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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

Vol. 112]

CAPE TOWN, 9 OCTOBER 1974

[No. 4424

KAAPSTAD, 9 OKTOBER 1974

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1817.

9 October 1974.

No. 1817.

9 Oktober 1974.

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 geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 38 of 1974: Nuclear Installations (Licensing and Security) Amendment Act, 1974.

No. 38 van 1974: Wysigingswet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1974.

Wet No. 38, 1974

WYSIGINGSWET OP KERNINSTALLASIES (LISENSIËRING EN SEKERHEIDSTELLING), 1974.

WET

Tot wysiging van die Wet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1963, ten einde af te sien van die lisensiëring ingevolge artikel 2 (2) van terreine wat vir sekere doeleindes gebruik word; om voorsiening te maak vir die lisensiëring van vaartuie wat deur kernkrag voortgedryf word of wat kerninstallasies aan boord het; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 September 1974.)

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

Wysiging van
artikel 2 van
Wet 43 van 1963.

1. (1) Artikel 2 van die Wet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1963 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in paragraaf (a) van subartikel (2) die woord „of” aan die end van subparagraaf (i) te skrap; en
- (b) deur subparagraaf (ii) van die genoemde paragraaf (a) te skrap.

(2) Subartikel (1) word geag op 1 Augustus 1973 in werking te getree het.

Vervanging van
artikel 12A van
Wet 43 van 1963,
soos ingevoeg deur
artikel 2 van
Wet 89 van 1967.

2. (1) Artikel 12A van die Hoofwet word hierby deur die volgende artikel vervang:

„Lisensiëring van vaartuie wat deur kernkrag voortgedryf word of kerninstallasies aan boord het.

12A. (1) Geen vaartuig wat deur kernkrag voortgedryf word of 'n kerninstallasie aan boord het, mag die territoriale waters van die Republiek binnegaan met die doel om 'n hawe binne die Republiek aan te doen nie, of in genoemde waters anker of andersins daarin vertoef nie, of so 'n hawe binnegaan of daarin wees nie, behalwe kragtens 'n lisensie deur die raad verleen.

(2) 'n Lisensie kragtens subartikel (1) verleen, is onderworpe aan—

- (a) die voorwaardes met betrekking tot aanspreeklikheid vir kernskade, sekerheid daarvoor en die wyse waarop met sodanige sekerheid gehandel word, wat die Minister van tyd tot tyd na oorlegpleging met die Minister van Finansies bepaal;
- (b) die voorgeskrewe voorwaardes en die voorwaardes wat die raad in die belang van gesondheid en veiligheid nodig of wenslik ag en, wanneer hy die lisensie verleen of te eniger tyd daarna, oplê;
- (c) in die geval van 'n vaartuig wat buite die Republiek geregistreer is, die bepalings van enige ooreenkoms tussen die regering van die Republiek en die regering van die land waarin die betrokke vaartuig geregistreer is.

(3) Voorwaardes kragtens subartikel (2) (a) bepaal, kan in die besonder bepalings insluit—

NUCLEAR INSTALLATIONS (LICENSING AND SECURITY) AMENDMENT ACT, 1974.

Act No. 38, 1974

ACT

To amend the Nuclear Installations (Licensing and Security) Act, 1963, so as to dispense with the licensing in terms of section 2 (2) of sites used for certain purposes; to provide for the licensing of vessels propelled by nuclear energy or having nuclear installations on board; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 23 September 1974.)

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

1. (1) Section 2 of the Nuclear Installations (Licensing and Security) Act, 1963 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 2 of Act 43 of 1963.

- (a) by the deletion, in paragraph (a) of subsection (2), of the word "or" at the end of subparagraph (i); and
- (b) by the deletion of subparagraph (ii) of the said paragraph (a).

(2) Subsection (1) shall be deemed to have come into operation on 1 August 1973.

2. (1) The following section is hereby substituted for section 12A of the principal Act:

Substitution of section 12A of Act 43 of 1963, as inserted by section 2 of Act 89 of 1967.

12A. (1) No vessel which is propelled by nuclear energy or has on board any nuclear installation shall enter the territorial waters of the Republic for the purpose of calling at any port within the Republic, or anchor or otherwise sojourn in the said waters or enter or be in any such port, except under the authority of a licence granted by the Board.

(2) A licence granted under subsection (1) shall be subject to—

- (a) such conditions relating to liability for nuclear damage, security therefor and the manner of dealing with such security as the Minister may determine from time to time after consultation with the Minister of Finance;
- (b) such conditions as may be prescribed and such conditions as the board may deem necessary or desirable in the interest of health and safety to impose when granting such licence or at any time thereafter;
- (c) in the case of a vessel registered outside the Republic, the terms of any agreement between the government of the Republic and the government of the country in which the vessel in question is registered.

(3) Any conditions determined under subsection (2) (a) may in particular include provisions—

Wet No. 38, 1974 WYSIGINGSWET OP KERNINSTALLASIES (LISENSIËRING EN SEKERHEIDSTELLING), 1974.

- (a) wat die aanspreeklikheid van die betrokke gelisensieerde vir kernskade wat veroorsaak word (hetsy met of sonder skuld aan die kant van daardie gelisensieerde) deur enigiets wat op die vaartuig is of gedoen word of daarvandaan ontstaan terwyl dit in die territoriale waters van die Republiek of in 'n hawe binne die Republiek is, bepaal, beperk of uitsluit;
- (b) wat van genoemde gelisensieerde vereis dat hy ten genoë van die Minister sekerheid stel of op 'n ander wyse voorsiening maak vir die nakoming van verpligtings wat bedoelde gelisensieerde kan oploop ten opsigte van kernskade soos in paragraaf (a) beoog;
- (c) wat betrekking het op die wyse waarop en omstandighede waarin sodanige sekerheid, of middele waarvoor op 'n ander wyse voorsiening gemaak is, beskikbaar gestel moet word ten einde aan 'n eis teen bedoelde gelisensieerde ten opsigte van sodanige kernskade te voldoen;
- (d) wat 'n tydperk of tydperke bepaal waarin 'n aksie om vergoeding ten opsigte van sodanige kernskade teen bedoelde gelisensieerde begin kan word.

(4) 'n Ooreenkoms in paragraaf (c) van subartikel (1) bedoel, kan as 'n bepaling daarvan enige bepaling insluit wat kragens paragraaf (a) of (b) van daardie subartikel as 'n voorwaarde van 'n lisensie bepaal, voorgeskryf of opgelê kan word, en so 'n bepaling wat aldus ingesluit is, word, vir sover dit nie uitdruklik in die betrokke lisensie as 'n voorwaarde daarvan beliggaam is nie, geag 'n voorwaarde van daardie lisensie te wees.

(5) 'n Lisensie is geldig vir 'n tydperk deur die raad bepaal, en kan van tyd tot tyd hernieu of verleng word vir die verdere tydperk wat die raad bepaal.

(6) Die verstryking van 'n lisensie onthef nie die gelisensieerde van aanspreeklikheid vir iets wat gedurende die geldigheidsduur daarvan gedoen of gelaat is nie.

(7) Behoudens die bepalings van 'n in paragraaf (c) van subartikel (2) bedoelde ooreenkoms, kan die raad voorwaardes wat kragens paragraaf (b) van daardie subartikel deur hom opgelê is, te eniger tyd wysig.

(8) Die Minister kan, na oorlegpleging met die Minister van Finansies, vereis dat daar ten opsigte van die uitreiking, hernuwing of verlenging van 'n in subartikel (1) bedoelde lisensie gelde van die bedrag wat hy bepaal, betaal moet word.

(9) Die bepalings van artikels 7 en 8 is *mutatis mutandis* van toepassing met betrekking tot 'n kernvoorval wat op of in verband met 'n in subartikel (1) van hierdie artikel bedoelde vaartuig plaasvind terwyl dit in die territoriale waters van die Republiek of 'n hawe binne die Republiek is, en eise om skadevergoeding wat uit so 'n voorval voortspruit en die in subartikel (3) (b) van hierdie artikel bedoelde sekerheid of ander voorsiening oorskry, en 'n inspekteur wat skriftelik deur die raad daartoe gemagtig is, het, ten opsigte van so 'n vaartuig en behoudens die bepalings van 'n ooreenkoms in subartikel (2) (c) van hierdie artikel bedoel, die bevoegdhede wat by artikel 10 ten opsigte van 'n gelisensieerde terrein aan hom verleen word.

(10) Vir sover dit nodig is ten einde aan 'n voorwaarde van 'n kragens subartikel (1) verleende lisensie of 'n bepaling van 'n in subartikel (2) (c)

NUCLEAR INSTALLATIONS (LICENSING AND SECURITY) AMENDMENT ACT, 1974. Act No. 38, 1974

- (a) determining, limiting or precluding the liability of the licensee concerned for nuclear damage caused (whether with or without fault on the part of that licensee) by anything being or done upon or originating from the vessel while it is in the territorial waters of the Republic or in a port within the Republic;
- (b) requiring the said licensee to give security or otherwise provide, to the satisfaction of the Minister, for the fulfilment of any obligations which such licensee may incur for any such nuclear damage as is contemplated in paragraph (a);
- (c) relating to the manner and circumstances in which any such security or any means otherwise provided for shall be made available in order to satisfy any claim against such licensee in respect of such nuclear damage;
- (d) determining any period or periods within which an action against such licensee for compensation in respect of such nuclear damage may be commenced.

(4) An agreement referred to in paragraph (c) of subsection (2) may include as a term thereof any provision that may be determined, prescribed or imposed as a condition of a licence under paragraph (a) or (b) of that subsection, and any such provision so included shall, in so far as it is not expressly embodied in the relevant licence as a condition thereof, be deemed to be a condition of that licence.

(5) A licence shall be valid for a period determined by the board and may from time to time be renewed or extended for such further period as the board may determine.

(6) The expiry of a licence shall not relieve the licensee of liability for anything done or omitted during the currency thereof.

(7) Subject to the terms of any agreement referred to in paragraph (c) of subsection (2), the board may at any time amend any conditions imposed by it in terms of paragraph (b) of that subsection.

(8) The Minister may, after consultation with the Minister of Finance, require the payment of a fee, of such amount as he may determine, in respect of the issue, renewal or extension of a licence referred to in subsection (1).

(9) The provisions of section 7 and 8 shall *mutatis mutandis* apply with reference to any nuclear incident which occurs on or in connection with a vessel referred to in subsection (1) of this section while it is in the territorial waters of the Republic or a port within the Republic, and any claims for compensation arising out of such an incident in excess of the security or other provision contemplated in subsection (3) (b) of this section, and an inspector authorized thereto in writing by the board shall in respect of any such vessel, and subject to the terms of any agreement referred to in subsection (2) (c) of this section, have the powers conferred upon him by section 10 in respect of a licensed site.

(10) In so far as it may be necessary in order to give effect to any condition of a licence granted under subsection (1) or any provision of an agreement referred to in subsection (2) (c), a harbour

Wet No. 38, 1974 A WYSIGINGSWET OP KERNINSTALLASIES (LISENSIËRING EN SEKERHEIDSTELLING), 1974.

bedoelde ooreenkoms gevolg te gee, kan 'n hawe-owerheid afsien van die nakoming van enige regulasie wat kragtens 'n Parlements wet vir die beheer en bestuur van hawens uitgevaardig is, of die toepassing daarvan wysig.

(11) Die raad moet die bevoegdhede wat by hierdie artikel aan hom verleen word, uitoefen onderworpe aan die opdragte wat die Minister van tyd tot tyd gee.

(12) Die gesagvoerder van 'n vaartuig wat die bepalinge van subartikel (1) oortree, en iemand wat 'n voorwaarde van 'n kragtens daardie subartikel verleende lisensie wat vir hom bindend is, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens 'n duisend rand of, by wanbetaling van die boete, met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met sowel sodanige boete as sodanige gevangenisstraf."

(2) Subartikel (1) word geag op 30 Julie 1974 in werking te getree het.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1974.

NUCLEAR INSTALLATIONS (LICENSING AND SECURITY) AMENDMENT ACT, 1974.

Act No. 38, 1974

authority may waive compliance with or vary the application of any regulation made for the control and management of harbours under any Act of Parliament.

(11) The board shall exercise the powers conferred upon it by this section subject to such directions as the Minister may give from time to time.

(12) The master of a vessel which contravenes the provisions of subsection (1), and any person who contravenes or fails to comply with any condition of a licence granted under that subsection which is binding on him, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or, in default of payment of the fine, to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.”.

(2) Subsection (1) shall be deemed to have come into operation on 30 July 1974.

3. This Act shall be called the Nuclear Installations (Licensing and Security) Amendment Act, 1974.

Act No. 28, 1974

NUCLEAR INSTALLATIONS (LICENSING AND SECURITY) AMENDMENT ACT, 1974

authority may waive compliance with or vary the application of any regulation made for the control and management of harbours under any Act of Parliament.

(11) The board shall exercise the powers conferred upon it by this section subject to such directions as the Minister may give from time to time.

(12) The master of a vessel which contravenes the provisions of subsection (1), and any person who contravenes or fails to comply with any condition of a licence granted under that subsection which is binding on him, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or, in default of payment of the fine, to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

(2) Subsection (1) shall be deemed to have come into operation on 30 July 1974.

3. This Act shall be called the Nuclear Installations (Licensing and Security) Amendment Act, 1974.