



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 680.

14 April 1982.

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

No. 56 van 1982: Wysigingswet op Krygstuigontwikkeling en -vervaardiging, 1982.

OFFICE OF THE PRIME MINISTER

No. 680.

14 April 1982

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

No. 56 of 1982: Armaments Development and Production Amendment Act, 1982.

Wet No. 56, 1982

WYSIGINGSWET OP KRYGSTUIGONTWIKKELING EN
-VERVAARDIGING, 1982**ALGEMENE VERDUIDELIKENDE NOTA:**

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

WET

Tot wysiging van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968, ten einde die uitdrukkings „invoer” en „vervaardiging” te omskryf; die Minister van Verdediging te magtig om die invoer, deurvoer deur die Republiek, ontwikkeling en vervaardiging van krygstuig te verbied of te beheer; voorsiening te maak vir die inspeksie van fabriek en ander persele waar krygstuig ontwikkel of vervaardig word; en die lang titel van daardie Wet te vervang; tot wysiging van die Wet op In- en Uitvoerbeheer, 1963, ten einde ook die invoer van sekere krygstuig van die bepalings daarvan uit te sluit; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Maart 1982.)

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

Wysiging van artikel 1 van Wet 57 van 1968, soos gewysig deur artikel 1 van Wet 65 van 1972, artikel 1 van Wet 20 van 1977 en artikel 1 van Wet 86 van 1980.

1. Artikel 1 van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (hieronder die Hoofwet genoem), word hierby gewysig:

- (a) deur na die omskrywing van „hierdie Wet” die volgende omskrywing in te voeg:
„invoer”, met betrekking tot krygstuig, ook die inbring daarvan in die Republiek by 'n hawe of lughawe of ander plek aan boord van 'n vaartuig of vliegtuig of ander vervoermiddel, ongeag of al dan nie die krygstuig vir vervoer deur die Republiek na 'n plek buite die Republiek of vir 'n ander doel van die vaartuig of vliegtuig of ander vervoermiddel afgelaai is of bestem is om aldus afgelaai te word; en het „invoer”, wanneer dit as werkwoord gebruik word, 'n ooreenstemmende betekenis;” en
- (b) deur na die omskrywing van „tegniek” die volgende omskrywing in te voeg:
„vervaardiging”, met betrekking tot krygstuig, ook die inmeekaarsit daarvan; en het „vervaardig”, 'n ooreenstemmende betekenis.”

Vervanging van artikel 4C van Wet 57 van 1968, soos ingevoeg deur artikel 3 van Wet 86 van 1980.

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

„Bevoegdhede van Minister met betrekking tot uitvoer, bemarking, invoer, deurvoer, ontwikkeling en vervaardiging van krygstuig.

4C. (1) Die Minister kan, wanneer hy dit vir die veiligheid van die Republiek of in die openbare belang nodig of dienstig ag—

- (a) by kennisgewing in die *Staatskoerant* of by skriftelike kennisgewing aan 'n bepaalde persoon, voorskryf dat geen krygstuig van 'n bepaalde klas of soort of geen krygstuig behalwe krygstuig van 'n bepaalde klas of soort—
- (i) uit die Republiek uitgevoer mag word nie;

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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 Armaments Development and Production Act, 1968, so as to define the expressions "import" and "manufacture"; empower the Minister of Defence to prohibit or control the import, conveyance through the Republic, development and manufacture of armaments; provide for the inspection of factories and other premises where armaments are developed or manufactured; and substitute the long title of that Act; to amend the Import and Export Control Act, 1963, so as to exclude also the import of certain armaments from the provisions thereof; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 20 March 1982.)

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

1. Section 1 of the Armaments Development and Production Act, 1968 (hereinafter referred to as the principal Act), is hereby amended by the insertion before the definition of "marketing" of the following definitions:

"import", in relation to armaments, includes the bringing thereof into the Republic at any harbour or airport or other place on board any vessel or aircraft or other means of conveyance, irrespective of whether or not the armaments are off-loaded from such vessel or aircraft or other means of conveyance for conveyance through the Republic to any place outside the Republic or for any other purpose, or are intended to be so off-loaded; and 'import', when used as a verb, shall have a corresponding meaning;

'manufacture', in relation to armaments, includes the assembly thereof; and 'manufacture', when used as a verb, shall have a corresponding meaning."
2. The following section is hereby substituted for section 4C of the principal Act:

4C. (1) The Minister may, whenever he deems it necessary or expedient for the security of the Republic or in the public interest—

(a) by notice in the *Gazette* or by notice in writing to a particular person prescribe that no armaments of a specified class or kind or no armaments other than armaments of a specified class or kind—

(i) shall be exported from the Republic;

Amendment of section 1 of Act 57 of 1968, as amended by section 1 of Act 65 of 1972, section 1 of Act 20 of 1977 and section 1 of Act 86 of 1980.

Substitution of section 4C of Act 57 of 1968, as inserted by section 3 of Act 86 of 1980.

"Powers of Minister in relation to export, marketing, import, conveyance in transit, development and manufacture of armaments.

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- (ii) uit die Republiek uitgevoer mag word nie, behalwe uit hoofde van en ooreenkomstig die voorwaardes gestel in 'n permit uitgereik deur hom of deur iemand wat hy daartoe gemagtig het; 5
- (iii) binne of buite die Republiek bemark mag word nie; **[of]**
- (iv) binne of buite die Republiek bemark mag word nie, behalwe uit hoofde van en ooreenkomstig die voorwaardes gestel in 'n permit uitgereik deur hom of deur iemand wat hy daartoe gemagtig het; 10
- (v) in die Republiek ingevoer mag word nie, of deur die Republiek van 'n plek buite die Republiek na 'n ander sodanige plek vervoer mag word nie; 15
- (vi) in die Republiek ingevoer mag word nie, of deur die Republiek van 'n plek buite die Republiek na 'n ander sodanige plek vervoer mag word nie, behalwe uit hoofde van en ooreenkomstig die voorwaardes gestel in 'n permit uitgereik deur hom of deur iemand wat hy daartoe gemagtig het; of 20
- (vii) binne die Republiek ontwikkel of vervaardig mag word nie, behalwe uit hoofde van en ooreenkomstig die voorwaardes gestel in 'n permit uitgereik deur hom of deur iemand wat hy daartoe gemagtig het; 25
- (b) die eienaar van krygstuig wat vir uitvoer of bemarking bestem is maar waarvan die uitvoer of bemarking ingevolge paragraaf (a) verbied is, of by kennisgewing in die *Staatskoerant* of by skriftelike kennisgewing aan daardie eienaar, gelas om op die voorwaardes wat die Minister goedgevind bedoelde krygstuig— 35
- (i) aan die Minister of aan iemand deur hom aangewys, te lewer; of
- (ii) deur bemiddeling van die Minister of van iemand deur hom aangewys, te bemark, en die Minister kan na goeddunke beskik oor krygstuig wat ingevolge subparagraaf (i) gelewer is. 40
- (2) Die klassifikasie van krygstuig kan by die toepassing van subartikel (1) ook geskied volgens die herkoms of oorsprong of die intermediere of eindbestemming **[van krygstuig]** daarvan of volgens die kanale waarlangs of wyse waarop **[krygstuig]** dit uitgevoer, **[of]** bemark, ingevoer of deurgevoer word of volgens die wyse waarop of die materiaal waaruit dit ontwikkel of vervaardig word of volgens die doeleindes waarvoor **[krygstuig]** dit bestem is om gebruik te word. 45
- (3) 'n Permit kragtens subartikel (1) uitgereik, kan die hoeveelheid of waarde van krygstuig wat uit hoofde daarvan uitgevoer, **[of]** bemark, ingevoer, deurgevoer, ontwikkel of vervaardig kan word, die prys waarteen, die tydperk waarbinne, die hawe waardeur of waaruit, die land of gebied waaruit of waarheen, die roete waarlangs en die wyse waarop die betrokke krygstuig uitgevoer, **[of]** bemark, ingevoer, deurgevoer, ontwikkel of vervaardig kan word, en die ander voorwaardes, van watter aard ook al, wat die Minister gelas, voorskryf. 60
- (4) Die Minister kan 'n permit kragtens subartikel (1) uitgereik, intrek, wysig of opskort indien hy oortuig is dat 'n voorwaarde van die permit nie nagekom is nie, of indien die houer van die permit aan 'n misdryf kragtens hierdie Wet skuldig bevind is, of 65

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(ii) shall be exported from the Republic, except under the authority of and in accordance with the conditions stated in a permit issued by him or by a person authorized by him;

(iii) shall be marketed within or outside the Republic; **[or]**

(iv) shall be marketed within or outside the Republic, except under the authority of and in accordance with the conditions stated in a permit issued by him or by a person authorized by him;

(v) shall be imported into the Republic, or conveyed through the Republic from any place outside the Republic to any other such place;

(vi) shall be imported into the Republic, or conveyed through the Republic from any place outside the Republic to any other such place, except under the authority of and in accordance with the conditions stated in a permit issued by him or by a person authorized by him; or

(vii) shall be developed or manufactured within the Republic, except under the authority of and in accordance with the conditions stated in a permit issued by him or by a person authorized by him;

(b) by notice in the *Gazette* or by notice in writing to the owner of armaments intended for export or marketing but the export or marketing of which is prohibited in terms of paragraph (a), direct such owner—

(i) to deliver such armaments to the Minister or to a person designated by him; or

(ii) to market such armaments through the agency of the Minister or of a person designated by him,

on such conditions as the Minister may deem fit, and the Minister may in his discretion dispose of armaments delivered in terms of subparagraph (i).

(2) For the purposes of subsection (1) armaments may be classified also according to the source or origin or the intermediate or final destination **[of armaments]** thereof or according to the channels along which or manner in which **[armaments are]** they are exported, **[or]** marketed, imported or conveyed in transit or according to the manner in which or material from which they are developed or manufactured or according to the purposes for which **[armaments are]** they are intended to be used.

(3) A permit issued under subsection (1) may prescribe the quantity or value of armaments which may be exported, **[or]** marketed, imported, conveyed in transit, developed or manufactured thereunder, the price at which, the period within which, the port through or from which, the country or territory from or to which, the route along which and the manner in which the armaments in question may be exported, **[or]** marketed, imported, conveyed in transit, developed or manufactured, and such other conditions, of whatever nature, as the Minister may direct.

(4) The Minister may cancel, amend or suspend any permit issued under subsection (1) if he is satisfied that any condition of the permit has not been complied with, or if the holder of the permit has been convicted of an offence under this Act, or if

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indien die Minister dit vir die veiligheid van die Republiek of in die openbare belang nodig of dienstig ag.

(5) Die Minister kan 'n kennisgewing kragtens subartikel (1) uitgereik, by dergelike kennisgewing 5 intrek of wysig.

(6) Indien 'n kennisgewing wat kragtens subartikel

(1) (a) (vii) in die *Staatskoerant* gepubliseer is 'n verbod plaas op die ontwikkeling of vervaardiging sonder 'n permit in die Republiek van krygstuig wat op 10 die datum waarop die verbod ingevolge daardie kennisgewing in werking tree, wettiglik deur 'n ander persoon as die korporasie in die Republiek ontwikkel of vervaardig word, word daardie persoon vir die 15 tydperk van ses maande na genoemde datum geag die houer te wees van 'n permit kragtens genoemde subartikel aan hom uitgereik vir die ontwikkeling of vervaardiging van die krygstuig wat hy op daardie datum wettiglik kan ontwikkel of vervaardig."

Vervanging van artikel 4E van Wet 57 van 1968, soos ingevoeg deur artikel 3 van Wet 86 van 1980.

3. Artikel 4E van die Hoofwet word hierby deur die volgende 20 artikel vervang:

„Misdrywe in verband met uitvoer, bemarking, invoer, deurvoer, ontwikkeling en vervaardiging van krygstuig.

4E. Iemand wat—

- (a) in stryd met die bepalings van 'n kennisgewing kragtens artikel 4C (1) (a) uitgevaardig, krygstuig uitvoer, bemark, invoer, deur die Republiek vervoer, ontwikkel of vervaardig; of 25
 - (b) versuim om te voldoen aan 'n voorwaarde gestel in 'n permit kragtens artikel 4C (1) (a) uitgereik; of
 - (c) versuim om te voldoen aan 'n lasgewing kragtens artikel 4C (1) (b) of 4D uitgereik; of 30
 - (d) valse inligting by die nakoming van 'n lasgewing in artikel 4D bedoel, verstrek, 35
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tienduizend rand of met gevangenisstraf vir 'n tydperk van hoogstens tien jaar of met sowel daardie boete as daardie gevangenisstraf."

Invoeging van artikel 4F in Wet 57 van 1968.

4. Die volgende artikel word hierby in die Hoofwet na artikel 4E ingevoeg: 40

„Inspeksie van krygstuigfabrieke.

4F. (1) 'n Werknemer van die korporasie, of 'n ander persoon, wat skriftelik deur die Minister daartoe gemagtig is, kan te eniger tyd 'n fabriek of perseel waar krygstuig kragtens 'n ingevolge artikel 4C (1) (a) (vii) uitgereikte permit ontwikkel of vervaardig word, betree en daar die inspeksie doen wat hy nodig ag om vas te stel of daar aan die voorwaardes van die permit voldoen is of word. 45

(2) Iemand wat 'n bevoegdheid ingevolge hierdie artikel uitoefen, moet op versoek van iemand wat deur die uitoefening van daardie bevoegdheid geraak word, homself identifiseer en die skriftelike inspeksiemagtiging toon wat ooreenkomstig subartikel (1) aan hom verleen is. 50

(3) Iemand wat 'n werknemer of ander persoon wat gemagtig is soos in subartikel (1) bedoel, by die uitoefening van die bevoegdhede by daardie subartikel aan hom verleen, hinder of belemmer, en iemand wat valslik voorgee dat hy gemagtig is soos in daardie subartikel bedoel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duizend rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel daardie boete as daardie gevangenisstraf." 60

Vervanging van lang titel van Wet 57 van 1968.

5. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang: 65

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the Minister deems it necessary or expedient for the security of the Republic or in the public interest.

(5) The Minister may by like notice withdraw or amend any notice issued under subsection (1).

5 (6) If a notice published in the *Gazette* under subsection (1) (a) (vii) prohibits the development or manufacture in the Republic without a permit of armaments which on the date on which the prohibition comes into operation in terms of such notice, are lawfully developed or manufactured in the Republic by any person other than the corporation, such person shall during the period of six months after the said date be deemed to be the holder of a permit issued to him under the said subsection for the development or manufacture of the armaments which on that day he may lawfully develop or manufacture.”.

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

Substitution of section 4E of Act 57 of 1968, as inserted by section 3 of Act 86 of 1980.

20 “Offences in connection with export, marketing, import, conveyance in transit, development and manufacture of armaments.

25 **4E. Any person who—**

(a) exports, markets, imports, conveys through the Republic, develops or manufactures armaments in contravention of the provisions of a notice issued under section 4C (1) (a); or

(b) fails to comply with a condition stated in a permit issued under section 4C (1) (a); or

(c) fails to comply with a direction issued under section 4C (1) (b) or 4D; or

30 (d) furnishes any false information in complying with a direction referred to in section 4D, shall be guilty of an offence and liable on conviction to a fine not exceeding ten thousand rand or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.”.

35 4. The following section is hereby inserted in the principal Act after section 4E:

Insertion of section 4F in Act 57 of 1968.

“Inspection of armaments factories.

40 **4F. (1) Any employee of the corporation, or any other person, authorized thereto in writing by the Minister may at any time enter any factory or premises where armaments are developed or manufactured under a permit issued in terms of section 4C (1) (a) (vii), and there carry out such inspection as he may deem necessary to ascertain whether the conditions of the permit have been or are being complied with.**

45 (2) Any person who exercises any power in terms of this section shall, at the request of any person affected by the exercise of that power, identify himself and produce the inspection authority in writing furnished to him in accordance with subsection (1).

50 (3) Any person who hinders or obstructs an employee or other person authorized as contemplated in subsection (1) in the exercise of the powers conferred upon him by that subsection, and any person who falsely represents himself to be authorized as contemplated in that subsection, 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.”.

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5. The following long title is hereby substituted for the long title of the principal Act:

Substitution of long title of Act 57 of 1968.

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„Om 'n korporasie vir die ontwikkeling en vervaardiging van krygsuig in te stel en die Minister van Verdediging te magtig om die uitvoer, bemaking, invoer, uitvoer deur die Republiek, ontwikkeling en vervaardiging van krygsuig te verbied of te beheer; om die Krygsuigwet, 1964, te herroep; en om vir ander aangeleenthede wat daarmee in verband staan, voorsiening te maak.”.

Vervanging van artikel 5A van Wet 45 van 1963, soos ingevoeg deur artikel 5 van Wet 86 van 1980.

6. Artikel 5A van die Wet op In- en Uitvoerbeheer, 1963, word hierby deur die volgende artikel vervang:

„Uitsluiting van uit- of invoer van sekere krygsuig van bepalinge van Wet.

5A. (1) Die bepalinge van hierdie Wet is nie van toepassing nie met betrekking tot die uitvoer of, na gelang van die geval, die invoer van goedere waar-

(a) die uitvoer of die invoer; of

(b) die uitvoer of die invoer behalwe uit hoofde van 15 en ooreenkomstig die voorwaardes gestel in 'n permit bedoel in artikel 4C (1) (a) (ii) of (vi) van die Wet op Krygsuigontwikkeling en -vervaardiging, 1968 (Wet No. 57 van 1968), deur die Minister van Verdediging verbied is by 20 wyse van 'n kennisgewing in artikel 4C (1) (a) van daardie Wet bedoel.

(2) Wanneer die Minister van Verdediging 'n kennisgewing in subartikel (1) bedoel ten opsigte van goedere uitreik, word 'n verbod of permit wat uit 25 hoofde van die bepalinge van artikel 2 (1) van hierdie Wet met betrekking tot die uitvoer of, na gelang van die geval, die invoer van daardie goedere van krag is, geag met ingang van die datum van bedoelde kennisgewing opgehef te wees of te verval, na ge- 30 lang van die geval.”.

Kort titel en inwerkingtreding.

7. Hierdie Wet heet die Wysigingswet op Krygsuigontwikkeling en -vervaardiging, 1982, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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“To establish a corporation for the development and production of armaments; to empower the Minister of Defence to prohibit or control the export, marketing, import, conveyance through the Republic, development and manufacture of armaments; to repeal the Armaments Act, 1964; and to provide for other incidental matters.”

6. The following section is hereby substituted for section 5A of the Import and Export Control Act, 1963:

Substitution of section 5A of Act 45 of 1963, as inserted by section 5 of Act 86 of 1980.

“Exclusion of export or import of certain armaments from provisions of Act.”

5A. (1) The provisions of this Act shall not apply with reference to the export or, as the case may be, the import of goods—

(a) the export or the import of which; or

(b) the export or the import of which except under the authority of and in accordance with the conditions stated in a permit referred to in section 4C (1) (a) (ii) or (vi) of the Armaments Development and Production Act, 1968 (Act No. 57 of 1968),

has been prohibited by the Minister of Defence by means of a notice referred to in section 4C (1) (a) of that Act.

(2) Whenever the Minister of Defence issues a notice referred to in subsection (1) in respect of goods, any prohibition or permit which by virtue of the provisions of section 2 (1) of this Act is in force with reference to the export or, as the case may be, the import of such goods, shall be deemed to be revoked or to lapse, as the case may be, with effect from the date of the said notice.”

7. This Act shall be called the Armaments Development and Production Amendment Act, 1982, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

