



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 498.

11 Maart 1981.

No. 498.

11 March 1981.

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

No. 31 van 1981: Wysigingswet op Gevaarhoudende Stowwe, 1981.

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

No. 31 of 1981: Hazardous Substances Amendment Act, 1981.

Act No. 31, 1981

HAZARDOUS SUBSTANCES AMENDMENT ACT, 1981

**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 Hazardous Substances Act, 1973, so as to substitute certain designations therein; authorize the issue of certain licences also to persons other than natural persons; and regulate afresh the inspection and control of imported substances under certain circumstances and the disposal of substances that may not be imported; and to provide for incidental matters.

(Afrikaans text signed by the State President.)  
(Assented to 20 February 1981.)

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

Amendment of section 1 of Act 15 of 1973, as amended by section 1 of Act 16 of 1976.

1. Section 1 of the Hazardous Substances Act, 1973 (herein after called the principal Act), is hereby amended—
- (a) by the insertion after the definition of “describe” of 5 the following definition:  
“‘Director-General’ means the Director-General: Health, Welfare and Pensions;”;
- (b) by the deletion of the definition of “import harbour”;
- (c) by the substitution for the definition of “Minister” of 10 the following definition:  
“‘Minister’ means the Minister of Health, Welfare and Pensions;”;
- (d) by the deletion of the definition of “Secretary”.

Amendment of section 2 of Act 15 of 1973.

2. Section 2 of the principal Act is hereby amended by the 15 substitution in paragraph (c) of subsection (1) for the word “Mines” of the words “Mineral and Energy Affairs”.

Amendment of section 4 of Act 15 of 1973, as substituted by section 3 of Act 16 of 1976.

3. Section 4 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:  
“(a) issue to any [natural] person a licence to carry on 20 business as a supplier of Group I hazardous substances;”.

Amendment of section 8 of Act 15 of 1973.

4. Section 8 of the principal Act is hereby amended by the substitution in paragraph (a) of subsection (3) for the word “Department” and the word “Secretary” of the words “Office of 25 the Commissioner for” and the words “Commissioner for”, respectively.

Substitution of section 12 of Act 15 of 1973.

5. The following section is hereby substituted for section 12 of the principal Act:

“Examination, control and disposal of imported substances.

**12. (1) If any substance is in terms of paragraph 30 (a) of section 107 (2) of the Customs and Excise Act, 1964 (Act No. 91 of 1964), under the control of the Commissioner for Customs and Excise because he has not yet satisfied himself that the provisions of this Act relating to the importation of grouped hazardous substances have been complied with in respect thereof, the said Commissioner may, notwithstanding the provisions of that paragraph but**

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## HAZARDOUS SUBSTANCES AMENDMENT ACT, 1981

subject to the provisions of subsection (2) of this section, with the concurrence of the Director-General allow such substance and similar substances in the same consignment to pass from his control on condition that they are removed to a place approved by the Director-General and are there detained, at the expense and risk and under the control of the importer, for examination or analysis thereof or of a sample thereof under the provisions of this Act or until the result of any such examination already commenced or carried out is known and, under the circumstances contemplated in subsection (3), until the Director-General has made an order in respect thereof.

(2) The Commissioner for Customs and Excise shall not under subsection (1) allow any substances to pass from his control unless the importer has furnished the Director-General with a guarantee, to the satisfaction of the Director-General, that he will pay to the Director-General for the benefit of the State Revenue Fund an amount determined by agreement between himself and the Director-General and specified in the guarantee, if in the opinion of the Director-General he fails to comply with any condition referred to in that subsection in relation to such substances.

(3) If as a result of the examination or analysis of any substance which in terms of the Customs and Excise Act, 1964, is under the control of the Commissioner for Customs and Excise or in terms of subsection (1) of this section is detained under the control of an importer, or of a sample thereof, it appears that it may in terms of this Act not be imported, the Director-General may by order in writing at his discretion direct that such substances and all similar substances in the same consignment—

- (a) shall be confiscated and destroyed; or
- (b) shall be returned to the port of shipment or place of origin; or
- (c) may be imported on compliance by the importer with such conditions as may be specified by the Director-General in such order, including any condition requiring the substitution of a label approved by the Director-General for any existing label; or
- (d) shall be dealt with or disposed of in such other manner as may be specified by the Director-General in such order.”

Amendment of section 26 of Act 15 of 1973.

6. Section 26 of the principal Act is hereby amended by the substitution for the word “Health” of the words “Health, 50 Welfare and Pensions”.

Amendment of section 29 of Act 15 of 1973.

7. Section 29 of the principal Act is hereby amended by the substitution in subsection (6) for the word “Labour” of the words “Manpower Utilization”.

Substitution of “Director-General” for “Secretary” in Act 15 of 1973.

8. The principal Act is hereby amended by the substitution for 55 the word “Secretary” wherever it occurs of the word “Director-General”.

Short title.

9. This Act shall be called the Hazardous Substances Amendment Act, 1981.