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OFFICE OF THE PRESIDENT

No. 1530.

6 October 1995

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

No. 64 of 1995: Space Affairs Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1530.

6 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. 64 van 1995: Wysigingswet op Ruimte-aangeleenthede, 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 Space Affairs Act, 1993, so as to make provision for the appointment of a vice-chairperson to the South African Council for Space Affairs; and 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 6 of Act 84 of 1993

1. Section 6 of the Space Affairs Act, 1993 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (a) of the following paragraph: 5

“(a) a **[chairman]** chairperson and vice-chairperson, who, in the opinion of the Minister, shall be **[a person]** persons with applicable knowledge or experience relating to matters connected with the objects of the Council;” 10

Amendment of section 7 of Act 84 of 1993

2. Section 7 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.” 15

Substitution of section 16 of Act 84 of 1993

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

“Appeal to Minister” 20

16. (1) Any person who is 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.

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 Ruimte-aangeleenthede, 1993, ten einde voorsiening te maak vir die aanstelling van 'n ondervoorsitter in die Suid-Afrikaanse Raad vir Ruimte-aangeleenthede; en 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 6 van Wet 84 van 1993

1. Artikel 6 van die Wet op Ruimte-aangeleenthede, 1993 (hieronder die Hoofwet 5 genoem), word hierby gewysig deur paragraaf (a) 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;”.

Wysiging van artikel 7 van Wet 84 van 1993

2. Artikel 7 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 lede uit hul midde iemand om by daardie vergadering voor te sit.”.

Vervanging van artikel 16 van Wet 84 van 1993

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

20 **“Appèl na Minister**

16. (1) Iemand wat hom of haar veronreg voel deur enige 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 bekragtig, wysig of tersyde stel.

(2) A decision of the Council or its delegate to suspend or revoke a licence 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.”

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Substitution of section 17 of Act 84 of 1993

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

“Revision by court of law

17. (1) Notwithstanding the provisions of section 16, 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.

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(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 had to be 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.”

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Amendment of section 18 of Act 84 of 1993

5. Section 18 of the principal Act is hereby amended—

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(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, vice-chairperson or a member of the Council or a committee established under section 8, or to any officer or employee of the Department, any power or duty conferred or imposed upon the Minister by or under this Act, except a power or duty referred to in sections 16 and 22.”;

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(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 to any officer or employee designated under section 6(7), any power or duty—”;

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(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 to any officer or employee designated under section 6(7), any power or duty—

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(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.

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(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 8 or any officer or employee designated under section 6(7), any power or duty conferred or imposed upon it by this Act.

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(3C) A committee established under section 8 may, subject to such conditions as it may determine, in writing delegate or assign to any officer or employee designated in terms of section 6(7), any power or duty—

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(a) conferred or imposed upon it by this Act; or
(b) delegated or assigned to it under subsection (1) or (3B), unless the Minister or the Council, as the case may be, has in his, her or its delegation or assignment determined otherwise.”; and

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(2) 'n Besluit van die Raad of sy gedelegeerde om 'n lisensie op te skort of in te trek, word nie opgeskort hangende die uitslag van 'n appèl kragtens subartikel (1) teen daardie besluit nie.

(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 17 van Wet 84 van 1993

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

“Hersiening deur hof

17. (1) Ondanks die bepalings van artikel 16, kan iemand wie se belange 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.

(2) Binne 30 dae nadat redes ingevolge subartikel (1) verstrek is, of na verstryking van die tydperk waarbinne die redes aldus deur die Raad of sy gedelegeerde verstrek moes word, kan die betrokke persoon by 'n bevoegde afdeling van die Hooggeregshof aansoek doen om hersiening van die besluit.”.

Wysiging van artikel 18 van Wet 84 van 1993

5. Artikel 18 van die Hoofwet word hierby gewysig—

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

“(1) Die Minister kan aan die voorsitter, ondervoorsitter of 'n lid van die Raad of 'n komitee wat kragtens artikel 8 ingestel is, of aan enige beampte of werknemer van die Departement enige bevoegdheid of plig wat by of kragtens hierdie Wet aan die Minister verleen of opgedra is, behalwe 'n bevoegdheid of plig in artikels 16 en 22 bedoel, deleger of opdra, onderhewig aan die skriftelike voorwaardes 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 aan enige beampte of werknemer ingevolge artikel 6(7) aangewys, enige bevoegdheid of plig skriftelik deleger 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 aan enige beampte of werknemer ingevolge artikel 6(7) aangewys, enige bevoegdheid of plig skriftelik deleger 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 kragtens artikel 8 ingestel of enige beampte of werknemer ingevolge artikel 6(7) aangewys, enige bevoegdheid of plig skriftelik deleger of opdra wat by hierdie Wet aan hom verleen of opgedra is.

(3C) 'n Komitee kragtens artikel 8 ingestel kan, onderhewig aan die voorwaardes wat hy bepaal, aan enige beampte of werknemer ingevolge artikel 6(7) aangewys, enige bevoegdheid of plig skriftelik deleger of opdra wat—

(a) by hierdie Wet aan hom verleen of opgedra is; of

(b) kragtens subartikel (1) of (3B) aan hom gedelegeer of opgedra is, tensy die Minister of die Raad, na gelang van die geval, in sy of haar delegering of opdrag anders bepaal het.”; en

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

“(4) The Minister, Director-General, [or chairman] chairperson or vice-chairperson of the Council, the Council or a committee established under section 8 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.” 5

Repeal of section 25 of Act 84 of 1993

6. Section 25 of the principal Act is hereby repealed.

Substitution of word

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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 Space Affairs Amendment Act, 1995.

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

- 5 “(4) Die Minister, Direkteur-generaal, [of] voorsitter of onder-
voorsitter van die Raad, die Raad of ’n komitee kragtens artikel 8
ingestel is nie ontdoen van enige bevoegdheid of onthef van enige plig
wat hy of sy gedelegee 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 gedelegee of opgedra, wysig
of herroep.”.

Herroeping van artikel 25 van Wet 84 van 1993

- 10 6. Artikel 25 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.

Kort titel

- 15 8. Hierdie Wet heet die Wysigingswet op Ruimte-aangeleentheid, 1995.

