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OFFICE OF THE PRESIDENT

No. 1514.

4 October 1995

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

No. 50 of 1995: Non-Proliferation of Weapons of Mass Destruction Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1514.

4 Oktober 1995

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

No. 50 van 1995: Wysigingswet op die Nie-proliferasie van Wapens van Grootskaalse Vernietiging, 1995.

GENERAL EXPLANATORY NOTE:

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

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Non-Proliferation of Weapons of Mass Destruction Act, 1993, so as to make provision for the appointment of a vice-chairperson to the South African Council for the Non-Proliferation of Weapons of Mass Destruction; to make further provision for the delegation of certain powers and duties; and to delete an obsolete provision; and to provide for matters connected therewith.

*(English text signed by the President.)
(Assented to 28 September 1995.)*

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

Amendment of section 4 of Act 87 of 1993

1. Section 4 of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (hereinafter referred to as the principal Act), is hereby amended—

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

“(a) a [chairman] chairperson and vice-chairperson, who, in the opinion of the Minister, shall be [a person] persons with applicable knowledge or experience with regard to matters connected with the objects of the Council;”; and

(b) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) the [chairman] chairperson or vice-chairperson, by the appointment of another person as [chairman] chairperson or vice-chairperson; and”.

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Amendment of section 9 of Act 87 of 1993

2. Section 9 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) If the chairperson is absent from a meeting of the Council, the vice-chairperson shall preside at that meeting, and if both the [chairman is] chairperson and vice-chairperson are absent from a meeting of the Council, the members present shall elect one of their members to preside at that meeting.”.

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Substitution of section 18 of Act 87 of 1993

3. The following section is hereby substituted for section 18 of the principal Act: 25

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
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WET

Tot wysiging van die Wet op die Nie-proliferasie van Wapens van Grootskaalse Vernietiging, 1993, ten einde voorsiening te maak vir die aanstelling van 'n ondervoorsitter in die Suid-Afrikaanse Raad vir die Nie-proliferasie van Wapens van Grootskaalse Vernietiging; verder voorsiening te maak vir die delegering van sekere bevoegdhede en pligte; en 'n verouderde bepaling te skrap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 28 September 1995.)

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

Wysiging van artikel 4 van Wet 87 van 1993

1. Artikel 4 van die Wet op die Nie-proliferasie van Wapens van Grootskaalse Vernietiging, 1993 (hieronder die Hoofwet genoem), word hierby gewysig—
- 5 (a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
“(a) 'n voorsitter en ondervoorsitter wat na die oordeel van die Minister [iemand] persone is wat oor toepaslike kennis of ondervinding beskik met betrekking tot aangeleenthede wat met die oogmerke van die Raad in verband staan;”; en
- 10 (b) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:
“(a) die voorsitter of ondervoorsitter, iemand anders as voorsitter of ondervoorsitter; en”.

Wysiging van artikel 9 van Wet 87 van 1993

- 15 2. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Indien die voorsitter van 'n vergadering van die Raad afwesig is, sit die ondervoorsitter by daardie vergadering voor, en indien beide die voorsitter en ondervoorsitter van 'n vergadering van die Raad afwesig is, kies die aanwesige 20 lede uit hul midde iemand om by daardie vergadering voor te sit.”.

Vervanging van artikel 18 van Wet 87 van 1993

3. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

“Appeal

18. (1) Any person aggrieved at any decision of the Council or its delegate under this Act may appeal to the Minister, who may confirm, amend or set aside the decision of the Council or its delegate.

(2) A decision of the Council or its delegate to suspend or revoke a permit shall not be suspended pending the result of an appeal under subsection (1) against that decision.

(3) A decision by the Minister with regard to an appeal shall for all purposes be deemed to be a decision of the Council or its delegate.”.

Substitution of section 19 of Act 87 of 1993

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

“Revision by court of law

19. (1) Notwithstanding the provisions of section 18, any person whose interests are affected by a decision of the Council or its delegate may, within 30 days after he or she became aware of such decision, request the Council or its delegate in writing to furnish in writing reasons for that decision within 30 days after receiving such a request.

(2) Within 30 days after having been furnished with reasons in terms of subsection (1), or after the expiration of the period within which reasons should have been furnished by the Council or its delegate, the person concerned may apply to a division of the Supreme Court having jurisdiction, to review the decision.”.

Amendment of section 20 of Act 87 of 1993

5. Section 20 of the principal Act is hereby amended—

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

“(1) The Minister may, subject to such conditions as he or she may impose in writing, delegate or assign to the [chairman] chairperson or vice-chairperson of the Council, a member of the Council, a member of any committee established under section 10, or any officer or employee of the Department, any power or duty conferred or imposed upon the Minister by or under this Act.”;

(b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“The [chairman] chairperson of the Council may, subject to such conditions as he or she may determine, in writing delegate or assign to the vice-chairperson or any member of the Council or any officer or employee designated in terms of section 4(7) any power or duty—”;

(c) by the insertion after subsection (3) of the following subsections:

“(3A) The vice-chairperson of the Council may, subject to such conditions as he or she may determine, in writing delegate or assign to any member of the Council or any officer or employee designated in terms of section 4(7) any power or duty—

(a) conferred or imposed upon him or her by this Act; or

(b) delegated or assigned to him or her under subsection (1) or (3), unless the Minister or the chairperson of the Council, as the case may be, has in his or her delegation or assignment determined otherwise.

(3B) The Council may, subject to such conditions as it may determine, in writing delegate or assign to any member of the Council, a committee established under section 10 or any officer or employee designated in terms of section 4(7) any power or duty conferred or imposed upon it by this Act.

(3C) A committee established under section 10 may, subject to such conditions as it may determine, in writing delegate or assign to any

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"Appèl"

- 5 **18.** (1) Iemand wat hom of haar veronreg voel deur 'n besluit van die Raad of sy gedelegeerde kragtens hierdie Wet, kan na die Minister appelleer, wat die besluit van die Raad of sy gedelegeerde kan bekratig, wysig of tersyde stel.
- (2) 'n Besluit van die Raad of sy gedelegeerde om 'n permit op te skort of in te trek, word nie opgeskort hangende die uitslag van 'n appèl kragtens subartikel (1) teen daardie besluit nie.
- 10 (3) 'n Besluit van die Minister ten opsigte van 'n appèl word vir alle doeleindes geag 'n besluit van die Raad of sy gedelegeerde te wees."

Vervanging van artikel 19 van Wet 87 van 1993

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

"Hersiening deur hof"

- 15 **19.** (1) Ondanks die bepalings van artikel 18, kan iemand wie se belang geraak word deur 'n besluit van die Raad of sy gedelegeerde, binne 30 dae nadat hy of sy van so 'n besluit bewus geword het, die Raad of sy gedelegeerde skriftelik versoek om binne 30 dae vanaf ontvangs van die versoek skriftelik redes vir die besluit te verstrek.
- 20 (2) Binne 30 dae nadat redes ingevolge subartikel (1) verstrek is, of na versstryking van die tydperk waarbinne redes deur die Raad of sy gedelegeerde verstrek moes word, kan die betrokke persoon by 'n bevoegde afdeling van die Hooggereghof aansoek doen om hersiening van die besluit."

Wysiging van artikel 20 van Wet 87 van 1993

25 **5.** Artikel 20 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 "“(1) Die Minister kan aan die voorsitter of ondervoorsitter van die Raad, 'n lid van die Raad, 'n lid van enige komitee wat kragtens artikel 10 ingestel is, of aan enige beampete of werknemer van die Departement enige bevoegdheid of plig wat by of kragtens hierdie Wet aan die Minister verleen of opgedra is, deleer of opdra, onderhewig aan sodanige skriftelike voorwaardes as wat die Minister bepaal.”;
- (b) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 “Die voorsitter van die Raad kan, onderhewig aan die voorwaardes wat hy of sy bepaal, aan die ondervoorsitter of enige lid van die Raad of enige beampete of werknemer wat ingevolge artikel 4(7) aangewys is enige bevoegdheid of plig skriftelik deleer of opdra wat—”;
- (c) deur die volgende subartikels na subartikel (3) in te voeg:
 “(3A) Die ondervoorsitter van die Raad kan, onderhewig aan die voorwaardes wat hy of sy bepaal, aan enige lid van die Raad of enige beampete of werknemer wat ingevolge artikel 4(7) aangewys is enige bevoegdheid of plig skriftelik deleer of opdra wat—
 (a) by hierdie Wet aan hom of haar verleen of opgedra is; of
 (b) kragtens subartikel (1) of (3) aan hom of haar gedelegeer of opgedra is, tensy die Minister of die voorsitter van die Raad, na gelang van die geval, in sy of haar delegering of opdrag anders bepaal het.
 (3B) Die Raad kan, onderhewig aan die voorwaardes wat hy bepaal, aan enige lid van die Raad, 'n komitee wat kragtens artikel 10 ingestel is of enige beampete of werknemer wat ingevolge artikel 4(7) aangewys is enige bevoegdheid of plig skriftelik deleer of opdra wat by hierdie Wet aan hom verleen of opgedra is.
 (3C) 'n Komitee kragtens artikel 10 ingestel kan, onderhewig aan die voorwaardes wat hy bepaal, aan enige beampete of werknemer wat

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DESTRUCTION AMENDMENT ACT, 1995**

officer or employee designated in terms of section 4(7) any power or duty—

- (a) conferred or imposed upon it by this Act; or
(b) delegated or assigned to it under subsection (3B), unless the Council has in its delegation or assignment determined otherwise.”; and

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

“(4) The Minister, Director-General, [and chairman] chairperson and vice-chairperson of the Council, Council and any committee established under section 10 shall not be divested of any power or exempted from any duty delegated or assigned by him, her or it, and may amend or set aside any decision taken by a person in the exercise or performance of such power or duty delegated or assigned to him, her or it.”.

Repeal of section 28 of Act 87 of 1993

6. Section 28 of the principal Act is hereby repealed.

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Substitution of word

7. The principal Act is hereby amended by the substitution for the word “chairman”, wherever it occurs, of the word “chairperson”.

Short title

8. This Act shall be called the Non-Proliferation of Weapons of Mass Destruction Amendment Act, 1995.

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WYSIGINGSWET OP DIE NIE-PROLIFERASIE VAN WAPENS
VAN GROOTSKAALSE VERNIETIGING, 1995

Wet No. 50, 1995

ingevolge artikel 4(7) aangewys is enige bevoegdheid of plig skriftelik deleger of opdra wat—

- (a) by hierdie Wet aan hom verleen of opgedra is; of
(b) kragtens subartikel (3B) aan hom gedelegeer of opgedra is, tensy die Raad in sy delegering of opdrag anders bepaal het.”;
en

5 (d) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die Minister, Direkteur-generaal, [en] voorsitter en ondervoorsitter van die Raad, Raad en ’n komitee kragtens artikel 10 ingestel is nie ontdoen van enige bevoegdheid of onthef van enige plig wat hy of sy gedelegeer of opgedra het nie, en kan enige beslissing van ’n persoon wat geneem word in die uitoefening van ’n bevoegdheid of die verrigting van ’n plig aan hom of haar gedelegeer of opgedra, wysig of herroep.”.

10 15 **Herroeping van artikel 28 van Wet 87 van 1993**

6. Artikel 28 van die Hoofwet word hierby herroep.

Vervanging van woord

7. Die Hoofwet word hierby gewysig deur in die Engelse teks die woord “chairman”, waar dit ook al voorkom, deur die woord “chairperson” te vervang.

20 **Kort titel**

8. Hierdie Wet heet die Wysigingswet op die Nie-proliferasie van Wapens van Grootskale Vernietiging, 1995.

