an alternate member present at a particular meeting of the council during the absence, or vacancy in the office, of the member in whose place he has been appointed.

**Executive committee of council**

24I. (1) The council may nominate an executive committee of the council, which may during the periods between meetings of the council perform such functions of the council as the council may determine from time to time, but the executive committee shall not be competent to set aside or vary a decision of the council.

(2) The executive committee shall consist of the chairman, vice-chairman and as many members of the council as the council shall decide.

(3) The chairman of the council or, in his absence, the vice-chairman shall preside at a meeting of the executive committee.

(4) The provisions of section 24H (2) shall *mutatis mutandis* apply to any meeting of the executive committee.

(5) Any decision by the executive committee shall be laid upon the table at the first meeting of the council following upon the meeting of the executive committee at which the relevant decision was taken.

(6) Die raad kan 'n besluit van die uitvoerende komitee, uitgesonderd 'n besluit na aanleiding waarvan aan iemand 'n betaling gedoen of 'n ander reg verleen is, tersyde stel of wysig.

#### Komitees van raad

**24J.** Die raad kan die komitees instel wat hy nodig ag om hom by die verrigting van sy werksaamhede behulpzaam te wees en kan die persone wat hy goedvind, met inbegrip van lede van die raad, of beamptes en werknemers van die raad of 'n gelisensieerde, as lede van enige sodanige komitee aanstel.

#### Personeel van raad

**24K.** (1) Die werk verbonde aan die verrigting van die werksaamhede van die raad word, onderworpe aan die voorskrifte van die Minister, verrig deur 'n uitvoerende beampte wat deur die Minister in oorleg met die raad aangestel word.

(2) Die uitvoerende beampte word by die verrigting van sy werksaamhede bygestaan deur—

(i) beamptes en werknemers wat ingevolge die bepalings van artikel 35 (1) (b) van die Wysigingswet op Kernenergie, 1988, deur die korporasie na die raad oorgeplaas word; en

(ii) sodanige ander beamptes en werknemers as wat die raad nodig ag om aan te stel.

(3) Wanneer die uitvoerende beampte om die een of ander rede nie in staat is om sy werksaamhede te verrig nie, kan die voorsitter van die raad 'n beampte van die raad aanwys om as uitvoerende beampte waar te neem totdat die uitvoerende beampte sy werksaamhede kan hervat.

#### Delegering van bevoegdhede, werksaamhede of pligte

**24L.** (1) Die raad kan 'n bevoegdheid, werksaamheid of plig wat by of kragtens 'n bepaling van hierdie Wet aan hom verleen of opgelê is, uitgesonderd die bevoegdheid kragtens artikel 30 (1), aan die voorsitter, die uitvoerende beampte, die uitvoerende komitee kragtens artikel 24I benoem, of 'n komitee kragtens artikel 24J ingestel of enige lid daarvan, of enige beampte of werknemer van die raad, delegeer.

(2) Indien die raad kragtens subartikel (1) 'n bevoegdheid, werksaamheid of plig aan 'n in daardie subartikel bedoelde persoon of komitee gedelegeer het, kan hy, op die voorwaardes wat hy bepaal, sodanige persoon of komitee magtig om die betrokke bevoegdheid, werksaamheid of plig aan 'n ander persoon of komitee te delegeer.

(3) Die raad, persoon of komitee in subartikel (1) bedoel, is nie ontdoen van 'n bevoegdheid, werksaamheid of plig deur hom gedelegeer nie, en kan, behoudens die bepalings van subartikel (4), 'n beslissing in die uitoefening van sodanige gedelegeerde bevoegdheid gegee, wysig of intrek.

(4) 'n Besluit geneem in die uitoefening of verrigting van 'n bevoegdheid, werksaamheid of plig wat kragtens subartikel (1) of (2) gedelegeer is en waardeur 'n reg aan 'n persoon verleen is, word nie tersyde gestel of gewysig nie.

(5) Waar 'n bevoegdheid, werksaamheid of plig kragtens subartikel (1) of (2) aan 'n ampsbekleër gedelegeer word, word sodanige bevoegdheid geag gedelegeer te wees aan die dienende bekleër van die amp of aan die persoon wat te eniger tyd wettiglik as sy plaasvervanger optree.

#### Besoldiging en toelaes betaal en voordele verskaf aan lede of plaasvervangende lede van raad en ander persone

**24M.** (1) Aan lede of plaasvervangende lede van die raad wat nie in die heeltydse diens van die Staat is nie, word uit die fondse van die raad die besoldiging en toelaes betaal en voordele verskaf wat die Minister met die instemming van die Minister van Finansies bepaal.

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(6) The council may set aside or vary a decision of the executive committee, except a decision in consequence of which a payment has been made or any other right has been granted to any person.

**Committees of council**

5       **24J.** The council may establish such committees as it may consider necessary to assist it in the performance of its functions, and may appoint as members of any such committee such persons as it may deem fit, including members of the council, or officers and employees of the council or a licensee.

**Personnel of council**

10       **24K.** (1) The work incidental to the functions of the council shall, subject to the directives of the Minister, be performed by an executive officer appointed by the Minister in consultation with the council.

15       (2) The executive officer shall in the performance of his functions be assisted by—

(i) officers and employees transferred to the council by the corporation in terms of section 35 (1) (b) of the Nuclear Energy Amendment Act, 1988; and

20       (ii) such other officers and employees as the council may deem it necessary to appoint.

(3) Whenever the executive officer is for any reason unable to perform his functions, the chairman of the council may designate an officer of the council to act as executive officer until the executive officer is able to resume his functions.

**Delegation of powers, functions or duties**

25       **24L.** (1) The council may delegate any power, function or duty which is by or under any provision of this Act entrusted or imposed on it, excluding the power under section 30 (1), to the chairman, the executive officer, the executive committee nominated under section 24I, or any committee established under section 24J or any member thereof, or any officer or employee of the council.

30       (2) If the council has under subsection (1) delegated a power, function or duty to a person or committee referred to in that subsection, it may, on such conditions as it determines, authorize such person or committee to delegate the power, function or duty in question to any other person or committee.

35       (3) The council, person or committee referred to in subsection (1), shall not be divested of a power, function or duty delegated by it or him, and may, subject to the provisions of subsection (4), amend or withdraw any decision made in the exercise of such delegated power.

40       (4) A decision made in the exercise or performance of any power, function or duty delegated under subsection (1) or (2) and by which a right has been conferred upon any person shall not be set aside or varied.

45       (5) Where a power, function or duty is delegated under subsection (1) or (2) to the holder of an office, such power shall be deemed to have been delegated to the holder for the time being of the office or to any person at any time lawfully acting in the capacity of such holder.

**Remuneration and allowances paid and facilities afforded to members or alternate members of council and other persons**

50       **24M.** (1) Members or alternate members of the council who are not in the full-time service of the State, shall be paid from the funds of the council such remuneration and allowances and be afforded such facilities as the Minister may determine with the concurrence of the Minister of Finance.

(2) Aan ander persone bedoel in artikels 24E, 24J en 24K wat nie in die healtydse diens van die Staat is nie, word uit die fondse van die raad die besoldiging en toelaes betaal en voordele verskaf wat die raad met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, bepaal.

#### Fondse van raad

25. (1) Die fondse van die raad bestaan uit—

- (a) geld deur die Parlement bewillig ten einde die raad in staat te stel om sy werksaamhede te verrig;
- (b) gelde deur gelisensieerdes betaal; en
- (c) geld uit enige ander bron ontvang.

(2) Die raad wend sy fondse aan ter bestryding van die uitgawes wat die raad by die verrigting van sy werksaamhede kragtens hierdie Wet aangaan, maar moet geld of ander goed wat aan die raad geskenk of bemaak word, ooreenkomstig die voorwaardes (as daar is) van die betrokke skenking of bemaking aanwend.

(3) Die raad moet 'n rekening open by 'n instelling wat ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), as 'n bank geregistreer is, en moet in daardie rekening alle geld stort wat ingevolge subartikel (1) ontvang is.

(4) Die raad kan geld wat ingevolge subartikel (1) ontvang is en nie vir onmiddellike gebruik nodig is nie, belê by die Openbare Beleggingskommissaris of ander instellings wat die Minister met die instemming van die Minister van Finansies bepaal.

#### Rekenpligtigheid

26. (1) Die uitvoerende beampte is die rekenpligtige beampte van die raad, en is belas met die verantwoording vir alle geld ontvang en betalings gedoen deur die raad.

(2) Die boekjaar van die raad eindig op 31 Maart in elke jaar.

(3) Die rekenpligtige beampte moet—

- (a) volledige en juiste aantekeninge hou van alle geld ontvang of bestee deur, en van die bates, laste en finansiële transaksies van, die raad.
- (b) so gou doenlik, maar hoogstens drie maande na die einde van die boekjaar in subartikel (2) bedoel, finansiële jaarstate opmaak wat, met gepaste besonderhede, geld deur die raad ontvang en uitgawes deur die raad aangegaan gedurende, en sy bates en laste aan die einde van, bedoelde boekjaar, aantoon.

(4) Die aantekeninge en finansiële jaarstate in subartikel (3) bedoel, word deur die Ouditeur-generaal geouditeer.

#### Jaarverslag

27. (1) Die raad moet so gou doenlik na die einde van 'n boekjaar, maar nie later nie as ses maande na die einde van daardie boekjaar, 'n verslag aangaande sy werksaamhede, tesame met afskrifte van die finansiële jaarstate, behoorlik geouditeer, ten opsigte van daardie boekjaar aan die Minister voorlê, en die Minister voorsien van enige bykomende inligting wat hy vereis in verband met die finansies en werksaamhede van die raad.

(2) Sodanige verslag en jaarstate word deur die Minister binne 14 dae na ontvangs in die Parlement ter Tafel gelê, indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.

#### Toepassing en vrystelling van sekere wette, ten opsigte van raad

28. (1) Die raad word by die toepassing van die Wet op Pensioenfondse vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), geag 'n geassosieerde inrigting te wees.

(2) Die bepalinge van die Maatskappywet, 1973 (Wet No. 61 van 1973), of van 'n ander wet op maatskappye, is nie ten opsigte van die raad van toepassing nie.

#### Werksaamhede van raad betreffende kernlisensies

29. (1) Wanneer die raad 'n aansoek om 'n kernlisensie ooreenkomstig die bepalinge van hierdie Wet ontvang, moet hy alle tersaaklike aspekte met betrekking tot die aansoek oorweeg en kan hy die aansoeker gelas

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(2) Other persons referred to in sections 24E, 24J and 24K who are not in the full-time service of the State, shall be paid from the funds of the council such remuneration and allowances and be afforded such facilities as the council may determine with the approval of the Minister, granted with the concurrence of the Minister of Finance.

**Funds of council**

25. (1) The funds of the council shall consist of—

- (a) money appropriated by Parliament in order to enable the council to perform its functions;
- (b) fees paid by licensees; and
- (c) money received from any other source.

(2) The council shall utilize its funds for the defrayal of expenses incurred by the council in the performance of its functions under this Act, but money or other goods donated or bequeathed to the council shall be utilized in accordance with the conditions (if any) of the donation or bequeathal in question.

(3) The council shall open an account with an institution registered as a bank in terms of the Banking Act, 1965 (Act No. 23 of 1965), and shall deposit in that account all money received in terms of subsection (1).

(4) The council may invest all money received in terms of subsection (1) which is not required for immediate use, with the Public Investment Commissioners or such other institutions as the Minister may determine with the concurrence of the Minister of Finance.

**Accounting**

26. (1) The executive officer shall be the accounting officer of the council charged with the responsibility of accounting for all money received and payments made by the council.

(2) The financial year of the council shall end on 31 March in each year.

(3) The accounting officer shall—

- (a) keep full and proper records of all money received or expended by, and of all assets, liabilities and financial transactions, of the council;
- (b) as soon as is practicable, but not later than three months after the end of the financial year referred to in subsection (2), prepare annual financial statements reflecting, with suitable particulars, money received and expenses incurred by the council during, and its assets and liabilities at the end of, that financial year.

(4) The records and annual financial statements referred to in subsection (3) shall be audited by the Auditor-General.

**Annual report**

27. (1) The council shall as soon as practicable after the end of a financial year, but not later than six months after the end of that financial year, submit to the Minister a report regarding its activities, together with copies of the annual financial statements, duly audited, in respect of that financial year, and shall furnish the Minister with any additional information required by him in connection with the finances and functions of the council.

(2) Such report and annual statements shall be laid upon the Table in Parliament by the Minister within 14 days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not in ordinary session, within 14 days after its next ensuing ordinary session.

**Application of, and exemption from, certain laws, in respect of council**

28. (1) The council shall be deemed to be an associated institution for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963).

(2) The provisions of the Companies Act, 1973 (Act No. 61 of 1973), or of any other law relating to companies, shall not apply in respect of the council.

**Functions of council regarding nuclear licences**

29. (1) Whenever the council receives an application for a nuclear licence in accordance with the provisions of this Act, it shall consider all relevant aspects of the application and may direct any applicant to

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## WYSIGINGSWET OP KERNENERGIE, 1988

om die raad van sodanige inligting te voorsien as wat die raad vereis ten einde die raad in staat te stel om 'n besluit te neem betreffende die verlening van die kernlisensie al dan nie en die voorwaardes onderworpe waaraan dit verleen behoort te word.

(2) Indien 'n aansoek om 'n kernlisensie afgewys word, moet die raad die aansoeker skriftelik van sy besluit verwittig, met 'n opgawe van die redes vir sy besluit."

## Vervanging van artikel 30 van Wet 92 van 1982

12. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:

**"Kernlisensies ten opsigte van kerninstallasies, terreine en kerngevaarlike materiaal**

30. (1) Niemand [behalwe die korporasie of 'n filiaalmaatskappy] mag 'n kerninstallasie oprig of gebruik, of 'n terrein vir [enige doel in verband met] die doeleindes van 'n kerninstallasie gebruik, of op enige wyse kerngevaarlike materiaal gebruik, besit, produseer, opberg, verwerk, 15 herverwerk, vervoer of wegruim, of enige ander bedrywigheid waarby kerngevaarlike materiaal betrokke is en wat kernskade kan veroorsaak, verrig nie—

(a) behalwe kragtens 'n kernlisensie wat deur die [korporasie] raad aan so iemand op versoek verleen is; of 20

(b) tensy, in 'n ander geval as 'n geval waar iemand aansoek doen om 'n kernlisensie ten einde kern- of atoomenergie voort te bring—

(i) die [korporasie] raad, op aansoek van sodanige persoon [en op aanbeveling van die Raad], skriftelik verklaar het dat, na sy oordeel, die risiko van kernskade verbonde aan die uitvoering 25 van enige sodanige handeling of die verrigting van enige sodanige bedrywigheid deur so 'n persoon met betrekking tot die terrein of kerninstallasie of kerngevaarlike materiaal wat in die verklaring aangedui word, hoegenaamd nie die perke wat met gesondheid en veiligheid bestaanbaar is, kan oorskry nie; 30 of

(ii) na die oordeel van die [korporasie] raad [op aanbeveling van die Raad] die oogmerke van hierdie Wet ten opsigte van die beheer oor enige handeling wat uitgevoer of bedrywigheid wat verrig word, soos in hierdie subartikel beoog, deur sodanige persoon 35 met betrekking tot enige kerninstallasie, terrein of kerngevaarlike materiaal, afdoende deur die bepalings van die een of ander wet wat ten opsigte van sodanige beheer van toepassing is, verwesenlik word, en die [korporasie] raad aldus skriftelik verklaar het. 40

(2) Indien, na die oordeel van die [korporasie] raad, twee of meer kerninstallasies of terreine na genoeg aan mekaar geleë is om as een kerninstallasie of terrein beskou te word, kan die [korporasie] raad hulle vir die doeleindes van die verlening van 'n kernlisensie, as een installasie of terrein, na gelang van die geval, beskou. 45

(3) Die [korporasie] raad kan te eniger tyd 'n verklaring bedoel in subartikel (1) (b) (i) of (ii) intrek, en moet binne 'n tydperk van 30 dae na so 'n intrekking, en op die wyse wat hy goedvind, die persone ten opsigte van wie die verklaring gedoen is skriftelik van die intrekking in kennis stel." 50

## Herroeping van artikel 31 van Wet 92 van 1982

13. Artikel 31 van die Hoofwet word hierby herroep.

## Vervanging van die woord "korporasie" in Wet 92 van 1982

14. Die Hoofwet word hierby gewysig deur in artikels 32, 35, 37, 42, 46 en 81 (1) (d) die woord "korporasie", oral waar dit voorkom, deur die woord "raad" te 55 vervang.

## Wysiging van artikel 34 van Wet 92 van 1982

15. Artikel 34 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) (a) 'n Kernlisensie bedoel in artikel 30 (1) (a) [of 31 (1)] is onderworpe aan 60

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furnish it with such information as the council may require to assist it in reaching a decision on the granting of the nuclear licence or not, and the conditions subject to which such a licence shall be granted.

5 (2) In the event of an application for a nuclear licence being refused the council shall inform the applicant of its decision in writing and shall state the reasons for its decision."

**Substitution of section 30 of Act 92 of 1982**

12. The following section is hereby substituted for section 30 of the principal Act:

10 **"Nuclear licences in respect of nuclear installations, sites and nuclear-hazard material**

30. (1) No person [except the corporation or a subsidiary company] shall construct or use a nuclear installation or use [a] any site for [any purpose connected with] the purposes of a nuclear installation, or in any manner use, possess, produce, store, process, re-process, convey or  
15 dispose of nuclear-hazard material, or carry out any other activity involving nuclear-hazard material and which is capable of causing nuclear damage—

(a) except under the authority of a nuclear licence granted to such person by the [corporation] council on application [to such person];  
20 or

(b) unless, in any case other than a case where a person has applied for a nuclear licence in order to produce nuclear or atomic energy—

(i) the [corporation] council, on application by such person [and on the recommendation of the council], has in writing declared that, in its opinion, the risk of nuclear damage associated with the performance of any such act or carrying out of any such activity by such person, in connection with the site or nuclear installation or nuclear-hazard material indicated in the declaration, can under no circumstances exceed limits consistent with health and safety; or  
25

(ii) in the opinion of the [corporation] council [on the recommendation of the Council] the objects of this Act, in respect of the control over any act which is performed or activity which is carried out, as contemplated in this subsection, by such person, in respect of any nuclear installation, site or nuclear-hazard material, are effectively achieved by the provisions of any law which applies in respect of such control, and the [corporation] council has so stated in writing.  
30

(2) If two or more nuclear installations or sites are, in the opinion of the [corporation] council, situated sufficiently close to one another to be regarded as one installation or site, the [corporation] council may, for the purposes of the grant of a nuclear licence, regard them as one installation or one site, as the case may be.  
40

(3) The [corporation] council may at any time withdraw a declaration contemplated in subsection (1) (b) (i) or (ii), and shall within a period of 30 days after such withdrawal notify, in the manner it deems fit, the persons in respect of whom the declaration has been made, of such withdrawal."  
45

**Repeal of section 31 of Act 92 of 1982**

50 13. Section 31 of the principal Act is hereby repealed.

**Substitution of the word "corporation" in Act 92 of 1982**

14. The principal Act is hereby amended by the substitution in sections 32, 35, 37, 42, 46 and 81 (1) (d) for the word "corporation", wherever it occurs, of the word "council".

**55 Amendment of section 34 of Act 92 of 1982**

15. Section 34 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) (a) A nuclear licence referred to in section 30 (1) (a) [or 31 (1)] shall be

die voorgeskrewe voorwaardes (indien daar is), en aan die ander voorwaardes wat die **[korporasie, na oorlegpleging met die Raad en] raad**, behoudens subartikel (2), in belang van gesondheid en veiligheid nodig of wenslik ag, en wat die **[korporasie] raad** by die verlening van die kernlisensie, of te eniger tyd daarna, oplê.

- (b) Die **[korporasie] raad** kan 'n voorwaarde in paragraaf (a) bedoel wat deur hom opgelê is te eniger tyd wysig, en moet die betrokke gelisensieerde binne 30 dae skriftelik van die wysiging in kennis stel.”

#### Wysiging van artikel 36 van Wet 92 van 1982, soos gewysig deur artikel 6 van Wet 21 van 1985

16. Artikel 36 van die Hoofwet word hierby gewysig deur die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:

“die gelde deur die raad van tyd tot tyd bepaal aan die **[korporasie] raad** betaal, binne die tydperk deur die **[Minister bepaal wat die Minister, met die instemming van die Minister van Finansies, van tyd tot tyd] raad** bepaal.”

#### Vervanging van artikel 38 van Wet 92 van 1982

17. Artikel 38 van die Hoofwet word hierby deur die volgende artikel vervang:

##### “Vertoë in verband met kernlisensies, en insae in sekere stukke

38. (1) (a) Die **[korporasie] raad** kan enige aansoeker om 'n kernlisensie gelas om aan 'n plaaslike bestuur of iemand anders deur die **[korporasie] raad** vermeld, 'n kennisgewing van sy aansoek te bestel waarin die besonderhede aangegee word met betrekking tot die voorgestelde terrein of kerninstallasie, of met betrekking tot die kerngevaarlike materiaal of vaartuig wat by die aansoek betrokke is, na gelang van die geval, wat in die lasgewing vermeld word, en wat 'n tydperk van minstens drie maande toelaat waarin daardie bestuur of persoon vertoë tot die **[korporasie] raad** kan rig met betrekking tot die aansoek.

(b) Indien die **[korporasie] raad** so 'n lasgewing uitgereik het, mag hy **[behoudens die bepalings van artikel 28]** nie die kernlisensie om die verlening waarvan aansoek gedoen is, verleen voordat die tydperk wat aldus toegelaat is, verstryk het nie, en, indien vertoë ingevolge genoemde kennisgewing tot hom gerig is binne genoemde tydperk, voordat hy sodanige vertoë oorweeg het nie.

(2) Solank 'n kernlisensie bedoel in artikel 30 (1) (a) **[of 31 (1)]** van krag is, het almal wat pligte by of in die betrokke kerninstallasie of op die betrokke terrein of met betrekking tot die betrokke kerngevaarlike materiaal moet uitvoer, die reg om, of afsonderlik of deur bemiddeling van 'n vereniging of liggaam wat deur die **[korporasie] raad** vir die doeleindes van hierdie subartikel as verteenwoordigend van sodanige persone erken word, vertoë tot die **[korporasie] raad** te rig met betrekking tot die uitoefening deur hom van sy bevoegdhede kragtens artikel 34 (1) (a) en (b), of tot die Minister met betrekking tot die uitoefening deur hom van sy bevoegdhede kragtens artikel 82.

(3) (a) Die **[korporasie] raad** moet 'n lys hou van besonderhede van elke terrein of kerninstallasie, en van alle handeling en bedrywighede ten opsigte waarvan 'n kernlisensie bedoel in artikel 30 (1) (a) **[of 31 (1)]** deur hom verleen is, saam met 'n kaart of kaarte wat, waar toepaslik, die ligging en grense van elke betrokke terrein of kerninstallasie aantoon.

(b) Die **[korporasie] raad** moet reëlins tref dat afskrifte van sodanige lys en elke sodanige kaart vir insae deur die publiek beskikbaar is, en moet, op die tye en op die wyse wat hy gepas ag, kennis van sodanige reëlins aan die publiek gee.

(c) Indien, na die oordeel van die **[korporasie] raad**, daar nie gevaar is dat kernskade kan voortspruit uit enigiets wat gedoen is of word, of wat aanwesig was of is, by of in 'n kerninstallasie, of op 'n terrein, ten opsigte waarvan geen kernlisensie meer van krag is nie, kan besonderhede in verband daarmee uit die lys in paragraaf (a) bedoel, geskrap word.”

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subject to such conditions as may be prescribed (if any), and to such other conditions as the **[corporation]** council may **[after consultation with the council and]**, subject to subsection (2), deem it necessary or desirable in the interest of health or safety to impose when granting such nuclear licence, or at any time thereafter.

- (b) The **[corporation]** council may at any time amend any condition contemplated in paragraph (a), imposed by it, and shall within 30 days and in writing notify the licensee concerned of any such amendment.”.

**Amendment of section 36 of Act 92 of 1982, as amended by section 6 of Act 21 of 1985**

16. Section 36 of the principal Act is hereby amended by the substitution for the words following upon paragraph (b) of the following words:

“pay, within the period specified by the **[Minister]** council, to the **[corporation]** council such fees as the **[Minister]** council may **[with the concurrence of the Minister of Finance]** from time to time determine.”.

**15 Substitution of section 38 of Act 92 of 1982**

17. The following section is hereby substituted for section 38 of the principal Act:

**“Making of representations in connection with nuclear licences, and inspection of certain documents**

38. (1) (a) The **[corporation]** council may direct any applicant for a nuclear licence to serve upon any local authority or any other person specified by it, a notice of his application, giving such particulars of the proposed site or nuclear installation, or in respect of the nuclear-hazard material or vessel involved in the relevant application, as the case may be, as may be so specified in the direction, and providing for a period, being not less than three months, within which such authority or person may make representations to the **[corporation]** council in regard to the application.

- (b) If the **[corporation]** council has given such a direction it shall **[subject to the provisions of section 28]** not grant the nuclear licence until the period so provided for has elapsed, and, if representations were made to it within the said period in terms of the said notice, until it has considered such representations.

(2) As long as any nuclear licence referred to in section 30 (1) (a) **[or 31 (1)]** is in force, all persons having duties at or in the nuclear installation or on the site or in connection with the nuclear-hazard material in question, shall have the right either individually or through an association or body recognized by the **[corporation]** council for the purposes of this subsection as representative of such persons, to make representations to the **[corporation]** council regarding the exercise by it of its powers under section 34 (1) (a) and (b), or to the Minister in regard to the exercise by him of his powers under section 82.

(3) (a) The **[corporation]** council shall maintain a list showing particulars of any site or nuclear installation, and of all acts **[or]** and activities, in respect whereof a nuclear licence referred to in section 30 (1) (a) **[or 31 (1)]** has been granted by it, together with a map or maps showing, where applicable, the position and limits of every site or nuclear installation in question.

- (b) The **[corporation]** council shall make arrangements for copies of such list and every such map to be available for inspection by the public, and shall, at such times and in such manner as it may deem appropriate, give notice to the public of such arrangements.

(c) If, in the opinion of the **[corporation]** council, there is no risk of nuclear damage arising from anything done or being done, or which has been or is present, at or in any nuclear installation, or on any site, in respect whereof no nuclear licence is any longer in force, particulars in connection therewith may be removed from the list referred to in paragraph (a).”.

**Wysiging van artikel 39 van Wet 92 van 1982**

18. Artikel 39 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die **[korporasie]** raad mag nie ’n kernlisensie in artikel 30 (1) (a) **[of 31 (1)]** bedoel aan iemand verleen nie tensy so iemand, indien die Minister dit vereis, sekerheid ten genoeë van die Minister gestel het vir die nakoming van enige verpligtings wat hy ingevolge artikel 41 teenoor iemand kan oploep indien sodanige lisensie aan hom verleen word.”

**Vervanging van artikel 40 van Wet 92 van 1982**

19. Artikel 40 van die Hoofwet word hierby deur die volgende artikel vervang: 10

**“Intrekking en afgee van kernlisensies**

40. (1) ’n Kernlisensie kan te eniger tyd deur die **[korporasie]** raad ingetrek of deur ’n gelisensieerde afgegee word.

(2) Indien ’n kernlisensie ingevolge subartikel (1) ingetrek of afgegee is, moet die betrokke gelisensieerde, indien die **[korporasie]** raad dit gelas, sodanige kernlisensie oorhandig of daarvan rekenskap gee aan iemand wat die **[korporasie]** raad aanwys, en moet, in die geval van ’n gelisensieerde aan wie ’n kernlisensie bedoel in artikel 30 (1) (a) **[of artikel 31 (1)]** verleen is, sodanige gelisensieerde gedurende die res van sy verantwoordelikheidstydperk op die betrokke terrein (indien daar is) 20 dié kennisgewings wat die grense daarvan aantoon, op die plekke wat ’n inspekteur gelas, vertoon, en aldus vertoon laat bly.

(3) Die **[korporasie]** raad kan by sodanige intrekking of afgee van ’n kernlisensie, of van tyd tot tyd daarna, in die geval van ’n gelisensieerde aan wie ’n kernlisensie bedoel in artikel 30 (1) **[of 31 (1)]** verleen is, 25 totdat die betrokke gelisensieerde se verantwoordelikheidstydperk verstryk het, aan die gelisensieerde die ander opdragte gee wat hy goedvind om die veroorsaking van kernskade deur enigiets wat in of by die betrokke kerninstallasie of op die betrokke terrein gedoen is of word, of wat aldus aanwesig was of is, te voorkom, of om teen die gevaar 30 daarvan te waarsku.”

**Wysiging van artikel 41 van Wet 92 van 1982**

20. Artikel 41 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“’n Gelisensieerde aan wie ’n kernlisensie bedoel in artikel 30 (1) (a) **[of artikel 31 (1)]** verleen is, is behoudens die bepalinge van hierdie Wet aanspreeklik vir alle kernskade wat gedurende sy verantwoordelikheidstydperk veroorsaak word—”

**Vervanging van artikel 45 van Wet 92 van 1982**

21. Artikel 45 van die Hoofwet word hierby deur die volgende artikel vervang: 40

**“Appel na Minister teen sekere besluite van raad**

45. (1) Iemand wat hom veronreg voel deur—

- (a) die weiering deur die raad om ’n kernlisensie aan hom te verleen;
- (b) die intrekking van ’n verklaring wat ten opsigte van hom ingevolge artikel 30 (1) (b) (i) of (ii) gedoen is;
- (c) die voorwaardes deur die raad hom ingevolge artikel 34 of 35 opgelê; of
- (d) die intrekking van ’n kernlisensie deur die raad aan hom verleen, kan binne 60 dae nadat hy van die besluit bedoel in paragraaf (a), (b), (c) of (d), na gelang van die geval, in kennis gestel is, by die Minister op die voorgeskrewe wyse appel teen so ’n besluit aanteken. 50

(2) Die werking van ’n besluit van die raad word, hangende die uitslag van ’n appel kragtens subartikel (1) aangeteken, nie opgeskort nie.

(3) Wanneer ’n appel kragtens subartikel (1) by die Minister aangeteken is, moet die raad op versoek van die Minister sy redes oor die besluit waarteen geappelleer word skriftelik aan die Minister voorlê. 55

(4) Die Minister moet na oorweging van die gronde van ’n appel, die redes vir die besluit en enige ander inligting tot sy beskikking, die besluit

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**Amendment of section 39 of Act 92 of 1982**

18. Section 39 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- 5     “(1) The **[corporation]** council shall not grant a nuclear licence referred to in section 30 (1) (a) **[or 31 (1)]** to any person unless such person has, if so required by the Minister, given security to the satisfaction of the Minister to fulfil any obligations which he may incur towards any person in terms of section 41 if such a nuclear licence is granted to him.”

**Substitution of section 40 of Act 92 of 1982**

10    19. The following section is hereby substituted for section 40 of the principal Act:

**“Revocation and surrender of nuclear licences**

40. (1) Any nuclear licence may at any time be revoked by the **[corporation]** council or surrendered by any licensee.

- 15     (2) If a nuclear licence has been revoked by the **[corporation]** council or surrendered in terms of subsection (1), the licensee concerned shall, if so directed by the **[corporation]** council, deliver up or account for such nuclear licence to such person as the **[corporation]** council may direct, and shall, in the case of a licensee to whom a nuclear licence referred to in section 30 (1) (a) **[or section 31 (1)]** has been granted, during the remainder of the period of responsibility of such licensee display, and cause to be so kept displayed, on the relevant site (if any) such notices indicating the limits thereof, and in such positions, as may be directed by an inspector.

- 20     (3) The **[corporation]** council may on such revocation or surrender of a nuclear licence, or from time to time thereafter, in the case of a licensee to whom a nuclear licence referred to in section 30 (1) (a) **[or 31 (1)]** has been granted, until the expiration of the period of responsibility of the licensee concerned, give to the licensee such other directions as it may deem fit for preventing the causing of nuclear damage by anything which is being done or was done, or is or was present at or in the nuclear installation or on the site, in question, or for giving warning of any risk thereof.”

**Amendment of section 41 of Act 92 of 1982**

20. Section 41 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“Any licensee to whom a nuclear licence referred to in section 30 (1) (a) **[or section 31 (1)]** has been granted shall, subject to the provisions of this Act, be liable for any nuclear damage caused during his period of responsibility—”

**Substitution of section 45 of Act 92 of 1982**

40    21. The following section is hereby substituted for section 45 of the principal Act:

**“Appeal to Minister against certain decisions of council**

45. (1) Any person aggrieved by—

- 45     (a) the refusal by the council to grant him a nuclear licence;  
      (b) the withdrawal of a declaration which has been made in respect of him in terms of section 30 (1) (b) (i) or (ii);  
      (c) the conditions imposed upon him by the council in terms of section 34 or 35; or  
      (d) the revocation of a nuclear licence granted to him by the council, may within 60 days after he has been notified of the decision referred to in paragraph (a), (b), (c) or (d), as the case may be, and in the prescribed manner appeal against such decision to the Minister.

50     (2) The operation of a decision of the council shall not, pending the outcome of an appeal lodged under subsection (1), be suspended.

55     (3) Whenever an appeal under subsection (1) is lodged with the Minister, the council shall at the request of the Minister submit to the Minister in writing the reasons for the decision against which the appeal is lodged.

      (4) The Minister shall, after he has considered the grounds of the appeal, the reasons for the decision and any other information at his

bekragtig, tersyde stel of wysig of die besluit deur die ander besluit vervang wat na die Minister se oordeel geneem moes gewees het.

(5) Die Minister se beslissing oor 'n appèl word vir alle doeleindes geag 'n beslissing van die raad te wees."

**Wysiging van artikel 46 van Wet 92 van 1982, soos gewysig deur artikel 7 van Wet 21 van 1985 en artikel 10 van Wet 43 van 1987** 5

**22. Artikel 46 van die Hoofwet word hierby gewysig—**

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

"(1) Die **[korporasie]** raad kan, behoudens die bepalings van artikel **[8]** 24K, van tyd tot tyd die getal inspekteurs wat hy nodig of dienstig ag, 10 aanstel om uitvoering aan die bepalings van hierdie Hoofstuk te gee."

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

"(a) te alle redelike tye—

- (i) enige kerninstallasie of terrein ten opsigte waarvan 'n aansoek om 15 'n kernlisensie by die **[korporasie]** raad gedoen is, of ten opsigte waarvan 'n kernlisensie verleen is;
- (ii) met die skriftelike magtiging van die raad wat met die instemming van die korporasie verleen is, enige plek **[waarop 'n kerninstallasie is of]** wat die **[korporasie]** raad op redelike gronde vermoed 20 'n terrein ten opsigte van 'n kerninstallasie is;
- (iii) enige plek waar onderdele van 'n kerninstallasie gehou of vervaardig word;
- (iv) enige plek waar kerngevaarlike materiaal gehou word of teenwoordig is, **[of waar die korporasie]** en ten opsigte waarvan 'n 25 aansoek om 'n kernlisensie by die raad gedoen is, of ten opsigte waarvan 'n kernlisensie verleen is;
- (v) met die skriftelike magtiging van die raad wat met die instemming van die korporasie verleen is, enige plek waar die raad op redelike gronde vermoed dat **[dit]** kerngevaarlike materiaal gehou word of 30 teenwoordig is,

betree met die toerusting, en op daardie terrein of plek die inspeksies doen en die ondersoeke instel, wat die inspekteur nodig of dienstig ag: Met dien verstande dat 'n inspekteur, alvorens hy enige sodanige inspeksie doen of ondersoek instel, oorleg moet pleeg met gepaste 35 persone wat pligte op die betrokke terrein of plek moet uitvoer, ten einde te bepaal of die doen van so 'n inspeksie of die instel van so 'n ondersoek vir enigiemand se gesondheid waarskynlik nadelig kan wees, of 'n besering aan enige persoon of skade aan enige eiendom kan veroorsaak: Met dien verstande voorts dat in die geval van 'n 40 meningsverskil oor die vraag of die beoogde inspeksie of ondersoek waarskynlik so 'n uitwerking kan hê, die inspekteur die vraag na die **[korporasie]** raad moet verwys, wie se beslissing daaroor afdoende is;" en

(c) deur subartikel (4) deur die volgende subartikel te vervang: 45

"(4) Die **[Minister]** raad 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]** raad bepaal, in verband met inspeksies gedoen en ondersoeke ingestel ooreenkomstig 50 hierdie artikel, binne die tydperk **[bepaal]** deur die **[Minister]** raad bepaal, aan die **[korporasie]** raad betaal."

**Vervanging van artikel 49 van Wet 92 van 1982, soos gewysig deur artikel 9 van Wet 21 van 1985**

**23. Artikel 49 van die Hoofwet word hierby deur die volgende artikel vervang: 55**

**"Magtiging vir besit van en vir verrigting van sekere bedrywighede ten opsigte van bronmateriaal, beperkte materiaal en spesiale kernmateriaal**

**49. (1) Behalwe met die skriftelike magtiging van die Minister, mag niemand, behalwe die korporasie of 'n filiaalmaatskappy—**

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disposal, confirm, set aside or vary the decision or substitute for such decision any other decision which in the Minister's opinion ought to have been taken.

- 5 (5) The decision of the Minister on an appeal shall for all purposes be deemed to be a decision of the council."

**Amendment of section 46 of Act 92 of 1982, as amended by section 7 of Act 21 of 1985 and section 10 of Act 43 of 1987**

**22. Section 46 of the principal Act is hereby amended—**

- 10 (a) by the substitution for subsection (1) of the following subsection:  
“(1) The **[corporation]** council may, subject to the provisions of section **[25] 24K**, appoint such number of inspectors as it may consider necessary or expedient for the purposes of giving effect to the provisions of this Chapter.”;
- 15 (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:  
“(a) at all reasonable times enter—  
20 (i) any nuclear installation or site in respect of which an application for a nuclear licence has been made to the **[corporation]** council, or in respect of which such a nuclear licence has been granted;  
(ii) with the written authority of the council which has been granted with the concurrence of the corporation, any place **[on which a nuclear installation is present, or]** which the **[corporation]** council on reasonable grounds suspects to be a site on which a nuclear installation is present;  
25 (iii) any place where parts of a nuclear installation are present or manufactured;  
(iv) any place where nuclear-hazard material is kept or is present, **[or where the corporation]** and in respect of which an application for a nuclear licence has been made to the council, or in respect of which such a nuclear licence has been granted;  
30 (v) with the written authority of the council which has been granted with the concurrence of the corporation, any place where the council on reasonable grounds suspects that **[it]** nuclear-hazard material may be kept or may be present,  
35 with such equipment, and carry out thereon such inspections and conduct such investigations, as the inspector may consider necessary or expedient: Provided that before carrying out any such 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 inspection or the conducting of any such investigation would be likely to be injurious to any person's health, or to cause injury to any person or damage to any property: Provided further that in the event of disagreement as to whether the proposed inspection or investigation would or would not be likely to have any such effect, the inspector shall refer the matter to the **[corporation]** council, whose decision thereon shall be final;” and  
40 (c) by the substitution for subsection (4) of the following subsection:  
“(4) The **[Minister]** council 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  
50 the **[Minister]** council, such fees to the **[corporation]** council as the **[Minister]** council may from time to time **[with the concurrence of the Minister of Finance]** determine, in connection with inspections carried out and investigations conducted in terms of this section.”.

**55 Substitution of section 49 of Act 92 of 1982, as amended by section 9 of Act 21 of 1985**

**23. The following section is hereby substituted for section 49 of the principal Act:**

**“Authorization for possession of and for carrying out of certain activities in respect of source material, restricted material and special nuclear material**

- 60 49. (1) Except with the written authority of the Minister, no person, except the corporation or a subsidiary company, shall—

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- (a) in besit wees van enige bronmateriaal nie tensy hy in besit daarvan gekom het as gevolg van prospekter-, herwinnings- of ontginbedrywighede wettiglik deur hom verrig of tensy hy in besit is van sodanige materiaal ten behoeve van iemand wat—
    - (i) aldus in besit van sodanige materiaal gekom het; of 5
    - (ii) sodanige materiaal wettiglik verkry het;
  - (b) oor enige bronmateriaal beskik nie;
  - (c) enige bronmateriaal of spesiale kernmateriaal verryk of herverwerk nie;
  - (d) enige bronmateriaal invoer in of uitvoer uit die Republiek nie; **[of]** 10
  - (e) enige beperkte materiaal of spesiale kernmateriaal verkry, invoer, uitvoer of in besit daarvan wees of daarvoor beskik nie;
  - (f) kernbrandstof vervaardig nie; of
  - (g) kern- of atoomenergie voortbring nie.
- (2) 'n Magtiging kragtens subartikel (1) kan verleen word op die 15 voorwaardes wat die Minister na goeddunke oplê.
- (3) Die Minister kan, op voorwaardes wat hy bepaal, die bevoegdhede aan hom verleen in subartikels (1) en (2) wat hy nodig ag, aan die korporasie of, na oorlegpleging met die korporasie, aan die hoofuitvoerende beampte van die korporasie of aan 'n ander beampte van die 20 korporasie deur dié beampte aangewys, delegeer, maar hy word nie van enige aldus gedelegeerde bevoegdheid onthef nie en hy kan enige besluit van die hoof- uitvoerende beampte van die korporasie, of van bedoelde ander beampte, wysig of intrek.
- (4) 'n Magtiging deur die Minister kragtens subartikel (1) verleen, en 25 voorwaardes deur hom kragtens subartikel (2) in verband daarmee opgelê, word deur hom verleen of opgelê slegs na oorlegpleging met die korporasie.
- (5) (a) Behalwe met die skriftelike magtiging van die korporasie, mag niemand anders as die korporasie of 'n filiaalmaatskappy uraanheksa- 30 fluoried (UF<sub>6</sub>) vervaardig of andersins voortbring nie.
- (b) 'n Magtiging kragtens paragraaf (a) kan verleen word op die voorwaardes wat die korporasie na goeddunke oplê.”

## Wysiging van artikel 70 van Wet 92 van 1982

24. Artikel 70 van die Hoofwet word hierby gewysig— 35
- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- “(a) mag sonder die skriftelike toestemming van die **[korporasie]** Minister enige inligting waaroor hy beskik (hoe ook al verkry) en wat in verband staan met enige ondersoek of onderhandelinge met die oog op 40 die verkryging van 'n kernlisensie, of met enige terrein, kerninstallasie of kerngevaarlike materiaal ten opsigte waarvan 'n kernlisensie verleen is of verleen staan te word kragtens hierdie Wet, of met enigiets op so 'n terrein of by of in so 'n kerninstallasie, aan iemand anders hetsy binne of buite die Republiek meedeel, versend of bekend maak 45 of dit daarbinne of daarbuite publiseer nie;” en
- (b) deur die volgende subartikels by te voeg:
- “(3) 'n Magtiging kragtens subartikel (1) (a) kan verleen word op die voorwaardes wat die Minister na goeddunke oplê.
- (4) Die Minister kan, op die voorwaardes wat hy bepaal, die bevoegd- 50 hede aan hom verleen in subartikels (1) (a) en (3) wat hy nodig ag, aan die korporasie of aan die hoof- uitvoerende beampte van die korporasie of aan die uitvoerende beampte van die Raad vir Kernveiligheid, delegeer.”

## Vervanging van artikel 71 van Wet 92 van 1982

25. Artikel 71 van die Hoofwet word hierby deur die volgende artikel vervang: 55
- “Toestemming van korporasie of Raad vir Kernveiligheid nie geag erkenning van juistheid van inligting te wees nie
71. Skriftelike toestemming van die korporasie wat met betrekking tot die aangeleenthede bedoel in artikels 68 en 69 gegee is, en die skriftelike 60

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- (a) be in possession of any source material unless he has come into possession thereof as a result of prospecting, reclamation or mining operations lawfully carried out by him, or unless he is in possession of such material on behalf of a person who—
- 5 (i) has so come into possession of such material; or  
(ii) has lawfully acquired such material;
- (b) dispose of any source material;
- (c) enrich or re-process any source material or special nuclear material;
- (d) import any source material into or export it from the Republic; **[or]**
- 10 (e) acquire, import or be in possession of or dispose of any restricted or special nuclear material;
- (f) fabricate nuclear fuel; or
- (g) produce nuclear or atomic energy.
- (2) Any authority under subsection (1) may be given subject to such conditions as the Minister may, in his discretion, impose.
- 15 (3) The Minister may, subject to such conditions as he may determine, delegate such of the powers conferred upon him in subsections (1) and (2) as he may deem necessary, to the corporation, or, after consultation with the corporation, to the chief executive officer of the corporation, or
- 20 any other officer of the corporation designated by that officer, but he shall not be divested of any powers so delegated and he may amend or rescind any decision of the corporation, the chief executive officer of the corporation, or the said other officer.
- (4) Any authority granted by the Minister under subsection (1), and
- 25 any conditions imposed by him under subsection (2) in connection therewith, shall be granted or imposed by him only after consultation with the corporation.
- (5) (a) Except with the written authority of the corporation, no person other than the corporation or a subsidiary company shall manufacture or otherwise produce uranium hexafluoride (UF<sub>6</sub>)
- 30 (b) Any authority under paragraph (a) may be granted subject to such conditions as the corporation may in its discretion impose.”.

## Amendment of section 70 of Act 92 of 1982

24. Section 70 of the principal Act is hereby amended—
- 35 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) shall, without the written permission of the **[corporation]** Minister, communicate, transmit or make known to any other person, whether in or outside the Republic, or publish, any information at his disposal
- 40 (howsoever acquired), connected with any investigation or negotiations with a view to acquiring a nuclear licence, or with any site or nuclear installation or with any nuclear-hazard material in respect of which a nuclear licence has been or is about to be granted, or with anything on such a site, or at or in such nuclear installation;” and
- 45 (b) by the addition of the following subsections:
- “(3) Any authority under subsection (1) (a) may be given subject to such conditions as the Minister may, in his discretion, impose.
- (4) The Minister may, subject to such conditions as he may determine, delegate such powers conferred upon him in subsections (1) (a) and (3) as
- 50 he may deem necessary, to the corporation or to the chief executive officer of the corporation or to the executive officer of the Council for Nuclear Safety.”.

## Substitution of section 71 of Act 92 of 1982

25. The following section is hereby substituted for section 71 of the principal Act:
- 55 **“Consent of corporation or Council for Nuclear Safety not deemed to be recognition of accuracy of information**
71. The written consent of the corporation granted in respect of matters mentioned in sections 68 and 69, and the written consent of the

toestemming van die Raad vir Kernveiligheid wat met betrekking tot die aangeleenthede bedoel in artikel 70 gegee is, word nie geag 'n erkenning deur die korporasie of die Raad vir Kernveiligheid, na gelang van die geval, te wees van die juistheid van die inligting waarvoor bedoelde toestemming gegee is nie, en die bewyslas om die juistheid daarvan te bewys, berus in enige geding by die persoon of instansie wat die inligting bekend gemaak, meegedeel of gepubliseer het.”.

#### Vervanging van artikel 72 van Wet 92 van 1982

26. Artikel 72 van die Hoofwet word hierby deur die volgende artikel vervang:

##### “Bevoegdhede van korporasie en Raad vir Kernveiligheid in verband met 10 beveiliging van goed

72. (1) Die korporasie of die Raad vir Kernveiligheid kan die maatreëls tref, of laat tref, wat hy nodig ag vir die behoorlike beskerming, verdediging of beveiliging van goed wat behoort aan of onder die beheer is van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid, of wat op 'n plek is waarop werksaamhede van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid verrig word.

(2) Iemand wat skriftelik deur die korporasie of die Raad vir Kernveiligheid, na gelang van die geval, daartoe gemagtig is, kan—

- (a) 'n persoon of voertuig wat op 'n plek in subartikel (1) bedoel is, visenteer en kan enige houer of pakket wat in besit van daardie persoon of op of in daardie voertuig is, oopmaak en ondersoek;
- (b) beslag lê op 'n voorwerp wat, behalwe vir die doeleindes van die verrigting van die werksaamhede van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid, in besit van 'n in paragraaf (a) bedoelde persoon of op 'n aldus bedoelde voertuig is en wat—
  - (i) aan die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid behoort, of onder die beheer van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid is;
  - (ii) 'n bedreiging inhou vir die veiligheid van die goed van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid, of vir die veiligheid van goed wat onder die beheer van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid is; en
- (c) 'n persoon in besit van 'n voorwerp in paragraaf (b) bedoel, in hegtenis neem.

(3) Die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid, of iemand in diens van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid, is nie vir verlies of skade as gevolg van liggaamlike beserings, lewensverlies of verlies van of skade aan eiendom of lewende hawe wat veroorsaak word deur, of ontstaan uit of in verband met, maatreëls getref of werke opgerig vir die beveiliging, verdediging of beskerming van die goed in subartikel (1) bedoel of van 'n aldus bedoelde plek aanspreeklik nie.”.

#### Vervanging van artikel 73 van Wet 92 van 1982

27. Artikel 73 van die Hoofwet word hierby deur die volgende artikel vervang:

##### “Skadeloosstelling ten opsigte van beserings opgedoen deur persone wat vir korporasie of filiaalmaatskappe of Raad vir Kernveiligheid diens doen

73. (1) Indien iemand wat in enige hoedanigheid deur of ten behoeve van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid in diens geneem is, terwyl hy sodanige diens doen, 'n persoonlike besering of siekte opdoen wat toe te skryf is aan die ioniserende straling van kerngevaarlike materiaal, of aan die ontvlambare, ontplofbare,

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5 Council for Nuclear Safety granted in respect of matters mentioned in section 70, shall not be deemed to be a recognition by the corporation or the Council for Nuclear Safety, as the case may be, of the accuracy of the information for which the consent referred to was granted, and the onus of proof for the accuracy thereof vests in any lawsuit with the person or organization which has made known, communicated or published the information.”.

**Substitution of section 72 of Act 92 of 1982**

26. The following section is hereby substituted for section 72 of the principal Act:

10 **“Powers of corporation and Council for Nuclear Safety in connection with security of property**

15 **72. (1)** The corporation or the Council for Nuclear Safety may make, or cause to be made, such arrangements as it may deem necessary for the proper protection, defence or security of property which belongs to or is under the control of the corporation or a subsidiary company or the Council for Nuclear Safety, or is on any place on which activities of the corporation or a subsidiary company or the Council for Nuclear Safety are carried out.

20 (2) Any person who has been authorized thereto in writing by the corporation or the Council for Nuclear Safety, as the case may be, may—

(a) search a person or vehicle which is on any place referred to in subsection (1), and may open and investigate any container or parcel which is in the possession of that person or is on or in that vehicle;

25 (b) attach any object which, except for the purposes of the performance of the functions of the corporation or a subsidiary company or the Council for Nuclear Safety, is in the possession of a person referred to in paragraph (a) or on or in a vehicle so referred to and which—

30 (i) belongs to the corporation or a subsidiary company or the Council for Nuclear Safety, or is under the control of the corporation or a subsidiary company or the Council for Nuclear Safety;

35 (ii) constitutes a threat to the security of the property of the corporation or a subsidiary company or the Council for Nuclear Safety, or the security of property under the control of the corporation or a subsidiary company or the Council for Nuclear Safety; and

(c) arrest a person in possession of an object referred to in paragraph (b).

40 (3) The corporation or a subsidiary company or the Council for Nuclear Safety, or any person employed by the corporation or a subsidiary company or the Council for Nuclear Safety, shall not be liable for loss or damage resulting from any bodily injury, loss of life, or loss of or damage to property or livestock, caused by or arising out of or in connection with measures taken or works erected for the safeguarding, defence or protection of property referred to in subsection (1) or of any place so referred to.”.

**Substitution of section 73 of Act 92 of 1982**

27. The following section is hereby substituted for section 73 of the principal Act:

50 **“Compensation in respect of injuries suffered by persons employed by corporation or subsidiary companies or Council for Nuclear Safety**

55 **73. (1)** If a person who is employed in any capacity by or on behalf of the corporation or a subsidiary company or the Council for Nuclear Safety, while he is performing such services suffers a personal injury or contracts a disease which is attributable to ionizing radiation of any radio-active material, or to the inflammable, explosive, poisonous or

giftige of spesiale eienskappe van sodanige materiaal, of aan die ioniserende straling van enige apparaat of die produksie of aanwending van sodanige materiaal of apparaat, moet die korporasie of die betrokke filiaalmaatskappy of die Raad vir Kernveiligheid, na gelang van die geval, behoudens die hieropvolgende bepalings van hierdie artikel— 5

(a) al die redelike uitgawes betaal wat deur of namens so iemand aangegaan is ten opsigte van geneeskundige, heelkundige of tandheelkundige behandeling of hospitaalbehandeling, deskundige verpleegdiens of die verskaffing en instandhouding van 'n kunsmatige liggaamsdeel of ander toestel wat deur sodanige besering of siekte 10 nodig gemaak word; en

(b) skadeloosstelling ten opsigte van arbeidsongeskiktheid of dood wat deur sodanige besering of siekte veroorsaak is, betaal.

(2) (a) Alle geskille wat betref die reg op enige betaling kragtens hierdie artikel, die bedrag van so 'n betaling en die wyse van 15 betaling, word beslis deur die Ongevallekommissaris wat ingevolge artikel 12 (1) van die Ongevallewet, 1941 (Wet No. 30 van 1941), aangestel is (hieronder die kommissaris genoem), en by enige beslissing met betrekking tot skadeloosstelling moet die kommissaris die bepalings van artikels 4, 27, 35, 36, 38, 39, 40, 41, 42, 44, 46, 49 20 en 86 van, en die Eerste Bylae by, genoemde Wet *mutatis mutandis* toepas: Met dien verstande dat die kommissaris, by die berekening van die bedrag van die skadeloosstelling wat kragtens hierdie artikel betaalbaar is, enige bepaling van genoemde artikels van genoemde Wet, soos aldus toegepas, waarvolgens verdienste bo 'n vasgestelde 25 bedrag buite rekening gelaat word, moet verontagsaam.

(b) Indien die persoon ten opsigte van wie die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid, na gelang van die geval, 'n bedrag moet betaal, iemand is ten opsigte van wie die bepalings van artikel 30 of 31 van die Ongevallewet, 1941, van toepassing sou 30 wees ten opsigte van 'n soortgelyke betaling ingevolge genoemde Wet, is die bepalings van bedoelde artikel *mutatis mutandis* van toepassing ten opsigte van enige betaling ingevolge hierdie artikel.

(c) Die bepalings van artikels 100 en 102 van die Ongevallewet, 1941, is *mutatis mutandis* van toepassing op skadeloosstelling kragtens hier- 35 die artikel betaalbaar.

(3) (a) Indien iemand wat op 'n voordeel kragtens hierdie artikel geregtig is, ook, as dit nie vir die bepalings van hierdie artikel was nie, ten opsigte van dieselfde besering of siekte op 'n voordeel kragtens die Ongevallewet, 1941, geregtig sou wees, vervel sy reg 40 kragtens genoemde Wet *ipso facto*.

(b) Geen bepaling van hierdie artikel raak 'n reg wat enigiemand kragtens sy dienskontrak of 'n bepaling van die een of ander wet op gunstiger voordele as dié waarop hy kragtens hierdie artikel geregtig is, besit nie: Met dien verstande dat niemand voordele sowel 45 kragtens hierdie artikel as kragtens bedoelde kontrak of bepaling kan eis nie.

(4) By die toepassing van hierdie artikel het die kommissaris *mutatis mutandis* al die bevoegdhede wat by hom berus ten opsigte van aangeleenthede wat by artikels 17, 24, 56, 57, 58, 59, 60 en 88 van die 50 Ongevallewet, 1941, behandel word, en die bepalings van genoemde artikels is *mutatis mutandis* van toepassing ten opsigte van alle aangeleenthede wat in verband staan met, of nodig is vir, 'n beslissing deur die kommissaris kragtens hierdie artikel.

(5) (a) Die korporasie, [en] elke filiaalmaatskappy en die Raad vir 55 Kernveiligheid betaal van tyd tot tyd aan die ongevallefonds kragtens artikel 64 van die Ongevallewet, 1941, ingestel, 'n bydrae tot die uitgawes deur die kommissaris ingevolge hierdie artikel aangegaan waarop onderling deur die korporasie en die kommissaris, of deur die betrokke filiaalmaatskappy en die kommissaris, of 60 deur die Raad vir Kernveiligheid en die kommissaris, na gelang van die geval, ooreengekom word of wat, by onstentenis van so 'n ooreenkoms, deur die Minister vasgestel word.

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special properties of such material, or to the ionizing radiation of any apparatus production or application of such material or apparatus, the corporation or the subsidiary company concerned or the Council for Nuclear Safety, as the case may be, shall, subject to the succeeding provisions of this section—

(a) defray all reasonable expenses incurred by or on behalf of such person in respect of medical, surgical, dental or hospital treatment, expert nursing services or the supply and maintenance of any artificial part of the body or other device, necessitated by such injury or disease; and

(b) pay compensation in respect of disablement or death caused by such injury or disease.

(2) (a) All questions as to the right to any payment under this section, the amount of such payment and the method of payment shall be determined by the Workmen's Compensation Commissioner appointed in terms of section 12 (1) of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941) (hereinafter referred to as the commissioner), and in making any determination in regard to compensation, the commissioner shall, *mutatis mutandis*, apply the provisions of sections 4, 27, 35, 36, 38, 39, 40, 41, 42, 44, 46, 49 and 86 of, and the First Schedule to, the said Act: Provided that in calculating the amount of the compensation payable under this section, the commissioner shall disregard any provision of the said sections of the said Act as so applied in terms of which earnings in excess of a fixed amount are not taken into consideration.

(b) If the person in respect of whom the corporation or a subsidiary company or the Council for Nuclear Safety, as the case may be, is required to make any payment, is a person to whom the provisions of section 30 or 31 of the Workmen's Compensation Act, 1941, would apply in respect of any similar payment under that Act, the provisions of the said section shall *mutatis mutandis* apply to any compensation payable under this section.

(c) The provisions of sections 100 and 102 of the Workmen's Compensation Act, 1941, shall *mutatis mutandis* apply to any compensation payable under this section.

(3) (a) If any person who is entitled to any benefit under this section would also be entitled, but for the provisions of this section, to any benefit in respect of the same injury or disease under the Workmen's Compensation Act, 1941, his right under the said Act shall *ipso facto* lapse.

(b) Nothing in this section contained shall affect any right which any person may have under his contract of employment, or under any provision of any law, to benefits more favourable than those to which he may be entitled under this section: Provided that no person shall be entitled to claim benefits both under this section and under the said contract or provision.

(4) For the purposes of this section the commissioner shall *mutatis mutandis* possess all the powers vested in him in respect of the matters dealt with by sections 17, 24, 56, 57, 58, 59, 60 and 88 of the Workmen's Compensation Act, 1941, and the provisions of the said sections shall *mutatis mutandis* apply in respect of all matters incidental to or necessary for any determination by the commissioner under this section.

(5) (a) The corporation, **[and]** every subsidiary company and the Council for Nuclear Safety shall, from time to time, pay to the accident fund established by section 64 of the Workmen's Compensation Act, 1941, a contribution towards the expense incurred by the commissioner under this section as may be agreed upon between the corporation and the commissioner, or between the relevant subsidiary company and the commissioner, or the Council for Nuclear Safety and the commissioner, as the case may be, or as may in the absence of any such agreement be determined by the Minister.

- (b) By aanslag van die korporasie of sy filiaalmaatskappye of die Raad vir Kernveiligheid, na gelang van die geval, ingevolge artikel 69 van genoemde Wet, hou die kommissaris rekening met die vermindering in die potensiële aanspreeklikheid van genoemde ongevallefonds ten gevolge van die bepaling van hierdie artikel.”.

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#### Vervanging van artikel 74 van Wet 92 van 1982

28. Artikel 74 van die Hoofwet word hierby deur die volgende artikel vervang:

##### “Advieskomitee ten opsigte van sekere vergoeding

74. (1) Indien iemand wat in enige hoedanigheid deur die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid in diens geneem is, 'n persoonlike besering of siekte tydens sodanige diens opdoen, behalwe 'n persoonlike besering of siekte in artikel 73 (1) beoog, kan die Minister, met die instemming van die Minister van Finansies, en na oorlegpleging met die advieskomitee in subartikel (2) bedoel, ondanks andersluidende bepaling van die een of ander wet, betaling van vergoeding uit die fondse van die korporasie of van die betrokke filiaalmaatskappy of van die Raad vir Kernveiligheid, na gelang van die geval, aan so iemand magtig of, in geval van sy dood, aan sy afhanklikes.

(2) (a) Die Minister moet 'n advieskomitee bestaande uit vyf lede aanstel, van wie een 'n regter van enige afdeling van die Hooggeregshof van Suid-Afrika moet wees en die voorsitter is, en van wie vier persone moet wees met deskundige kennis van die bedryfsfeer van die korporasie of die betrokke filiaalmaatskappy of die Raad vir Kernveiligheid, na gelang van die geval, waarin die besering of benadeling na bewering sou plaasgevind het.

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(b) Twee van die vier lede met sodanige deskundige kennis moet persone wees wat nie in diens van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid, na gelang van die geval, is nie.

(3) Die advieskomitee is daarmee belas om al die beskikbare inligting aangevoer by 'n aangeleentheid aan hom voorgelê, te ontvang en te oorweeg, en om die Minister van advies te dien oor die bedrag van vergoeding (indien daar is) wat ingevolge subartikel (1) betaalbaar is.

(4) Enigiemand wat homself deur 'n bevinding van die advieskomitee of 'n beslissing van die Minister veronreg ag, kan na die gepaste afdeling van die Hooggeregshof van Suid-Afrika daarteen appelleer.

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(5) Aan 'n lid van die advieskomitee wat nie in die heeltydse diens van die Staat of die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid is nie, kan die toelaes uit die fondse van die korporasie of die Raad vir Kernveiligheid, na gelang van die geval, betaal word wat die Minister met die instemming van die Minister van Finansies bepaal.”.

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#### Vervanging van artikel 75 van Wet 92 van 1982

29. Artikel 75 van die Hoofwet word hierby deur die volgende artikel vervang:

##### “Verhaal van sekere verliese en skade op persone in diens van korporasie of filiaalmaatskappy of Raad vir Kernveiligheid

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75. (1) Indien iemand wat in diens van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid is of was, die korporasie of die filiaalmaatskappy of die Raad vir Kernveiligheid, na gelang van die geval, verlies of skade berokken het deurdat hy—

(a) versuim het om die korporasie of die filiaalmaatskappy of die Raad vir Kernveiligheid se geld vir die invordering waarvan hy verantwoordelik is of was, in te vorder;

50

(b) vir 'n onreëlmatige uitbetaling van die korporasie of die filiaalmaatskappy of die Raad vir Kernveiligheid se geld of vir 'n uitbetaling van sodanige geld wat nie deur 'n behoorlike bewysstuk gestaaf word nie, verantwoordelik is of was;

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- 5 (b) In assessing the corporation or its subsidiary companies or the Council for Nuclear Safety, as the case may be, in terms of section 69 of the said Act, the commissioner shall make allowance for any reduction in the potential liability of the said accident fund by reason of the provisions of this section.”

**Substitution of section 74 of Act 92 of 1982**

28. The following section is hereby substituted for section 74 of the principal Act:

**“Advisory committee in respect of certain compensation**

10 74. (1) If a person who is employed in any capacity by the corporation or a subsidiary company or the Council for Nuclear Safety, while he is performing such service, suffers a personal injury or contracts a disease other than a personal injury or disease contemplated in section 73 (1), the Minister may, with the concurrence of the Minister of Finance, and after consultation with the advisory committee referred to in subsection 15 (2), notwithstanding the provisions of any other law to the contrary, authorize the payment of compensation to such person or, in the event of his death, to his dependants, out of the funds of the corporation or the subsidiary company concerned or the Council for Nuclear Safety, as the case may be.

20 (2) (a) The Minister shall appoint an advisory committee consisting of five members, one of whom shall be a judge of any division of the Supreme Court of South Africa and who shall be chairman, and four of whom shall be persons with expert knowledge of the sphere of activities of the corporation or the subsidiary company or the 25 Council for Nuclear Safety, as the case may be, in which the injury or damage is alleged to have occurred.

(b) Two of the four members with such expert knowledge shall be persons who are not in the service of the corporation or any subsidiary company or the Council for Nuclear Safety, as the case 30 may be.

(3) It shall be the duty of the advisory committee to receive and consider all the available information adduced in any matter referred to it, and to advise the Minister on the amount of compensation, if any, to be paid in terms of subsection (1).

35 (4) Any person who considers himself aggrieved by the finding of the advisory committee, or the decision of the Minister, shall have a right of appeal to the appropriate division of the Supreme Court of South Africa.

(5) Any member of the advisory committee who is not in the full-time employment of the State or [of] the corporation or a subsidiary company or the Council for Nuclear Safety, may, out of the funds of the corporation or the Council for Nuclear Safety, as the case may be, be paid such remuneration or allowances as may be determined by the Minister with the concurrence of the Minister of Finance.”

**Substitution of section 75 of Act 92 of 1982**

45 29. The following section is hereby substituted for section 75 of the principal Act;

**“Recovery of certain losses and damages from persons in employ of corporation or subsidiary company or Council for Nuclear Safety**

50 75. (1) If any person who is or was in the employ of the corporation or a subsidiary company or the Council for Nuclear Safety caused the corporation or the subsidiary company or the Council for Nuclear Safety, as the case may be, any loss or damage because he—

(a) failed to collect moneys of the corporation or the subsidiary company or the Council for Nuclear Safety for the collection of which he is or was responsible;

55 (b) is or was responsible for an irregular payment of moneys of the corporation or the subsidiary company or the Council for Nuclear Safety, or for a payment of such moneys not supported by a proper voucher;

- (c) weens versuim om sy pligte uit te voer, vir 'n vrugtelose uitgawe van die korporasie of die filiaalmaatskappy of die Raad vir Kernveiligheid se geld verantwoordelik is of was;
- (d) vir 'n tekort in, of 'n vernietiging of beskadiging van, die korporasie of die filiaalmaatskappy of die Raad vir Kernveiligheid se geld, seëls, sigwaardestukke en vorms wat 'n potensiële waarde het, sekuriteite, uitrusting, voorrade of ander eiendom van die korporasie of die filiaalmaatskappy of die Raad vir Kernveiligheid verantwoordelik is of was;
- (e) weens versuim om sy pligte uit te voer, vir 'n eis teen die korporasie of die filiaalmaatskappy of die Raad vir Kernveiligheid verantwoordelik is of was,

moet die rekenpligte beamppte in artikel 17 bedoel in die geval van die korporasie of 'n filiaalmaatskappy, of die rekenpligtige beamppte in artikel 26 (1) bedoel in die geval van die Raad vir Kernveiligheid, die bedrag van sodanige verlies of skade vasstel, en kan hy genoemde persoon by skriftelike kennisgewing gelas om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is, binne 30 dae vanaf die datum van die kennisgewing aan die korporasie of die betrokke filiaalmaatskappy of die Raad vir Kernveiligheid, na gelang van die geval, terug te betaal.

(2) Indien iemand wat in diens van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, word die bedrag, behoudens die bepalinge van subartikels (4), (5) en (6), deur die korporasie of die betrokke filiaalmaatskappy of die Raad vir Kernveiligheid, na gelang van die geval, van sy maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking nie in een maand meer as een vierde van sy maandelikse salaris mag beloop nie.

(3) Indien iemand wat in diens van die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, kan [genoemde] die betrokke rekenpligtige beamppte, behoudens die bepalinge van subartikels (4), (5) en (6), die bedrag deur middel van geregtelike proses ten behoeve van die korporasie of die betrokke filiaalmaatskappy of die Raad vir Kernveiligheid, na gelang van die geval, op so iemand verhaal.

(4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk in die betrokke kennisgewing bepaal, aanbied om die bedrag in paaiemente te betaal, kan [genoemde] die betrokke rekenpligtige beamppte hom toelaat om die bedrag in die paaiemente te betaal wat na sy mening redelik is.

(5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van 30 dae van die datum van die lasgewing by die raad van direkteure of die Raad vir Kernveiligheid, na gelang van die geval, appèl aanteken met verstrekking van die gronde vir sy appèl, en die betrokke raad kan, na die verdere ondersoek wat [dié raad] hy nodig ag, die appèl van die hand wys of gelas dat die appellant geheel en al of ten dele, na gelang van wat die betrokke raad billik en redelik ag, van die betaling van daardie bedrag kwytgeskeld word.

(6) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan, in plaas daarvan om kragtens subartikel (5) by die raad van direkteure of die Raad vir Kernveiligheid appèl aan te teken, binne 'n tydperk van 30 dae van die datum van die lasgewing, of binne die tydperk wat die hof toelaat, by 'n bevoegde hof aansoek doen om 'n bevel waarkragtens die lasgewing tersyde gestel of die betrokke bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur [genoemde] die betrokke rekenpligtige beamppte aan die hand van die omstandighede van die geval oortuig word nie dat die lasgewing tereg opgelê is of dat daardie bedrag juis is, 'n bevel uitreik waarkragtens die lasgewing tersyde gestel word of daardie bedrag verminder word, na gelang van die geval.

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(c) is or was responsible for fruitless expenditure of moneys of the corporation or the subsidiary company or the Council for Nuclear Safety, due to an omission to carry out his duties;

(d) is or was responsible for a deficiency in, or for the destruction of, or damage to, moneys, stamps, face value documents and forms having a potential value, securities, equipment and stores of the corporation or the subsidiary company or the Council for Nuclear Safety, or any other property of the corporation or the subsidiary company or the Council for Nuclear Safety;

(e) due to an omission to carry out his duties, is or was responsible for a claim against the corporation or the subsidiary company or the Council for Nuclear Safety,

the accounting officer referred to in section 17 in the case of the corporation or a subsidiary company, or the accounting officer referred to in section 26 (1) in the case of the Council for Nuclear Safety, shall determine the amount of such loss or damage, and may order, by notice in writing, the said person to pay to the corporation or the subsidiary company in question or the Council for Nuclear Safety, as the case may be, within 30 days from the date of such notice, the whole or any part of the amount so determined.

(2) If any person who is in the employ of the corporation or a subsidiary company or the Council for Nuclear Safety and has in terms of subsection (1) been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the amount shall, subject to the provisions of subsections (4), (5) and (6), be deducted by the corporation or subsidiary company in question or the Council for Nuclear Safety, as the case may be, from his monthly salary: Provided that such deduction shall not in any month exceed one-fourth of his monthly salary.

(3) If any person who was in the service of the corporation or a subsidiary company or the Council for Nuclear Safety and who has, in terms of subsection (1), been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the **[said]** accounting officer concerned may, subject to the provisions of subsections (4), (5) and (6), recover such amount on behalf of the corporation or the subsidiary company in question or the Council for Nuclear Safety, as the case may be, from such person by legal process.

(4) If any person who has been ordered to pay an amount in terms of subsection (1) makes, within the period stipulated in the notice in question, an offer to pay the amount in instalments, the **[said]** accounting officer concerned may allow payment in such instalments as he may consider reasonable.

(5) Any person who has in terms of subsection (1) been ordered to pay an amount may, within a period of 30 days from the date of such order, appeal to the board of directors or the Council for Nuclear Safety, as the case may be, stating the grounds for his appeal, and **[that]** the board in question may, after such further investigation as **[that board]** it may deem necessary, dismiss the appeal or order that the appellant be exempted either wholly or partly, according as **[that]** the board in question may consider fair and reasonable, from the payment of such amount.

(6) Any person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the board of directors or the Council for Nuclear Safety under subsection (5), apply within a period of 30 days from the date of the order, or within such further period as the court may allow, to a competent court for an order setting aside such order or reducing the relevant amount, and the court may upon such an application, if it is not convinced on the merits of the case by the **[said]** accounting officer concerned that the order was rightly made or that that amount is correct, make an order setting aside such order or reducing that amount, as the case may be.

(7) Indien 'n bedrag ingevolge subartikel (5) of (6) verminder word, word die aldus verminderde bedrag *mutatis mutandis* ooreenkomstig die bepalings van subartikels (1), (2), (3) en (4) verhaal.”.

#### Vervanging van artikel 76 van Wet 92 van 1982

30. Artikel 76 van die Hoofwet word hierby deur die volgende artikel vervang: 5

##### “Likwidasie van korporasie of Raad vir Kernveiligheid

76. Die korporasie of die Raad vir Kernveiligheid word nie gelikwdeer nie behalwe deur of kragtens 'n Wet van die Parlement.”.

#### Vervanging van artikel 79 van Wet 92 van 1982

31. Artikel 79 van die Hoofwet word hierby deur die volgende artikel vervang: 10

##### “Reproduksie van stukke van korporasie of Raad vir Kernveiligheid

79. (1) Die korporasie en die Raad vir Kernveiligheid kan enige stuk in sy besit of onder sy beheer reproduseer of laat reproduseer deur middel van mikroverfilming of 'n ander proses wat na sy oordeel so 'n stuk noukeurig en duursaam reproduseer, en kan die reproduksie in 15 plaas van die betrokke oorspronklike stuk bewaar of laat bewaar.

(2) 'n Reproduksie bedoel in subartikel (1) word by die toepassing van hierdie Wet vir alle doeleindes geag die betrokke oorspronklike stuk te wees, en 'n afdruk wat deur middel van so 'n reproduksie verkry is en wat deur die hoof- uitvoerende beampte van die korporasie of die uitvoe- 20 rende beampte van die Raad vir Kernveiligheid, of 'n beampte wat deur die hoof- uitvoerende beampte of die uitvoerende beampte daartoe gemagtig is, as 'n juiste afdruk gesertifiseer is, is in enige gereghof afdoende bewys van die inhoud van die betrokke oorspronklike stuk.”.

#### Vervanging van artikel 80 van Wet 92 van 1982

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32. Artikel 80 van die Hoofwet word hierby deur die volgende artikel vervang:

##### “Vrystelling van regte en gelde

80. Die korporasie, [en] 'n filiaalmaatskappy en die Raad vir Kern- veiligheid is vrygestel van die betaling van regte of gelde wat, as dit nie vir die bepalings van hierdie artikel was nie, ingevolge 'n bepaling van die 30 een of ander wet (uitgesonderd 'n wet op doeane en aksyns) deur die korporasie of 'n filiaalmaatskappy of die Raad vir Kernveiligheid aan die Staat betaalbaar sou gewees het ten opsigte van 'n handeling of transaksie, of ten opsigte van 'n stuk wat in verband met 'n handeling of transaksie staan.”.

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#### Wysiging van artikel 81 van Wet 92 van 1982

33. Artikel 81 van die Hoofwet word hierby gewysig—

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

“(c) (i) 'n bepaling van artikel 30 (1), [31 (1)] 37, 43 (1) of 77, of van 'n 40 voorwaarde kragtens artikel 34 (1) (a) of 35 (1) (b) hom opgelê of kragtens artikel 35 (1) (a) ten opsigte van hom bepaal, of van 'n eis van die Minister bedoel in artikel 39 (3) of (4), wat ten opsigte van hom bindend is, oortree of versuim om daaraan te voldoen;”;

en

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

“(f) versuim om gelde bedoel in artikel 36 of 46 (4) binne die tydperk deur die [Minister] die Raad vir Kernveiligheid bepaal, te betaal.”.

#### Wysiging van artikel 82 van Wet 92 van 1982

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34. Artikel 82 van die Hoofwet word hierby gewysig—

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

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(7) If an amount is reduced in terms of subsection (5) or (6), the amount so reduced shall *mutatis mutandis* be recovered in accordance with the provisions of subsections (1), (2), (3) and (4)."

**Substitution of section 76 of Act 92 of 1982**

5 30. The following section is hereby substituted for section 76 of the principal Act:

**"Liquidation of corporation or Council for Nuclear Safety**

76. The corporation or the Council for Nuclear Safety shall not be liquidated except by or under an Act of Parliament."

**Substitution of section 79 of Act 92 of 1982**

10 31. The following section is hereby substituted for section 79 of the principal Act;

**"Reproduction of documents of corporation or Council for Nuclear Safety**

15 79. (1) The corporation or the Council for Nuclear Safety may reproduce or cause to be reproduced documents in its possession and under its control by microfilming or any other process which, in its judgement, reproduces such a document in a durable and accurate manner, and shall keep, or cause to be kept, the reproduction instead of the original document.

20 (2) Any reproduction referred to in subsection (1), shall, for all purposes of this Act, be deemed to be the relevant original document, and a copy obtained by means of such a reproduction and which has been certified by the chief executive officer of the corporation or the executive officer of the Council for Nuclear Safety, or by an officer authorized by the chief executive officer or the executive officer as a true copy, is conclusive evidence in any court of law of the contents of the original document in question."

**Substitution of section 80 of Act 92 of 1982**

32. The following section is hereby substituted for section 80 of the principal Act:

**"Exemption from duties and fees**

30 80. The corporation, [and] a subsidiary company and the Council for Nuclear Safety shall be exempted from the payment of any duties or fees which, but for the provisions of this section, would in terms of a provision of any law (other than a law relating to customs and excise) have been payable to the state by the corporation or a subsidiary company or the Council for Nuclear Safety in respect of any act or transaction or in respect of any document connected with any act or transaction."

**Amendment of section 81 of Act 92 of 1982**

33. Section 81 of the principal Act is hereby amended—

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

45 "(c) (i) contravenes, or fails to comply with, any provision of section 30 (1), [31 (1)] 37, 43 (1) or 77, or of any condition imposed upon him under section 34 (1) (a) or 35 (1) (b) or determined in respect of him under section 35 (1) (a), or of any requirement of the Minister contemplated in section 39 (3) or (4), and which is binding on him;" and

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

"(f) fails to pay any fees referred to in section 36 or 46 (4) within the period specified by the [Minister] Council for Nuclear Safety."

**50 Amendment of section 82 of Act 92 of 1982**

34. Section 82 of the principal Act is hereby amended—

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

- “(b) die byeenroeping van vergaderings van die Raad vir Kernveiligheid of ’n komitee daarvan of die uitvoerende komitee, en die prosedure by sodanige vergaderings;”;
- (b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang: 5
- “(d) die prosedure wat gevolg moet word by die doen van ’n aansoek om ’n kernlisensie, met inbegrip van besonderhede van planne en die spesifikasies van terreine, installasies, aanlegte of strukture, en die ander besonderhede wat tesame met so ’n aansoek aan die **[korporasie]** Raad vir Kernveiligheid voorgelê moet word;” en 10
- (c) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:
- “(g) die persone behalwe die **[korporasie]** Raad vir Kernveiligheid wat van die plaasvind van ’n kernongeluk in kennis gestel moet word, en die hou van aantekeninge deur die **[korporasie]** Raad vir Kernveiligheid 15 betreffende persone wat te eniger tyd in die gebied wat deur sodanige ongeluk aangetas is, aanwesig was solank dit geduur het;”.

#### Voorbehoude en oorgangsbepalings

35. (1) Die korporasie kan, behoudens enige tersaaklike toepaslike bepaling van hierdie Wet, die Hoofwet of enige ander wet, of van die akte van oprigting of statute 20 van ’n filiaalmaatskappy, by besluit—

- (a) enige bate, las, reg of verpligting van die korporasie of ’n filiaalmaatskappy aan die Raad vir Kernveiligheid oordra; en
- (b) enige beampte of werknemer van die korporasie of ’n filiaalmaatskappy, behoudens so ’n bepaling, na die Raad vir Kernveiligheid oorplaas. 25

(2) Die besoldiging, toelaes, verlof-, pensioen- en behuisingsvoordele en ander diensvoorwaardes van toepassing op iemand in subartikel (1) (b) bedoel, is nie, tensy hy skriftelik daartoe instem, minder gunstig as dié wat op hom van toepassing was onmiddellik voor die datum van sy aanstelling by die Raad vir Kernveiligheid nie, en enige verlof-, pensioen- of ander voordele wat ten gunste van hom opgehoop het 30 voordat hy aldus ’n beampte of werknemer van die Raad vir Kernveiligheid geword het, word geag uit hoofde van diens by genoemde Raad ten gunste van hom op te geloop het.

(3) Indien ’n aangeleentheid wat voor die inwerkingtreding van hierdie Wet na die Raad vir Kernveiligheid ingevolge die Hoofwet ingestel, verwys is, nie voor 35 bedoelde inwerkingtreding deur daardie Raad of ’n komitee daarvan afgehandel is nie, kan die Raad vir Kernveiligheid ingevolge hierdie Wet ingestel, met die afhandeling van daardie aangeleentheid voortgaan ooreenkomstig die voorskrifte van die Hoofwet soos deur hierdie Wet gewysig, en word enigiets deur eersgenoemde Raad in verband met daardie aangeleentheid gedoen, geag deur die Raad 40 ingevolge hierdie Wet ingestel, gedoen te gewees het.

(4) Enigiets wat voor die inwerkingtreding van hierdie Wet kragtens ’n bepaling van die Hoofwet gedoen is en wat kragtens so ’n bepaling van die Hoofwet soos deur hierdie Wet gewysig, gedoen sou kon word, word geag aldus gedoen te wees.

#### Kort titel

45

36. Hierdie Wet heet die Wysigingswet op Kernenergie, 1988.

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- “(b) the convening of meetings of the Council for Nuclear Safety or of any committee thereof or the executive committee, and the procedure at such meetings;”;
- 5 (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
- “(d) the procedure to be followed in making any application for a nuclear licence, including details of plans and the specifications of sites, installations, plants or structures, and other information to be submitted together with such application to the **[corporation]** Council for Nuclear Safety;”;
- 10 (c) by the substitution for paragraph (g) of subsection (1) of the following paragraph:
- “(g) the persons other than the **[corporation]** Council for Nuclear Safety to be notified of the occurrence of a nuclear accident, and the particulars regarding persons at any time present in the area affected by such accident during its period of duration to be recorded by the **[corporation]** Council for Nuclear Safety;”;
- 15

**Savings and transitional provisions**

35. (1) The corporation may, subject to any relevant applicable provision of this Act, the principal Act or any other law, or of the memorandum or articles of association of a subsidiary company, by resolution—
- 20 (a) transfer any asset, liability, right or obligation of the corporation or a subsidiary company to the Council for Nuclear Safety; and
- (b) transfer any officer or employee of the corporation or a subsidiary company to the Council for Nuclear Safety.
- 25 (2) The remuneration, allowances, leave, pension and housing benefits and other conditions of service applicable to any person referred to in subsection (1) (b) shall not, unless he agrees thereto in writing, be less favourable than those applicable to him immediately prior to the date of his appointment at the Council for Nuclear Safety, and any leave, pension or other benefits which accrued in his favour before he so became an officer or employee of the Council for Nuclear Safety shall be deemed to have accrued in his favour by virtue of service with the said Council.
- 30 (3) If any matter which before the commencement of this Act was referred to the Council for Nuclear Safety established in terms of the principal Act, has not been disposed of by that Council or a committee thereof before such commencement, the Council for Nuclear Safety established in terms of this Act may continue with the disposal of that matter in accordance with the provisions of the principal Act as amended by this Act, and anything done by the first-mentioned Council in connection with that matter shall be deemed to have been done by the Council
- 35 established in terms of this Act.
- (4) Anything done prior to the commencement of this Act under any provision of the principal Act and which could be done under any such provision of the principal Act as amended by this Act, shall be deemed to have been so done.
- 40

**Short title**

- 45 36. This Act shall be called the Nuclear Energy Amendment Act, 1988.

