



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 21 JUNIE 1972.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1070.

21st June, 1972.

No. 1070.

21 Junie 1972.

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

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

No. 78 of 1972: Weather Modification Control Act, 1972.

No. 78 van 1972: Wet op Beheer oor Wysiging van Weersgesteldheid, 1972.

WET

Om bedrywighede te beheer wat die natuurlike weersgesteldheid kan verander.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 1972.)

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

Woord-
omskrywing.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „Minister” die Minister van Vervoer handelende in oorleg met die Minister van Waterwese;
- (ii) „sekretaris” die Sekretaris van Vervoer;
- (iii) „wysiging van weersgesteldheid” die kunsmatige bevordering, versnelling, verhoging, verergering, belemmering, onderdrukking, vertraging of verandering van die natuurlike voorkoms van reën, sneeu, newel, hael of soortgelyke atmosferiese neerslag, of weerlig of ’n tornado of sikloon of ’n soortgelyke atmosferiese verskynsel, maar uitgesonderd ’n wysiging van neerslag soos omskryf in Artikel 33A van die Waterwet, 1956 (Wet No. 54 van 1956).

Wysiging van weersgesteldheid deur Staat, en verbod op sodanige wysiging deur persone.

2. (1) Die Staat kan werksaamhede verrig of laat verrig om ’n wysiging van weersgesteldheid teweeg te bring.

(2) Niemand mag, behalwe op gesag van ’n permit uitgereik kragtens artikel 4 (1) en onderworpe aan die voorwaardes in daardie permit uiteengesit, opsetlik ’n wysiging van weersgesteldheid teweegbring nie.

Uitreiking van lisensies in verband met wysiging van weersgesteldheid.

3. Die Minister kan, onderworpe aan die betaling van die gelde wat hy bepaal (indien wel), aan iemand wat, volgens die oordeel van die Minister, oor voldoende finansiële middele en tegniese kennis en vaardigheid beskik, ’n lisensie uitreik wat so iemand in staat stel om aansoek te doen om ’n permit ingevolge artikel 4 (1).

Uitreiking van permitte deur Minister.

4. (1) Die Minister kan, na oorlegpleging met die adviserende komitee bedoel in artikel 6 en onderworpe aan die voorwaardes wat hy goetvind, aan iemand aan wie ’n lisensie kragtens artikel 3 uitgereik is, ’n permit uitreik wat hom magtig om namens homself of iemand anders dié wysiging van weersgesteldheid in dié gebied en gedurende dié tydperk in die permit vermeld, teweeg te bring.

(2) Die voorwaardes in subartikel (1) bedoel, kan voorwaardes insluit met betrekking tot die metode, die toerusting en die materiaal wat aangewend kan word om die betrokke wysiging van weersgesteldheid teweeg te bring, die verstrekking van inligting aan die sekretaris tydens en na afloop van die betrokke bedrywighede, en die betaling van vergoeding vir skade of die verstrekking van sekerheid vir die betaling van sodanige vergoeding, asook die ander voorwaardes wat die

ACT

To control activities which may alter natural weather conditions.

*(English text signed by the State President.)
(Assented to 12th June, 1972.)*

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

1. In this Act, unless the context otherwise indicates— Definitions.

- (i) "Minister" means the Minister of Transport acting in consultation with the Minister of Water Affairs;
- (ii) "secretary" means the Secretary for Transport;
- (iii) "weather modification" means the artificial promoting, accelerating, increasing, aggravating, impeding, suppressing, retarding or altering of the natural occurrence of rain, snow, fog, hail or similar atmospheric precipitation, or lightning or a tornado or cyclone or a similar atmospheric phenomenon, but excluding any modification of precipitation as defined in section 33A of the Water Act, 1956 (Act No. 54 of 1956).

2. (1) The State may carry out or cause to be carried out operations to effect any weather modification. Weather modification by State, and prohibition of such modification by persons.

(2) No person shall, except under the authority of a permit issued under section 4 (1) and subject to such conditions as may be specified in that permit, wilfully effect any weather modification.

3. The Minister may, subject to the payment of such fee as he may determine (if so), issue to any person who, in the opinion of the Minister, commands sufficient financial means and possesses adequate technical knowledge and skill, a licence enabling such person to apply for a permit in terms of section 4 (1). Issue of licences in connection with weather modification.

4. (1) The Minister may, after consultation with the advisory committee referred to in section 6 and subject to such conditions as he may deem fit, issue to any person to whom a licence has been issued under section 3, a permit authorizing him to effect such weather modification on behalf of himself or any other person in such area and during such period as may be specified in the permit. Issue of permits by Minister.

(2) The conditions referred to in subsection (1) may include conditions relating to the method, equipment and material which may be used to effect the weather modification in question, the furnishing of information to the secretary during and after the operations in question, the payment of compensation for damage or the furnishing of security for the payment of such compensation, and any other conditions which the Minister

Wet No. 78, 1972

WET OP BEHEER OOR WYSIGING
VAN WEERSGESTELDHEID, 1972.

Minister nodig ag, en verskillende voorwaardes kan ten opsigte van verskillende tydperke in 'n jaar voorgeskryf word.

Intrekking van
lisensies en
permitte.

5. (1) Die Minister kan te eniger tyd 'n permit wat ingevolge artikel 4 (1) uitgereik is, intrek of 'n voorwaarde wysig wat in dié permit vermeld is, indien volgens sy oordeel die metode, toerusting of materiaal wat in dié permit vermeld word vir aanwending om weersgesteldheid te wysig, onwenslike veranderinge in die weersomstandighede veroorsaak het of kan veroorsaak of indien die permithouer 'n voorwaarde in die permit vermeld, nie nagekom het nie, en kan 'n lisensie wat ingevolge artikel 3 uitgereik is, intrek indien, volgens sy oordeel, die lisensiehouer nie meer ingevolge genoemde artikel 3 vir 'n lisensie kwalifiseer nie, of so 'n voorwaarde nie nagekom het nie.

(2) Die Staat of die Minister is nie aanspreeklik nie vir verlies deur iemand gelyk as gevolg van sodanige intrekking of wysiging van 'n permit of lisensie.

Aanstelling van
adviserende
komitee.

6. (1) Die Minister stel 'n adviserende komitee aan wat uit die persone bestaan wat hy bepaal, met inbegrip van 'n beampte van 'n Staatsdepartement, om hom van advies te dien oor 'n aangeleentheid in artikel 3, 4 of 5 bedoel.

(2) Aan lede van die adviserende komitee wat nie in die heeltidse diens van die Staat is nie, word daar ten opsigte van die verrigting van hul pligte as sodanige lede, die besoldiging en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

Voorgenome
handeling moet
bekend gemaak
word.

7. Iemand aan wie 'n permit ingevolge artikel 4 (1) uitgereik is, mag nie met werksaamhede wat deur daardie permit gemagtig word, begin nie, tensy hy minstens drie weke voordat sodanige werksaamhede uitgevoer gaan word sy voorneme om dit te doen bekend gemaak het, by kennisgewing in die *Staatskoerant* en in albei amptelike tale in 'n nuusblad in omloop in die omgewing waar dié werksaamhede uitgevoer gaan word, met vermelding van die aard en verwagte gevolge van die voorgenome werksaamhede en die tydperk waarin dit uitgevoer gaan word.

Vrystelling van
aanspreeklikheid
vir skade-
vergoeding.

8. Die Staat of 'n beampte van die Staat is nie aanspreeklik nie vir skade gelyk as gevolg van 'n handeling verrig kragtens 'n permit wat ingevolge artikel 4 (1) uitgereik is.

Verhelping.

9. Indien die Minister van oordeel is dat iemand onopsetlik 'n wysiging van weersgesteldheid veroorsaak, kan die Minister so iemand skriftelik gelas om op eie koste die verhelpende stappe te doen wat die Minister nodig ag en in die lasgewing vermeld, en as so iemand versuim om sodanige stappe ten genoë van die Minister te doen binne die tydperk in die lasgewing vermeld, kan die Minister daardie stappe laat doen en die koste daardeur aangegaan op so iemand verhaal.

Regulasies.

10. Die Minister kan die regulasies uitvaardig wat hy nodig of dienstig ag om aan die oogmerke van hierdie Wet gevolg te gee.

Delegering van
bevoegdheide.

11. Die Minister kan 'n bevoegdheid wat by hierdie Wet aan hom verleen word, aan die sekretaris deleger.

Misdrywe,
strawwe,
middellike
aanspreeklikheid
en jurisdiksie.

12. (1) Iemand wat 'n bepaling van hierdie Wet oortree of versuim om te voldoen aan 'n voorwaarde deur die Minister kragtens artikel 4 opgelê of 'n lasgewing kragtens artikel 9 uitgereik, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met daardie boete sowel as daardie gevangenisstraf: Met dien verstande dat in die geval van 'n tweede of latere skuldigbevinding so iemand strafbaar is met 'n boete van minstens vyf

WEATHER MODIFICATION CONTROL ACT, 1972.

Act No. 78, 1972

may deem necessary, and different conditions may be specified in respect of different periods of any year.

5. (1) The Minister may at any time withdraw a permit issued in terms of section 4 (1) or vary any condition specified in such permit, if in his opinion the method, equipment or material specified, in such permit, to be used to effect weather modification has caused or may cause undesirable changes in the weather conditions or if the permit holder has not observed any condition specified in such permit, and may cancel any licence issued in terms of section 3 if in his opinion the licensee no longer qualifies for a licence in terms of the said section 3 or has not observed any such condition.

Withdrawal of
licences and
permits.

(2) The State or the Minister shall not be liable for any loss sustained by any person consequent upon such withdrawal, variation or cancellation of a permit or licence.

6. (1) The Minister shall appoint an advisory committee consisting of such persons as he may determine, including any officer of a department of State, to advise him on any matter referred to in section 3, 4 or 5.

Appointment of
advisory committee.

(2) Members of the advisory committee who are not in the full-time employment of the State shall be paid, in respect of the performance of their duties as such members, such remuneration and allowances as the Minister in consultation with the Minister of Finance may determine.

7. A person to whom a permit has been issued in terms of section 4 (1) shall not commence any operations authorized by such permit, unless he has made known his intention to do so, not less than three weeks before such operations are to be carried out, by notice in the *Gazette* and in both official languages in a newspaper circulating in the area where such operations are to be carried out, stating the nature and anticipated consequences of the intended operations and the period during which they are to be carried out.

Intended action
to be made known.

8. The State or an officer of the State shall not be liable for any damage suffered as a result of any act performed under a permit issued under section 4 (1).

Exemption from
responsibility for
compensation.

9. If the Minister is of opinion that any person is unintentionally causing any weather modification, the Minister may in writing direct such person to take such remedial steps at his own cost as the Minister may deem necessary and specify in such direction, and may, if such person fails to carry out such steps to the satisfaction of the Minister within the time specified in the direction, cause such steps to be carried out and recover the cost thereby incurred from that person.

Remedial steps.

10. The Minister may make such regulations as he deems necessary or expedient to give effect to the objects of this Act.

Regulations.

11. The Minister may delegate any power conferred upon him by this Act to the secretary.

Delegation of
powers.

12. (1) Any person who contravenes a provision of this Act or neglects to comply with a condition imposed by the Minister under section 4 or a direction given under section 9, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment: Provided that in the case of a second or subsequent conviction such person shall be liable to a fine of

Offences, penalties,
vicarious
responsibility and
jurisdiction.

Wet No. 78, 1972

WET OP BEHEER OOR WYSIGING
VAN WEERSGESTELDHEID, 1972.

honderd rand of met gevangenisstraf vir 'n tydperk van minstens drie maande of met so 'n boete sowel as sodanige gevangenisstraf.

(2) Iemand wat aan 'n misdryf kragtens hierdie Wet skuldig bevind is, en wat na die skuldbevinding voortgaan met die handelswyse ten opsigte waarvan hy aldus skuldig bevind is, is aan 'n voortdurende misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand ten opsigte van elke dag waarop hy aldus daarmee voortgaan of voortgegaan het.

(3) (a) Wanneer 'n bestuurder, agent of werknemer van iemand (hierna in hierdie subartikel die werkgewer genoem) 'n daad of versuim begaan wat 'n misdryf ingevolge hierdie Wet sou wees as die werkgewer dit begaan het, dan, tensy bewys word dat—

(i) die werkgewer daardie daad of versuim van die bestuurder, agent of werknemer nie oogluikend toegelaat of veroorloof het nie; en

(ii) die werkgewer alle redelike stappe gedoen het om 'n daad of versuim van die betrokke aard te voorkom; en

(iii) 'n daad of versuim, hetsy wettig of onwettig, van die ten laste gelegde aard onder geen voorwaardes of omstandighede binne die bestek van die bevoegdheid of in die loop van die diens van die bestuurder, agent of werknemer geval het nie, word veronderstel dat die werkgewer self die daad of versuim begaan het, en kan hy ten opsigte daarvan skuldig bevind en gevonniss word, en word die feit dat hy 'n daad of versuim van die betrokke aard verbied het, nie op sigself aanvaar as voldoende bewys dat hy alle redelike stappe gedoen het om die daad of versuim te voorkom nie.

(b) Wanneer 'n bestuurder, agent of werknemer van so 'n werkgewer 'n daad of versuim begaan wat 'n misdryf kragtens hierdie Wet sou wees as die werkgewer dit begaan, kan hy ten opsigte daarvan skuldig bevind en gevonniss word asof hy die werkgewer was.

(c) So 'n bestuurder, agent of werknemer kan benewens die werkgewer aldus skuldig bevind en gevonniss word.

(4) 'n Landdroshof is bevoeg om 'n straf op te lê wat by hierdie Wet voorgeskryf word.

Toepassing van
Wet in Suidwes-
Afrika.

13. Hierdie Wet en iedere wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel.

Kort titel en
inwerkingtreding.

14. Hierdie Wet heet die Wet op Beheer oor Wysiging van Weersgesteldheid, 1972, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

WEATHER MODIFICATION CONTROL ACT, 1972.

Act No. 78, 1972

not less than five hundred rand or to imprisonment for a period of not less than three months or to both such a fine and such imprisonment.

(2) Any person who has been convicted of an offence under this Act and who after such conviction persists in the course of conduct in respect of which he has been so convicted, shall be guilty of a continuing offence and liable on conviction to a fine not exceeding fifty rand in respect of every day on which he so persists or has so persisted therein.

(3) (a) Whenever any manager, agent or employee of any person (hereafter in this subsection called the employer) does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, then, unless it is proved that—

(i) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or the permission of the employer; and
(ii) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and

(iii) it was not under any condition or in any circumstances within the scope of the authority or in the course of the employment of the manager, agent or employee to do or omit to do acts, whether lawful or unlawful, of the character of the act or omission charged,

the employer shall be presumed himself to have done or omitted to do that act and shall be liable to be convicted and sentenced in respect thereof, and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, by itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(b) Whenever any manager, agent or employee of any such employer does or omits to do an act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(c) Any such manager, agent or employee may be so convicted and sentenced in addition to the employer.

(4) A magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.

13. This Act and any amendment thereof shall also apply in the territory of South-West Africa, including the Caprivi Zipfel. Application of Act in South-West Africa.

14. This Act shall be called the Weather Modification Control Act, 1972, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

