



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

No. 1187.

9 June 1989

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

No. 72 of 1989: Energy Amendment Act, 1989.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1187.

9 Junie 1989

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

No. 72 van 1989: Wysigingswet op Energie, 1989.

Act No. 72, 1989

ENERGY AMENDMENT ACT, 1989

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 Energy Act, 1987, so as to empower the council to carry out investigations in order to advise the Minister, and to accept donations and to borrow money subject to certain conditions; to provide that certain employees of the council may obtain information relating to prospecting for minerals; to further regulate the appointment and remuneration of the personnel of the council; to make further provision in regard to the funds of the council; to make agreements pertaining to nuclear energy entered into between the Government and other governments, subject to certain provisions of the Nuclear Energy Act, 1977; and to repeal the prohibition according to which the executive officer may not further delegate a power which has been delegated to him; to amend the Central Energy Fund Act, 1977, so as to further provide for the utilization of money out of the Equalization Fund; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 1 June 1989.)

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

Amendment of section 12 of Act 42 of 1987

1. Section 12 of the Energy Act, 1987 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the words preceding paragraph (a) of the following words:

“In addition to such functions as may be assigned to the council by this Act or in writing by the Minister, the council shall advise the Minister in regard to any matter which the Minister may refer to it, and the council may—”;
- (b) by the substitution for paragraphs (d) and (e) of the following paragraphs, respectively:

“(d) **[from time to time make recommendations to]** advise the Minister concerning any matter to which this Act relates and it may for this purpose carry out any investigation which it or the Minister deems necessary; [and]

(e) in general perform such functions as are necessary or expedient to accomplish its objects; and”;

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Energie, 1987, om die raad te magtig om ondersoekte te hou ten einde die Minister te adviseer, en om skenkings te aanvaar en geld onderworpe aan sekere voorwaardes te leen; voorsiening te maak dat sekere werknemers van die raad inligting in verband met prospektering na minerale mag bekom; die aanstelling en besoldiging van die personeel van die raad verder te reël; verdere voorsiening in verband met die fondse van die raad te maak; ooreenkomste wat die Regering met ander regerings aangaan en wat verband hou met kernenergie, onderworpe te stel aan sekere bepalings van die Wet op Kernenergie, 1982; en die verbod op te hef waarvolgens die uitvoerende beampte nie 'n bevoegdheid wat aan hom gedelegeer is, verder mag delegeer nie; tot wysiging van die Wet op die Sentrale Energiefonds, 1977, om verdere voorsiening te maak vir die aanwending van geld uit die Egalisasiefonds; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Junie 1989.)

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

Wysiging van artikel 12 van Wet 42 van 1987

1. Artikel 12 van die Wet op Energie, 1987 (hieronder die Hoofwet genoem),
5 word hierby gewysig—

(a) deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

10 “Benewens die werksaamhede wat by hierdie Wet of skriftelik deur die Minister aan die raad opgedra word, moet die raad die Minister adviseer oor enige aangeleentheid wat die Minister na hom verwys, en kan die raad—”;

(b) deur paragrawe (d) en (e) deur onderskeidelik die volgende paragrawe te vervang:

15 “(d) **[van tyd tot tyd aanbevelings by]** die Minister adviseer oor enige **[doen betreffende 'n]** aangeleentheid waarop hierdie Wet betrekking het en kan hy vir dié doel ondersoekte hou wat hy of die Minister nodig ag; **[en]**

(e) in die algemeen die handeling verrig wat nodig of dienstig is vir die verwesenliking van sy oogmerke; en”; en

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(c) by the addition of the following paragraph:

“(f) accept donations and money which accrue to it, acquire or borrow money within the period and to a maximum amount, with or without security and with or without interest, and on such arrangements and conditions as may be agreed upon and which the Minister with the concurrence of the Minister of Finance may approve.”.

Insertion of section 12A in Act 42 of 1987

2. The following section is hereby inserted in the principal Act after section 12:

“Obtaining of information in respect of prospecting

12A. (1) Notwithstanding the provisions of section 20 (3) of the Mining Rights Act, 1967 (Act No. 20 of 1967), the executive officer, and any employee of the council designated by him in writing, shall be entitled to have access to and to make use of any notice or information provided to an officer or employee of the Department of Mineral and Energy Affairs in terms of section 20 (1) of the said Act in respect of prospecting for any mineral: Provided that the notice or information concerned is connected with the objects and general functions of the council.

(2) The provisions of section 20 (3) of the Mining Rights Act, 1967, in respect of any statement or plan in connection with prospecting for any mineral referred to in subsection (1) of this section are *mutatis mutandis* applicable to any notice or information which may be provided in terms of the said subsection (1) to the executive officer or designated employee of the council.”.

Amendment of section 13 of Act 42 of 1987

3. Section 13 of the principal Act is hereby amended—

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

“(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 after consultation with the]** council with the concurrence of the Minister on the conditions of service which the Minister may determine with the concurrence of the Minister of Finance.”; and

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

“(a) persons appointed by the **[Minister]** council on such conditions and at such remuneration as **[he]** the Minister may determine with the concurrence of the Minister of Finance;”.

Amendment of section 14 of Act 42 of 1987

4. Section 14 of the principal Act is hereby amended—

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

“(b) money utilized by the Minister **[out of the Central Energy Fund]** under **[section]** sections 1 (2) (a) and 1A (4) (a) of the Central Energy Fund Act, 1977 (Act No. 38 of 1977), in order to enable the council to perform its functions under this Act; **[and]**”; and

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

“(bA) money obtained by way of loans entered into by the council; and”.

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(c) deur die volgende paragraaf by te voeg:

“(f) skenkings aanneem en geld wat hom toekom in ontvangs neem, geld opneem of leen binne die tydperk en tot ’n maksimum bedrag, met of sonder sekuriteit en met of sonder rente en op die bedinge en voorwaardes waaromtrent ooreengekom word en wat die Minister met die instemming van die Minister van Finansies goedkeur.”.

Invoeging van artikel 12A in Wet 42 van 1987

2. Die volgende artikel word hierby in die Hoofwet na artikel 12 ingevoeg:

“Verkryging van inligting in verband met prospektering

12A. (1) Ondanks die bepalings van artikel 20 (3) van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), is die uitvoerende beampte, en enige werknemer van die raad skriftelik deur hom aangewys, geregtig om insae te hê in en gebruik te maak van enige kennisgewing of inligting wat ingevolge artikel 20 (1) van genoemde Wet ten opsigte van die prospektering na enige mineraal aan ’n beampte of werknemer van die Departement van Mineraal- en Energiesake verstrek is: Met dien verstande dat die betrokke kennisgewing of inligting verband hou met die oogmerke en algemene werksaamhede van die raad.

(2) Die bepalings van artikel 20 (3) van die Wet op Mynregte, 1967, met betrekking tot enige staat of plan ten opsigte van die prospektering na enige mineraal in subartikel (1) van hierdie artikel bedoel, is *mutatis mutandis* van toepassing op enige kennisgewing of inligting wat ingevolge genoemde subartikel (1) aan die uitvoerende beampte of aangewysde werknemer van die raad verstrek mag word.”.

25 Wysiging van artikel 13 van Wet 42 van 1987

3. Artikel 13 van die Hoofwet word hierby gewysig—

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

“(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 na oorleg met die]** raad met die instemming van die Minister aangestel word op die diensvoorwaardes wat die Minister met die instemming van die Minister van Finansies bepaal.”;

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

“(a) persone deur die **[Minister]** raad aangestel op die voorwaardes en teen die besoldiging wat **[hy]** die Minister met die instemming van die Minister van Finansies bepaal.”.

Wysiging van artikel 14 van Wet 42 van 1987

40 4. Artikel 14 van die Hoofwet word hierby gewysig—

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

“(b) geld wat kragtens **[artikel]** artikels 1 (2) (a) en 1A (4) (a) van die Wet op die Sentrale Energiefonds, 1977 (Wet No. 38 van 1977), deur die Minister **[uit die Sentrale Energiefonds]** aangewend word ten einde die raad in staat te stel om sy werksaamhede kragtens hierdie Wet te verrig; **[en]**”; en

(b) deur na paragraaf (b) van subartikel (1) die volgende paragraaf in te voeg:

“(bA) geld verkry by wyse van lenings deur die raad aangegaan; en”.

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Amendment of section 16 of Act 42 of 1987

5. The following section is hereby substituted for section 16 of the principal Act:

“Agreement with other governments

16. The Government of the Republic may, subject to the provisions of sections 19, 48, 49, 51, 52, 53, 68 and 70 of the Nuclear Energy Act, 1982 (Act No. 92 of 1982), enter into an agreement with the government of any other country or territory with a view to the advancement or regulation of, or co-operation in connection with, the production, manufacture, marketing or distribution of raw material from which energy is or can be generated or the generation, marketing or distribution of energy or research in connection therewith, and in compliance with such agreement the council may perform in the Republic or in such country or territory on behalf of that government the functions stated in the agreement in question or determined thereunder.”

Amendment of section 19 of Act 42 of 1987

6. Section 19 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) delegate to an employee of the council any power conferred upon the executive officer by or under this Act [excluding any power delegated to the executive officer under subsection (2) (a)]; or”

Amendment of section 1A of Act 38 of 1977, as inserted by section 1 of Act 30 of 1979 and amended by section 2 of Act 74 of 1979, section 1 of Act 68 of 1980, section 2 of Act 73 of 1984, section 2 of Act 46 of 1985 and section 2 of Act 55 of 1988

7. Section 1A of the Central Energy Fund Act, 1977, is hereby amended by the deletion of the word “or” at the end of subparagraph (i) of paragraph (a) of subsection (4), and by the addition of the following subparagraphs to paragraph (a) of subsection (4):

- “(iii) for the acquisition, generation, manufacture, marketing or distribution of any other form of energy, and research connected therewith;
- (iv) for any other object relating to energy designated and approved by the Minister of Economic Affairs and Technology with the concurrence of the Minister of Finance.”

Short title

8. This Act shall be called the Energy Amendment Act, 1989.

Vervanging van artikel 16 van Wet 42 van 1987

5. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:

“Ooreenkoms met ander regerings

5 16. Die Regering van die Republiek kan behoudens die bepalings van
artikels 19, 48, 49, 51, 52, 53, 68 en 70 van die Wet op Kernenergie, 1982
(Wet No. 92 van 1982), met die regering van 'n ander land of gebied 'n
ooreenkoms aangaan met die oog op die bevordering of reëling van, of
10 samewerking met betrekking tot, die produksie, verwerking, bemarking
of verspreiding van grondstowwe waaruit energie ontwikkel word of kan
word of die ontwikkeling, bemarking of verspreiding van energie of
navorsing wat daarmee in verband staan, en ter nakoming van so 'n
ooreenkoms kan die raad in die Republiek of in so 'n land of gebied ten
behoewe van daardie regering die werksaamhede verrig wat in die
betrokke ooreenkoms uiteengesit of daarkragtens bepaal word.”

15 Wysiging van artikel 19 van Wet 42 van 1987

6. Artikel 19 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

20 “(a) aan 'n werknemer van die raad 'n bevoegdheid by of kragtens hierdie Wet aan die uitvoerende beampte verleen, **[uitgesonderd 'n bevoegdheid aan die uitvoerende beampte kragtens subartikel (2) (a) gedelegeer]** delegeer; of”.

Wysiging van artikel 1A van Wet 38 van 1977, soos ingevoeg deur artikel 1 van Wet 30 van 1979 en gewysig deur artikel 2 van Wet 74 van 1979, artikel 1 van Wet 68 van 1980, artikel 2 van Wet 73 van 1984, artikel 2 van Wet 46 van 1985 en artikel 2 van Wet 55 van 1988

25 7. Artikel 1A van die Wet op die Sentrale Energiefonds, 1977, word hierby gewysig deur die woord “of” aan die einde van subparagraaf (i) van paragraaf (a) van subartikel (4) te skrap, en die volgende subparagraawe by paragraaf (a) van subartikel (4) te voeg:

30 “(iii) vir die verkryging, opwekking, vervaardiging, bemarking of verspreiding van enige ander vorm van energie, en navorsing wat daarmee in verband staan;
(iv) vir enige ander doelstelling in verband met energie wat die Minister van Ekonomiese Sake en Tegnologie met die instemming van die Minister van Finansies aangewys of goedgekeur het.”.

35 Kort titel

8. Hierdie Wet heet die Wysigingswet op Energie, 1989.

