



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuisblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit) 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

VOL. 204]

KAAPSTAD, 16 JUNIE 1982

CAPE TOWN, 16 JUNE 1982

[No. 8255

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1174.

16 Junie 1982.

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

No. 92 van 1982: Wet op Kernenergie, 1982.

No. 1174.

16 June 1982.

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

No. 92 of 1982: Nuclear Energy Act, 1982.

WET

Om voorsiening te maak vir die instelling van die Atoomenergie-korporasie van Suid-Afrika, Beperk, en van 'n Raad vir Kernveiligheid, en om die bevoegdhede en werksaamhede van dié Korporasie en Raad te omskryf; om die lisensiëring van sekere kernbedrywighede en sekerheidstelling in verband daarmee, en die aanspreeklikheid ten opsigte van kernskade te reël; om voorsiening te maak vir beheer oor bronmateriaal, spesiale kernmateriaal, beperkte materiaal en radioaktiewe nukliede, en ten opsigte van sekere patente vir uitvindings met betrekking tot kern- of atoomenergie; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 Junie 1982.)

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

INHOUD

	Artikels
Woordomskrywing	1 5
HOOFSTUK I Die Atoomenergiekorporasie van Suid-Afrika, Beperk	2-18
HOOFSTUK II Voortbrenging van kern- of atoom-energie	19-23
HOOFSTUK III Raad vir Kernveiligheid, en lisensiëring van kernbedrywighede ..	24-46 10
HOOFSTUK IV Beheer oor bronmateriaal, spesiale kernmateriaal, beperkte materiaal, radioaktiewe nukliede en radioaktiewe afval...	47-54 15
HOOFSTUK V Patente vir uitvindings met betrekking tot kern- of atoom-energie	55-66
HOOFSTUK VI Algemene bepalings	67-84

Woordomskrywing.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, het 20 enige uitdrukking waaraan in die Wet op Patente 'n betekenis gegee is, die betekenis aldus daaraan gegee, het „radioaktiewe nuklied” sy gewone wetenskaplike betekenis, maar beteken dit by die toepassing van hierdie Wet nie ook bronmateriaal en spesiale kernmateriaal nie, en beteken— 25

- (i) „aanleg” ook enige masjinerie, uitrusting of toestel, hetsy dit aan die grond geheg is al dan nie; (xviii)
- (ii) „beperkte materiaal” berillium en sirkonium en enige ander stof wat kragtens subartikel (2) (a) van hierdie artikel tot beperkte materiaal verklaar is; (xxiv) 30
- (iii) „bronmateriaal” uraan en torium en enige ander stof wat kragtens subartikel (2) (b) van hierdie artikel tot bronmateriaal verklaar is; (xxvi)

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

ACT

To provide for the establishment of the Atomic Energy Corporation of South Africa, Limited, and of a Council for Nuclear Safety, and to define the powers and functions of the said Corporation and Council; to regulate the licensing of certain nuclear activities and security in connection therewith, and the liability in respect of nuclear damage; to provide for the control of source material, special nuclear material, restricted material and radio-active nuclides, and in respect of certain patents for inventions relating to nuclear or atomic energy; and to provide for matters in connection therewith.

(Afrikaans text signed by the State President.)
(Assented to 9 June 1982.)

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

CONTENTS

		<i>Sections</i>
	Definitions	1
5	CHAPTER I The Atomic Energy Corporation of South Africa, Limited.	2-18
	CHAPTER II Production of nuclear or atomic energy	19-23
	CHAPTER III Council for Nuclear Safety, and licensing of nuclear activities ...	24-46
10	CHAPTER IV Control of source material, special nuclear material, restricted material, radio-active nuclides and radio-active waste	47-54
15	CHAPTER V Patents for inventions in respect of nuclear or atomic energy	55-66
	CHAPTER VI General provisions	67-84

1. (1) In this Act, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Patents Act bears the meaning so assigned thereto, "radio-active nuclide" has the ordinary scientific meaning assigned to it but for the purposes of this Act does not include source material and special nuclear material, and—

(i) "board of directors" means the board of directors of the corporation referred to in section 5; (xix)

Definitions.

- (iv) „direkteur” ’n lid van die raad van direkteure bedoel in artikel 5 (2); (iv)
- (v) „filiaalmaatskappy”—
 - (a) ’n maatskappy waarvan alle uitgereikte aandele deur die korporasie of deur die korporasie en sy genomineerdes of deur daardie genomineerdes gehou word; of
 - (b) ’n maatskappy waarvan alle uitgereikte aandele deur ’n in paragraaf (a) bedoelde filiaalmaatskappy of deur so ’n filiaalmaatskappy en sy genomineerdes of deur daardie genomineerdes gehou word; (xxviii)
- (vi) „gelisensieerde” iemand aan wie ’n kernlisensie verleë is, hetsy die lisensie nog van krag is al dan nie; (vii)
- (vii) „herverwerk”, met betrekking tot bronmateriaal of spesiale kernmateriaal, om bestanddele wat voorkom in bronmateriaal of spesiale kernmateriaal wat blootgestel is aan bestraling wat transmutasie van sodanige materiaal kan veroorsaak, te ekstraheer of af te skei; en het „herverwerking” ’n ooreenstemmende betekenis; (xxiii)
- (viii) „hierdie Wet” ook enige regulasie; (xxix)
- (ix) „inspekteur” ’n inspekteur van die korporasie bedoel in artikel 46; (vi)
- (x) „kernbrandstof” enige materiaal wat alleen of in samestelling met enige ander materiaal ’n kernklowing- of kernversmeltingsproses kan ondergaan; (xi)
- (xi) „kerngevaarlike materiaal” enige materiaal wat uit isotope van uraan, torium of spesiale kernmateriaal bestaan of dit bevat, of enige radioaktiewe volproduk daarvan, of radioaktiewe afval, wat kragtens subartikel (2) (c) van hierdie artikel tot kerngevaarlike materiaal verklaar is, of enige radioaktiewe nuklide wat in die opwekking van kern- of atoomenergie geproduseer word, of enige ander radioaktiewe nuklide, maar nie ook gefabriseerde radio-isotope nie wat buitekant ’n kerninstallasie is en aangewend word of bestem is om aangewend te word vir geneeskundige, wetenskaplike, landboukundige, kommersiële of industriële gebruike; (xii)
- (xii) „kerninstallasie” enige installasie, aanleg of struktuur wat ontwerp en geskik gemaak is vir of kan behels—
 - (a) die produksie, gebruik, verwerking, herverwerking, opberging of wegruiming van kerngevaarlike materiaal; of
 - (b) die uitvoering van enige ander proses waarby kerngevaarlike materiaal betrokke is en wat kernskade kan veroorsaak; of
 - (c) die voortbrenging van kern- of atoomenergie, maar nie ook ’n installasie, aanleg of struktuur nie wat geleë is by ’n bedryf of ’n myn soos omskryf in artikel 1 van die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956), en wat gebruik word, of bestem is om gebruik te word, in verband met werksaamhede by, en wat betrekking het op, sodanige bedryf of myn op ’n wyse waardeur bronmateriaal geproduseer word; (xiii)
- (xiii) „kernlisensie” ’n kernlisensie bedoel in artikel 30 (1) (a), 31 (1) of 32 (1); (xiv)
- (xiv) „kern- of atoomenergie” al die energie wat deur ’n kernklowing- of kernversmeltingsproses vrygestel word; (xv)
- (xv) „kernongeluk” enige gebeurtenis of reeks gebeurtenisse met dieselfde oorsprong, wat kernskade veroorsaak of dit waarskynlik sal veroorsaak; (ix)
- (xvi) „kernskade” enige besering aan of die dood of enige siekte of kwaal van iemand, of skade aan of verlies van gebruik van enige eiendom, wat voortspruit uit, die gevolg is van, of toe te skryf is aan, die radioaktiewe eienskappe van kerngevaarlike materiaal, of die ionise-

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (ii) "corporation" means the Atomic Energy Corporation of South Africa, Limited, established by section 2; (xvii)
- 5 (iii) "Council for Nuclear Safety" means the Council for Nuclear Safety established by section 24 (1); (xx)
- (iv) "director" means a member of the board of directors referred to in section 5 (2); (iv)
- 10 (v) "enrich" means to increase the ratio of an isotopic constituent of an element to the remaining isotopic constituents of that element relative to the naturally occurring ratio; and "enrichment" has a corresponding meaning; (xxvi)
- (vi) "inspector" means an inspector of the corporation referred to in section 46; (ix)
- 15 (vii) "licensee" means a person to whom a nuclear licence has been granted, whether or not that licence is still in force; (vi)
- (viii) "Minister" means the Minister of Mineral and Energy Affairs; (xviii)
- 20 (ix) "nuclear accident" means any occurrence or succession of occurrences having the same origin, which causes or is likely to cause nuclear damage; (xv)
- (x) "nuclear damage" means any injury to or the death or any sickness or disease of a person, or any damage to or any loss of the use of any property, which arises out of, results from, or is attributable to, the radio-active properties of nuclear-hazard material, or the ionising radiations associated with the generation of nuclear or atomic energy; (xvi)
- 25 (xi) "nuclear fuel" means any material capable of undergoing a nuclear fission or nuclear fusion process by itself or in combination with some other material; (x)
- (xii) "nuclear-hazard material" means any material which consists of or contains isotopes of uranium, thorium or special nuclear material, or any radio-active daughter product thereof, or radio-active waste, which has been declared under subsection (2) (c) of this section to be nuclear-hazard material, or any radio-active nuclides produced in the generation of nuclear or atomic energy, or any other radio-active nuclides, but does not include fabricated radio-isotopes which are outside a nuclear installation and which are used or intended to be used for medical, scientific, agricultural, commercial or industrial uses; (xi)
- 30 (xiii) "nuclear installation" means any installation, plant or structure designed or adapted for or which may involve—
- (a) the production, use, processing, re-processing, storage or disposal of nuclear-hazard material; or
- 35 (b) the carrying out of any process involving nuclear-hazard material and which is capable of causing nuclear damage; or
- (c) the production of nuclear or atomic energy, but shall not include any installation, plant or structure which is situated at any mine or works as defined in section 1 of the Mines and Works Act, 1956 (Act No. 27 of 1956), and which is used, or is intended to be used, in connection with operations at, and pertaining to, such mine or works, in any manner by means of which source material is produced; (xii)
- 40 (xiv) "nuclear licence" means a nuclear licence referred to in section 30 (1) (a), 31 (1) or 32 (1); (xiii)
- (xv) "nuclear or atomic energy" means all the energy released by a nuclear fission or nuclear fusion process; (xiv)
- 45 (xvi) "Patents Act" means the Patents Act, 1978 (Act No. 57 of 1978); (xxix)
- 50
- 55
- 60
- 65

- rende stralings wat in verband staan met die opwekking van kern- of atoomenergie; (x)
- (xvii) „korporasie” die Atoomenergiekorporasie van Suid-Afrika, Beperk, by artikel 2 ingestel; (ii)
- (xviii) „Minister” die Minister van Mineraal- en Energiesake; 5
(viii)
- (xix) „raad van direkteure” die raad van direkteure van die korporasie in artikel 5 bedoel; (i)
- (xx) „Raad vir Kernveiligheid” die Raad vir Kernveiligheid by artikel 24 (1) ingestel; (iii) 10
- (xxi) „radioaktiewe afval” enige radioaktiewe materiaal wat voortgebring is by, of enige materiaal wat radioaktief gemaak is deur blootstelling aan straling wat gepaard gaan met, die vervaardiging, benutting of herverwerking van kernbrandstof; (xxi) 15
- (xxii) „regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig; (xxii)
- (xxiii) „spesiale kernmateriaal” uraan-233 en uraan verryk in sy uraan-235-isotoop en transuraanelemente, en ’n samestelling daarvan wat uit bronmateriaal verkry is en 20
wat kragtens subartikel (2) (d) van hierdie artikel tot spesiale kernmateriaal verklaar is; (xxvii)
- (xxiv) „terrein” enige plek waarop ’n kerninstallasie geleë is, of wat bestem is om vir die doeleindes van ’n kerninstallasie gebruik te word; (xxv) 25
- (xxv) „verantwoordelikheidstydperk”, met betrekking tot ’n gelisensieerde aan wie ’n kernlisensie bedoel in artikel 30 (1) (a) of artikel 31 (1) verleen is, die tydperk vanaf die datum waarop die betrokke kernlisensie verleen is tot op die vroegste van die volgende datums, naamlik— 30
- (a) die datum waarop die korporasie die gelisensieerde skriftelik kennis gee dat daar, na sy oordeel, nie meer enige gevaar van kernskade verbonde is nie aan enigiets op die betrokke terrein, of by of in die betrokke kerninstallasie, of kan 35
voortvloei nie uit enige bedrywigheid bedoel in artikel 30 (1) wat verrig is met betrekking tot die betrokke kerngevaarlike materiaal, of uit enige handeling bedoel in artikel 31 (1) wat uitgevoer is met betrekking tot die betrokke kerninstallasie of terrein, na gelang van die geval; of 40
- (b) die datum waarop ’n kernlisensie ten opsigte van die betrokke kerninstallasie, kerngevaarlike materiaal of terrein aan iemand anders verleen word; 45
(xvii)
- (xxvi) „verryk” om die verhouding van ’n isotoopbestanddeel van ’n element tot die oorblywende isotoopbestanddele van daardie element te verhoog relatief tot die verhouding wat in die natuur voorkom; en het „verryking” ’n ooreenstemmende betekenis; (v) 50
- (xxvii) „verwerk”, met betrekking tot bronmateriaal, spesiale kernmateriaal en beperkte materiaal, om daardie materiaal te herwin, te ekstraheer, te konsentreer, te raffineer of om te skep, maar nie ook verryk nie; en het „verwerking” ’n ooreenstemmende betekenis; (xx) 55
- (xxviii) „voorgeskrewe” by regulasie voorgeskrewe; (xix)
- (xxix) „Wet op Patente” die Wet op Patente, 1978 (Wet No. 57 van 1978). (xvi)
- (2) Die Staatspresident kan by proklamasie in die *Staatskoerant*— 60
- (a) enige stof in ’n suiwerheidsgraad wat in die proklamasie vermeld word, vir die doeleindes van hierdie Wet tot beperkte materiaal verklaar;
- (b) enige stof wat uraan of torium bevat bo sterkte- en massaperke wat in die proklamasie vermeld word, vir 65
die doeleindes van hierdie Wet tot bronmateriaal verklaar;
- (c) enige materiaal wat uit isotope van uraan, torium of spesiale kernmateriaal bestaan of dit bevat, of enige

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (xvii) "period of responsibility", in relation to a licensee to whom a nuclear licence referred to in section 30 (1) (a) or section 31 (1) has been granted, means the period beginning on the date of the grant of the relevant licence and ending on whichever of the following dates is the earlier, namely—
- 5 (a) the date on which the corporation gives notice in writing to the licensee that in its opinion there has ceased to be any risk of nuclear damage from anything on the site, or at or in the nuclear installation, in question, or from any activity referred to in section 30 (1) carried out in regard to the nuclear-hazard material, or from any act referred to in section 31 (1) performed in regard to the nuclear installation or site, in question, as the case may be; or
- 10 (b) the date on which a nuclear licence in respect of the nuclear installation, nuclear-hazard material or site in question is granted to some other person;
- 15 (xxv)
- 20 (xviii) "plant" includes any machinery, equipment or device, whether it is attached to the ground or not; (i)
- (xix) "prescribed" means prescribed by regulation; (xxviii)
- 25 (xx) "process", in relation to source material, special nuclear material and restricted material, means to recover, extract, concentrate, refine or convert such material; but does not include enriching; and "processing" has a corresponding meaning; (xxvii)
- 30 (xxi) "radio-active waste" means any radio-active material produced in, or any material made radio-active by exposure to the radiation incidental to, the fabrication, utilization or re-processing of nuclear fuel; (xxi)
- (xxii) "regulation" means any regulation made under this Act; (xxii)
- 35 (xxiii) "re-process", in relation to source material or special nuclear material, means to extract or separate constituents occurring in source material or special nuclear material that has been subjected to irradiation capable of causing transmutation of any such material; and "re-processing" has a corresponding meaning; (vii)
- 40 (xxiv) "restricted material" means beryllium and zirconium and any other substance which has under subsection (2) (a) of this section been declared to be restricted material; (ii)
- 45 (xxv) "site" means any place on which a nuclear installation is situated, or which is intended to be used for the purposes of a nuclear installation; (xxiv)
- (xxvi) "source material" means uranium and thorium and any other substance which has under subsection (2) (b) of this section been declared to be source material; (iii)
- 50 (xxvii) "special nuclear material" means uranium-233 and uranium enriched in its uranium-235 isotope and transuranium elements, and any compound thereof derived from source material, which has under subsection (2) (d) of this section been declared to be special nuclear material; (xxiii)
- 55 (xxviii) "subsidiary company" means—
- (a) a company of which all the issued shares are held by the corporation, or by the corporation and its nominees or by such nominees; or
- 60 (b) a company of which all the issued shares are held by a subsidiary company referred to in paragraph (a), or by such subsidiary company and its nominees or by such nominees; (v)
- 65 (xxix) "this Act" includes any regulation. (viii)
- (2) The State President may by proclamation in the *Gazette*—
- (a) declare any substance of a degree of purity specified in the proclamation to be restricted material for the purposes of this Act;

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

radioaktiewe volgprodukte daarvan, of enige radioaktiewe afval, bo sterkte- en massaperke wat in die proklamasie vermeld word, vir die doeleindes van hierdie Wet tot kerngevaarlike materiaal verklaar;

- (d) enige samestelling van uraan-233 en uraan verryk in sy uraan-235-isotoop en transuraanelemente wat verkry is uit bronmateriaal, bo sterkte- en massaperke wat in die proklamasie vermeld word, vir die doeleindes van hierdie Wet tot spesiale kernmateriaal verklaar.

(3) Wanneer 'n aangeleentheid kragtens hierdie Wet deur arbitrasie beslis moet word, geskied die verrigtings in verband met die arbitrasie volgens voorskrif van die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965), asof daar 'n skriftelike ooreenkoms was om daardie aangeleentheid ingevolge die bepalings van bedoelde Wet na arbitrasie te verwys.

HOOFSTUK I

DIE ATOOMENERGIEKORPORASIE VAN SUID-AFRIKA, BEPERK

Instelling van
Atoomenergiekorporasie
van Suid-Afrika,
Beperk.

2. (1) Daar word hierby 'n regspersoon ingestel bekend as die Atoomenergiekorporasie van Suid-Afrika, Beperk.

(2) Die Registrateur van Maatskappye teken die naam van die korporasie in sy registers aan.

Oogmerke van
korporasie.

3. Die oogmerke van die korporasie is om navorsing op die gebied van kern- of atoomenergie en die voortbrenging van kern- of atoomenergie, te onderneem, om bronmateriaal en spesiale kernmateriaal te verryk, om bronmateriaal, spesiale kernmateriaal en beperkte materiaal te verwerk, om bronmateriaal en spesiale kernmateriaal te herverwerk, en om beheer uit te oefen oor sekere kernbedrywighede in die Republiek, met inbegrip van die lisensiëring daarvan.

Bevoegdhede van
korporasie.

4. (1) Die korporasie kan, behoudens die bepalings van hierdie Wet, en benewens die ander bevoegdhede aan hom verleen of werksaamhede aan hom toevertrou kragtens hierdie Wet, ten einde sy oogmerke te bereik—

(a) met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, ondernemings oprig, die oprigting daarvan finansier, of ondernemings oorneem of 'n aandeel daarin verkry;

(b) met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, aan iemand geld leen of voorskiet, maatskappye stig of met die stigting daarvan behulpsaam wees of die stigting daarvan finansier, 'n belang in 'n maatskappy verkry, 'n maatskappy van kapitaal voorsien of deur garansie of op 'n ander wyse met die inskrywing van kapitaal vir 'n maatskappy behulpsaam wees, 'n maatskappy finansier, of die finansiering daarvan vergemaklik, bevorder, of leiding in verband daarmee gee of daarmee behulpsaam wees: Met dien verstande dat waar enige sodanige handeling ten opsigte van 'n filiaalmaatskappy verrig word, die voormelde goedkeuring van die Minister nie nodig is nie;

(c) behoudens die bepalings van paragrawe (a) en (b) met betrekking tot ondernemings en maatskappye, onroerende en roerende goed van watter aard ook al, met inbegrip van effekte, aandele, verbande, obligasies en sekuriteite van, en belange in, 'n liggaam van persone, hetsy met regspersoonlikheid bekleed al dan nie, verkry, hou, bestuur, ontwikkel, verhuur of huur, of koop, daarop inskrywe of dit andersins verkry, of verkoop of andersins vervreem, of verpand of andersins daarmee handel, en, waar nodig, as trustee vir obligasiehouers optree;

(d) verhandelbare stukke maak, trek, aanneem of endosseer;

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (b) declare any substance containing uranium or thorium above concentration and mass limits specified in the proclamation to be source material for the purposes of this Act;
- 5 (c) declare any material which consists of or contains isotopes of uranium, thorium or special nuclear material, or any radio-active daughter product thereof, or any radio-active waste, above concentration and mass limits specified in the proclamation, to be nuclear-hazard material for the purposes of this Act;
- 10 (d) declare any compound of uranium-233 and uranium enriched in its uranium-235 isotope and transuranium elements derived from source material, above concentration and mass limits specified in the proclamation, to be special nuclear material for the purposes of this Act.
- 15 (3) Whenever under this Act any matter is required to be determined by arbitration, the relevant arbitration proceedings shall be governed by the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), as if there had been a written agreement
- 20 to submit such matters to arbitration in terms of that Act.

CHAPTER I

THE ATOMIC ENERGY CORPORATION OF SOUTH AFRICA, LIMITED

2. (1) There is hereby established a juristic person known as the Atomic Energy Corporation of South Africa, Limited.
- 25 (2) The Registrar of Companies shall enter the name of the corporation in his registers.
3. The objects of the corporation are to undertake research in the field of nuclear or atomic energy and the production of nuclear or atomic energy, to enrich source material and special nuclear material, to process source material, special nuclear material and restricted material, to re-process source material and special nuclear material, and to exercise control over certain nuclear activities in the Republic, including the licensing thereof.
- 30
4. (1) The corporation may, subject to the provisions of this Act, and in addition to the other powers granted and functions entrusted to it under this Act, for the purpose of achieving its objects —
- 35
- (a) with the approval of the Minister, granted with the concurrence of the Minister of Finance, establish undertakings, finance the establishment of undertakings, and take over or acquire a share in any undertakings;
- 40
- (b) with the approval of the Minister, granted with the concurrence of the Minister of Finance, lend or advance money to any person, establish companies or assist in the establishment of companies or finance the establishment thereof, acquire an interest in a company, or provide, or by underwriting or otherwise assist in the subscription of, capital for a company, finance any company or facilitate, promote, guide or assist with the financing thereof: Provided that if any such act is performed in respect of a subsidiary company, the aforesaid approval of the Minister shall not be required;
- 45
- (c) subject to the provisions of paragraphs (a) and (b) with regard to undertakings and companies, acquire, hold, manage, develop, let or hire, buy, subscribe for or otherwise acquire, or sell or otherwise dispose of, or hypothecate or otherwise deal in, immovable and movable property of whatever kind, including stocks, shares, bonds, debentures and securities of, and any interests in, any body of persons, corporate or unincorporate, and, where necessary, act as trustee for debenture holders;
- 50
- (d) make, draw, accept or endorse negotiable instruments;
- 55
- 60

Establishment of Atomic Energy Corporation of South Africa, Limited.

Objects of corporation.

Powers of corporation.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

- (e) geboue, bou- of ander werke, met inbegrip van geboue en werke wat die Staat nodig het vir die doeleindes wat die Minister bepaal, oprig, of kontrakte vir die oprigting, aanlê of instandhouding daarvan aangaan;
- (f) 'n verpligting wat met betrekking tot die finansiering van 'n persoon of die uitvoering van 'n kontrak deur 'n persoon aangegaan is, waarborg; 5
- (g) ooreenkomste met produsente aangaan om die hoeveelhede bronmateriaal voort te bring en te lewer wat die korporasie en sy filiaalmaatskappye van tyd tot tyd nodig het; 10
- (h) enige van of al die regte en verpligtinge van die korporasie ingevolge 'n kontrak vir die verkoop of voorsiening van bronmateriaal aan enigiemand anders seeder of oordra; 15
- (i) prospektering na en ontginning van bronmateriaal en beperkte materiaal onderneem, en bronmateriaal en spesiale kernmateriaal alleen of in samewerking met die persone en op die wyse wat die Minister, met die instemming van die Minister van Finansies, goedkeur, verryk, en bronmateriaal en spesiale kernmateriaal herverwerk; 20
- (j) bronmateriaal, spesiale kernmateriaal en beperkte materiaal verwerk;
- (k) bronmateriaal, spesiale kernmateriaal, beperkte materiaal en radioaktiewe nukliede invoer in of uitvoer uit die Republiek; 25
- (l) bronmateriaal, spesiale kernmateriaal, beperkte materiaal en radioaktiewe nukliede verkry, daarvoor beskik en dit besit; 30
- (m) die voortbrenging van kern- of atoomenergie en van radioaktiewe nukliede onderneem;
- (n) ondersoeke of navorsing op die gebied van kern- of atoomenergie wat die korporasie nodig of dienstig ag, onderneem, laat onderneem of bevorder; 35
- (o) geriewe vir die insameling en verspreiding van wetenskaplike en tegniese inligting oor enige aangeleentheid betreffende kern- of atoomenergie wat binne die bestek van die korporasie se oogmerke val, tot stand bring en beheer; 40
- (p) met opvoedkundige, wetenskaplike of ander liggame of instellings saamwerk ten opsigte van die verskaffing van onderrig aan, of opleiding van, persone wat die korporasie nodig het, en op die voorwaardes wat die korporasie bepaal, en, indien die Minister dit nodig ag, met sy goedkeuring, geldelike of ander hulp verleen in verband met die opleiding van sodanige persone vir sover dit na die oordeel van die korporasie nodig is ten einde te verseker dat 'n voldoende aantal opgeleide persone beskikbaar sal wees om die korporasie in staat te stel om sy werksaamhede te verrig, en navorsing in verband met die verwerking en herverwerking van bronmateriaal, beperkte materiaal en spesiale kernmateriaal, die verryking van bronmateriaal en spesiale kernmateriaal, die voortbrenging van kern- of atoomenergie, en in verband met radioaktiewe nukliede, onderneem, laat onderneem, bevorder of aan die gang sit, of hulptoe- 55
laes daarvoor toestaan;
- (q) bydraes van iemand vir die instel van die spesiale ondersoeke bedoel in artikel 64 ontvang; 60
- (r) aan bestaande en gewese bydraers tot die korporasie se navorsingsfondse die gedeelte van die gelde betaal wat deur die korporasie verkry word uit die lisensiëring of verkoop van patente wat die korporasie hou ten opsigte van uitvindings ontdek of gedoen deur of ten behoeve van die korporasie (uitgesonderd egter enige patent verleen ten opsigte van 'n ontdekking of uitvinding bedoel in artikel 64 (3)) wat die korporasie bepaal; 65
- (s) aan enige persoon 'n patent, 'n lisensie, 'n konsessie, 'n vervaardigingsreg of 'n soortgelyke reg wat bevoegd-

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (e) erect, or enter into contracts for the erection, construction or maintenance of, buildings, structures or other works, including buildings or works required by the State for such purposes as the Minister shall determine;
- 5 (f) guarantee any undertaking given in relation to the financing of any person or the performance of any contract entered into by any person;
- (g) enter into agreements with producers to produce and deliver such quantities of source material as may be required by the corporation and its subsidiary companies from time to time;
- 10 (h) cede or assign or make over to any person any or all of the rights and obligations of the corporation under any contract relating to the sale or supply of source material;
- 15 (i) undertake prospecting for and the mining of source material and restricted material, and enrich, either alone or in co-operation with such persons and in such manner as the Minister, with the concurrence of the Minister of Finance, may approve, source material and special nuclear material, and re-process source material and special nuclear material;
- 20 (j) process source material, restricted material and special nuclear material;
- 25 (k) import into or export from the Republic any source material, special nuclear material, restricted material and radio-active nuclides;
- (l) acquire, dispose of or hold any source material, special nuclear material, restricted material and radio-active nuclides;
- 30 (m) undertake the production of nuclear or atomic energy and of radio-active nuclides;
- (n) undertake, cause to be undertaken or promote, investigations or research in the field of nuclear or atomic energy which the corporation deems necessary or useful;
- 35 (o) establish and control facilities for the collection and dissemination of scientific and technical information relating to any matter regarding nuclear and atomic energy falling within the purview of the corporation's objects;
- 40 (p) collaborate with any educational, scientific or other bodies or institutions in respect of the provision of instruction for, or the training of, persons required by the corporation, and provide, on such conditions as the corporation may deem fit, and, if the Minister deems it necessary, with his approval, financial or other assistance in connection with the training of such persons in so far as in the opinion of the corporation it may be necessary to ensure that a sufficient number of trained persons will be available to enable the corporation to perform its functions, and to undertake, cause to be undertaken, promote or initiate, or make grants available in aid of, research in connection with the processing and re-processing of source material, restricted material and special nuclear material, the enrichment of source material and special nuclear material, the production of nuclear or atomic energy, and in connection with radio-active nuclides;
- 55 (q) receive contributions from any person for the carrying out of the special investigations referred to in section 64;
- 60 (r) pay to present and past contributors to the corporation's research funds, such portion of the moneys received by it from the licensing or sale of patents held by the corporation in respect of inventions discovered or made by or on behalf of the corporation (excluding any patent granted in respect of a discovery or invention referred to in section 64 (3)) as the corporation may determine;
- 65 (s) sell, or make available for use, to any person, on conditions determined by the corporation, any patent, li-

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

- hede verleen tot die gebruik van enige inligting, kundigheid, proses of tegnologie wat deur die korporasie of 'n filiaalmaatskappy ontwikkel is en wat sy eiendom is, verkoop of vir gebruik beskikbaar stel op voorwaardes wat die korporasie bepaal; 5
- (t) reëlins tref wat die Minister, met die instemming van die Minister van Finansies, nodig ag vir die opstapeling van strategiese grondstowwe, materiaal en toerusting vir die uitvoering van die werksaamhede van die korporasie; 10
- (u) patente, lisensies, konsessies, vervaardigingsregte of ander soortgelyke regte wat bevoegdhede verleen tot die gebruik van enige tegnologieë, kundigheid, inligting of prosesse aanvra, koop of op 'n ander wyse verkry, en die regte, konsessies, kundigheid, prosesse, tegnologieë of inligting aldus verkry, gebruik, uitoefen, ontwikkel en lisensies ten opsigte daarvan verleen, of op 'n ander wyse daaruit voordeel trek; 15
- (v) die Minister adviseer oor aangeleenthede wat hy na die korporasie verwys, of waaromtrent die korporasie dit 20 nodig ag om die Minister te adviseer;
- (w) as bestuurder of sekretaris van 'n maatskappy optree, en 'n persoon aanstel om namens die korporasie as 'n direkteur van, of in 'n ander hoedanigheid met betrekking tot, 'n maatskappy op te tree, 25
- en die korporasie het in die algemeen die bevoegdheid om, in die Republiek of elders, kontrakte te sluit, ooreenkomste aan te gaan, en enige handeling te verrig waardeur uitvoering aan die oogmerke van die korporasie ingevolge hierdie Wet gegee word, of wat nodig is, of verbonde is aan of bevorderlik is vir die bereiking van die een of ander oogmerk van hierdie Wet, of wat daarop bereken is om regstreeks of onregstreeks die waarde van die dienste te verhoog wat die korporasie ten opsigte van sy werksaamhede kan lewer, of wat die Minister van tyd tot tyd bepaal. 35
- (2) (a) Die korporasie of 'n persoon bedoel in subartikel (1) (i) verryk nie bronmateriaal en spesiale kernmateriaal ten behoeve van 'n ander persoon as die Staat nie, behalwe met die goedkeuring van die Minister en op die voorwaardes wat die Minister na oorlegpleging met die korporasie bepaal. 40
- (b) So 'n voorwaarde wat betrekking het op geldelike aangeleenthede word met die instemming van die Minister van Finansies bepaal.
5. (1) Die sake van die korporasie word, behoudens die bepalings van hierdie Wet, bestuur en beheer deur 'n raad van direkteure. 45
- (2) Die raad van direkteure bestaan uit—
- (a) 'n voltydse voorsitter, wat deur die Staatspresident vir 'n tydperk van hoogstens vyf jaar aangestel word op die voorwaardes wat die Minister, met die instemming van die Minister van Finansies, bepaal, en wat weer aangestel kan word; 50
- (b) die Direkteur-generaal: Mineraal- en Energiesake;
- (c) die Direkteur-generaal: Buitelandse Sake en Inligting; 55 en
- (d) hoogstens ses ander direkteure deur die Minister aangestel, van wie—
- (i) twee persone moet wees wat betrokke is by die ontginning en ekstrahering van bronmateriaal; en 60
- (ii) een aangestel word om die Elektrisiteitsvoorsieningskommissie bedoel in artikel 2 van die Elektrisiteitswet, 1958 (Wet No. 40 van 1958), te verteenwoordig.
- (3) Die Minister stel een van die direkteure as vise-voorsitter van die raad van direkteure aan. 65
- (4) Die voorsitter of, in sy afwesigheid, die direkteur wat as vise-voorsitter aangewys is, sit voor op 'n vergadering van die raad van direkteure, en indien sowel die voorsitter as die vise-

Raad van
direkteure van
korporasie.

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- cence, concession, right to manufacture or any similar right which grants powers to use any information, expertise, process or technology which has been developed by the corporation or a subsidiary company and which is its property;
- 5 (t) make such arrangements as the Minister, with the concurrence of the Minister of Finance, may deem necessary for the stock-piling of strategic raw materials, materials and equipment which are required for the carrying out of the functions of the corporation;
- 10 (u) apply for, buy or otherwise acquire patents, licences, concessions, rights of manufacture or other similar rights, conferring powers to use any technologies, expertise, information or processes, and to use, exercise, develop or grant licences in respect of the rights, concessions, technologies, processes, expertise or information thus acquired, or otherwise derive benefit therefrom;
- 15 (v) advise the Minister on matters which he may refer to the corporation, or regarding which the corporation may deem it necessary to advise the Minister;
- 20 (w) act as manager or secretary of any company, and appoint any person to act on behalf of the corporation as a director of, or to act in any other capacity in relation to, any company,
- 25 and the corporation may, generally, enter into any contract, conclude any agreement, or perform any act, whether in the Republic or elsewhere, whereby the objects of the corporation under this Act are carried into effect, or which may be necessary for or incidental or conducive to the attainment of any of the objects of this Act, or which is calculated, directly or indirectly, to enhance the value of the services which the corporation may render towards the achievement of its objects, or which the Minister may from time to time determine.
- 30 (2) (a) The corporation or any person referred to in subsection (1) (i) shall not enrich source material or special nuclear material on behalf of any person other than the State, except with the approval of the Minister and on such conditions as the Minister, after consultation with the corporation, may determine.
- 40 (b) Any such condition in relation to financial matters shall be determined with the concurrence of the Minister of Finance.
5. (1) The affairs of the corporation shall, subject to the provisions of this Act, be managed and controlled by a board of directors. Board of directors of corporation.
- (2) The board of directors shall consist of—
- (a) a full-time chairman appointed by the State President for a period of office not exceeding five years, on the conditions which the Minister, with the concurrence of the Minister of Finance, shall determine, and who may be reappointed;
- 50 (b) the Director-General: Mineral and Energy Affairs;
- (c) the Director-General: Foreign Affairs and Information;
- 55 (d) not more than six other directors appointed by the Minister, of whom—
- (i) two shall be persons who are involved in the mining and extraction of source material; and
- (ii) one shall be appointed to represent the Electricity Supply Commission referred to in section 2 of the Electricity Act, 1958 (Act No. 40 of 1958).
- 60 (3) The Minister shall appoint one of the directors as vice-chairman of the board of directors.
- (4) The chairman or, in his absence, the director appointed as vice-chairman, shall preside at a meeting of the board of directors, and whenever both the chairman and the vice-chairman are
- 65

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

voorsitter van 'n vergadering van daardie raad afwesig is, kies die aanwesige direkteure een uit hul midde om op daardie vergadering voor te sit.

(5) Die voorsitter is die hoof- uitvoerende amptenaar van die korporasie, en in sy afwesigheid word sy werksaamhede as sodanige amptenaar verrig deur 'n persoon wat deur hom uit die beampstes van die korporasie aangewys word om in sy afwesigheid as hoof- uitvoerende beampte waar te neem.

(6) 'n Direkteur bedoel in subartikel (2) (d) beklee sy amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal, en kan weer aangestel word: Met dien verstande dat indien daar na sy oordeel gegronde redes daarvoor bestaan, die Minister te eniger tyd die ampstermyn van so 'n direkteur kan beëindig.

(7) 'n Lid van die Volksraad of 'n provinsiale raad kan nie as direkteur aangestel word nie, en 'n direkteur ontruim sy amp sodra hy sodanige lid geword het.

(8) Behoudens die bepalings van subartikel (9), betaal die korporasie uit sy fondse aan 'n direkteur die besoldiging en toelae, en verskaf hy aan hom die vervoergeriewe of ander voordele ten opsigte van sy dienste as direkteur, wat die Minister met die instemming van die Minister van Finansies bepaal.

(9) Aan 'n direkteur wat in die heeltidse diens van die Staat is, word geen besoldiging ten opsigte van die dienste wat hy as direkteur van die korporasie verrig, bo en behalwe sy salaris uit hoofde van sodanige diens betaal nie, en daar word ook nie aan sodanige lid reis- en verblyftoelae teen 'n hoër skaal as dié wat op hom uit hoofde van sodanige diens van toepassing is, betaal nie.

(10) 'n Direkteur is nie persoonlik aanspreeklik vir verlies of skade wat uit, of in verband met, die uitvoering van sy pligte ontstaan uit hoofde van sy aanstelling as direkteur nie, tensy die verlies of skade te wyte is aan iets deur die direkteur te kwader trou gedoen of aan growwe nalatigheid of 'n versuim deur hom om 'n bepaling van hierdie Wet na te kom.

Persone wat onbevoeg is vir aanstelling in raad van direkteure, en ontruiming van amp.

6. (1) Niemand word as voorsitter of kragtens artikel 5 (2) (d) as direkteur van die korporasie aangestel nie, indien so 'n persoon—

- (a) 'n ongerehabiliteerde insolvent is; of
- (b) nie 'n Suid-Afrikaanse burger is wat gewoonlik in die Republiek woonagtig is nie.

(2) Die voorsitter, of 'n ander direkteur van die korporasie kragtens artikel 5 (2) (d) aangestel, ontruim sy amp indien—

- (a) hy aan 'n misdryf skuldig bevind word en ten opsigte daarvan gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete;
- (b) in die geval van sodanige ander direkteur—
 - (i) hy sonder verlof van die raad van meer as twee agtereenvolgende vergaderings van die raad van direkteure afwesig is; of
 - (ii) die Minister sy ampstermyn beëindig soos beoog in artikel 5 (6).

(3) Indien 'n direkteur kragtens artikel 5 (2) (d) aangestel by skriftelike kennisgewing gerig aan die Minister bedank, of uit hoofde van 'n bepaling van subartikel (2) van hierdie artikel sy amp ontruim, of sterf, word die vakature gevul deur die aanstelling deur die Minister, met inagneming van die bepalings van subartikel (1) van hierdie artikel, van iemand anders as direkteur.

Vergaderings van raad van direkteure, en kworum.

7. (1) Die kworum vir 'n vergadering van die raad is die meerderheid van die lede van die raad.

(2) Die beslissing van die meerderheid van die direkteure aanwesig op 'n vergadering van die raad van direkteure maak 'n besluit van daardie raad uit, en in geval van 'n staking van stemme het die lid wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem 'n beslissende stem.

(3) Geen besluit van die raad van direkteure of handeling op gesag van die raad verrig, is ongeldig nie bloot vanweë 'n vakature in die raad of omdat 'n persoon wat nie geregtig was om as

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

absent from a meeting of that board, a chairman shall be elected by the directors present from amongst their number to preside at that meeting.

(5) The chairman shall be the chief executive officer of the corporation, and in his absence his functions as such officer shall be performed by a person appointed by him from among the officers of the corporation to act as chief executive officer.

(6) A director referred to in subsection (2) (d) shall hold office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment, and shall be eligible for reappointment: Provided that if, in his opinion, there are good reasons for so doing, the Minister may at any time terminate the period of office of any director.

(7) A member of the House of Assembly or of a provincial council may not be appointed as a director, and any director shall, on becoming such a member, vacate his office.

(8) Subject to the provisions of subsection (9), the corporation shall from its funds pay to a director such remuneration and allowances, and shall afford him such transport facilities or other benefits in respect of his services as a director, as the Minister with the concurrence of the Minister of Finance shall determine.

(9) A director who is in the full-time service of the State shall not in respect of his services rendered as a director of the corporation be paid any remuneration in addition to his salary by virtue of such service, nor shall any such member be paid any travel or subsistence allowance at a rate higher than that applicable to him by virtue of such service.

(10) A director shall not be personally liable for any loss or damage arising out of, or in connection with, the performance of his duties by virtue of his appointment as a director, unless the loss or damage is due to anything done in bad faith or to gross negligence or to failure to comply with any provision of this Act.

6. (1) No person shall be appointed as chairman or under section 5 (2) (d) as a director of the corporation if such person—
 (a) is an unrehabilitated insolvent; or
 (b) is not a South African citizen ordinarily resident in the Republic.

Persons disqualified from appointment to board of directors, and vacation of office.

(2) The chairman, or any other director of the corporation appointed under section 5 (2) (d), shall vacate his office if—
 (a) he is convicted of an offence and in respect thereof is sentenced to imprisonment without the option of a fine;
 (b) in the case of such other director—
 (i) he has been absent from more than two consecutive meetings of the board of directors without the leave of the board; or
 (ii) the Minister terminates his period of office as contemplated in section 5 (6).

(3) If any director appointed under section 5 (2) (d) by notice in writing addressed to the Minister resigns, or by virtue of any provision of subsection (2) of this section vacates his office, or dies, the vacancy shall be filled by the appointment by the Minister, of another person as a director, due regard being had to the provisions of subsection (1) of this section.

7. (1) The quorum for any meeting of the board shall be the majority of the members of the board.

Meetings of board of directors, and quorum.

(2) The decision of the majority of the directors present at a meeting of the board of directors shall constitute a decision of that board, and, in the event of an equality of votes, the member presiding at the relevant meeting shall have a casting vote in addition to his deliberative vote.

(3) No decision taken by the board of directors or act performed under the authority of the board, shall be invalid merely by reason of a vacancy on the board or of the fact that any per-

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

direkteur sitting te neem nie, as direkteur sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van direkteure wat wel aanwesig was en wat geregtig was om as direkteure sitting te neem.

5

Personeel van korporasie en diensvoordele.

8. Die korporasie kan—

- (a) van tyd tot tyd en op die voorwaardes, met inbegrip van besoldiging en verskaffing van voordele, wat die korporasie met die goedkeuring van die Minister bepaal, die beamptes en werknemers aanstel wat hy nodig ag om hom behulpsaam te wees by die verrigting van sy werksaamhede;
- (b) met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies—
 - (i) op die voorwaardes en met die sekerheid wat hy 15 goedgevind—
 - (aa) geld leen aan 'n beampte of werknemer kragtens paragraaf (a) aangestel; of
 - (bb) kollaterale sekerheid, met inbegrip van waarborge aan 'n bouvereniging, gee ten opsigte 20 van 'n lening wat deur sodanige bouvereniging aan 'n beampte of werknemer toegestaan is, ten einde sodanige beampte of werknemer in staat te stel om onroerende eiendom vir die doeleindes van bewoning te verkry, te verbeter of te vergroot, 25 en kan geld wat aldus deur hom aan 'n beampte of werknemer geleen word, versekureer deur die registrasie van 'n verband ten gunste van homself, en 'n aldus geregistreerde verband sodeer of afstand daarvan doen; 30
 - (ii) woonhuise, woonstelle of woonstelgeboue vir bewoning deur beamptes of werknemers bou, laat bou, koop of huur, en daardie woonhuise of woonstelle aan beamptes of werknemers verkoop of verhuur, of sodanige woonhuise, woonstelle of woonstelgeboue andersins vervreem, verhuur of andersins daarmee handel; 35
 - (iii) sport- en vermaaklikheidsverenigings, sosiale klubs, sosiale en gesondheidsdienste, restaurante, tehuise, beursskemas vir studiedoeleindes of ander dergelijke ondernemings of skemas wat na sy oordeel vir sy beamptes en werknemers voordelig kan wees, instel, stig, oprig en voortsit. 40

Korporasie en filiaalmaatskappye geag geassosieerde inrigtings te wees.

9. Die korporasie en sy filiaalmaatskappye word by die toepassing van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), geag geassosieerde inrigtings te wees. 45

Komitees van raad van direkteure.

10. (1) Die korporasie kan komitees instel om hom met die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede behulpsaam te wees, en kan die persone wat hy goedgevind, met inbegrip van lede van die raad van direkteure en beamptes en werknemers van die korporasie, as lede van sodanige komitees aanstel. 50

(2) Aan lede van 'n komitee, uitgesonderd beamptes en werknemers van die korporasie, kan ten opsigte van hul dienste as sodanige lede die toelaes uit die fondse van die korporasie betaal word wat die korporasie bepaal, en die bepaling van artikel 5 (9) ten opsigte van die betaling van toelaes aan iemand wat in die heeltidse diens van die Staat is, is *mutatis mutandis* van toepassing ten opsigte van sodanige betaling van toelaes aan 'n lid van 'n komitee wat in sodanige diens van die Staat is. 60

Delegering van bevoegdhede, pligte en werksaamhede van korporasie.

11. (1) Die korporasie kan 'n bevoegdheid, plig of werksaamheid wat by 'n bepaling van hierdie Wet, uitgesonderd 'n bepaling vervat in Hoofstuk III, aan hom verleen of hom opgelê word, aan die hoof- uitvoerende amptenaar of 'n ander direkteur, 'n komitee, of 'n beampte of werknemer van die korporasie, of aan 'n direkteur, beampte of werknemer van 'n filiaalmaatskappy, delegeer. 65

(2) Indien die korporasie kragtens subartikel (1) 'n bevoegdheid, werksaamheid of plig aan 'n in daardie subartikel bedoelde

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

son not entitled to sit as a director, sat as a director at the time the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the required majority of directors present at the time and who were entitled to sit as directors.

8. The corporation may—

- (a) from time to time and on such conditions, including remuneration and the furnishing of benefits, as the corporation may, with the approval of the Minister, determine, appoint such officers and employees as it may deem necessary to assist it in the performance of its functions; Staff of corporation and service benefits.
- (b) with the approval of the Minister, granted with the concurrence of the Minister of Finance—
- (i) on such conditions and with such security as it may deem fit—
- (aa) lend money to any officer or employee appointed under paragraph (a); or
- (bb) provide collateral security, including guarantees to a building society, in respect of a loan granted to any officer or employee by such building society,
- to enable such officer or employee to acquire, improve or enlarge immovable property for purposes of occupation, and may secure money which it so lends to an officer or employee by the registration of a bond in favour of itself, and may cede or renounce a bond so registered;
- (ii) build, cause to be built, buy or hire dwelling houses, flats or flat buildings for occupation by officers or employees, and may sell or let such houses or flats to officers or employees, or otherwise alienate, let or deal with such houses, flats or flat buildings;
- (iii) establish, institute, erect or carry on sports and recreational societies, social clubs, social and health services, restaurants, hostels, bursary schemes for purposes of study or other similar undertakings or schemes which in its opinion are or may be beneficial to its officers and employees.

9. The corporation and its subsidiary companies shall be deemed to be associated institutions for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963). Corporation and subsidiary companies deemed to be associated institutions.

10. (1) The corporation may establish committees to assist it in the performance of its functions and the exercise of its powers, and may appoint such persons, including members of the board of directors and officers or employees of the corporation, as it may deem fit, as members of such committees. Committees of board of directors.
- (2) The members of a committee, other than officers or employees of the corporation, may, from the funds of the corporation, be paid such allowances in respect of their services as such members as shall be determined by the corporation, and the provisions of section 5 (9) in respect of the payment of allowances to a person who is in the full-time service of the State, shall *mutatis mutandis* apply in respect of such payment of allowances to a member of a committee who is in such service of the State.

11. (1) The corporation may delegate any power, duty or function which is by any provision of this Act, except any provision contained in Chapter III, entrusted to or imposed on it, to the chief executive officer or any other director, any committee, or any officer or employee of the corporation, or to any director, officer or employee of a subsidiary company. Delegation of powers, duties and functions of corporation.

- (2) Where the corporation has, under subsection (1), delegated a power, duty or function to a person or committee refer-

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

persoon of komitee gedelegeer het, kan hy sodanige persoon of komitee magtig om die betrokke bevoegdheid, werksaamheid of plig aan 'n ander persoon (met inbegrip van 'n direkteur, beampte of werknemer van 'n filiaalmaatskappy), of komitee, wat deur die korporasie aangewys is, te deleger.

(3) 'n Delegasie kragtens subartikel (1) of kragtens 'n magtig-
ging beoog in subartikel (2) kan verleen word onderworpe aan
die voorwaardes of beperkings wat bepaal word deur die korpo-
rasie, of deur die persoon of komitee wat die delegasie verleen.

(4) Die korporasie is nie ontdoen van 'n bevoegdheid, werk-
saamheid of plig deur hom, of kragtens sy magtig, gedelegeer
nie, en hy kan 'n beslissing in die uitoefening van sodanige gede-
legeerde bevoegdheid gegee, met inbegrip van 'n beslissing
waardeur 'n beslissing gewysig of ingetrek word soos in subarti-
kel (5) beoog, wysig of intrek.

(5) 'n Persoon of komitee in subartikel (2) bedoel, is nie ont-
doen van 'n bevoegdheid, werksaamheid of plig deur hom gede-
legeer nie, en kan 'n beslissing in die uitoefening van sodanige
gedelegeerde bevoegdheid gegee, wysig of intrek.

(6) Waar 'n bevoegdheid, werksaamheid of plig kragtens hier-
die artikel aan 'n bepaalde ampsbekleder gedelegeer is, word so-
danige bevoegdheid geag gedelegeer te wees aan die dienende
beker van die amp of aan die persoon wat te eniger tyd wettig-
lik as sy plaasvervanger optree.

Aandelekapitaal.

12. (1) Die aandelekapitaal van die korporasie bedra dié be-
drag wat die Minister, met die instemming van die Minister van
Finansies, van tyd tot tyd op aanbeveling van die korporasie be-
paal, en word in gewone aandele van een rand elk verdeel.

(2) Aandele in die korporasie word slegs deur die Staat opge-
neem en is nie oordraagbaar nie.

(3) Die Staat neem die aandele in die korporasie op in die
mate en behoudens die voorwaardes wat die Minister van tyd tot
tyd, met die instemming van die Minister van Finansies, bepaal.

(4) Behoudens die bepalings van subartikel (5), word daar vir
aandele in die korporasie betaal uit geld wat die Parlement vir
dié doel bewillig.

(5) Aandele in die korporasie gelykwaardig aan die waarde,
onmiddellik voor die inwerkingtreding van hierdie Wet, van on-
dernemings of ander geldelike belange van die Raad op
Atoomkrag en die Uraanverrykkingskorporasie van Suid-Afri-
ka, Beperk, bedoel in artikel 83 (2) (a) van hierdie Wet, word
kosteloos aan die Staat uitgereik.

(6) Die waarde van die ondernemings of ander geldelike be-
lange in subartikel (5) bedoel, is die waarde wat die Minister
met instemming van die Minister van Finansies bepaal.

Beperking van aanspreeklikheid van Staat.

13. Die aanspreeklikheid van die Staat as houer van aandele
in die korporasie word beperk tot die onopbetaalde bedrag ten
opsigte van aandele wat deur die Staat gehou word.

Finansies van korporasie.

14. (1) Die korporasie wend al sy bates aan, behalwe vir sover
hierdie Wet anders bepaal, slegs vir die bereiking van sy oog-
merke en aangeleenthede wat daarmee in verband staan.

(2) Die korporasie moet geld wat nie vir onmiddellike gebruik
of as 'n redelike bedryfsaldo nodig is nie, by die Staatskuldkom-
missaris belê, of op die ander wyse daarvoor beskik wat die
Minister, met die instemming van die Minister van Finansies, 55
bepaal.

(3) Die korporasie moet van alle geldelike transaksies, bates
en laste van die korporasie behoorlik boek laat hou.

(4) Die rekenings van die korporasie moet jaarliks geouditeer
word deur 'n persoon wat kragtens die bepalings van die Wet op
Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van
1951), as rekenmeester en ouditeur geregistreer is en jaarliks
deur die Minister benoem word.

(5) Die korporasie moet so spoedig doenlik na voltooiing van
elke oudit aan die Minister die ouditeursverslag verstrek wat die
voorgeskrewe besonderhede bevat, tesame met 'n verslag oor

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

red to in that subsection, it may authorize such person or committee to delegate the power, duty or function in question to any other person (including any director, officer or employee of a subsidiary company), or committee, designated by the corporation.

(3) A delegation under subsection (1) or under any authorization contemplated in subsection (2) may be made subject to such conditions or restrictions as may be determined by the corporation, or by the person or committee rendering the delegation.

(4) The corporation shall not be divested of a power, duty or function delegated by it, or by virtue of its authority, and it may amend or withdraw any decision made in the exercise of such delegated power, including a decision amending or withdrawing a decision as contemplated in subsection (5).

(5) A person or committee referred to in subsection (2) shall not be divested of a power, duty or function delegated by him or it, and may amend or withdraw any decision made in the exercise of such delegated power.

(6) Where a power, duty or function has been delegated to the holder of an office, such power shall be deemed to have been delegated to the holder for the time being of the office or to any person at any time lawfully acting in the capacity of such holder.

12. (1) The share capital of the corporation shall be that amount which the Minister, with the concurrence of the Minister of Finance, shall determine from time to time on the recommendation of the corporation, and shall be divided into ordinary shares of one rand each.

(2) Shares in the corporation shall be taken up by the State only and shall not be transferable.

(3) The State shall take up shares in the corporation to such extent and subject to such conditions as the Minister may, with the concurrence of the Minister of Finance, determine from time to time.

(4) Subject to the provisions of subsection (5), shares in the corporation shall be paid for from moneys appropriated by Parliament for the purpose.

(5) Shares in the corporation, equal in value to the value, immediately before the coming into operation of this Act, of any undertakings or other financial interests of the Atomic Energy Board and the Uranium Enrichment Corporation of South Africa, Limited, referred to in section 83 (2) (a) of this Act, shall be issued to the State free of charge.

(6) The value of the undertakings or other financial interests referred to in subsection (5) shall be such value as the Minister may, with the concurrence of the Minister of Finance, determine.

13. The liability of the State as holder of the shares in the corporation shall be limited to the amount unpaid on shares held by it.

14. (1) The corporation shall, except in so far as this Act may provide otherwise, utilize all its assets solely for the attainment of its objects and matters incidental thereto.

(2) The corporation shall invest money not required for immediate use or as a reasonable operating balance, with the Public Debt Commissioners, or shall dispose thereof in such other manner as the Minister, with the concurrence of the Minister of Finance, shall determine.

(3) The corporation shall cause proper records to be kept of all financial transactions, assets and liabilities of the corporation.

(4) The accounts of the corporation shall be audited annually by a person registered as an accountant and auditor under the provisions of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), who shall annually be nominated by the Minister.

(5) As soon as practicable after the completion of every audit the corporation shall furnish the Minister with the report of the auditor containing such particulars as may be prescribed, to-

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

die bedrywighede van die korporasie wat die voorgeskrewe besonderhede bevat, en die Minister lê elke verslag en die rekeningstate wat bedoelde verslag vergesel, in die Volksraad ter Tafel binne 'n maand nadat hy dit ontvang het indien die Volksraad in gewone sessie is, of, indien die Volksraad nie in gewone sessie is nie, binne 'n maand na die aanvang van die eersvolgende gewone sessie, tensy die openbaarmaking van bedoelde verslag, na die oordeel van die Minister, die veiligheid van die Staat aan gevaar kan blootstel, of strydig met die openbare belang kan wees. 10

(6) Die korporasie moet aan die Minister die inligting verstrek wat die Minister van tyd tot tyd ten opsigte van die bedrywighede of geldelike stand van die korporasie aanvra.

Fondse van korporasie.

15. (1) Die fondse van die korporasie bestaan uit— 15
- (a) die aandeelkapitaal in artikel 12 vermeld;
 - (b) geld deur die Parlement bewillig ten einde die korporasie in staat te stel om sy werksaamhede te verrig;
 - (c) geld deur die korporasie ingevolge artikel 16 opgeneem of verkry;
 - (d) geld wat uit hoofde van artikel 83 (2) (a) by die korporasie berus; en 20
 - (e) geld uit enige ander bron ontvang.

(2) Die korporasie kan 'n skenking of bydrae van enige persoon ontvang, en moet geld aldus verkry, aanwend vir die doel en ooreenkomstig die voorwaardes wat die betrokke skenker of bydraer bepaal. 25

Lenings.

16. Die korporasie kan, met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, geld opneem by wyse van 'n lening of andersins verkry teen die rentekoers en op die voorwaardes wat die korporasie goedgevind, en kan skuldbriewe uitreik en, indien nodig, sekerheid stel of voorsorg tref vir die terugbetaling van geld aldus opgeneem of verkry. 30

Rekenpligtige beampte.

17. Die hoof- uitvoerende beampte van die korporasie, of 'n beampte van die korporasie deur hom gemagtig, is die rekenpligtige beampte belas met die verantwoording van al die geld ontvang, en al die betalings gedoen, deur die korporasie. 35

Toepassing en vrystelling van sekere wette, ten opsigte van korporasie en filiaalmaatskappye.

18. (1) (a) Behoudens die bepalings van paragraaf (b), is die bepalings van die Maatskappywet, 1973 (Wet No. 61 van 1973), of van 'n ander wet op maatskappye, nie ten opsigte van die korporasie van toepassing nie. 40
- (b) Die Staatspresident kan by proklamasie in die *Staatskoerant* die een of ander bepaling van die Maatskappywet, 1973, of van 'n ander wet wat nie onbestaanbaar met die bepalings van hierdie Wet is nie, op die korporasie toepas met die wysigings, aanpassings en uitsonderings wat in die proklamasie vermeld word.

(2) Die Staatspresident kan, op dergelike wyse, die korporasie of 'n filiaalmaatskappy onthef van die bepalings van die wette wat in die proklamasie vermeld word (met inbegrip, in die geval van 'n filiaalmaatskappy, van 'n bepaling van die Maatskappywet, 1973), en wel in die mate wat aldus vermeld word. 50

HOOFSTUK II

VOORTBRENGING VAN KERN- OF ATOOMENERGIE

Alleenreg om kern- of atoomenergie voort te bring.

19. Behoudens die bepalings van hierdie Wet, berus die alleenreg om kern- of atoomenergie voort te bring by die korporasie ten behoeve van die Staat. 55

Verbod op voortbrenging van kern- of atoomenergie deur iemand, behalwe kragtens lisensie.

20. Niemand, behalwe die korporasie of 'n filiaalmaatskappy, mag kern- of atoomenergie voortbring nie behalwe kragtens 'n kernlisensie wat kragtens artikel 30 (1) (a) deur die korporasie verleen is. 60

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

gether with a report on the activities of the corporation containing the particulars so prescribed, and the Minister shall lay each report, and any statements of account accompanying such report, on the Table in the House of Assembly within one month after receipt thereof by him, if the House of Assembly is in ordinary session, or, if the House of Assembly is not in ordinary session, within one month after the commencement of the next ordinary session, unless disclosure of any such report may, in the opinion of the Minister, jeopardize the security of the State, or be contrary to the public interest.

(6) The corporation shall furnish the Minister with such information as he may call for from time to time in respect of the activities or the financial position of the corporation.

- 15 15. (1) The funds of the corporation shall consist of — Funds of corporation.
- (a) the share capital referred to in section 12;
 - (b) money appropriated by Parliament in order to enable the corporation to perform its functions;
 - (c) money raised or obtained by the corporation under the provisions of section 16;
 - 20 (d) money vesting in the corporation by virtue of section 83 (2) (a); and
 - (e) money received from any other source.

(2) The corporation may receive a donation or contribution from any person, and shall use money so acquired for the purpose and in accordance with the conditions which the donor or contributor concerned may specify.

16. The corporation may, with the approval of the Minister, granted with the concurrence of the Minister of Finance, raise money by way of loan or otherwise obtain money at such rate of interest and on such conditions as the corporation may deem fit, and may issue debentures and, if necessary, provide security or make provision for the repayment of money so raised or obtained. Loans.

17. The chief executive officer of the corporation, or any officer of the corporation authorized by him, shall be the accounting officer charged with the responsibility of accounting for all the money received, and for all payments made, by the corporation. Accounting officer.

18. (1) (a) Subject to the provisions of paragraph (b), the provisions of the Companies Act, 1973, (Act No. 61 of 1973), or of any other companies act, shall not apply in respect of the corporation. Application of, and exemption from, certain laws, in respect of corporation and subsidiary companies.
- (b) The State President may, by proclamation in the *Gazette*, apply to the corporation any provision of the Companies Act, 1973, or of any other law which is not inconsistent with the provisions of this Act, with the amendments, adjustments and exceptions stated in the proclamation.

(2) The State President may, in like manner, exempt the corporation or any subsidiary company from the provisions of the laws stated in such proclamation (including, in the case of a subsidiary company, from any provision of the Companies Act, 1973), and to the extent so stated.

CHAPTER II

55 PRODUCTION OF NUCLEAR OR ATOMIC ENERGY

19. Subject to the provisions of this Act, the sole right to produce nuclear or atomic energy shall be vested in the corporation on behalf of the State. Sole right to produce nuclear or atomic energy.

20. No person, except the corporation or a subsidiary company, shall produce nuclear or atomic energy, except under a nuclear licence granted by the corporation under section 30 (1) (a) of this Act. Prohibition on production of nuclear or atomic energy, except under licence.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

Voortbrenging van kern- of atoomenergie om elektrisiteit op te wek.

21. (1) Wanneer die korporasie 'n aansoek om 'n kernlisensie bedoel in artikel 30 (1) (a) ontvang om kern- of atoomenergie voort te bring met die uitsluitlike doel om elektrisiteit op te wek in 'n gebied waarin die Elektrisiteitsvoorsieningskommissie bedoel in artikel 2 van die Elektrisiteitswet, 1958 (Wet No. 40 van 1958) (in hierdie Hoofstuk die Kommissie genoem), ingevolge daardie Wet of 'n ander wet, die opwekking en voorsiening van elektrisiteit kan onderneem, moet die korporasie die Kommissie raadpleeg en mag hy nie sodanige kernlisensie verleen nie indien die Kommissie die korporasie binne ses maande nadat hy deur die korporasie geraadpleeg is, in kennis stel dat hy die opwekking en voorsiening van elektrisiteit deur middel van kern- of atoomenergie in die voorsieningsgebied deur die aansoeker beoog, wil onderneem.

(2) Indien die Kommissie die korporasie ooreenkomstig die bepalings van subartikel (1) in kennis stel, moet hy by die korporasie aansoek doen om 'n kernlisensie bedoel in artikel 30 (1) (a), en moet hy na die verlening aan hom van so 'n lisensie, en behoudens die bepalings van die voorwaardes (indien daar is) wat ten opsigte van dié lisensie kragtens hierdie Wet opgelê of voorgeskryf is, in samewerking met die korporasie en binne die tydperk waarop daar met die korporasie ooreengekom is, die oprigting van die nodige uitrusting onderneem, waarna die Kommissie daardie uitrusting ooreenkomstig die bepalings van die Elektrisiteitswet, 1958, moet bestuur.

Oorname van sekere ondernemings.

22. (1) Die Kommissie kan, te eniger tyd nadat die korporasie aan 'n ondernemer 'n kernlisensie verleen het om kern- of atoomenergie voort te bring met die uitsluitlike doel om elektrisiteit in 'n artikel 21 (1) bedoelde gebied op te wek, of te eniger tyd nadat daardie ondernemer werke vir daardie doel opgerig het of begin oprig het, en na skriftelike kennisgewing van twee jaar aan daardie ondernemer, die oprigting van sodanige werke of bykomende werke of die bestuur van die onderneming oorneem, behoudens betaling deur die Kommissie aan die ondernemer van die waarde van die werke, masjinerie, bybehorende stowwe en uitrusting wat aan die ondernemer behoort of deur hom ten opsigte van genoemde onderneming gebruik is.

(2) Vir die doeleindes van sodanige betaling en die oorneem van genoemde onderneming is die bepalings van artikels 34 en 37 van die Elektrisiteitswet, 1958 (Wet No. 40 van 1958), *mutatis mutandis* van toepassing.

Toepaslikheid van Elektrisiteitswet, 1958, ten opsigte van verspreiding van elektrisiteit.

23. Die verspreiding van elektrisiteit wat deur middel van kern- of atoomenergie opgewek is deur enigiemand, is onderworpe aan die bepalings van die Elektrisiteitswet, 1958 (Wet No. 40 van 1958).

HOOFSTUK III

RAAD VIR KERNVEILIGHEID, EN LISENSIERING VAN KERNBEDRYWINGHEDE

Instelling van Raad vir Kernveiligheid.

24. (1) Daar word hierby 'n liggaam bekend as die Raad vir Kernveiligheid (hieronder in hierdie Hoofstuk die Raad genoem) ingestel.

(2) Die Raad bestaan uit hoogstens veertien lede deur die Minister aangestel, wat nie direkteure, of beamptes of werknemers van die korporasie of 'n filiaalmaatskappy, of gelisensieerdes, of werknemers van gelisensieerdes, mag wees nie, en 55 van wie—

- (a) een 'n beampte in die Kantoor van die Eerste Minister moet wees;
- (b) een 'n beampte in die Departement van Gesondheid en Welsyn moet wees;
- (c) een 'n beampte in die Departement van Vervoerweese moet wees; en
- (d) een 'n beampte in die Departement van Omgewingsake moet wees.

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

21. (1) Whenever the corporation receives an application for a nuclear licence referred to in section 30 (1) (a) to produce nuclear or atomic energy for the exclusive purpose of generating electricity in an area in which the Electricity Supply Commission referred to in section 2 of the Electricity Act, 1958 (Act No. 40 of 1958) (in this Chapter referred to as the Commission), may under that Act or any other law undertake the generation and supply of electricity, the corporation shall consult the Commission and it shall not grant such nuclear licence if the Commission notifies the corporation within six months after it has been consulted by the corporation that it desires to undertake the generation and supply of electricity by means of nuclear or atomic energy in the area of supply contemplated by the applicant.

Production of nuclear or atomic energy for generating electricity.

(2) If the Commission notifies the corporation in accordance with the provisions of subsection (1), it shall apply to the corporation for a nuclear licence referred to in section 30 (1) (a), and it shall after the granting to it of such licence, but subject to the provisions of conditions (if any) imposed or prescribed under this Act in respect of such licence, in collaboration with the corporation and within a period agreed upon with the corporation, undertake the construction of the necessary plant, and the Commission shall thereafter operate such plant in accordance with the provisions of the Electricity Act, 1958 (Act No. 4 of 1958).

22. (1)(a) The Commission may, at any time after the corporation has granted a nuclear licence to any undertaker to produce nuclear or atomic energy for the exclusive purpose of generating electricity in an area referred to in section 21 (1), or at any time after such undertaker has constructed or commenced to construct any works for that purpose, and after two years' written notice to such undertaker, take over the construction of such works or any additional works or the operation of the undertaking, subject to the payment by the Commission to the undertaker of the value of the works, machinery, materials and plant belonging to or used by the undertaker in respect of the said undertaking.

Taking over of certain undertakings.

(b) For the purpose of such payment and the taking over of the said undertaking, the provisions of sections 34 and 37 of the Electricity Act, 1958, shall *mutatis mutandis* apply.

23. The distribution of electricity produced by means of nuclear or atomic energy by any person shall be subject to the provisions of the Electricity Act, 1958 (Act No. 40 of 1958).

Applicability of Electricity Act, 1958, in respect of distribution of electricity.

CHAPTER III

45 COUNCIL FOR NUCLEAR SAFETY, AND LICENSING OF NUCLEAR ACTIVITIES

24. (1) There is hereby established a body known as the Council for Nuclear Safety (hereinafter in this Chapter referred to as the Council).

Establishment of Council for Nuclear Safety.

50 (2) The Council shall consist of not more than fourteen members appointed by the Minister, who shall not be directors, or officers or employees of the corporation or of a subsidiary company, or licensees, or employees of licensees, of whom—

- (a) one shall be an officer in the Office of the Prime Minister;
- 55 (b) one shall be an officer in the Department of Health and Welfare;
- (c) one shall be an officer in the Department of Transport Affairs; and
- 60 (d) one shall be an officer in the Department of Environment Affairs.

(3) Die Minister kan van tyd tot tyd hoogstens drie persone uit die personeel van die korporasie aanwys wat vergaderings van die Raad in 'n raadgewende hoedanigheid moet bywoon.

(4) (a) Die Minister moet uit die lede van die Raad wat nie beampptes of werknemers van die Staat is nie, 'n voorsitter en vise-voorsitter van die Raad aanstel. 5

(b) Die voorsitter, of in sy afwesigheid, die vise-voorsitter, sit voor op 'n vergadering van die Raad, en indien sowel die voorsitter as die vise-voorsitter van enige vergadering van die Raad afwesig is, kies die aanwesige lede 'n lid uit hul midde om op sodanige vergadering voor te sit. 10

(5) Die voorsitter van die Raad is met al die bevoegdhede en pligte beklee wat kragtens hierdie Wet aan hom verleen of opgelê word en kan, sonder om die Raad of die korporasie te raadpleeg, die Minister adviseer oor enige aangeleentheid wat kragtens hierdie Wet aan die Raad toevertrou is, of enige ander aangeleentheid in verband met die werksaamhede van die Raad wat hy nodig ag. 15

(6) 'n Lid van die Raad beklee sy amp vir 'n tydperk wat deur die Minister bepaal word, maar hoogstens vir drie jaar: Met dien verstande dat hy aan die einde van die tydperk heraangestel kan word: Met dien verstande voorts dat die Minister, indien daar na sy oordeel gegronde rede daarvoor bestaan, die ampstermyn van 'n lid te eniger tyd kan beëindig. 20 25

(7) Aan 'n lid van die Raad word, ten opsigte van sy dienste as sodanige lid, *mutatis mutandis* ooreenkomstig die bepalings van artikel 5 (8) en (9), uit geld wat vir die Raad bewillig is besoldiging en toelaes betaal en voordele verskaf.

(8) By die bedanking, ampsbeëindiging of afsterwe van 'n lid van die Raad, kan die Minister 'n ander persoon vir die onverstreke deel van so 'n lid se ampstermyn in sy plek aanstel. 30

(9) Nege lede van die Raad maak vir 'n vergadering van die Raad 'n kworum uit.

(10) Die lid wat voorsit op enige vergadering van die Raad het, in geval van 'n staking van stemme, 'n beslissende stem benewens sy beraadslagende stem. 35

(11) Geen besluit van die Raad of handeling op gesag van die Raad verrig, is ongeldig bloot vanweë 'n vakature in die Raad of omdat 'n persoon wat nie geregtig was om as lid van die Raad sitting te neem, sitting geneem het as lid van die Raad toe die besluit geneem of die handeling gemagtig is nie, indien die besluit geneem of die handeling gemagtig is deur die meerderheid van die lede van die Raad wat wel aanwesig was en geregtig was om as lede van die Raad sitting te neem. 40 45

(12) Die Raad kan enige persoon koöpteer om hom by die verrigting van sy werksaamhede ingevolge hierdie Wet by te staan: Met dien verstande dat so 'n persoon oor geen aangeleentheid mag stem wat voor die Raad dien nie.

Komitees van Raad
vir Kernveiligheid.

25. (1) Die Raad kan die komitees instel wat hy nodig ag om hom by die verrigting van sy werksaamhede behulpsaam te wees en kan, na goedvinde, persone, met inbegrip van lede van die Raad, of personeel van die korporasie, van 'n gelisensieerde of van 'n filiaalmaatskappy, as lede van enige sodanige komitee aanstel. 50 55

(2) Aan 'n lid van 'n komitee word, ten opsigte van sy dienste as sodanige lid, *mutatis mutandis* ooreenkomstig die bepalings van artikel 5 (8) en (9), uit geld wat vir die Raad bewillig is besoldiging en toelaes betaal en voordele verskaf.

Uitgawes in
verband met Raad
vir Kernveiligheid.

26. Alle uitgawes in verband met die verrigting van die werksaamhede van die Raad word bestry uit geld deur die Parlement vir dié doel bewillig. 60

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

(3) The Minister may from time to time designate not more than three persons from among the staff of the corporation who shall attend meetings of the Council in an advisory capacity.

5 (4) (a) The Minister shall appoint a chairman and a vice-chairman of the Council from among the members of the Council other than officers and employees of the State.

(b) The chairman or, in his absence, the vice-chairman shall preside at a meeting of the Council, and if both the chairman and the vice-chairman are absent from
10 any meeting of the Council, the members of the Council present shall elect a member from amongst themselves to preside at such meeting.

(5) The chairman of the Council shall be vested with all the powers and duties granted to or imposed on him under this Act
15 and may, without reference to the Council or the corporation, advise the Minister on any matter entrusted to the Council by this Act, or any other matter regarding the functions of the Council which he deems necessary.

(6) A member of the Council shall hold office for a period determined by the Minister, which shall not exceed three years: Provided that he may be reappointed at the end of such period: Provided further that the Minister may, if in his opinion good reason exists therefor, at any time terminate the period of office of such member.

25 (7) A member of the Council shall, in respect of his services as such member, from funds appropriated in respect of the Council, be paid remuneration and allowances, and be afforded facilities, *mutatis mutandis* in accordance with the provisions of section 5 (8) and (9).

30 (8) In the event of the resignation, vacation of office or death of a member of the Council, the Minister may appoint any other person in his stead for the unexpired term of office of such member.

(9) Nine members of the Council shall for any meeting of the
35 Council form a quorum.

(10) The member presiding at any meeting of the Council shall, in the event of an equality of votes, have a casting vote in addition to his deliberative vote.

(11) No decision taken by the Council or act performed under
40 the authority of the Council shall be invalid merely by reason of a vacancy on the Council or of the fact that any person not entitled to sit as a member of the Council sat as a member of the Council, at the time the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the
45 majority of the members of the Council present at the time who were entitled to sit as members of the Council.

(12) The Council may co-opt any person to assist it in the performance of its functions under this Act: Provided that such person shall not have any voting rights with regard to any matter
50 before the Council.

25. (1) The Council may establish such committees as it may consider necessary to assist it in the performance of its functions, and may appoint as members of any such committee such persons as it may deem fit, including members of the Council, or
55 staff of the corporation, of a licensee, or of a subsidiary company.

Committees of
Council for Nuclear
Safety.

(2) A member of a committee shall, in respect of his services as such member, from funds appropriated in respect of the Council, be paid remuneration and allowances, and be afforded
60 facilities, *mutatis mutandis* in accordance with the provisions of section 5 (8) and (9).

26. All expenditure relating to the carrying out of the activities of the Council shall be defrayed from money appropriated by Parliament for this purpose.

Expenditure in
connection with
Council for Nuclear
Safety.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

Administratiewe
personeel van Raad
vir Kernveiligheid.

27. Die administratiewe werk verbonde aan die verrigting van die werksaamhede van die Raad word verrig deur beamptes of werknemers van die korporasie wat die korporasie, behoudens die voorskrifte van die Minister (indien daar is), vir daardie doel aanwys.

5

Werksaamhede van
Raad vir
Kernveiligheid
betreffende
kernlisensies.

28. (1) Wanneer die korporasie 'n aansoek om 'n kernlisensie ooreenkomstig die bepalings van hierdie Wet ontvang, moet hy die aansoek na die Raad verwys vir sy aanbeveling betreffende die verlening van die betrokke kernlisensie al dan nie, die voorwaardes onderworpe waaraan dit verleen behoort te word, en enige ander deur die korporasie vermelde aspek van die betrokke aansoek, en moet hy die Raad van die inligting voorsien wat die Raad vir die doeleindes van sodanige aanbeveling vereis.

10

(2) Die Raad moet die korporasie skriftelik met opgawe van redes van sy aanbeveling in kennis stel.

15

(3) Indien die korporasie na oorweging van 'n aanbeveling van die Raad die betrokke aanbeveling in die geheel of gedeeltelik nie aanvaar nie, mag die korporasie nie die kernlisensie waarom aansoek gedoen is, verleen nie, en moet die Raad in sodanige geval die betrokke aanbeveling of die betrokke gedeelte daarvan wat vir die korporasie onaanvaarbaar is, na die Minister vir 'n beslissing daaroor verwys.

20

(4) Die korporasie en die Raad moet die Minister onverwyld op sy versoek voorsien van al die inligting wat die Minister vir die doeleindes van sy beslissing vereis.

25

(5) Die beslissing van die Minister ten opsigte van die betrokke aangeleentheid na hom verwys, is finaal.

Werksaamhede van
Raad vir
Kernveiligheid
betreffende ander
kernaangeleenthede.

29. (1) Die Raad kan die Minister of die korporasie, in enige ander geval as 'n geval beoog in artikel 28, adviseer aangaande enige aangeleentheid wat binne die bestek van die bepalings van hierdie Hoofstuk val, en in die besonder aangaande enige aangeleentheid wat betrekking het op veiligheid en gesondheid in verband met die oprigting en gebruik van kerninstallasies of die produksie, gebruik, opberging, wegruiming, vervoer of besit van kerngevaarlike materiaal, met inbegrip van sodanige aangeleentheid in verband met kerninstallasies en kerngevaarlike materiaal deur die korporasie of 'n filiaalmaatskappy gebruik, of aangaande enige aangeleentheid wat die Minister of die korporasie, na gelang van die geval, na die Raad vir advies verwys.

30

35

(2) Indien die korporasie 'n aangeleentheid bedoel in subartikel (1) na die Raad vir 'n aanbeveling verwys het, en die korporasie na oorweging van so 'n aanbeveling dit in die geheel of gedeeltelik nie aanvaar nie, is die bepalings van subartikels (3), (4) en (5) van artikel 28 betreffende die verwysing van 'n aanbeveling na die Minister *mutatis mutandis* ten opsigte van so 'n aanbeveling van toepassing.

45

Kernlisensies ten
opsigte van
kerninstallasies,
terreine en
kerngevaarlike
materiaal.

30. (1) Niemand, behalwe die korporasie of 'n filiaalmaatskappy, mag 'n kerninstallasie oprig of gebruik, of 'n terrein vir enige doel in verband met 'n kerninstallasie gebruik, of op enige wyse kerngevaarlike materiaal gebruik, besit, produseer, opberg, verwerk, herverwerk, vervoer of wegruim, of enige ander bedrywigheid waarby kerngevaarlike materiaal betrokke is en wat kernskade kan veroorsaak, verrig nie—

50

(a) behalwe kragtens 'n kernlisensie wat deur die korporasie aan so iemand op aansoek verleen is; of

55

(b) tensy, in 'n ander geval as 'n geval waar iemand aansoek doen om 'n kernlisensie ten einde kern- of atoomenergie voort te bring—

(i) die korporasie op aansoek van sodanige persoon, en op aanbeveling van die Raad, skriftelik verklaar het dat, na sy oordeel, die risiko van kernskade verbonde aan die uitvoering van enige sodanige handeling of die verrigting van enige sodanige bedrywigheid deur so 'n persoon met betrekking tot die terrein of kerninstallasie of kerngevaarlike materiaal, wat in die verklaring aangedui word, hoegenaamd nie die perke wat met gesondheid en veiligheid bestaanbaar is, kan oorskry nie; of

60

65

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

27. The administrative work connected with the performance of the functions of the Council shall be performed by such officers or employees of the corporation as the corporation may, subject to the directions of the Minister (if any), designate.

Administrative staff of Council for Nuclear Safety.

5 28. (1) Whenever the corporation receives an application for a nuclear licence in accordance with the provisions of this Act, it shall refer such application to the Council for its recommendations with regard to the granting of the nuclear licence in question or not, the conditions subject to which it should be granted, and any other aspect of the application in question mentioned by the corporation, and shall furnish the Council with such information as the Council may require for the purpose of such recommendation.

Functions of Council for Nuclear Safety regarding nuclear licences.

(2) The Council shall inform the corporation of its recommendation in writing and state its reasons.

(3) If the corporation after consideration of a recommendation by the Council does not accept the recommendation, either wholly or in part, the corporation shall not grant the nuclear licence for which application was made, and the Council shall in any such case refer the recommendation in question or such part thereof as the corporation finds unacceptable, to the Minister for a decision thereon.

(4) The corporation and the Council shall without delay furnish the Minister at his request with all the information which the Minister requires for purposes of his decision.

(5) The decision of the Minister in respect of the relevant matter referred to him shall be final.

29. (1) The Council may advise the Minister or the corporation, in any case other than a case contemplated in section 28, regarding any matter which falls within the scope of the provisions of this Chapter, and in particular regarding any matter which relates to safety and health in connection with the construction and operation of nuclear installations, or the production, use, storage, disposal, transport or possession of nuclear-hazard material, including any such matter in connection with nuclear installations and nuclear-hazard material used by the corporation or any subsidiary company, or regarding any matter which has been referred to the Council by the Minister or the corporation, as the case may be, for advice.

Functions of Council for Nuclear Safety regarding other nuclear matters.

(2) If the corporation has referred any matter contemplated in subsection (1) to the Council for a recommendation, and after consideration of such recommendation the corporation does not accept it, either wholly or in part, the provisions of subsections (3), (4) and (5) of section 28 regarding the referring of a recommendation to the Minister shall apply *mutatis mutandis* in respect of any such recommendation.

30. (1) No person, except the corporation or a subsidiary company, shall construct or use a nuclear installation, or use a site for any purpose connected with a nuclear installation, or in any manner use, possess, produce, store, process, re-process, convey or dispose of nuclear-hazard material, or carry out any activity involving nuclear-hazard material and which is capable of causing nuclear damage—

Nuclear licences in respect of nuclear installations, sites and nuclear-hazard material.

(a) except under the authority of a nuclear licence granted by the corporation on application to such person; or
(b) unless, in any case other than a case where a person has applied for a nuclear licence in order to produce nuclear or atomic energy—

(i) the corporation, on application by such person, and on the recommendation of the Council, has in writing declared that, in its opinion, the risk of nuclear damage associated with the performance of any such act or carrying out of any such activity by such person, in connection with the site or nuclear installation or nuclear-hazard material indicated in the declaration, can under no circumstances exceed limits consistent with health and safety; or

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

(ii) na die oordeel van die korporasie, op aanbeveling van die Raad, die oogmerke van hierdie Wet ten opsigte van die beheer oor enige handeling wat uitgevoer of bedrywigheid wat verrig word, soos in hierdie subartikel beoog, deur sodanige persoon met betrekking tot enige kerninstallasie, terrein of kerngevaarlike materiaal, afdoende deur die bepalings van die een of ander wet wat ten opsigte van sodanige beheer van toepassing is, verwesenlik word, en die korporasie aldus skriftelik verklaar het. 5 10

(2) Indien, na die oordeel van die korporasie, twee of meer kerninstallasies of terreine na genoeg aan mekaar geleë is om as een kerninstallasie of terrein beskou te word, kan die korporasie hulle vir die doeleindes van die verlening van 'n kernlisensie, as een installasie of terrein, na gelang van die geval, beskou. 15

(3) Die korporasie kan te eniger tyd 'n verklaring bedoel in subartikel (1) (b) (i) of (ii) intrek, en moet binne 'n tydperk van 30 dae na so 'n intrekking, en op die wyse wat hy goetvind, die persone ten opsigte van wie die verklaring gedoen is skriftelik van die intrekking in kennis stel. 20

Lisensiëring van
kerninstallasies vir
navorsingsdoeleindes.

31. (1) Niemand, behalwe die korporasie of 'n filiaalmaatskappy, mag 'n kerninstallasie, hetsy 'n in artikel 30 (1) (a) bedoelde kernlisensie ten opsigte daarvan verleen is of nie, oprig of gebruik, of enige terrein, hetsy so 'n kernlisensie ten opsigte daarvan verleen is of nie, gebruik, vir die doeleindes van enige behandeling van bestraalde stof wat die winning van spesiale kernmateriaal daaruit behels nie, behalwe kragtens 'n kernlisensie wat deur die korporasie verleen is. 25

(2) Die korporasie kan so 'n kernlisensie slegs vir die doeleindes van navorsing of ontwikkeling verleen, en die gelisensieerde mag oor geen spesiale kernmateriaal wat voortgebring word uit hoofde van so 'n lisensie beskik op 'n ander wyse as wat in die voorwaardes onderworpe waaraan die lisensie verleen is (indien daar is), bepaal word nie. 30

(3) Indien 'n aansoeker om so 'n kernlisensie nie 'n gelisensieerde is aan wie 'n in artikel 30 (1) (a) bedoelde kernlisensie ten opsigte van 'n kerninstallasie verleen is nie, word die aansoeker vir alle doeleindes geag 'n aansoeker om 'n in daardie artikel bedoelde kernlisensie te wees, en word 'n lisensie wat kragtens hierdie artikel aan die aansoeker verleen is, by die toepassing van hierdie Wet, behoudens subartikel (2), geag 'n in daardie artikel bedoelde kernlisensie te wees. 35 40

Lisensiëring van
sekere vaartuie.

32. (1) Geen vaartuig wat deur kern- of atoomenergie voortgedryf word, of 'n kerninstallasie of kerngevaarlike materiaal aan boord het, mag die territoriale waters van die Republiek binnegaan met die doel om 'n hawe binne die Republiek aan te doen, of in daardie waters anker of andersins daarin vertoef, of so 'n hawe binnegaan of daarin wees nie, behalwe kragtens 'n kernlisensie wat deur die korporasie verleen is. 45 50

(2) 'n Kernlisensie in subartikel (1) bedoel, is geldig vir die tydperk deur die korporasie bepaal, en kan van tyd tot tyd hernieu of verleng word vir die verdere tydperke wat die korporasie bepaal.

(3) 'n Gelisensieerde ten opsigte van sodanige kernlisensie word nie, slegs omrede van die verstryking van so 'n lisensie, van aanspreeklikheid onthef vir enigiets wat gedurende die geldigheidsduur daarvan gedoen of nagelaat is nie.

(4) Die bepalings van artikels 42 en 43 is *mutatis mutandis* van toepassing met betrekking tot 'n kernongeluk wat op, of in verband met, 'n in subartikel (1) bedoelde vaartuig plaasvind terwyl dit in die territoriale waters van die Republiek of in 'n hawe van die Republiek is, en met betrekking tot eise om skadevergoeding wat uit so 'n ongeluk voortspruit en wat die in artikel 35 (2) (b) bedoelde sekerheid of ander voorsiening oorskry, en 'n inspekteur wat skriftelik deur die korporasie daartoe gemagtig is, het, ten opsigte van sodanige vaartuig, en behoudens die bepalings van 'n ooreenkoms in artikel 35 (1) (c) bedoel, al die be- 60 65

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

(ii) in the opinion of the corporation, on the recommendation of the Council, the objects of this Act, in respect of the control over any act which is performed or activity which is carried out, as contemplated in this subsection, by such person, in respect of any nuclear installation, site or nuclear-hazard material, are effectively achieved by the provisions of any law which applies in respect of such control, and the corporation has so stated in writing.

(2) If two or more nuclear installations or sites are, in the opinion of the corporation, situated sufficiently close to one another to be regarded as one installation or site, the corporation may, for the purposes of the grant of a nuclear licence, regard them as one installation or one site, as the case may be.

(3) The corporation may at any time withdraw a declaration contemplated in subsection (1) (b) (i) or (ii), and shall within a period of 30 days after such withdrawal notify, in the manner it deems fit, the persons in respect of whom the declaration has been made of such withdrawal.

31. (1) No person, except the corporation or a subsidiary company, shall construct or use any nuclear installation, whether or not a nuclear licence referred to in section 30 (1) (a) has been granted in respect thereof, or use any site, whether or not any such licence has been granted in respect thereof, for the purposes of any treatment of irradiated matter which involves the extraction therefrom of special nuclear material, except under authority of a nuclear licence granted by the corporation.

Licensing of nuclear installations for research purposes.

(2) The corporation shall grant such a nuclear licence only for purposes of research or development, and the licensee shall not dispose of any special nuclear material produced by virtue of such licence otherwise than in such manner as may be determined in the conditions (if any) subject to which the licence was granted.

(3) If the applicant for such a nuclear licence is not a licensee to whom a nuclear licence referred to in section 30 (1) (a) has been granted in respect of a nuclear installation, the applicant shall for all purposes be deemed to be an applicant for a nuclear licence referred to in that section, and any licence granted to him under this section shall for all purposes of this Act, subject to the provisions of subsection (2), be deemed to be a nuclear licence referred to in that section.

32. (1) No vessel which is propelled by nuclear or atomic energy, or has on board any nuclear installation or nuclear-hazard material, 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 nuclear licence granted by the corporation.

Licensing of certain vessels.

(2) A nuclear licence referred to in subsection (1) shall be valid for a period determined by the corporation, and may from time to time be renewed or extended for such further period as the corporation may determine.

(3) The licensee under any such nuclear licence shall not, solely because of the expiry of such a licence, be relieved of liability for anything which happened or which was done or omitted during the currency thereof.

(4) The provisions of sections 42 and 43 shall *mutatis mutandis* apply with reference to any nuclear accident 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 with reference to any claims for compensation arising out of such an accident in excess of the security or other provision contemplated in section 35 (2) (b), and an inspector authorized thereto in writing by the corporation, shall in respect of any such vessel and subject to the terms of any agreement referred to in section 35 (1) (c), have the powers con-

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

voegdhede wat by artikel 46 ten opsigte van terreine en plekke daarin bedoel, aan hom verleen word.

(5) Enige hawe-owerheid kan, vir sover dit nodig is ten einde aan 'n voorwaarde van 'n in subartikel (1) bedoelde lisensie of 'n bepaling van 'n in artikel 35 (1) (c) bedoelde ooreenkoms gevolg te gee, afsien van die nakoming van enige regulasie wat uitvaardig is kragtens 'n Wet van die Parlement vir die beheer en bestuur van hawens, of die toepassing daarvan wysig.

(6) Die korporasie moet die bevoegdhede wat by hierdie artikel aan hom verleen word, uitoefen onderworpe aan die voor- skrifte van die Minister (indien daar is).

Onoordraagbaarheid
van kernlisensies.

33. 'n Kernlisensie mag nie aan iemand anders as 'n regsper-
soon uitgereik word nie, en is nie oordraagbaar nie.

Algemene
voorwaardes ten
opsigte van sekere
kernlisensies.

34. (1) (a) 'n Kernlisensie bedoel in artikel 30 (1) (a) of 31 (1) is onderworpe aan die voorgeskrewe voorwaardes (in-
dien daar is), en aan die ander voorwaardes wat die
korporasie, na oorlegpleging met die Raad en be-
houdens subartikel (2), in belang van gesondheid en
veiligheid nodig of wenslik ag, en wat die korporasie by
die verlening van die kernlisensie, of te eniger tyd daar-
na, oplê.

(b) Die korporasie kan 'n voorwaarde in paragraaf (a) be-
doel wat deur hom opgelê is te eniger tyd wysig, en
moet die betrokke gelisensieerde binne 30 dae skrifte-
lik van die wysiging in kennis stel.

(2) Voorwaardes kragtens subartikel (1) (a) opgelê kan, in die
besonder, bepaling insluit betreffende—

(a) die instandhouding van 'n doelmatige stelsel vir die
opsporing en aantekening van die aanwesigheid en
sterkte van enige ioniserende straling wat van tyd tot
tyd afgegee word deur enigets by of in die betrokke
kerninstallasie of op die betrokke terrein, of deur enig-
iets wat daarvandaan vervoer, weggevoer of vrygelaat
word;

(b) die ontwerp, plasing, samestelling, oprigting, werking, 35
verandering of instandhouding van die betrokke
kerninstallasie wat opgerig of gebruik staan te word;

(c) voorbereidings vir optrede ten opsigte van, en veilig-
heids- en ander maatreëls wat getref moet word by, die
plaasvind van 'n kernongeluk of die ontstaan van 'n an-
der noodtoestand by of in die betrokke kerninstallasie,
of op die betrokke terrein, of in verband met die be-
trokke kerngevaarlike materiaal;

(d) die produksie, opberging, verwerking, herverwerking,
hantering, behandeling, vervoer of wegruiming van 45
kerngevaarlike materiaal;

(e) radioaktiewe afval.

Voorwaardes
betreffende
lisensiering van
vaartuie.

35. (1) 'n Kernlisensie kragtens artikel 32 (1) verleen, is on-
derworpe aan—

(a) die voorwaardes betreffende aanspreeklikheid vir 50
kernskade, sekerheid daarvoor en die wyse waarop met
sodanige sekerheid gehandel moet word, wat die Minis-
ter, met die instemming van die Minister van Finansies,
bepaal;

(b) die voorgeskrewe voorwaardes (indien daar is), en die 55
ander voorwaardes wat die korporasie in die belang
van gesondheid en veiligheid nodig of wenslik ag, en
wat die korporasie by die verlening van die lisensie, of
na goeë dunde te eniger tyd daarna, oplê;

(c) in die geval van 'n vaartuig wat buite die Republiek ge- 60
registreer is, die toepaslike bepalinge van enige ooreen-
koms tussen die Regering van die Republiek en die re-
gering van die land waarin die betrokke vaartuig
geregistreer is.

(2) Voorwaardes kragtens subartikel (1) (a) bepaal, kan, in 65
die besonder, bepalinge insluit—

(a) wat die aanspreeklikheid van die betrokke gelisen-
sieerde vir kernskade wat veroorsaak word (hetsy met

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

ferred upon him by section 46 in respect of the sites and places referred to therein.

(5) In so far as it may be necessary in order to give effect to any condition of a nuclear licence referred to in subsection (1), or any provision of an agreement referred to in section 35 (1) (c), any harbour 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.

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

33. A nuclear licence shall not be granted to any person other than a body corporate, and shall not be transferable.

Non-transferability of nuclear licences.

34. (1) (a) A nuclear licence referred to in section 30 (1) (a) or 31 (1), shall be subject to such conditions as may be prescribed (if any), and to such other conditions as the corporation may, after consultation with the Council and subject to subsection (2), deem necessary or desirable in the interest of health or safety to impose when granting such nuclear licence, or at any time thereafter.

General conditions in respect of certain nuclear licences.

(b) The corporation may at any time amend any condition contemplated in paragraph (a), imposed by it, and shall within 30 days and in writing notify the licensee concerned of any such amendment.

(2) The conditions imposed under subsection (1) (a) may, in particular, include provisions relating to—

(a) the maintenance of an efficient system for detecting and recording the presence and intensity of any ionizing radiations from time to time emitted from anything at or in the nuclear installation or on the site, in question, or by anything which is conveyed, carried away or discharged therefrom;

(b) the design, siting, construction, installation, operation, modification and maintenance of the nuclear installation to be constructed or used;

(c) preparations for dealing with, and measures to be taken on, the happening of any nuclear accident or other emergency at or in the nuclear installation, or on the site, or in connection with the nuclear-hazard material, in question;

(d) the production, storage, processing, re-processing, handling, treatment, conveyance, or disposal of nuclear-hazard material;

(e) radio-active waste.

35. (1) A nuclear licence granted under section 32 (1) shall be subject to—

Conditions relating to licensing of vessels.

(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 with the concurrence of the Minister of Finance;

(b) such conditions as may be prescribed (if any), and such other conditions as the corporation may deem necessary or desirable in the interest of health and safety to impose when granting such nuclear licence or in its discretion at any time thereafter;

(c) in the case of a vessel registered outside the Republic, the appropriate terms of any agreement between the Government of the Republic and the government of the country in which the vessel in question is registered.

(2) Any conditions determined under subsection (1) (a) may, in particular, include provisions—

(a) determining, limiting or precluding the liability of the licensee concerned, notwithstanding provisions to the

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

of sonder skuld aan die kant van daardie gelisensieerde) deur enigiets wat op die betrokke 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, ondanks andersluidende bepalinge van die een of ander wet of reëls van die gemene reg, bepaal, beperk of uitsluit;

- (b) wat van genoemde gelisensieerde vereis dat hy ten genoeg van die Minister sekerheid stel of op 'n ander wyse voorsiening maak vir die nakoming van verpligtinge wat bedoelde gelisensieerde kan oploep ten opsigte van kernskade soos in paragraaf (a) beoog;
- (c) wat betrekking het op die wyse waarop en die omstandighede waaronder 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 skadevergoeding ten opsigte van sodanige kernskade teen bedoelde gelisensieerde ingestel moet word.

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

(4) Behoudens die bepalinge van 'n in subartikel (1) (c) bedoelde ooreenkoms, kan die korporasie te eniger tyd voorwaardes wat dit kragtens subartikel (1) (b) opgelê het, intrek of wysig, en moet die korporasie binne 30 dae die betrokke gelisensieerde skriftelik van die wysiging of intrekking in kennis stel.

Gelde ten opsigte van kernlisensies.

36. Iemand—

- (a) wat aansoek om die verlening van 'n kernlisensie doen, moet, ten opsigte van die uitreiking daarvan; en
- (b) aan wie 'n kernlisensie verleen is, moet, ten opsigte van—
 - (i) enige latere hernuwing of verlenging van die kernlisensie aan hom verleen;
 - (ii) enige latere oplegging van voorwaardes bedoel in artikel 34 (1) (a) of artikel 35 (1) (b); en
 - (iii) enige wysiging van voorwaardes bedoel in artikel 34 (1) (b) of artikel 36 (4),

die gelde aan die korporasie betaal, binne die tydperk deur die Minister bepaal, wat die Minister, met die instemming van die Minister van Finansies, van tyd tot tyd bepaal.

Vertoning van afskrifte van regulasies en voorwaardes deur gelisensieerdes.

37. (1) 'n Gelisensieerde moet te alle tye solank die kernlisensie wat aan hom verleen is van krag is, op 'n geskikte plek op die betrokke terrein, of by of in die betrokke kerninstallasie, of by of op die betrokke vaartuig, of, indien die korporasie vir die doeleindes van hierdie subartikel 'n plek aangewys het, op so 'n aangewese plek, 'n afskrif opplak of op enige ander wyse vertoon, en aldus opgeplak of vertoon laat bly, van enige regulasie of voorwaarde waaraan die betrokke lisensie kragtens die bepalinge van hierdie Wet onderworpe is.

(2) Sodanige afskrif van enige regulasie of voorwaarde moet in sodanige opsigtelike druk wees en, benewens in die amptelike tale van die Republiek, in die ander tale wat die korporasie ten opsigte van elke afsonderlike geval bepaal het, bewoord wees, dat bedoelde afskrifte maklik gelees en verstaan kan word deur alle persone wat op die betrokke terrein, of by of op die betrokke vaartuig, of by of in die betrokke kerninstallasie, werk saamhede verrig of aanwesig is.

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

contrary contained in any law or rules of common law, 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 nuclear damage 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.

(3) An agreement referred to in subsection (1) (c) may include as a term thereof any provisions that may be determined, prescribed or imposed as a condition of a nuclear licence referred to in this section 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 nuclear licence as a condition thereof, be deemed to be a condition of that nuclear licence.

(4) Subject to the terms of any agreement referred to in subsection (1) (c), the corporation may at any time amend or rescind any condition imposed by it under subsection (1) (b), and the corporation shall within 30 days notify the licensee concerned in writing of any such amendment or rescission.

36. Any person—

Fees in respect of licences.

(a) who applies for the granting of any nuclear licence shall, in respect of the granting thereof; and

(b) to whom a nuclear licence has been granted shall, in respect of—

(i) any subsequent renewal or extension of the nuclear licence granted to him;

(ii) any subsequent imposition of conditions referred to in section 34 (1) (a) or section 35 (1) (b); and

(iii) any amendment of conditions referred to in section 34 (1) (b) or section 36 (4),

pay, within the period specified by the Minister, to the corporation such fees as the Minister may, with the concurrence of the Minister of Finance, from time to time determine.

37. (1) A licensee shall at all times whilst the nuclear licence granted to him is in force, post or in any other manner display and cause to be kept so posted or displayed, at a place suitable for this purpose, or if the corporation has for the purposes of this subsection designated a place, at such designated place, on the site, or at or in the nuclear installation, or at or on the vessel, in question, a copy of the wording of any regulation or condition to which the relevant licence is subject under the provisions of this Act.

Display of copies of regulations and conditions by licensees.

(2) Such copy of any regulation or condition shall be in such bold print and worded, in addition to the official languages of the Republic, in such other languages determined in each individual case by the corporation, as to be conveniently read and understood by all persons present or carrying out duties on the site, or at or in the nuclear installation, or at or on the vessel, in question.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

Vertoë in verband
met kernlisensies,
en insae in sekere
stukke.

38. (1) (a) Die korporasie kan enige aansoeker om 'n kernlisensie gelas om aan 'n plaaslike bestuur of iemand anders deur die korporasie vermeld, 'n kennisgewing van sy aansoek te bestel waarin die besonderhede aangegee word met betrekking tot die voorgestelde terrein of kerninstallasie, of met betrekking tot die kerngevaarlike materiaal of vaartuig wat by die aansoek betrokke is, na gelang van die geval, wat in die lasgewing vermeld word, en wat 'n tydperk van minstens drie maande toelaat waarin daardie bestuur of persoon ver- 5
toë tot die korporasie kan rig met betrekking tot die aansoek.

(b) Indien die korporasie so 'n lasgewing uitgereik het, mag hy behoudens die bepalings van artikel 28 nie die kernlisensie om die verlening waarvan aansoek gedoen 15
is, verleen voordat die tydperk wat aldus toegelaat is, verstryk het nie, en indien ver- 10
toë ingevolge genoemde kennisgewing tot hom gerig is binne genoemde tydperk, voordat hy sodanige ver- 15
toë oorweeg het nie.

(2) Solank 'n kernlisensie bedoel in artikel 30 (1) (a) of 31 (1) 20
van krag is, het almal wat pligte by of in die betrokke kerninstal-
lasie of op die betrokke terrein of met betrekking tot die be-
trokke kerngevaarlike materiaal moet uitvoer, die reg om, of af-
sonderlik of deur bemiddeling van 'n vereniging of liggaam wat
deur die korporasie vir die doeleindes van hierdie subartikel as 25
verteenwoordigend van sodanige persone erken word, ver- 30
toë tot die korporasie te rig met betrekking tot die uitoefening deur
hom van sy bevoegdhede kragtens artikel 34 (1) (a) en (b), of
tot die Minister met betrekking tot die uitoefening deur hom van
sy bevoegdhede kragtens artikel 82.

(3) (a) Die korporasie moet 'n lys hou van besonderhede van
elke terrein of kerninstallasie, en van alle handelinge
en bedrywighede ten opsigte waarvan 'n kernlisensie
bedoel in artikel 30 (1) (a) of 31 (1) deur hom verleen
is, saam met 'n kaart of kaarte wat, waar toepaslik, die 35
ligging en grense van elke betrokke terrein of
kerninstallasie aantoon.

(b) Die korporasie moet reëlins tref dat afskrifte van so-
danige lys en elke sodanige kaart vir insae deur die pu-
blik beskikbaar is, en moet, op die tye en op die wyse 40
wat hy gepas ag, kennis van sodanige reëlins aan die
publiek gee.

(c) Indien, na die oordeel van die korporasie, daar nie ge-
vaar is nie dat kernskade kan voortspruit uit enigiets
wat gedoen is of word, of wat aanwesig was of is, by of 45
in 'n kerninstallasie of op 'n terrein, ten opsigte waar-
van geen kernlisensie meer van krag is nie, kan beson-
derhede in verband daarmee uit die lys in paragraaf (a)
bedoel, geskrap word.

Sekerheidstelling
deur sekere
gelisensieerdes ten
opsigte van
aanspreeklikheid
vir kernskade.

39. (1) Die korporasie mag nie 'n kernlisensie in artikel 30 (1) 50
(a) of 31 (1) bedoel aan iemand verleen nie tensy so iemand, in-
dien die Minister dit vereis, sekerheid ten genoeë van die Minis-
ter gestel het vir die nakoming van enige verpligtings wat hy in-
gevolge artikel 41 teenoor iemand kan oploep indien sodanige
lisensie aan hom verleen word. 55

(2) Die Minister moet, met die instemming van die Minister
van Finansies, bepaal wanneer en op watter wyse sekerheid deur
hom ingevolge subartikel (1) vereis, gestel moet word, en vir
watter bedrag sodanige sekerheid gestel moet word.

(3) Die Minister kan, met die instemming van die Minister 60
van Finansies, van tyd tot tyd hetsy gedurende, of na verstryking
van, die verantwoordelikeheids tydperk van 'n gelisensieerde aan
wie 'n in subartikel (1) vermelde kernlisensie verleen is en wat
sekerheid ingevolge daardie subartikel gestel het, eis dat dié ge-
lisensieerde bykomende sekerheid stel, of die bedrag waarvoor 65
hy sekerheid gestel het, verminder, of eis dat sekerheid op 'n an-
der wyse gestel moet word.

(4) Indien 'n kernongeluk plaasvind en skadevergoeding ten
opsigte daarvan van die betrokke gelisensieerde geëis word, of
die Minister oortuig is dat sodanige skadevergoeding aldus geëis
sal word, kan die Minister eis dat die gelisensieerde wat seker-

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

38. (1) (a) The corporation may direct any applicant for a nuclear licence to serve upon any local authority or any other person specified by it, a notice of his application, giving such particulars of the proposed site or nuclear installation, or in respect of the nuclear-hazard material or vessel involved in the relevant application, as the case may be, as may be so specified in the direction, and providing for a period, being not less than three months, within which such authority or person may make representations to the corporation in regard to the application.
- (b) If the corporation has given such a direction it shall, subject to the provisions of section 28, not grant the nuclear licence until the period so provided for has elapsed, and, if representations were made to it within the said period in terms of the said notice, until it has considered such representations.
- (2) As long as any nuclear licence referred to in section 30 (1) (a) or 31 (1) is in force, all persons having duties at or in the nuclear installation or on the site or in connection with the nuclear-hazard material, in question, shall have the right either individually or through an association or body recognized by the corporation for the purposes of this subsection as representative of such persons, to make representations to the corporation regarding the exercise by it of its powers under section 34 (1) (a) and (b), or to the Minister in regard to the exercise by him of his powers under section 82.
- (3) (a) The corporation shall maintain a list showing particulars of any site or nuclear installation, and of all acts or activities, in respect whereof a nuclear licence, referred to in section 30 (1) (a) or 31 (1) has been granted by it, together with a map or maps showing, where applicable, the position and limits of every site or nuclear installation in question.
- (b) The corporation shall make arrangements for copies of such list and every such map to be available for inspection by the public, and shall, at such times and in such manner as it may deem appropriate, give notice to the public of such arrangements.
- (c) If, in the opinion of the corporation, there is no risk of nuclear damage arising from anything done or being done, or which has been or is present, at or in any nuclear installation or on any site, in respect whereof no nuclear licence is any longer in force, particulars in connection therewith may be removed from the list referred to in paragraph (a).
39. (1) The corporation shall not grant a nuclear licence referred to in section 30 (1) (a) or 31 (1) to any person unless such person has, if so required by the Minister, given security to the satisfaction of the Minister to fulfil any obligations which he may incur towards any person in terms of section 41 if such a nuclear licence is granted to him.
- (2) The Minister shall, with the concurrence of the Minister of Finance, determine the time when and the manner in which security required by him in terms of subsection (1) shall be given, and the amount for which such security shall be given.
- (3) The Minister may, with the concurrence of the Minister of Finance, from time to time, whether during or after the expiry of the period of responsibility of a licensee to whom a nuclear licence mentioned in subsection (1) has been granted and who has provided security in terms of that subsection, require such licensee to give additional security, or reduce the amount of the security given by him, or require that such security shall be given in another manner.
- (4) If a nuclear accident occurs and compensation is claimed in respect thereof from the licensee in question, or the Minister is satisfied that such compensation will be so claimed, the Minister may require the licensee who has provided security to give

Making of representations in connection with nuclear licences, and inspection of certain documents.

Security by certain licensees in respect of liability for nuclear damage.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

heid gestel het bykomende sekerheid stel met betrekking tot daardie ongeluk of met betrekking tot kernongelukke wat ná sodanige bykomende sekerheidstelling plaasvind en skade veroorsaak waarvoor hy ingevolge hierdie Wet aanspreeklik is, vir sover, na die oordeel van die Minister, die bestaande sekerheid wat die gelisensieerde gestel het, verminder is of mag word, of ontoereikend geword het of mag word, deur 'n eis om skadevergoeding wat aldus ingestel is of ingestel mag word. 5

(5) Die bepalings van subartikel (2) is *mutatis mutandis* van toepassing ten opsigte van die stel van bykomende sekerheid ingevolge subartikel (3) of (4). 10

Intrekking en afgee van kernlisensies.

40. (1) 'n Kernlisensie kan te eniger tyd deur die korporasie ingetrek of deur 'n gelisensieerde afgegee word.

(2) Indien 'n kernlisensie ingevolge subartikel (1) ingetrek of afgegee is, moet die betrokke gelisensieerde, indien die korporasie dit gelas, sodanige kernlisensie oorhandig of daarvan rekenskap gee aan iemand wat die korporasie aanwys, en moet, in die geval van 'n gelisensieerde aan wie 'n kernlisensie bedoel in artikel 30 (1) (a) of artikel 31 (1) verleen is, sodanige gelisensieerde gedurende die res van sy verantwoordelijkheidstydperk op die betrokke terrein (indien daar is) dié kennisgewings wat die grense daarvan aantoon, op die plekke wat 'n inspekteur gelas, vertoon, en aldus vertoon laat bly. 15 20

(3) Die korporasie kan by sodanige intrekking of afgee van 'n kernlisensie, of van tyd tot tyd daarna, in die geval van 'n gelisensieerde aan wie 'n kernlisensie bedoel in artikel 30 (1) of 31 (1) verleen is, totdat die betrokke gelisensieerde se verantwoordelijkheidstydperk verstryk het, aan die gelisensieerde die ander opdragte gee wat hy goevind om die veroorsaking van kernskade deur enigiets wat in of by die betrokke kerninstallasie of op die betrokke terrein gedoen is of word, of wat aldus aanwesig was of is, te voorkom, of om teen die gevaar daarvan te waarsku. 25 30

Aanspreeklikheid van sekere gelisensieerdes ten opsigte van kernskade.

41. (1) 'n Gelisensieerde aan wie 'n kernlisensie bedoel in artikel 30 (1) (a) of artikel 31 (1) verleen is, is behoudens die bepalings van hierdie Wet aanspreeklik vir alle kernskade wat gedurende sy verantwoordelijkheidstydperk veroorsaak word— 35

(a) in die geval van 'n kernlisensie wat betrekking het op 'n kerninstallasie of 'n terrein—

(i) deur enigiets wat by of in die betrokke kerninstallasie of op die betrokke terrein is of gedoen word, of deur enige radioaktiewe afval (in watter vorm ook al) wat vanaf dié kerninstallasie of terrein vervoer, weggevoer of vrygelaat word; of 40

(ii) deur enige kerngevaarlike materiaal in die loop van die vervoer daarvan— 45

(aa) vanaf die betrokke kerninstallasie of terrein na enige ander plek in die Republiek; of

(bb) in die Republiek of die territoriale waters van die Republiek na of van die kerninstallasie of terrein, van of na enige plek buite die Republiek; of 50

(b) in die geval van 'n kernlisensie wat nie betrekking het op 'n bepaalde kerninstallasie of terrein nie, deur, of as gevolg van die uitvoering van enige handeling of verrigting van enige bedrywigheid in verband met, kerngevaarlike materiaal in die betrokke gelisensieerde se besit of onder sy beheer. 55

(2) Behoudens die bepalings van subartikel (3), is niemand anders as die betrokke gelisensieerde aanspreeklik nie vir enige kernskade wat veroorsaak is soos in subartikel (1) beoog, en ondanks die bepalings van die Wet op Verdeling van Skadevergoeding, 1956 (Wet No. 34 van 1956), of enige ander wet, of enige ander regsreël, is geen skuld van iemand 'n verweer teen 'n eis om skadevergoeding op grond van sodanige skade nie, en raak sodanige skuld nie die bedrag van die skadevergoeding wat die gelisensieerde uit hoofde van die bepalings van subartikel (1) moet betaal nie. 60 65

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

additional security with respect to such accident or with respect to nuclear accidents which may occur subsequent to the giving of such further security and which cause damage for which he is liable in terms of this Act, to the extent to which, in the opinion of the Minister, the existing security given by the licensee has been or may be diminished, or rendered inadequate, by any claim for compensation which has been or may be so made.

(5) The provisions of subsection (2) shall *mutatis mutandis* apply in respect of the giving of additional security in terms of subsection (3) or (4).

40. (1) Any nuclear licence may at any time be revoked by the corporation or surrendered by any licensee.

Revocation and
surrender of
nuclear licences.

(2) If a nuclear licence has been revoked by the corporation or surrendered in terms of subsection (1), the licensee concerned shall, if so directed by the corporation, deliver up or account for such nuclear licence to such person as the corporation may direct, and shall, in the case of a licensee to whom a nuclear licence referred to in section 30 (1) (a) or section 31 (1) has been granted, during the remainder of the period of responsibility of such licensee display, and cause to be so kept displayed, on the relevant site (if any) such notices indicating the limits thereof, and in such positions, as may be directed by an inspector.

(3) The corporation may on such revocation or surrender of a nuclear licence, or from time to time thereafter, in the case of a licensee to whom a nuclear licence referred to in section 30 (1) (a) or 31 (1) has been granted, until the expiration of the period of responsibility of the licensee concerned, give to the licensee such other directions as it may deem fit for preventing the causing of nuclear damage by anything which is being done or was done, or is or was present at or in the nuclear installation or on the site, in question, or for giving warning of any risk thereof.

41. (1) Any licensee to whom a nuclear licence referred to in section 30 (1) (a) or section 31 (1) has been granted shall, subject to the provisions of this Act, be liable for any nuclear damage caused during his period of responsibility—

Liability of certain
licensees in respect
of nuclear damage.

(a) in the case of a nuclear licence which relates to any nuclear installation or any site—

(i) by anything being present or which is being done at or in the nuclear installation or on the site in question, or by any radio-active waste which is conveyed, discharged or released (in whatever form) from such nuclear installation or site; or

(ii) by any nuclear-hazard material in the course of the conveyance thereof—

(aa) from the nuclear installation or site in question to any other place in the Republic; or

(bb) in the Republic or the territorial waters of the Republic to or from the nuclear installation or site, from or to any place outside the Republic; or

(b) in the case of a nuclear licence which does not relate to any particular nuclear installation or site, by, or as a result of the performance or carrying out of any act or activity in connection with, any nuclear-hazard material in the possession or under the control of the licensee.

(2) Subject to the provisions of subsection (3), no person other than the licensee in question shall be liable for any nuclear damage caused as contemplated in subsection (1), and notwithstanding anything contained in the Apportionment of Damages Act, 1956 (Act No. 34 of 1956), or any other law, or any other legal rule, no fault of any person shall be a defence to any claim for compensation on account of such damage, or affect the amount of the compensation which the licensee is liable to pay by virtue of the provisions of subsection (1).

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

- (3) Ondanks die bepalings van subartikels (1) en (2)—
- (a) is die gelisensieerde nie uit hoofde daarvan aanspreeklik nie weens kernskade—
 - (i) teenoor iemand vir sover sodanige skade toe te skryf is aan die aanwesigheid van so iemand of enige saak van so iemand by of in die kerninstallasie, of op die terrein, of by die kerngevaarlike materiaal, ten opsigte waarvan die betrokke kernlisensie verleen is, sonder die toestemming van die gelisensieerde of iemand wat namens die gelisensieerde handel; of
 - (ii) teenoor iemand wat sodanige skade opsetlik veroorsaak het of opsetlik tot die oorsaak daarvan bygedra het;
 - (b) word die gelisensieerde vir die doeleindes van verhaal op of bydraes deur iemand wat die skade waarvoor die gelisensieerde aanspreeklik is ingevolge subartikel (1), opsetlik veroorsaak het of wat opsetlik tot die oorsaak van dié skade bygedra het, geag uit hoofde van onregmatige daad daarvoor aanspreeklik te wees; en
 - (c) behou die gelisensieerde enige reg van verhaal of kontribusie wat hy ingevolge 'n kontrak teenoor iemand het ten opsigte van enige skade waarvoor hy ingevolge subartikel (1) aanspreeklik is.

Pligte in geval van kernongelukke.

42. (1) Indien 'n kernongeluk plaasvind in verband met kerngevaarlike materiaal, of 'n kerninstallasie of 'n terrein met betrekking waartoe 'n kernlisensie verleen is, moet die betrokke gelisensieerde dit onverwyld aangee by die korporasie en by die ander persone (indien daar is) wat met betrekking tot die betrokke soort ongeluk voorgeskrewe is.

(2) Indien die korporasie ingevolge subartikel (1) in kennis gestel word van 'n kernongeluk, moet hy 'n inspekteur gelas om ondersoek in te stel na en verslag aan hom te doen oor die ongeluk en die oorsake, besonderhede en uitwerking daarvan, en na ontvangs van so 'n verslag moet die korporasie, indien die Minister dit nodig ag, by kennisgewing in die *Staatskoerant*, of in enige ander geval, op enige ander wyse wat hy goedvind, besonderhede van die tydperk en gebied omskryf waarin, na sy oordeel, die risiko van kernskade verbonde aan die ongeluk sodanig was, is of sal wees dat die perke bestaanbaar met gesondheid en veiligheid oorskry is of word of sal word.

(3) (a) Die korporasie moet op die voorgeskrewe wyse aantekeninge hou van die name van al die persone wat, volgens sy inligting, te eniger tyd gedurende die tydperk aldus omskryf in die gebied aldus omskryf, was, en van die voorgeskrewe besonderhede aangaande hulle.

(b) Vir die doeleindes van bewys van eise om skadevergoeding weens kernskade is sodanige aantekeninge, by die blote voorlegging daarvan in 'n geregshof deur iemand, as getuienis toelaatbaar, en is sodanige aantekeninge *prima facie*-bewys van die aanwesigheid van die betrokke persone gedurende die tydperk aldus omskryf in die gebied aldus omskryf.

(4) Die omskrywing van 'n gebied of tydperk ingevolge subartikel (2) of die versuim om 'n aantekening van die naam van iemand ingevolge subartikel (3) te hou, benadeel nie die reg van iemand om skadevergoeding van 'n gelisensieerde uit hoofde van die bepalings van artikel 41 te eis nie.

Opskorting van betaling van vergoeding.

43. (1) Indien die totale bedrag van eise om skadevergoeding teen 'n gelisensieerde genoem in artikel 41 (1) uit hoofde van die bepalings van artikel 41, of die bedrag van sodanige eise wat reeds deur die gelisensieerde betaal is tesame met die geskatte bedrag wat moontlik betaal sal moet word, die bedrag oorskry of waarskynlik sal oorskry waarvoor hy sekerheid ingevolge artikel 39 gestel het, moet hy die Minister onverwyld skriftelik daarvan in kennis stel met verstrekking van besonderhede van die totale getal en bedrag van alle sodanige eise wat ontvang en waaraan voldoen is, tesame met 'n skatting van die getal en be-

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (3) Notwithstanding the provisions of subsections (1) and (2)—
- (a) a licensee shall not by virtue thereof be liable for any nuclear damage—
 - (i) to any person to the extent that such damage is attributable to the presence of such person or any property of such person at or in the nuclear installation, or on the site or near the nuclear-hazard material, in respect whereof the nuclear licence in question has been granted, without the permission of the licensee or a person acting on behalf of the licensee; or
 - (ii) to any person who deliberately caused or deliberately contributed to the cause of such damage;
 - (b) such licensee shall, for the purposes of recourse against or contribution by any person who deliberately caused or deliberately contributed to the cause of the damage for which the licensee is liable in terms of subsection (1), be deemed to be liable in delict therefor; and
 - (c) the licensee shall retain any right of recourse or contribution which he may in terms of any contract have against any person in respect of any damage for which he is liable in terms of subsection (1).

42. (1) If a nuclear accident occurs in connection with nuclear-hazard material, or a nuclear installation or a site in respect whereof a nuclear licence has been granted, the licensee in question shall forthwith report it to the corporation and to such other persons, if any, as may be prescribed in relation to accidents of the kind in question.

Duties in case of nuclear accidents.

(2) If the corporation is in terms of subsection (1) advised of the occurrence of a nuclear accident, it shall direct an inspector to investigate and report to it upon the accident, its causes, circumstances and effects, and, upon receipt of such report, the corporation shall, if the Minister deems it necessary, by notice in the *Gazette*, or, in any other case, in any other manner it may deem fit, define the period during which and the area within which, in its opinion, the risk of nuclear damage connected with the accident was, is or will be such that the limits consistent with health and safety were or are or will be exceeded.

(3) (a) The corporation shall, in the prescribed manner, keep a record of the names of all persons who, according to its information, were within the area so defined at any time during the period so defined, and of such particulars concerning them as may be prescribed.

(b) For the purposes of the proof of claims for compensation for nuclear damage any such record shall upon its mere production by any person in any court of law be admissible in evidence, and shall be *prima facie* proof of the presence of the person in question within the area so defined during the period so defined.

(4) Neither the defining of any area or period in terms of subsection (2), nor the failure to record the name of any person in terms of subsection (3), shall prejudice the right of any person to claim compensation from a licensee by virtue of the provisions of section 41.

43. (1) If the aggregate amount of any claims for compensation against a licensee referred to in section 41 (1) by virtue of the provisions of section 41, or if the amount of any such claims which has already been paid by the licensee together with the estimated amount which it is likely may still have to be paid, exceeds, or is likely to exceed, the amount of the security given by him in terms of section 39 in respect of the nuclear accident in question, he shall forthwith notify the Minister thereof in writing, giving particulars of the aggregate number and amount of all such claims received and satisfied, together with an estimate

Suspension of payment of compensation.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

drag van enige ander eise waaraan moontlik voldoen sal moet word.

(2) Indien die Minister na ontvangs van 'n kennisgewing ingevolge subartikel (1) of enige ander inligting, oortuig is dat die totale bedrag van die eise om skadevergoeding teen 'n gelisensieerde uit hoofde van die bepalings van artikel 41 waaraan nie voldoen is nie, en van sodanige eise wat waarskynlik daarna ingestel sal word, die bedrag van die sekerheid sal oorskry wat die gelisensieerde ingevolge artikel 39 gestel het ten opsigte van 'n kernongeluk en wat ten opsigte van sodanige eise beskikbaar is, 10 moet die Minister—

(a) 'n verslag oor die betrokke kernongeluk in die Volksraad ter Tafel lê in 'n vorm wat hy geskik ag, en waarin aanbeveel word dat die Parlement geld bewillig vir die verlening van geldelike hulp ten opsigte van die bedrag 15 waarmee sodanige eise die sekerheid wat aldus beskikbaar is, oorskry of waarskynlik sal oorskry: Met dien verstande dat so 'n bewilliging in geen opsig die betrokke gelisensieerde se aanspreeklikheid soos bedoel in artikel 41 verminder of andersins raak nie; en 20

(b) by kennisgewing in die *Staatskoerant* die verpligting om sodanige eise ten opsigte van die betrokke kernongeluk te betaal, opskort totdat die Volksraad oor die aanbeveling besluit het.

(3) Indien die Volksraad 'n besluit aangeneem het dat geld, 25 waarvan die bedrag in die besluit vermeld word, aldus bewillig word, mag na die aanname van die besluit geen betaling van enige eis om skadevergoeding wat uit die betrokke ongeluk voortspruit, sonder die goedkeuring van die Minister of kragtens 'n hofbevel geskied nie. 30

(4) Die stel van bykomende sekerheid deur 'n gelisensieerde ingevolge artikel 39 (4) raak nie die toepassing van die bepalings van hierdie artikel nie.

Verjaring van aksies.

44. Ondanks andersluidende bepalings van die een of ander wet— 35

(a) kan geen aksie om skadevergoeding uit hoofde van die bepalings van artikel 41 begin word nie na verstryking van dertig jaar vanaf—

(i) die datum waarop die gebeurtenis plaasgevind het wat aanleiding gegee het tot die reg om sodanige 40 skadevergoeding te eis; of

(ii) waar 'n voortdurende gebeurtenis of reeks gebeurtenisse wat almal toe te skryf is aan 'n besondere voorval of die uitvoering van 'n besondere werksaamheid, tot sodanige reg aanleiding gegee het, 45 die datum waarop die laaste voorval in die loop van daardie gebeurtenis of reeks gebeurtenisse plaasgevind het,

tensy die betrokke eiser gedurende daardie tydperk bewus geword het of deur die uitoefening van redelike 50 sorg bewus kon geword het van die identiteit van die betrokke gelisensieerde en van die feite waaruit die reg om skadevergoeding te eis, ontstaan het, in welke geval geen sodanige aksie begin mag word nie na verstryking van 'n tydperk van twee jaar vanaf die datum waarop 55 hy aldus bewus geword het of bewus kon geword het, of na die verstryking van genoemde tydperk van dertig jaar, watter ook al die eerste voorval; en

(b) word die verloop van genoemde verjaringstydperk van twee jaar opgeskort gedurende enige tydperk waarin onderhandelinge in verband met 'n skikking deur of namens die betrokke eiser en gelisensieerde gevoer word, welke tydperk 'n aanvang neem op die datum waarop skriftelik met sodanige onderhandelinge begin word, en eindig op die datum waarop enige van die betrokke partye die ander meedeel dat hy nie met die onderhandelinge voortgaan nie: Met dien verstande dat, behoudens die bepalings van paragraaf (a), bedoelde opskorting nie langer as vyf jaar duur nie: Met dien 65

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

of the number and amount of any other such claims which may have to be satisfied.

(2) If the Minister is satisfied, upon receipt of a notice in terms of subsection (1) or any other information, that the aggregate amount of claims for compensation against a licensee by virtue of the provisions of section 41 which are unpaid, and of such claims which are likely to be made thereafter, will exceed the amount of the security given by such licensee in respect of the nuclear accident in question in terms of section 39 and available in respect of such claims, the Minister shall—

(a) lay upon the Table of the House of Assembly a report on the nuclear accident in question in such form as he may consider appropriate, and in which is recommended that Parliament appropriates money for rendering financial assistance in respect of the amount by which such claims exceed or are likely to exceed the security so available: Provided that the liability of the licensee as contemplated in section 41 shall in no respect be affected by any such appropriation; and

(b) by notice in the *Gazette* suspend the obligation to pay such claims in respect of the nuclear accident in question until such time as the House of Assembly shall have decided about the recommendation.

(3) If the House of Assembly has by resolution decided that money in an amount specified in such resolution, be so appropriated, no payment of any such claim for compensation arising out of the said accident shall, after the passing of such resolution, be made without the approval of the Minister or an order of court.

(4) The giving of additional security by a licensee in terms of section 39 (4) shall not affect the application of the provisions of this section.

44. Notwithstanding anything to the contrary in any other law contained—

Prescription of actions.

(a) no action for compensation by virtue of the provisions of section 41 may be commenced after the expiration of thirty years from—

(i) the date of the occurrence which gave rise to the right to claim such compensation; or

(ii) where a continuing occurrence, or a succession of occurrences all attributable to a particular occurrence or the carrying out of a particular operation, gave rise to such right, the date of the last event in the course of that occurrence or succession of occurrences,

unless the claimant concerned during that period became aware, or by exercising reasonable care could have become aware, of the identity of the licensee concerned and of the facts from which the right to claim compensation arose, in which case no such action shall be commenced after the expiration of a period of two years from the date on which he so becomes aware or could have become aware, or after the expiration of such period of thirty years, whichever occurs first; and

(b) the running of the said period of prescription of two years shall be suspended during any period in which negotiations in connection with a settlement are being conducted by or on behalf of the claimant and the licensee concerned, which period shall commence on the date on which such negotiations commenced in writing and shall end on the date on which any of the parties concerned notifies the other that he is not proceeding with the negotiations: Provided that, subject to the provisions of paragraph (a), the said suspension shall not be longer than five years: Provided further

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

verstande voorts dat 'n party hom slegs een maal gedurende so 'n verjaringstydperk van twee jaar op so 'n opskorting kan beroep.

Toepassing van sekere bepalinge van Wet op korporasie en filiaalmaatskappye.

45. (1) Indien die korporasie of 'n filiaalmaatskappy enige handeling uitvoer of bedrywigheid verrig ten opsigte waarvan 'n kernlisensie ingevolge artikel 30 (1) (a) of 31 (1) vereis word indien die handeling of bedrywigheid deur iemand anders uitgevoer of verrig word, is die korporasie aanspreeklik vir enige kernskade waarvoor iemand anders ingevolge hierdie Wet aanspreeklik sou gewees het indien hy so 'n handeling uitgevoer of bedrywigheid verrig het en 'n kernlisensie ten opsigte daarvan ingevolge hierdie Wet aan hom verleen was.

(2) Die aanspreeklikheid van die korporasie bedoel in subartikel (1) hou op met ingang van die datum—

(a) waarop die Minister op advies van die Raad die korporasie skriftelik kennis gee dat daar, na sy oordeel, nie meer enige gevaar van kernskade verbonde is aan enigiets by of in die betrokke kerninstallasie of op die betrokke terrein, of aan enige handeling uitgevoer of bedrywigheid verrig in verband met die betrokke kerngevaarlike materiaal, na gelang van die geval, nie; of

(b) waarop 'n kernlisensie ten opsigte van die betrokke terrein of kerninstallasie of kerngevaarlike materiaal aan iemand anders verleen word,

watter datum ook al die vroegste is.

(3) Voordat die korporasie of 'n filiaalmaatskappy 'n handeling of bedrywigheid bedoel in subartikel (1) uitvoer of verrig, moet die korporasie, indien die Minister dit vereis, sekerheid ten genoeë van die Minister stel vir die nakoming van enige verpligtinge wat die korporasie ingevolge hierdie artikel teenoor iemand mag oploop, en moet die korporasie daarna van tyd tot tyd die bykomende sekerheid stel wat die Minister verlang.

(4) Solank die korporasie of 'n filiaalmaatskappy kerngevaarlike materiaal, 'n terrein of 'n kerninstallasie vir die doeleindes van die verrigting van 'n bedrywigheid of die uitvoering van 'n handeling bedoel in subartikel (1) gebruik, is die bepalinge van artikel 37 met betrekking tot 'n regulasie daarin bedoel, en die bepalinge van enige regulasie wat van toepassing is ten opsigte van 'n gelisensieerde wat kerngevaarlike materiaal, 'n terrein of 'n kerninstallasie vir sodanige doeleindes gebruik, in die mate deur die Minister bepaal, *mutatis mutandis* van toepassing ten opsigte van die korporasie of die betrokke filiaalmaatskappy, en ten opsigte van die betrokke kerngevaarlike materiaal, kerninstallasie of terrein, en is die bepalinge van genoemde artikel betreffende voorwaardes *mutatis mutandis* aldus van toepassing ten opsigte van voorwaardes betreffende gesondheid en veiligheid wat die korporasie of sodanige filiaalmaatskappy op aanbeveling van die Raad in verband met sodanige gebruik moet nakom.

(5) Indien 'n kernongeluk plaasvind by of in 'n kerninstallasie of op 'n terrein of met betrekking tot kerngevaarlike materiaal wat die korporasie of 'n filiaalmaatskappy gebruik soos bedoel in subartikel (4), of in verband met sodanige gebruik, is die bepalinge van subartikels (2), (3) en (4) van artikel 42 *mutatis mutandis* van toepassing ten opsigte daarvan.

(6) Die bepalinge van artikels 43 en 44 is *mutatis mutandis* van toepassing ten opsigte van enige eis teen die korporasie uit hoofde van die bepalinge van hierdie Wet.

Inspekteurs.

46. (1) Die korporasie kan, behoudens die bepalinge van artikel 8, van tyd tot tyd die getal inspekteurs wat hy nodig of dienstig ag, aanstel om uitvoering aan die bepalinge van hierdie Hoofstuk te gee.

(2) 'n Inspekteur kan, onderworpe aan die toon van skriftelike bewys van sy aanstelling as inspekteur indien hy deur 'n belanghebbende versoek word om dit te doen—

(a) te alle redelike tye—

(i) enige terrein ten opsigte waarvan 'n aansoek om 'n kernlisensie by die korporasie gedoen is, of ten opsigte waarvan 'n kernlisensie verleen is;

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

that a claimant may claim such suspension only once during such period of prescription of two years.

45. (1) If the corporation or any subsidiary company performs any act or carries out any activity in respect whereof a nuclear licence is required in terms of section 30 (1) (a) or 31 (1) were such act or activity to be performed or carried out by any other person, the corporation shall be liable for any nuclear damage for which any other person would have been liable in terms of this Act if he had performed such act or carried out such activity and a nuclear licence had been granted to him in respect thereof in terms of this Act.

Application of certain provisions of Act to corporation and subsidiary companies.

(2) The liability of the corporation under subsection (1) shall cease as from the date—

(a) on which the Minister on the advice of the Council gives notice in writing to the corporation that in his opinion there has ceased to be any risk of nuclear damage from anything at or in the nuclear installation or on the site, or from any act performed or activity carried out in connection with the nuclear-hazard material, in question, as the case may be; or

(b) on which a nuclear licence in respect of the site or nuclear installation or nuclear-hazard material, in question, is granted to any other person, whichever is the earlier.

(3) The corporation shall, if so required by the Minister, before any act or activity referred to in subsection (1) is performed or carried out by it or any subsidiary company, give security to the satisfaction of the Minister to fulfil any obligations which it may incur towards any person in terms of this section, and shall thereafter from time to time give such additional security as may be required by the Minister.

(4) As long as the corporation or a subsidiary company uses any nuclear-hazard material, site or nuclear installation, for the purposes of the performance of any act or the carrying out of any activity referred to in subsection (1), the provisions of section 37 in respect of any regulation referred to therein, and the provisions of any regulation applicable in respect of a licensee using any nuclear-hazard material, a site or nuclear installation for such purposes, shall, to the extent determined by the Minister, *mutatis mutandis* apply in respect of the corporation or the subsidiary company in question, and in respect of the relevant nuclear-hazard material, site or nuclear installation, and the provisions of the said section regarding conditions shall *mutatis mutandis* so apply in respect of such conditions regarding health and safety as the corporation and such subsidiary company, on the recommendation of the Council, must comply with in connection with any such use.

(5) If a nuclear accident occurs at or in any nuclear installation or on any site or in respect of any nuclear-hazard material used by the corporation or a subsidiary company as contemplated in subsection (4), or in connection with such use, the provisions of subsections (2), (3) and (4) of section 42 shall *mutatis mutandis* apply in respect thereof.

(6) The provisions of sections 43 and 44 shall *mutatis mutandis* apply in respect of any claim against the corporation by virtue of the provisions of this Act.

46. (1) The corporation may, subject to the provisions of section 8, appoint such number of inspectors as it may consider necessary or expedient for the purposes of giving effect to the provisions of this Chapter.

Inspectors.

(2) Any inspector may, but subject to production, if so requested by any interested person, of written evidence of his authority—

(a) at all reasonable times enter—
(i) any site in respect of which an application for a nuclear licence has been made to the corporation, or in respect of which such a nuclear licence has been granted;

- (ii) enige plek waarop 'n kerninstallasie is, of wat die korporasie op redelike gronde vermoed 'n terrein ten opsigte van 'n kerninstallasie is;
 - (iii) enige plek waar onderdele van 'n kerninstallasie gehou of vervaardig word; 5
 - (iv) enige plek waar kerngevaarlike materiaal gehou word of teenwoordig is, of waar die korporasie op redelike gronde vermoed dat dit gehou word of teenwoordig is,
- betree met dié toerusting, en op daardie terrein of plek 10 die toetse uitvoer en die ondersoeke instel, wat die inspekteur nodig of dienstig ag; Met dien verstande dat 'n inspekteur, alvorens hy enige sodanige toets uitvoer of ondersoek instel, oorleg moet pleeg met gepaste persone wat pligte op dié betrokke terrein of plek moet 15 uitvoer, ten einde te bepaal of die uitvoering van so 'n toets of die instel van so 'n ondersoek vir enigiemand se gesondheid waarskynlik nadelig kan wees, of 'n besering aan enige persoon of skade aan enige eiendom kan veroorsaak: Met dien verstande voorts dat in die 20 geval van 'n meningsverskil oor die vraag of die beoogde toets of ondersoek waarskynlik so 'n uitwerking kan hê, die inspekteur die vraag na die korporasie moet verwys, wie se beslissing daaroor afdoende is;
- (b) gelas dat die betrokke aansoeker of gelisensieerde, of 25 enigiemand anders wat werksaamhede verrig in verband met of op 'n terrein of plek in paragraaf (a) bedoel, die inspekteur moet toelaat om die voorwerpe vir ondersoek te verwyder wat die inspekteur aandui, en om die stukke wat die inspekteur aandui, in te sien en 30 afskrifte daarvan te maak of dit vir ondersoek te verwyder, of gelas dat so 'n aansoeker, gelisensieerde of persoon, of enige ander persoon, inligting waaroor hy beskik en wat die korporasie vir die doeleindes van 'n bepaling van hierdie Hoofstuk nodig het, aan die in- 35 spekteur verstrek;
 - (c) indien enige bedrywigheid of toestand wat met 'n terrein, 'n kerninstallasie of met kerngevaarlike materiaal verband hou, en hetsy so 'n bedrywigheid of toestand 40 ter sake is by enige strafregtelike oortreding ingevolge hierdie Wet of nie, na die oordeel van die korporasie onbestaanbaar is met die vereistes van gesondheid en veiligheid ten opsigte van die betrokke terrein, kerninstallasie of kerngevaarlike materiaal, met die goedkeuring van die korporasie skriftelik gelas dat— 45
 - (i) die betrokke bedrywigheid onverwyld gestaak en die betrokke toestand onverwyld uit die weg geruim word; en
 - (ii) dat die betrokke kerninstallasie, terrein of ander plek in 'n toestand gebring word wat bestaanbaar 50 is met die bedoelde vereistes van gesondheid en veiligheid soos tussen die betrokke gelisensieerde of ander persoon en die korporasie ooreengekom word of soos, in enige ander geval, deur die inspekteur op gesag van die korporasie bepaal 55 word;
 - (d) soveel persone as wat hy nodig ag om hom met die uitoefening van die bevoegdhede kragtens hierdie subartikel aan hom verleen, behulpsaam te wees, met die toestemming van die korporasie saam met hom neem om 60 die werksaamhede te verrig of pligte uit te voer wat die inspekteur bepaal;
 - (e) die ander bevoegdhede uitoefen en pligte uitvoer wat voorgeskryf is.
- (3) (a) Iemand wat geraak word deur 'n besluit wat deur 'n 65 inspekteur kragtens 'n bepaling van hierdie artikel geneem is en wat nie met die uitdruklike goedkeuring van die korporasie aldus geneem is nie, kan binne dertig dae nadat dit tot sy kennis gekom het, by die korporasie op die voorgeskrewe wyse appèl aanteken.

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (ii) any place on which a nuclear installation is present, or which the corporation on reasonable grounds suspects to be a site on which a nuclear installation is present;
- 5 (iii) any place where parts of a nuclear installation are present or manufactured;
- (iv) any place where nuclear-hazard material is kept or is present, or where the corporation on reasonable grounds suspects it may be kept or may be present,
- 10 with such equipment, and carry out thereon such tests and inspections, as the inspector may consider necessary or expedient: Provided that before carrying out any such test or inspection the inspector shall consult with the appropriate persons having duties upon the site or
- 15 place in question, to determine whether the carrying out of any such test or investigation would be likely to be injurious to any person's health, or to cause injury to any person or damage to any property: Provided further that in the event of disagreement as to whether the proposed test or investigation would or would not be likely to have any such effect, the matter shall be referred to the corporation, whose decision thereon shall be final;
- 20
- (b) require the licensee or applicant in question, or any other person having duties in connection with or on the relevant site or place referred to in paragraph (a), to permit the inspector to take away for inspection the articles or objects pointed out by the inspector or to inspect the documents specified by the inspector, and
- 25 to make copies thereof or to take them away for inspection, or require such applicant, licensee or person, or any other person, to give the inspector information which he may possess and which the corporation requires for the purposes of any provision of this Chapter;
- 30
- (c) if any activity or condition associated with a site, a nuclear installation or any nuclear-hazard material, whether such activity or condition is relevant to any criminal offence under this Act or not, is in the opinion of the corporation inconsistent with the requirements of health and safety in respect of the relevant nuclear
- 35 installation, site or nuclear-hazard material, require, with the approval of the corporation, in writing—
- 40 (i) that the relevant activity be discontinued and the relevant condition be cleared away forthwith; and
- (ii) that the relevant nuclear installation, site or other
- 45 place be put in a condition consistent with the requirements of health and safety as agreed between the licensee, or other person concerned, and the corporation or, in any other case, as determined by the inspector on the authority of the corporation;
- 50
- (d) with the approval of the corporation, take with him such persons as he may deem necessary to assist him in the exercise of the powers granted to him by this subsection, and to perform the functions and carry out the
- 55 duties determined by the inspector;
- (e) exercise such other powers and carry out such other duties as may be prescribed.
- (3) (a) Any person affected by any decision of an inspector taken under any provision of this section and which has not been so taken with the express approval of the corporation, may, within 30 days after the decision has been made known to him, lodge an appeal to the corporation in the prescribed manner.
- 60

- (b) Die korporasie kan by so 'n appèl die betrokke besluit van die inspekteur bekragtig, wysig of intrek.
- (4) Die Minister kan vereis dat 'n aansoeker om 'n kernlisensie, of 'n gelisensieerde, of enige eienaar of persoon in beheer van enige terrein of plek bedoel in subartikel (2) (a), die gelde deur die Minister met die instemming van die Minister van Finansies bepaal, in verband met toetse uitgevoer en ondersoek ingestel ooreenkomstig hierdie artikel, binne die tydperk bepaal deur die Minister, betaal.

HOOFSTUK IV

10

BEHEER OOR BRONMATERIAAL, SPESIALE KERNMATERIAAL, BEPERKTE MATERIAAL, RADIOAKTIEWE NUKLIEDE EN RADIOAKTIEWE AFVAL

Prospektering na
en ontginning van
bronmateriaal.

47. (1) Ondanks die bepalings van 'n ander wet mag niemand na bronmateriaal prospekteer of dit ontgin of sodanige materiaal uit uitskot, slyk of ander residu's herwin nie, tensy hy eers die skriftelike toestemming van die Minister daartoe verkry het, en behalwe ooreenkomstig en behoudens die bepalings van die Wet op Mynregte, 1967 (Wet No. 20 van 1967).

(2) Die Minister weerhou die toestemming in subartikel (1) beoog slegs indien hy oortuig is dat die veiligheid van die Staat deur die verlening van sodanige toestemming aan die aansoeker in gevaar gestel sal word.

(3) 'n Reg om te ontgin wat kragtens 'n wet betreffende prospektering na en ontginning van edele metale, onedele minerale of edelgesteentes, of die gemene reg, berus by, verleen is aan of verkry is deur iemand, sluit die reg in om bronmateriaal wat gewin word tesame met die edele metale, onedele minerale of edelgesteentes wat deur so iemand ontgin word, te ontgin en daaroor, behoudens die bepalings van artikel 49, te beskik.

(4) 'n Toestemming kragtens subartikel (1) verleen—

(a) moet, indien die toestemming in verband staan met grond waarop die bepalings van subartikel (3) van toepassing is en indien die persoon wat die toestemming verkry nie die houer van die reg op bronmateriaal ten opsigte van die grond is nie, voorsiening maak vir die betaling aan sodanige houer ten aansien van bronmateriaal wat op privaatgrond ontgin word, uitgesonderd ingevolge 'n magtiging of ooreenkoms in subartikel (12) bedoel, van—

(i) 'n tantième van 5,5125c per kilogram uraanoksied (U_3O_8) wat voorkom in bronmateriaal wat voortgebring is deur iemand wat op 1 November 1967 besig was met die voortbrenging van bronmateriaal op die grond waarop die toestemming betrekking het, en by die inwerkingtreding van hierdie Wet nog aldus besig is; of

(ii) in enige ander geval, die tantième of ander vergoeding waarop onderling ooreengekom word tussen genoemde houer en die houer van die toestemming of, by onstentenis van ooreenkoms tussen genoemde houers, wat die Minister op die aanbeveling van die Mynverhuringsraad ingestel by artikel 5 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967), vasstel;

(b) kan voorsiening maak vir betaling aan die Staat, bo en behalwe enige huur, lisensiegelde, kleingelde, myntereingelde, aandeel in winste, tantième of ander vergoeding betaalbaar kragtens die Wet op Mynregte, 1967, van die heffing met betrekking tot die voortbrenging van of beskikking oor bronmateriaal wat die Minister aldus vasstel, maar wat hoogstens 5,5125c per kilogram uraanoksied (U_3O_8) vervat in sodanige materiaal wat deur die houer van die toestemming voortgebring word, is.

(5) Betalings wat kragtens subartikel (4) (a) vereis word, moet jaarliks geskied voor die een-en-dertigste dag van Maart ten opz-

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

(b) The corporation may, in the case of such an appeal, confirm the decision of the inspector, or amend or annul it.

(4) The Minister may require any applicant for a nuclear licence, or any licensee, or any owner or person in control of any site or place referred to in subsection (2) (a), to pay, within the period specified by the Minister, such fees to the corporation as the Minister may from time to time, with the concurrence of the Minister of Finance, determine, in connection with tests and inspections which are carried out in terms of this section.

CHAPTER IV

CONTROL OF SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL, RESTRICTED MATERIAL, RADIO-ACTIVE NUCLIDES AND RADIO-ACTIVE WASTE

15 47. (1) Notwithstanding the provisions of any other law, no person shall prospect for or mine source material or recover such material from any tailings, slimes or other residues, unless he has first obtained the written permission of the Minister thereto, and otherwise than in accordance with and subject to the provisions of the Mining Rights Act, 1967 (Act No. 20 of 1967).

Prospecting for and mining of source material.

(2) The Minister shall only withhold any permission contemplated in subsection (1) if he is satisfied that the security of the State would be endangered by the issue of such permission to the applicant.

(3) Any right to mine vested in, conferred upon or acquired by any person under any law relating to prospecting for and mining of precious metals, base minerals or precious stones, or the common law, shall include the right to mine for and, subject to the provisions of section 49, to dispose of source material which may be won in conjunction with the precious metals, base minerals or precious stones being mined by such person.

(4) Any permission under subsection (1)—

35 (a) shall, if the permission is in respect of land to which the provisions of subsection (3) apply and the person who obtains the permission is not the holder of the right to source material in respect of the land, provide for the payment to such holder in respect of source material produced on private land, otherwise than in terms of an authority or agreement referred to in subsection (12), of—

45 (i) a royalty of 5,5125c per kilogram of uranium oxide (U_3O_8) contained in the source material produced by a person who on 1 November 1967 was engaged in producing source material on the land to which the permission relates, and who is at the commencement of this Act still so engaged; or

50 (ii) in any other case, such royalty or other consideration as may be mutually agreed upon between the said holder and the holder of the permission or, in the absence of agreement between the said holders, as the Minister may determine on the recommendation of the Mining Leases Board established by section 5 of the Mining Rights Act, 1967;

55 (b) may provide for the payment to the State, in addition to any rent, licence moneys, claim fees, mining area fees, share of profits, royalty or other consideration payable under the Mining Rights Act, 1967, of such levy in respect of the production or disposal of source material by the holder of the permission as the Minister may so determine but not exceeding 5,5125c per kilogram of uranium oxide (U_3O_8) contained in such material produced by the holder of the permission.

60 (5) Any payments required to be made under subsection (4) 65 (a), shall be made annually before the thirty-first day of March

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

sigte van die jaar wat op die voorafgaande een-en-dertigste dag van Desember geëindig het, en gelde kragtens subartikel (4) (b) betaalbaar, moet aan die korporasie betaal word en die korporasie moet sodanige gelde in die Staatsinkomstefonds stort.

(6) Die reg om bronmateriaal te herwin uit uitskot, slyk of ander residu's op ongeproklameerde grond ten opsigte waarvan geen permit kragtens artikel 161 van die Wet op Mynregte, 1967, gehou word nie, berus by die Minister, wat toestemming kan verleen aan enigiemand om sodanige materiaal uit die betrokke residu's te herwin op die voorwaardes wat die Minister goedvind, met inbegrip van voorwaardes wat voorsiening maak vir die betaling van 'n tantième of ander vergoeding aan enigiemand wat na die Minister se oordeel daarop geregtig is op grond daarvan dat sodanige laasgenoemde persoon—

- (a) die residu's laat ontstaan het;
- (b) die houer is van die reg op bronmateriaal ten opsigte van die grond waaruit die residu's voortkom; of
- (c) 'n ander belang in die residu's het.

(7) Iemand wat kragtens subartikel (6) toestemming verkry het om bronmateriaal uit in daardie subartikel bedoelde residu's te herwin, moet 'n permit verkry van die betrokke mynkommissaris, ooreenkomstig die bepalings van artikel 161 van die Wet op Mynregte, 1967, asof die residu's op geproklameerde grond voorkom.

(8) Die bepalings van artikel 161 (2) en (9) van die Wet op Mynregte, 1967, is *mutatis mutandis* van toepassing in verband met die uitreiking en hernuwing van 'n permit in subartikel (7) van hierdie artikel bedoel, en die bepalings van artikel 18 van daardie Wet is aldus van toepassing in verband met die gebruik van die oppervlakte van enige grond waarop die betrokke residu's voorkom en van water op of onder daardie grond vir doeleindes wat met die herwinning van bronmateriaal uit sodanige residu's in verband staan.

(9) Besonderhede van elke toestemming deur die Minister kragtens hierdie artikel verleen, moet skriftelik deur die Direkteur-generaal: Minerale- en Energiesake aan die korporasie verstrekk word.

(10) 'n Toestemming kragtens subartikel (1) verleen, kan deur die Minister ingetrek word—

- (a) indien hy oortuig is dat die veiligheid van die Staat deur die voortbestaan daarvan in gevaar gestel sou kan word; of
- (b) indien betaling in subartikel (4) bedoel, nie, wanneer verskuldig, deur die persoon aan wie die toestemming verleen is, gedoen is nie.

(11) 'n Toestemming kragtens subartikel (6) verleen, kan deur die Minister ingetrek word—

- (a) indien hy volgens voorskrif van subartikel (10) (a) oortuig is; of
- (b) indien die persoon aan wie die toestemming verleen is, nie voldoen aan 'n voorwaarde waarop die toestemming verleen is nie.

(12) Die regte van enigiemand om na voorgeskrewe materiaal te prospekter of dit te ontgin kragtens 'n magtiging of ooreenkoms bedoel in subartikel (12) van artikel 5 van die Wet op Atoomkrag, 1967 (Wet No. 90 van 1967), en wat bestaan by die inwerkingtreding van hierdie Wet, en sy verpligtings, bly, tensy die Minister en sodanige persoon anders ooreenkom, voortbestaan, en alle betalings in daardie subartikel vermeld, word deur die korporasie ten behoeve van die Minister voortgesit, asof daardie subartikel nie herroep was nie en die korporasie die daarin bedoelde raad was.

(13) Die Minister kan op die voorwaardes wat hy bepaal die bevoegdhede aan hom verleen in hierdie artikel wat hy nodig ag, aan 'n beampste van die Departement van Minerale- en Energiesake delegeer, maar hy word nie van enige aldus gedelegeerde bevoegdheid onthef nie en hy kan enige besluit van bedoelde amptenaar wysig of intrek.

(14) In hierdie artikel het enige uitdrukking waaraan in die Wet op Mynregte, 1967, 'n betekenis gegee is die betekenis wat aldus daaraan gegee is.

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

in respect of the year which ended on the thirty-first day of December preceding, and any moneys payable under subsection (4) (b), shall be paid to the corporation, which shall pay such moneys into the State Income Fund.

5 (6) The right to recover source material from any tailings, slimes or other residues on unproclaimed land in respect of which a permit under section 161 of the Mining Rights Act, 1967, is not held, shall vest in the Minister, who may grant permission to any person to recover such material from the residues
10 in question, subject to such conditions as the Minister may deem fit, including conditions providing for the payment of a royalty or any other consideration to any person who, in the Minister's opinion, is entitled thereto by virtue of such last-mentioned person—

- 15 (a) having created the residues;
(b) being the holder of the right to source material in respect of the land from which the residues were produced; or
(c) having some other interest in the residues.

20 (7) Any person who has obtained permission under subsection (6) to recover source material from residues referred to in that subsection, shall obtain from the relevant mining commissioner a permit, in accordance with the provisions of section 161 of the Mining Rights Act, 1967, as if the residues were situated on pro-
25 claimed land.

(8) The provisions of section 161 (2) and (9) of the Mining Rights Act, 1967, shall *mutatis mutandis* apply in connection with the issue and renewal of any permit referred to in subsection (7) of this section, and the provisions of section 18 of that
30 Act shall so apply in connection with the use of the surface of any land on which the residues in question are situated and of water on or under that land for purposes incidental to the recovery of source material from such residues.

(9) Particulars of every permission granted by the Minister
35 under this section shall be furnished in writing to the corporation by the Director-General: Mineral and Energy Affairs.

(10) Permission granted under subsection (1) may be withdrawn by the Minister—

- 40 (a) if he is satisfied that the security of the State may be endangered by its continuance; or
(b) if any payments referred to in subsection (4) have not been made as and when due by the holder of the permission.

(11) Any permission under subsection (6) may be withdrawn
45 by the Minister—

- (a) if he is satisfied as provided for in subsection (10) (a);
or
(b) if the holder of the permission does not comply with any condition attaching to the permission.

50 (12) The rights of any person to prospect or mine for prescribed material under any authority or agreement referred to in subsection (12) of section 5 of the Atomic Energy Act, 1967 (Act No. 90 of 1967), and which exists at the commencement of this Act, and his obligations, shall, unless otherwise agreed by the
55 Minister and such person, remain in force, and all payments mentioned in that subsection, shall continue to be made by the corporation on behalf of the Minister, as if that subsection had not been repealed and as if the corporation were the board referred to therein.

60 (13) The Minister may on the conditions that he determines, delegate the functions he deems necessary granted to him by this section to an official of the Department of Mineral and Energy Affairs, but he shall not be divested of any power so delegated by him and may amend or withdraw a decision made in the exercise of such delegated power.
65

(14) In this section any expression to which a meaning has been assigned in the Mining Rights Act, 1967, has the meaning so assigned thereto.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

Verkryging deur
Staat van
bronnemateriaal en
spesiale
kernmateriaal.

48. (1) Die Minister kan te eniger tyd wanneer die landsbelang dit na sy mening vereis, enige bronnemateriaal wat ontgin of verwerk is, en enige spesiale kernmateriaal, verkry of laat verkry by wyse van koop, huur of onteiening.

(2) Die eiendomsreg op en beheer oor alle bronnemateriaal en spesiale kernmateriaal kragtens subartikel (1) verkry, berus by die korporasie ten behoeve van die Staat.

(3) Die Minister moet ten opsigte van 'n onteiening van bronnemateriaal of spesiale kernmateriaal kragtens subartikel (1), aan die eienaar daarvan die vergoeding betaal waarop die Minister, met die instemming van die Minister van Finansies, en die eienaar ooreenkom, of wat, by onstentenis van sodanige ooreenkoms, by wyse van arbitrasie bepaal word.

(4) Die bepalinge van artikel 7, 8 en 9 van die Onteieningswet, 1975 (Wet No. 63 van 1975), geld *mutatis mutandis* ten opsigte van elke onteiening kragtens subartikel (1).

Besit van,
beskikking oor en
verryking,
herverwerking en
uitvoer van
bronnemateriaal,
beperkte materiaal
en spesiale
kernmateriaal.

49. (1) Behalwe met die skriftelike magtiging van die Minister, mag niemand—

(a) in besit wees van enige bronnemateriaal nie tensy hy in besit daarvan gekom het as gevolg van prospekteer-, herwinnings of ontginbedrywighede wettiglik deur hom verrig of tensy hy in besit is van sodanige materiaal ten behoeve van iemand wat—

(i) aldus in besit van sodanige materiaal gekom het; of

(ii) sodanige materiaal wettiglik verkry het;

(b) oor enige bronnemateriaal beskik nie;

(c) enige bronnemateriaal of spesiale kernmateriaal verryk of herverwerk nie;

(d) enige bronnemateriaal invoer in of uitvoer uit die Republiek nie; of

(e) enige beperkte materiaal of spesiale kernmateriaal verkry, invoer, uitvoer of in besit daarvan wees of daaroor beskik nie.

(2) 'n Magtiging kragtens subartikel (1) kan verleen word op die voorwaardes wat die Minister na goeddunke opleë.

(3) Die Minister kan, op voorwaardes wat hy bepaal, die bevoegdheid aan hom verleen in subartikels (1) en (2) wat hy nodig ag, aan die korporasie of, na oorlegpleging met die korporasie, aan die hoof- uitvoerende beampte van die korporasie of aan 'n ander beampte van die korporasie deur dié beampte aangewys, deleger, maar hy word nie van enige aldus gedelegeerde bevoegdheid onthef nie en hy kan enige besluit van die hoof- uitvoerende beampte van die korporasie, of van bedoelde ander beampte, wysig of intrek.

(4) 'n Magtiging deur die Minister kragtens subartikel (1) verleen, en voorwaardes deur hom kragtens subartikel (2) in verband daarmee opgelê, word deur hom verleen of opgelê slegs na oorlegpleging met die korporasie.

(5) (a) Behalwe met die skriftelike magtiging van die korporasie, mag niemand anders as die korporasie of 'n filiaalmaatskappy uraanheksafluoried (UF₆) vervaardig of andersins voortbring nie.

(b) 'n Magtiging kragtens paragraaf (a) kan verleen word op die voorwaardes wat die korporasie na goeddunke opleë.

Voortbrenging en
verkryging van,
beskikking oor en
invoer van
radioaktiewe
nukliede.

50. (1) Niemand, behalwe die korporasie of 'n filiaalmaatskappy, mag enige radioaktiewe nuklied voortbring of andersins verkry, of daaroor beskik of dit invoer in of uitvoer uit die Republiek, of in besit wees daarvan, of dit gebruik, of vervoer of laat vervoer nie, behalwe kragtens 'n skriftelike magtiging kragtens subartikel (2) verleen en ooreenkomstig die voorwaardes in die magtiging uiteengesit.

(2) Die bevoegdheid om 'n in subartikel (1) bedoelde skriftelike magtiging te verleen en voorwaardes in verband daarmee te bepaal, berus by die korporasie tot tyd en wyl die Staatspresident daardie bevoegdheid by proklamasie in die *Staatskoerant*

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

48. (1) The Minister may, at any time when in his opinion the national interest so requires, acquire or cause to be acquired by purchase, lease or expropriation, any source material which has been mined or processed, and any special nuclear material.
- 5 (2) The ownership in and control of all source material and special nuclear material acquired under subsection (1), shall vest in the corporation on behalf of the State.
- (3) The Minister shall, in respect of any expropriation of source material or special nuclear material under subsection (1), pay to the owner thereof such compensation as may be agreed upon by the Minister, with the concurrence of the Minister of Finance, and the owner, or, failing agreement, as may be determined by arbitration.
- 10 (4) The provisions of sections 7, 8 and 9 of the Expropriation Act, 1975 (Act No. 63 of 1975), shall *mutatis mutandis* apply in respect of each expropriation under subsection (1).
- 15
49. (1) Except with the written authority of the Minister, no person shall—
- 20 (a) be in possession of any source material unless he has come into possession thereof as a result of prospecting, reclamation or mining operations lawfully carried out by him, or unless he is in possession of such material on behalf of a person who—
- 25 (i) has so come into possession of such material; or
- (ii) has lawfully acquired such material;
- (b) dispose of or use any source material;
- (c) enrich or re-process any source material or special nuclear material;
- (d) import any source material into or export it from the Republic; or
- 30 (e) acquire, import or be in possession of or dispose of any restricted or special nuclear material.
- (2) Any authority under subsection (1) may be given subject to such conditions as the Minister may, in his discretion, impose.
- 35 (3) The Minister may, subject to such conditions as he may determine, delegate such of the powers conferred upon him in subsections (1) and (2) as he may deem necessary, to the corporation, or, after consultation with the corporation, to the chief executive officer of the corporation, or any other officer of the corporation designated by that officer, but he shall not be divested of any powers so delegated and he may amend or rescind any decision of the corporation, the chief executive officer of the corporation, or the said other officer.
- 40 (4) Any authority granted by the Minister under subsection (1), and any conditions imposed by him under subsection (2) in connection therewith, shall be granted or imposed by him only after consultation with the corporation.
- 45 (5) (a) Except with the written authority of the corporation, no person other than the corporation or a subsidiary company shall manufacture or otherwise produce uranium hexafluoride (UF₆).
- 50 (b) Any authority under paragraph (a) may be granted subject to such conditions as the corporation may in its discretion impose.
- 55 50. (1) No person other than the corporation or a subsidiary company shall, except under written authority granted under subsection (2) and in accordance with the conditions stated in the authority, produce or otherwise acquire, or dispose of, or import into or export from the Republic or be in possession of
- 60 or use or convey or cause to be conveyed, any radio-active nuclide.
- (2) The power to grant a written authority referred to in subsection (1) and to determine conditions in connection therewith, shall vest in the corporation until such time as the State Presi-

Acquisition by State of source material and special nuclear material.

Possession, disposal, enrichment, reprocessing and export of source material, restricted material and special nuclear material.

Production, acquisition, disposal and importation of radio-active nuclides.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

opdra aan 'n Staatsminister of 'n ander gesag in die proklamasie genoem.

(3) 'n Magtiging wat deur die korporasie kragtens die bevoegdheid wat ingevolge subartikel (2) by hom berus, verleen is voor die datum waarop die opdrag van daardie bevoegdheid 5 kragtens daardie subartikel aan 'n Staatsminister of ander gesag ingevolge die betrokke proklamasie van krag word, word geag deur die betrokke Staatsminister of ander gesag verleen te wees, en 'n verwysing in so 'n magtiging na die korporasie word, behalwe vir sover dit klaarblyklik onvanpas is of die betrokke 10 Staatsminister of ander gesag na oorlegpleging met die korporasie anders bepaal, uitgelê as 'n verwysing na daardie Staatsminister of ander gesag.

(4) 'n Staatsminister aan wie die in subartikel (2) bedoelde bevoegdheid kragtens daardie subartikel opgedra word, kan daar- 15 die bevoegdheid aan 'n beampte in sy departement deleger.

Beheer oor
radioaktiewe afval.

51. Die gesag om die wegruim van radioaktiewe afval te beheer en te reël, berus by die korporasie.

Bevoegdhede van
korporasie om
inligting te bekom,
en ten opsigte van
betreding en
inspeksie.

52. (1) Die korporasie kan enigiemand by skriftelike kennisgewing aan hom bestel, aansê om opgawes wat die besonderhede 20 bevat en vergesel gaan van die planne, tekeninge en ander stukke in die kennisgewing vermeld, te verstrek op die tye ingelyks vermeld, van—

- (a) enige bronmateriaal of beperkte materiaal, radioaktiewe nukliede of spesiale kernmateriaal wat in sy besit 25 of onder sy beheer is;
- (b) enige minerale aldus vermeld wat in sy besit of onder sy beheer is, of in enige grond voorkom waarvan hy die eienaar of okkupeerder is, of ten opsigte waarvan hy die houer van mineraalregte is, indien enige bronmateriaal of beperkte materiaal na die oordeel van die korporasie uit sodanige minerale verkry kan word;
- (c) enige aanleg in sy besit of onder sy beheer wat ontwerp of aangepas is vir die voortbrenging of gebruik van bronmateriaal, beperkte materiaal, spesiale kernmateriaal, radioaktiewe nukliede of kern- of atoomenergie, 30 of vir navorsing rakende aangeleenthede wat daarmee in verband staan;
- (d) enige ander inligting in sy besit met betrekking tot—
 - (i) die prys deur hom ten opsigte van die verkoop van 40 bronmateriaal, beperkte materiaal of spesiale kernmateriaal verkry; of
 - (ii) enige werk uitgevoer deur hom of ten behoeve van hom of volgens sy lasgewing in verband met die voortbrenging of gebruik van bronmateriaal, beperkte materiaal, spesiale kernmateriaal, radioaktiewe nukliede of kern- of atoomenergie, of in verband met navorsing 45 oor aangeleenthede daaraan verbonde.

(2) Iemand deur die korporasie daartoe gemagtig, kan, by voorlegging, indien dit van hom vereis word, van 'n behoorlik 50 gewaarmerkte dokument wat sy magtiging aandui, enige plek binnegaan of grond betree waar hy redelike gronde het om te vermoed dat enige materiaal, stof, werk of aanleg in subartikel (1) bedoel, voorkom, of uitgevoer word of geleë is, en kan sodanige plek en grond en enige voorwerpe wat daarin of daarop ge- 55 vind word, ondersoek.

(3) (a) Die persoon wat die ondersoek uitvoer, kan afskrifte maak van of uittreksels maak uit enige tekening, plan of ander dokument wat op die plek of grond gevind word, en monsters neem deur prospektering, met inbegrip van boorwerk, of op enige ander wyse, van enige 60 mineraal, materiaal of stof wat in, op, of onder die oppervlakte van, die betrokke plek of grond gevind word en kan, met die doel om afskrifte of uittreksels te maak, of toetse of ondersoeke uit te voer, so 'n tekening, plan of dokument wegneem en vir 'n tydperk van 65 hoogstens sestig dae in sy besit hou, en kan ook die voorlegging van die dokumente wat hy nodig ag, eis.

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

dent assigns that power by proclamation in the *Gazette* to any Minister of State or any other authority specified in the proclamation.

(3) Any authority granted by the corporation, under the power vested in it in terms of subsection (2), before the date on which the assignment of that power under that subsection to a Minister of State or other authority in terms of the relevant proclamation, comes into operation, shall be deemed to have been granted by the Minister of State or other authority concerned, and any reference in any such authority to the corporation shall, except in so far as it is clearly inappropriate or the relevant Minister of State or authority after consultation with the corporation otherwise determines, be construed as a reference to such other Minister of State or authority.

(4) A Minister of State to whom the power referred to in subsection (2) has been assigned, may delegate that power to any officer in his department.

51. The authority to control and regulate the discarding of radio-active waste vests in the corporation. Control over radio-active waste.

52. (1) The corporation may by notice in writing served upon any person require him to make such returns at such times and containing such particulars, and accompanied by such plans, drawings and other documents as may be specified in the notice, of— Powers of corporation to obtain information, and in respect of entry and inspection.

(a) any source material or restricted material, radio-active nuclide or special nuclear material in his possession or under his control;

(b) any minerals so specified, in his possession or under his control or present in any land owned or occupied by him, or in relation to which he has mineral rights, being minerals from which, in the opinion of the corporation, any source material or restricted material may be obtained;

(c) any plant in his possession or under his control, designed or adapted for the production or use of source material, special nuclear material, restricted material or radio-active nuclides, or of nuclear or atomic energy, or for research on matters connected therewith;

(d) any other information in his possession relating to—
(i) the price obtained by him in respect of the sale of source material, restricted material or special nuclear material; or

(ii) any work carried out by him or on his behalf or under his direction in connection with the production or use of source material, restricted material or special nuclear material or radio-active nuclides, or of nuclear or atomic energy, or in connection with research into matters connected therewith.

(2) Any person authorized by the corporation may, on producing, if so required, a duly authenticated document showing his authority, enter any place or go upon any land where he has reasonable grounds for believing that any material, substance, work or plant such as is referred to in subsection (1), occurs or is being carried out or is situated, and may inspect such place or land and any articles which are found therein or thereon.

(3) (a) The person carrying out the inspection may make copies of, or extracts from, any drawing, plan or other document found on the place or land, and take samples by way of prospecting, inclusive of drilling, or in any other manner, of any material, mineral or substance found in, on, or under the surface of, the place or land and, for the purpose of making copies or extracts or carrying out tests or examinations, may remove any such drawing, plan or document, and retain possession thereof for a period not exceeding sixty days, and may also require the production of such documentation as he may deem necessary.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

- (b) Die korporasie is nie verplig om monsters kragtens paragraaf (a) geneem aan die eienaar van die betrokke grond of plek terug te stuur of die eienaar daarvoor te vergoed nie.

Rapportering van inligting oor aanwesigheid van bronmateriaal.

53. (1) Iemand wat op grond van inligting ingewin in die loop van prospektering of mynbouwerkzaamhede, of van die uitvoering van wetenskaplike navorsing of 'n chemiese of metallurgiese proses, of andersins, rede het om te vermoed dat bronmateriaal op enige plek voorkom, moet binne 'n tydperk van dertig dae nadat sodanige rede aan hom geblyk het, 'n skriftelike verslag oor die aangeleentheid, met volledige besonderhede van die gronde waarop sy mening berus, en volle besonderhede van die betrokke lokaliteit en voorkoms, aan die Direkteur-generaal: Mineraal- en Energiesake en die korporasie voorleë.

(2) Ondanks andersluidende bepalings van die een of ander wet, het die korporasie toegang tot en die gebruik van alle inligting oor goud- en ander mineraalwaardes wat ingevolge 'n bepaling van enige wet aan die Departement van Mineraal- en Energiesake beskikbaar gestel moet word: Met dien verstande dat geen inligting kragtens hierdie subartikel verkry, sonder die skriftelike toestemming van die persoon van wie sodanige inligting afkomstig is aan enigeen buite die diens van die korporasie verstrekkend mag word nie: Met dien verstande voorts dat die korporasie genoemde inligting slegs mag gebruik vir lewensvatbaarheids- en ander studies met betrekking tot reserwes van bronmateriaal in die Republiek, of aangeleenthede wat daarmee in verband staan.

Voorsiening van materiaal vir navorsings- en opleidingsdoeleindes.

54. Die korporasie kan, sover doenlik, met inagneming van die openbare belang en veiligheid en van die hoeveelhede bronmateriaal, spesiale kernmateriaal en radioaktiewe nukliede wat hy beskikbaar het en op die voorwaardes wat die korporasie bepaal, die hoeveelhede en soorte materiaal en radioaktiewe nukliede wat die korporasie goedgevind, beskikbaar stel vir navorsing en ondersoekwerk en vir die opleiding van persone om hulle vir navorsing en ondersoekwerk te bekwaam.

HOOFSTUK V

PATENTE VIR UITVINDINGS MET BETREKKING TOT KERN- OF ATOOMENERGIE

Prosedure vir aansoeke om patente vir uitvindings met betrekking tot kern- of atoomenergie.

55. (1) Ondanks andersluidende bepalings van die Wet op Patente of 'n ander wet—

- (a) moet iemand wat by die registrateur van patente aansoek doen om 'n patent ten opsigte van 'n uitvinding met betrekking tot kern- of atoomenergie, of spesiale kernmateriaal of beperkte materiaal, of die verwerking of herverwerking van bronmateriaal, spesiale kernmateriaal of beperkte materiaal, of die kernbrandstofsiklus (uitgesonderd 'n patent ten opsigte van die prospektering na en die ontginning van bronmateriaal), die korporasie en die registrateur onverwyld skriftelik in kennis stel dat hy bedoelde aansoek ingedien het en tegelykertyd 'n eksemplaar van die spesifikasie vir daardie uitvinding en enige ander inligting wat die korporasie oor die uitvinding verlang, by die korporasie indien;
- (b) moet die registrateur, na kennisgewing deur die persoon wat 'n in paragraaf (a) bedoelde aansoek ingedien het, aan die korporasie skriftelik kennis gee van elke sodanige aansoek wat by die patentkantoor ingedien is;
- (c) kan enigiemand wat behoorlik en skriftelik deur die hoof- uitvoerende beampte van die korporasie daartoe gemagtig is te eniger tyd enige aansoek om 'n patent wat by die registrateur ingedien is en enige stuk wat op die aansoek betrekking het en dit vergesel, insien;

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (b) The corporation shall not be required to return samples taken under paragraph (a) to the owner of the land or place in question, or compensate the owner therefor.

53. (1) Any person who, by virtue of information obtained in the course of prospecting or mining operations, or of carrying out any scientific investigation or chemical or metallurgical operation, or otherwise, has reason to believe that any source material occurs at any place, shall within a period of thirty days after such reason became apparent to him, submit to the Director-General: Mineral and Energy Affairs and the corporation, a written report in regard to the matter, containing full particulars of the grounds on which his belief is based and full particulars of the locality and occurrence concerned.

Reporting of information relating to existence of source material.

(2) Notwithstanding anything to the contrary contained in any other law, the corporation shall have access to and the use of all information on gold and other mineral values which must be made available to the Department of Mineral and Energy Affairs under the provision of any law: Provided that no information obtained under this subsection may without the written permission of the person from whom the above-mentioned information comes, be divulged to anyone outside the service of the corporation: Provided further that the corporation may use the above-mentioned information only for feasibility and other studies with respect to reserves of source material or matters incidental thereto in the Republic.

54. The corporation may, as far as is practicable, having regard to the public interest and safety, and to the quantities of source material, special nuclear material and radio-active nuclides available to it, make available, upon such terms as the corporation may determine, for research and investigation and for the training of persons to qualify them to engage in research and investigation, such quantities and kinds of materials and nuclides as the corporation may deem fit.

Provision of materials for research and training purposes.

CHAPTER V

35 PATENTS FOR INVENTIONS IN RESPECT OF NUCLEAR OR ATOMIC ENERGY

55. (1) Notwithstanding anything to the contrary contained in the Patents Act or any other law—

- (a) any person who lodges with the registrar of patents an application for a patent in respect of an invention relating to nuclear or atomic energy, or to special nuclear material or restricted material, or to the processing or re-processing of source material, special nuclear material or restricted material, or to the nuclear fuel cycle (except an invention relating to the prospecting for or the mining of source material), shall forthwith in writing advise the corporation and the registrar of the lodging by him of such application, and shall at the same time lodge with the corporation a copy of the specification relating to such invention, and any other information in regard to that invention which the corporation may require;
- (b) the registrar shall, after notice by any person who has lodged an application referred to in paragraph (a), notify the corporation in writing of every such application lodged in the patents office;
- (c) any person duly authorized thereto in writing by the chief executive officer of the corporation may at any time inspect any application for a patent lodged with the registrar and any document relevant to and accompanying any such application;

Procedure in connection with applications for patents for inventions relating to nuclear or atomic energy.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

(d) moet die registrateur—

- (i) die aanname van 'n aansoek om 'n patent ten opsigte van so 'n uitvinding uitstel vir 'n tydperk van drie maande vanaf die datum waarop daardie aansoek by die patentkantoor ingedien word, en vir die verdere tydperk daarna wat die korporasie skriftelik gelas; 5
- (ii) op skriftelike versoek van die korporasie en totdat die korporasie anders gelas, aanname of seëling van so 'n uitvinding weerhou, en die spesifikasie daarvan en die wyse waarop dit toegepas moet word geheim hou, en die aansoeker dienooreenkomstig in kennis stel; en 10
- (iii) op skriftelike versoek van die korporasie en totdat die korporasie anders gelas, so 'n uitvinding wat van 'n land of gebied buite die Republiek ontvang is, en die wyse waarop dit toegepas moet word, geheim hou, hetsy 'n patent ten opsigte van bedoelde uitvinding verleen word al dan nie, en, in verband met die verlening van 'n patent ten opsigte van so 'n uitvinding, die bepalings van die Wet op Patente wat die korporasie spesifiseer, buite rekening laat. 15 20

(2) Die mededeling van 'n uitvinding aan die korporasie, of aan 'n beampte of werknemer van die korporasie of van 'n filiaalmaatskappy, of aan 'n persoon wat ingevolge magtiging uit hoofde van subartikel (1) (c) optree, en enigiets deur iemand in verband met 'n uitvinding gedoen wat hy vir die doeleindes van 'n ondersoek ingevolge sodanige magtiging onderneem, word nie geag openbaarmaking of gebruik van die uitvinding te wees wat die verlening of geldigheid van 'n patent vir die uitvinding benadeel nie, en die verlening of geldigheid van 'n patent waarom aansoek gedoen is of word, word ook nie benadeel weens die feit dat die uitvinding deur of op gesag van die korporasie of deur 'n filiaalmaatskappy gebruik of aan enigiemand bekend gemaak is of in 'n gedrukte publikasie in die Republiek of in 'n ander land beskryf is nie. 25 30 35

(3) Ondanks enige bepaling van hierdie artikel of die Wet op Patente—

- (a) kan die korporasie, waar daar om 'n patent ten opsigte van 'n uitvinding in hierdie artikel bedoel, aansoek gedoen is, en die korporasie aan die hand van inligting tot sy beskikking oortuig is dat die uitvinding in die Republiek bekend was of hetsy in die geheim of andersins aangewend is deur die korporasie of deur iemand anders as die aansoeker of sy agente of die persoon of persone van wie die aansoeker sy reg of aanspraak verkry het, die registrateur gelas om die verlening van die patent te weier, en moet die registrateur daarop weier om die patent te verleen en die aansoeker dienooreenkomstig in kennis stel; 40 45 50
- (b) kan, indien 'n patent ten opsigte van die betrokke uitvinding verleen is, enige inligting op grond waarvan die korporasie ingevolge paragraaf (a) gemagtig word om die registrateur te gelas om so 'n aansoek te weier, deur die korporasie of iemand teen wie 'n geding weens inbreuk op so 'n patent ingestel word, aangevoer word as getuienis dat die uitvinding op die geldingsdatum van die aansoek nie nuut was nie. 55

(4) Daar is geen appèl teen 'n weiering van 'n aansoek deur die registrateur ingevolge 'n lasgewing van die korporasie kragtens subartikel (3) nie. 60

(5) Die verlening van 'n patent in stryd met die bepalings van subartikel (1) (a) is nietig.

Patente met betrekking tot verryking van bronnemateriaal of spesiale kernmateriaal.

56. (1) Ondanks andersluidende bepalings van die een of ander wet, word 'n patent wat betrekking het op, of aangewend kan word in verband met, die verryking van bronnemateriaal of van spesiale kernmateriaal nie aan iemand anders as die korporasie verleen nie behalwe met die skriftelike magtiging van die korporasie kragtens subartikel (3). 65

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

(d) the registrar shall—

- 5 (i) defer acceptance of any application for a patent in respect of any such invention for a period of three months from the date upon which such application is lodged in the patents office, and for such further period thereafter as the corporation may in writing direct;
- 10 (ii) at the written request of the corporation, and until the corporation otherwise directs, withhold acceptance or sealing of any such invention, and keep secret the specification thereof and the manner in which it is to be applied, and notify the applicant accordingly; and
- 15 (iii) at the written request of the corporation, and until the corporation otherwise directs, keep secret any such invention received from a country outside the Republic, and the manner in which it is to be applied, whether or not a patent is granted in respect of that invention, and in connection with the grant of a patent in respect of such invention, dispense with such requirements of the Patents Act as the corporation may specify.
- 20

(2) The communication of an invention to the corporation, or to any employee or officer of the corporation, or of a subsidiary company, or to any person acting in pursuance of authority vested in him by virtue of subsection (1) (c), shall not, nor shall anything done by any person in connection with any invention for the purpose of any investigation undertaken by him in pursuance of such authority, be deemed to be publication or use of the invention so as to prejudice the grant or validity of any patent for the invention, nor shall the fact that the invention has by or under authority of the corporation or of a subsidiary company been used or made known to any person or described in any printed publication in the Republic or in any other country, prejudice the grant or the validity of any patent for which application has been or may be made.

(3) Notwithstanding anything contained in this section or the Patents Act—

- 40 (a) the corporation may, where an application has been made for a patent in respect of any invention referred to in this section, if it is satisfied in the light of any information available to it that the invention was known, or used, whether secretly or otherwise, in the Republic by the corporation or any person other than the applicant or his agents or the person or persons from whom the applicant derived his right or title, direct the registrar to refuse to grant the patent, and the registrar shall thereupon refuse to grant the patent and shall notify the applicant accordingly;
- 45
- 50 (b) any information by virtue of which the corporation is in terms of paragraph (a) empowered to direct the registrar to refuse the grant of any such application may, if a patent has been granted in respect of the invention in question, be adduced by the corporation or any person against whom an action for infringement of such patent may be brought, as evidence that the invention was not new at the effective date of such application.
- 55

(4) There shall be no appeal from a refusal of an application by the registrar in pursuance of a direction by the corporation under subsection (3).

(5) The grant of a patent contrary to the provisions of subsection (1) (a) shall be of no force or effect.

56. (1) Notwithstanding anything to the contrary contained in any law, no person other than the corporation shall, except with the written authority of the corporation under subsection (3), be granted any patent which relates to, or can be applied in connection with, the enrichment of source material or special nuclear material.

Patents relating to enrichment of source material or special nuclear material.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

(2) Wanneer iemand anders as die korporasie by die registrateur om 'n patent ten opsigte van 'n uitvinding met betrekking tot die verrykking van bronmateriaal of van spesiale kernmateriaal aansoek doen, moet sodanige persoon die registrateur en die korporasie skriftelik in kennis stel by die indiening van die aansoek dat dit 'n aansoek om so 'n patent is, waarna die registrateur die korporasie in kennis moet stel dat sodanige aansoek ingedien is. 5

(3) Indien die korporasie van oordeel is dat die aansoek in subartikel (2) bedoel 'n aansoek is om 'n patent wat betrekking het op, of aangewend kan word in verband met, die verrykking van bronmateriaal of van spesiale kernmateriaal, kan die korporasie— 10

- (a) die registrateur gelas om die aansoek te weier; of
- (b) skriftelike magtiging vir die verlening van die patent, behoudens die bepalings van die Wet op Patente, verleen; of
- (c) sodanige skriftelike magtiging, onderworpe aan die voorwaarde dat die spesifikasie 'n ontkenning in die magtiging aangegee, moet bevat, aan die registrateur 20 verleen.

(4) Enige beslissing van die korporasie ingevolge subartikel (3) is afdoende.

(5) Die verlening van 'n patent in stryd met die bepalings van subartikel (1) of van 'n voorwaarde van 'n magtiging kragtens subartikel (3) (c) verleen, is nietig. 25

Verkryging van
sekere regte op
patente deur
korporasie.

57. (1) Die korporasie kan by skriftelike kennisgewing onderteken deur iemand wat die korporasie daartoe gemagtig het, en bestel aan die houer van of aansoeker om 'n patent wat na die oordeel van die korporasie betrekking het op of aangewend kan word in verband met kern- of atoomenergie, of spesiale kernmateriaal, of beperkte materiaal, of die verwerking of herverwerking van bronmateriaal, spesiale kernmateriaal of beperkte materiaal, of die kernbrandstofsiklus (uitgesonderd 'n patent wat betrekking het op of aangewend kan word in verband met die prospektering na of ontginning van bronmateriaal), daardie patenthouer of aansoeker in kennis stel dat die korporasie begirig is om die regte op die patent of die regte van die aansoeker om 'n patent te verkry, na gelang van die geval, oor te neem, en die bestel van so 'n kennisgewing het die uitwerking dat dit die persoon aan wie dit bestel is van sodanige regte onthef en daardie regte in die korporasie vestig. 30

(2) Indien enige regte ten opsigte waarvan 'n kennisgewing kragtens subartikel (1) bestel is, gesedeer is, of indien 'n lisensie toegestaan is kragtens 'n patent ten opsigte waarvan so 'n kennisgewing bestel is, moet die korporasie gelyktydig met die bestel van daardie kennisgewing of so gou moontlik daarna, 'n afskrif van die kennisgewing aan die sessionaris of lisensiehouer laat bestel, en kan die korporasie daardie sessionaris of lisensiehouer terselfdertyd in kennis laat stel dat die korporasie die sessie of lisensie wil kanselleer, en in so 'n geval word die sessie of lisensie geag gekanselleer te gewees het, maar in enige ander geval bly die sessie of lisensie ten volle van krag en geldig, behalwe dat dit vir alle doeleindes geag word deur die korporasie toegestaan te gewees het. 35

(3) 'n Afskrif van enige kennisgewing wat kragtens subartikel (1) bestel is, en van enige mededeling wat kragtens subartikel (2) aan 'n sessionaris van regte op 'n patent of aan 'n lisensiehouer kragtens 'n patent gerig is, moet onverwyld deur die korporasie aan die registrateur gestuur word. 40

(4) Wanneer die korporasie kragtens subartikel (1) 'n kennisgewing soos deur daardie subartikel beoog, bestel het aan—

- (a) 'n patenthouer, moet die registrateur, by ontvangs van 'n afskrif van daardie kennisgewing, die aantekeninge in sy registers maak wat nodig is om die oordrag van die regte op die patent aan die korporasie ten behoeve van die Staat te boekstaaf, en indien die korporasie kragtens subartikel (2) aan 'n sessionaris of 'n lisensiehouer kragtens 'n patent kennis gegee het dat die korporasie die sessie of lisensie wil kanselleer, moet die 65

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

(2) If any person, other than the corporation, lodges with the registrar an application for a patent in respect of an invention relating to the enrichment of source material or special nuclear material, he shall advise the corporation and the registrar in writing at the time of lodging the application to the effect that such an application has been lodged by him, whereupon the registrar shall advise the corporation that such an application has been lodged.

(3) If the corporation is of the opinion that the application referred to in subsection (2) is one for a patent which relates to, or can be applied in connection with, the enrichment of source material or special nuclear material, the corporation may—

- (a) instruct the registrar to refuse the application; or
- (b) grant written authority for the granting of the patent, subject to the provisions of the Patents Act; or
- (c) grant written authority to the registrar, subject to the condition that the specification should contain a disclaimer mentioned in the authority.

(4) Any decision of the corporation under subsection (3) shall be final.

(5) The grant of any patent contrary to the provisions of subsection (1), or of a condition of an authority granted under subsection (3) (c), shall be of no force or effect.

57. (1) The corporation may by notice in writing signed by a person authorized thereto by it, and served upon the holder of or any applicant for a patent which, in the opinion of the corporation, relates to or can be applied in connection with nuclear or atomic energy, or restricted material or special nuclear material, or the processing or re-processing of source material, special nuclear material or restricted material, or the nuclear fuel cycle (except any patent relating to or which can be applied in connection with the prospecting for and mining of source material), advise such patent holder or applicant that it desires to acquire the rights in the patent or the rights of the applicant to obtain a patent, as the case may be, and the service of such a notice shall have the effect of divesting the person upon whom it has been served of any such rights and vesting those rights in the corporation.

Acquisition of certain rights to patents by corporation.

(2) If any rights in respect of which notice has been served under subsection (1) have been assigned, or if any licence has been granted under a patent in respect of which such a notice has been served, the corporation shall simultaneously with the service of that notice, or as soon as possible thereafter, cause a copy of the notice to be served upon the assignee or licensee, and the corporation may at the same time cause such assignee or licensee to be informed that it desires to cancel the assignment or licence, and in that event such assignment or licence shall be deemed to have been cancelled, but in any other case the said assignment or licence shall remain of full force and effect except that it shall for all purposes be deemed to have been granted by the corporation.

(3) A copy of any notice served under subsection (1), and of any communication addressed under subsection (2) to an assignee of any rights in a patent or to a licensee under a patent, shall forthwith be transmitted to the registrar by the corporation.

(4) Whenever the corporation has under subsection (1) served a notice as contemplated by that subsection, upon—

- (a) a patentee, the registrar shall, upon receipt of a copy of that notice, make such entries in his registers as may be necessary to record the transfer of the rights in the patent to the corporation on behalf of the State, and if the corporation has under subsection (2) advised any assignee or licensee under a patent that it desires to cancel the assignment or licence, the registrar shall at

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

registrateur terselfdertyd in bedoelde registers die aantekeninge maak wat nodig is om die kansellering te boekstaaf;

- (b) 'n aansoeker om 'n patent wat nog nie verleen en verseël is nie, moet die patent ten opsigte van die betrokke uitvinding onverwyld op naam van die korporasie uitgemaak en geseël word, en moet die registrateur, indien die korporasie dit gelas, die uitvinding waarop die patent betrekking het en die wyse waarop dit toegepas moet word, geheim hou.

(5) Geen geding kan vir die intrekking van 'n patent waarop die regte kragtens hierdie artikel deur die korporasie verkry is, ingestel word nie.

Beperkings op
sessie of
lisensiering van
sekere patente.

58. (1) Indien die openbare belang dit na die oordeel van die korporasie vereis, kan die korporasie by skriftelike kennisgewing onderteken deur iemand wat die korporasie daartoe gemagtig het en bestel aan 'n patenthouer ten opsigte van 'n patent met betrekking tot kern- of atoomenergie, of spesiale kernmateriaal of beperkte materiaal, of die verwerking of herverwerking van bronmateriaal, spesiale kernmateriaal of beperkte materiaal, of die kernbrandstofsiklus (uitgesonderd 'n patent met betrekking tot die prospektering na en die ontginning van bronmateriaal), of aan 'n aansoeker om so 'n patent, gelas dat bedoelde patent of, na gelang van die geval, enige patent ingevolge die aansoek verkry, nie gesedeer mag word nie en dat geen lisensie kragtens sodanige patent toegestaan mag word nie behalwe met die toestemming van die korporasie ten opsigte van elke sessie of lisensie.

(2) Die korporasie moet die registrateur skriftelik in kennis stel van elke opdrag of toestemming kragtens subartikel (1) deur die korporasie gegee, en die registrateur moet by ontvangs van so 'n kennisgewing gepaste aantekeninge in sy registers maak.

Verkryging deur
korporasie van
lisensies kragtens
sekere patente.

59. (1) Die korporasie kan by skriftelike kennisgewing onderteken deur iemand wat die korporasie daartoe gemagtig het, en bestel aan 'n patenthouer, daardie patenthouer in kennis stel dat die korporasie verlang om ten opsigte van enige patent deur daardie patenthouer gehou, en in die mate wat in die kennisgewing uiteengesit is, die regte van 'n lisensiehouer kragtens daardie patent uit te oefen, en die uitwerking van so 'n kennisgewing is dat by die korporasie dieselfde regte berus as wat die korporasie sou gehad het indien hy in besit was van 'n lisensie deur die patenthouer toegestaan om daardie patent te gebruik in die mate wat in die kennisgewing uiteengesit is, met inbegrip van die reg om enige ander persoon te magtig om bedoelde regte ten behoeve van die korporasie uit te oefen.

(2) Die korporasie moet 'n afskrif van so 'n kennisgewing aan die registrateur laat stuur, wat by ontvangs daarvan gepaste aantekeninge in sy registers moet maak.

Adres vir bestelling
van kennisgewings.

60. (1) 'n Kennisgewing wat ingevolge artikel 57, 58 of 59 aan 'n patenthouer, of 'n aansoeker om 'n patent, of 'n sessionaris of lisensiehouer kragtens 'n patent, bestel moet word, kan bestel word by sy adres in die Republiek soos ingevolge die Wet op Patente of die regulasies ingevolge daardie Wet deur of namens hom aan die registrateur verstrekk.

Betaling van
vergoeding.

61. (1) Die korporasie moet ten opsigte van—
(a) die weerhouding kragtens artikel 55 (1) (d) (ii) van die aanname of seëling van 'n uitvinding wat die onderwerp van 'n aansoek om 'n patent is;
(b) enige regte kragtens artikel 57 deur hom verkry op enige patent of op enige uitvinding wat die onderwerp van 'n aansoek om 'n patent uitmaak;
(c) die kansellering van die regte van 'n sessionaris of lisensiehouer kragtens 'n patent wat kragtens artikel 57 deur die korporasie verkry word;
(d) enige van die regte van 'n lisensiehouer kragtens 'n patent, wat kragtens artikel 59 deur die korporasie uitgeoefen word;

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

the same time make such entries in the said registers as may be necessary to record the cancellation;

- (b) an applicant for a patent which has not yet been accepted and sealed, the patent in respect of the relevant invention shall forthwith be made out in the name of the corporation and sealed, and the registrar shall, if the corporation so directs, keep secret the invention to which the patent relates and the manner in which it is to be applied.
- 10 (5) No proceedings shall lie for the revocation of any patent the rights in which have in terms of this section been acquired by the corporation.

58. (1) If in the opinion of the corporation the public interest so requires, it may by notice in writing signed by a person authorized thereto by it, and served upon a patentee in respect of a patent relating to nuclear or atomic energy, or to special nuclear material or restricted material, or to the processing and re-processing of source material, special nuclear material or restricted material, or to the nuclear fuel cycle (excepting a patent relating to the prospecting for and the mining of source material), or upon an applicant for such a patent, direct that such patent or, as the case may be, any patent obtained in pursuance of the application, shall not be assigned, and that no licence under any such patent shall be granted without the consent of the corporation in respect of each assignment or licence.

Restrictions on assignment or licensing of certain patents.

- (2) The corporation shall in writing advise the registrar of any direction or consent given by it under subsection (1), and the registrar shall upon receipt of any such advice make appropriate entries in his registers.

59. (1) The corporation may by notice in writing signed by a person authorized thereto by it, and served upon any patentee, advise such patentee that it desires to exercise in respect of any patent held by that patentee, and to the extent set out in the notice, the rights of a licensee thereunder, and the effect of such a notice shall be to vest in the corporation the same rights as it would have had if it were in possession of a licence granted by the patentee to use that patent to the extent set out in the said notice, including the right to authorize any other person to exercise any such rights on behalf of the corporation.
- (2) The corporation shall cause a copy of any such notice to be transmitted to the registrar, who shall upon receipt thereof make appropriate entries in his registers.

Acquisition by corporation of licences under certain patents.

60. Any notice which may in terms of section 57, 58 or 59 be required to be served upon any patentee or applicant for a patent, or any assignee or licensee under a patent, may be served at his address in the Republic as furnished to the registrar by him or on his behalf in terms of the Patents Act or the regulations under that Act.

Address for service of notices.

61. (1) The corporation shall in respect of—
- (a) the withholding of acceptance or sealing under section 55 (1) (d) (ii) of an invention which is the subject of an application for a patent;
- (b) any rights acquired by it under section 57 in any patent, or in any invention which is the subject of an application for a patent;
- (c) the cancellation of the rights of an assignee or licensee under a patent acquired by the corporation under section 57;
- (d) any of the rights of a licensee under a patent, exercised by it under section 59;

Payment of compensation.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

(e) enige beperkings kragtens artikel 58 deur die korporasie opgelê in verband met die sessie van of die verleening van 'n lisensie kragtens 'n patent,

aan die betrokke patenthouer, aansoeker, sessionaris of lisensiehouer vergoeding betaal op 'n grondslag waarop deur hom en die korporasie ooreengekom word, of wat, by ontstentenis van ooreenkoms, deur 'n kommissaris van patente in artikel 8 van die Wet op Patente bedoel, bepaal word: Met dien verstande dat die korporasie, ondanks andersluidende bepalings van die een of ander wet, te eniger tyd die geldigheid van 'n patent ten opsigte waarvan hy kragtens artikel 59 regte uitgeoefen het, kan betwis, en die betaling van enige tantième, huurgeld of ander periodieke betaling wat ten opsigte van die uitoefening van sodanige regte deur hom betaalbaar is, kan staak, totdat bedoelde kommissaris van patente oor die vraag van die geldigheid of ongeldigheid van die patent 'n beslissing gegee het.

(2) Bedoelde kommissaris van patente kan, wanneer hy die bedrag moet vasstel van enige vergoeding wat kragtens subartikel (1) betaal moet word, die hulp van 'n assessor inroep om met die verhoor van die betrokke geval behulpsaam te wees, en kan na goeëdunke uitspraak gee ten opsigte van die koste betrokke by die verhoor, met inbegrip van die besoldiging van die assessor, soos deur bedoelde kommissaris vasgestel.

(3) Wanneer 'n versoek kragtens artikel 55 (1) (d) deur die korporasie gedoen, ingetrek word, kan daar met enige stappe wat voor die datum van daardie versoek ingevolge die Wet op Patente gedoen is in verband met die aansoek wat die onderwerp van daardie versoek was, en wat as gevolg van daardie versoek onderbreek is, voortgegaan word asof die onderbreking nie plaasgevind het nie, en enige tydperk wat tussen die datum waarop daardie versoek by die registrateur ingedien is, en die datum van intrekking daarvan, verstryk het, word nie by die berekening van enige ingevolge die Wet op Patente voorgeskrewe tydperk in aanmerking geneem nie.

Vordering van tantième deur korporasie.

62. Die korporasie kan van iemand aan wie hy 'n lisensie toegestaan het om 'n patent te gebruik wat kragtens hierdie Wet by die korporasie berus of deur die korporasie verkry is, die tantième vorder wat hy redelik ag.

Regte op ontdekkings en uitvindings deur beamptes en werknemers van korporasie en ander persone, en betaling van bonusse aan sodanige persone.

63. (1) Behoudens die bepalings van artikel 64 berus die regte op alle ontdekkings, uitvindings en verbeterings gedoen deur beamptes of werknemers van die korporasie of sy filiaalmaatskappye of deur ander persone as beamptes of werknemers van die korporasie of sy filiaalmaatskappye wat die korporasie met enige ondersoek of navorsing behulpsaam is, of deur persone aan wie hulptoelae deur die korporasie toegestaan is, met betrekking tot enige aangeleentheid wat ingevolge hierdie Wet binne die bestek van die korporasie se oogmerke val, en op enige ontdekking, uitvinding of verbetering van watter aard ook al, hetsy binne die bestek van die korporasie se oogmerke al dan nie, deur sodanige beampte of werknemer of so 'n persoon gedoen gedurende enige ondersoek of navorsing onderneem of gefinansier deur die korporasie, by die korporasie, en kan die korporasie bedoelde ontdekkings, uitvindings of verbeterings vir gebruik in die openbare belang beskikbaar stel op die bedinge en voorwaardes en teen betaling van die gelde of tantièmes wat die korporasie vasstel.

(2) Die korporasie kan ten opsigte van so 'n ontdekking, uitvinding of verbetering, uit sy fondse aan die betrokke beamptes of werknemers of persone die bonusse betaal, of reël dat daardie beamptes of werknemers of persone in die mate deel het aan enige winste wat uit die ontdekking, uitvinding of verbetering verkry word, wat die Minister, met die instemming van die Minister van Finansies, bepaal.

(3) Die korporasie kan om 'n patent ten opsigte van 'n uitvinding in subartikel (1) bedoel, aansoek doen, en word by die toepassing van die Wet op Patente as die sessionaris van die uitvinder beskou, en kan die registrateur gelas om so 'n uitvinding en die wyse waarop dit toegepas moet word, geheim te hou.

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (e) any restrictions imposed by it under section 58 in connection with the assignment of or the grant of a licence under any patent,
 pay to the patentee, applicant, assignee or licensee concerned
 5 compensation on such a basis as may be agreed upon between him and the corporation or as may, failing such agreement, be determined by the commissioner of patents referred to in section 8 of the Patents Act: Provided that the corporation may, notwithstanding anything to the contrary in any other law contained,
 10 at any time dispute the validity of any patent in respect of which it has exercised rights under section 59, and discontinue the payment of any royalty, rental or other periodical payment which may be payable by it in respect of the exercise of such rights, until the question of the validity or invalidity of the
 15 patent has been determined by the said commissioner of patents.
- (2) The said commissioner of patents may, whenever he is required to determine the amount of any compensation to be paid under subsection (1), call in the assistance of an assessor to assist at the hearing of the matter in question, and may give such judgment as he may deem fit in respect of the costs involved in the
 20 hearing, including the fees of any such assessor, as fixed by such commissioner.
- (3) Whenever any request made by the corporation under section 55 (1) (d) is withdrawn, any steps which were prior to the
 25 date of that request taken under the Patents Act in connection with the application which was the subject of that request, and which were interrupted in consequence of that request, may be proceeded with as if the interruption had not occurred, and any period which may have elapsed between the date on which that
 30 request was lodged with the registrar and the date of withdrawal thereof shall not be taken into account in the computation of any period prescribed under the Patents Act.

62. The corporation may charge any person to whom it has granted a patent vested in or acquired by the corporation under
 35 this Act, such royalty as it may deem reasonable.

Corporation may charge royalties.

63. (1) Subject to the provisions of section 64, the rights in all discoveries, inventions and improvements made by officers or employees of the corporation or its subsidiary companies, or by
 40 persons, other than officers or employees of the corporation or its subsidiary companies, assisting the corporation in any investigation or research, or by persons to whom grants-in-aid have been made by the corporation, in relation to any matter within the purview of the objects of the corporation in terms of this Act, and in any discovery, invention or improvement of whatever
 45 nature, whether within the purview of the objects of the corporation or not, made by such officer or employee or such a person in the course of an investigation or research initiated or financed by the corporation, shall vest in the corporation, and the corporation may make such discoveries, inventions or improvements available for use in the public interest, subject to
 50 such terms and conditions and the payment of such fees or royalties as the corporation may determine.

Rights in discoveries and inventions by officers and employees of corporation and others, and payment of bonuses to such persons.

(2) The corporation may, in respect of any such discovery, invention or improvement, out of its funds pay to the officer or
 55 employee or person concerned such bonuses, or provide for that officer or employee or persons to participate in any profits which may be derived from the discovery, invention or improvement, to such an extent, as the Minister may, with the concurrence of the Minister of Finance, determine.

60 (3) The corporation may apply for a patent in respect of any invention referred to in subsection (1), and shall for the purposes of the Patents Act be regarded as the assignee of the inventor, and may direct the registrar to keep secret any such invention and the manner in which it is to be applied.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

Spesiale
ondersoeke by
wyse van
ooreenkoms met
iemand met die oog
op ontdekkings,
uitvindings of
verbeterings.

64. (1) (a) Die korporasie kan by wyse van ooreenkoms met iemand en op die plek en op die bedinge en voorwaardes en teen betaling van die koste en die verskaffing van die bydraes waarop ooreengekom word, spesiale ondersoeke instel of laat instel met die doel om ontdekkings, uitvindings of verbeterings te doen met betrekking tot enige aangeleentheid wat ingevolge hierdie Wet binne die bestek van die korporasie se oogmerke val. 5

(b) Die korporasie kan met die goedkeuring van die Minister 'n dergelike ooreenkoms met enigiemand aangaan 10 met betrekking tot enige aangeleentheid wat uit die spesiale ondersoeke bedoel in paragraaf (a) voortspuit, maar wat buite die oorspronklike doel van sodanige ondersoeke val.

(2) Die regte op 'n ontdekking, uitvinding of verbetering van watter aard ook al, aldus gedoen, hetsy binne die bestek van die korporasie se oogmerke al dan nie, berus of by die korporasie of by iemand anders, of gesamentlik by die korporasie en iemand anders, ooreenkomstig die bepalings van 'n skriftelike ooreenkoms wat voor die ondersoek deur die betrokke partye aangeaan is: Met dien verstande dat die regte op 'n ontdekking, uitvinding of verbetering wat na die oordeel van die korporasie betrekking het op of aangewend kan word in verband met die verryking van bronmateriaal of van spesiale kernmateriaal, net in die korporasie vestig, wie se beslissing of bedoelde ontdekking, uitvinding of verbetering aldus betrekking het of aangewend kan word, afdoende is. 25

(3) Indien die regte op enige ontdekking, uitvinding of verbetering uit hoofde van 'n ooreenkoms in subartikel (2) beoog by die korporasie berus, kan die korporasie bedoelde ontdekking, uitvinding of verbetering in die openbare belang vir gebruik beskikbaar stel op die bedinge en voorwaardes en teen betaling van die gelde of tantième wat die korporasie bepaal, en kan die korporasie om 'n patent ten opsigte daarvan aansoek doen asof dit 'n ontdekking, uitvinding of verbetering is wat in artikel 63 (1) vermeld is. 35

(4) Indien die regte op 'n ontdekking, uitvinding of verbetering uit hoofde van 'n ooreenkoms in subartikel (2) beoog by iemand anders as die korporasie berus, word bedoelde ontdekking, uitvinding of verbetering in die openbare belang gebruik of vir gebruik beskikbaar gestel op die bedinge en voorwaardes wat ingevolge die ooreenkoms bepaal word. 40

(5) Indien die regte op 'n ontdekking, uitvinding of verbetering uit hoofde van 'n ooreenkoms in subartikel (2) beoog by die korporasie en iemand anders berus, kan bedoelde ontdekking, uitvinding of verbetering in die openbare belang gebruik of vir gebruik beskikbaar gestel word op die bedinge en voorwaardes en teen betaling van die gelde of tantièmes wat by 'n verdere ooreenkoms bepaal en vasgestel word, en die korporasie kan, hetsy alleen of gesamentlik met iemand anders na gelang die verdere ooreenkoms bepaal, om 'n patent ten opsigte van bedoelde ontdekking, uitvinding of verbetering aansoek doen. 50

Sessie van sekere
regte deur
korporasie aan
sekere liggame of
persone.

65. (1) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge artikel 63 of 64 by die korporasie berus, kan die korporasie, ondanks die bepalings van daardie artikels, bedoelde regte by skriftelike ooreenkoms en op die bedinge en voorwaardes wat in die ooreenkoms uiteengesit word, aan die Suid-Afrikaanse Ontwikkelingskorporasie vir Uitvindings ingestel by artikel 2 van die Wet op die Ontwikkeling van Uitvindings, 1962 (Wet No. 31 van 1962), of aan 'n ander liggaam wat by of kragtens wet ingestel is en bevoeg is om die ontdekking, uitvinding of verbetering te ontwikkel of te benut, of aan enige ander persoon, sedert ten einde genoemde Ontwikkelingskorporasie of so 'n liggaam of persoon in staat te stel om die ontdekking, uitvinding of verbetering te ontwikkel of te benut ingevolge die bepalings van genoemde Wet of die wet wat op so 'n liggaam van toepassing is, of ingevolge die bepalings van 'n ooreenkoms met so 'n persoon, na gelang van die geval. 65

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

64. (1) (a) The corporation may, by arrangement with any person and at such place and subject to such terms and conditions and the payment of such charges and the furnishing of such contributions as may be agreed upon, carry out or cause to be carried out special investigations with the object of making discoveries, inventions or improvements in relation to any matter within the purview of the objects of the corporation in terms of this Act.
- 5
- 10 (b) The corporation may with the approval of the Minister enter into a similar agreement with any person in relation to any matter arising from the special investigations referred to in paragraph (a) but falling outside the original object of such investigations.
- 15 (2) The rights in any discovery, invention or improvement of whatever nature, whether within the purview of the objects of the corporation or not, so made, shall vest in either the corporation or any other person, or jointly in the corporation and any other person, according to the provisions of a written agreement entered into by the parties in question prior to the investigation: Provided that the rights in any discovery, invention or improvement which, in the opinion of the corporation, relates to or can be applied in connection with the enrichment of source material or special nuclear material, shall vest in the corporation solely, whose decision whether or not the said discovery, invention or improvement so relates or can be so applied, shall be final.
- 20
- 25 (3) If the rights in any discovery, invention or improvement vest in the corporation in pursuance of any agreement contemplated in subsection (2), the corporation may make such discovery, invention or improvement available for use in the public interest, subject to such terms and conditions and the payment of such fees or royalties as the corporation may determine, and the corporation may apply for a patent in respect thereof as if it were a discovery, invention or improvement referred to in section 63 (1).
- 30
- 35 (4) If the rights in any discovery, invention or improvement vest in any person other than the corporation in pursuance of an agreement contemplated in subsection (2), the said discovery, invention or improvement shall be used or made available for use in the public interest, subject to such terms and conditions as may be provided by the agreement.
- 40
- 45 (5) If the rights in any discovery, invention or improvement vest in the corporation and any other person in pursuance of an agreement contemplated in subsection (2), the said discovery, invention or improvement may be used or made available for use in the public interest, subject to such terms and conditions and the payment of such fees or royalties as shall be determined and stipulated in a further agreement, and the corporation may either by itself or jointly with any other person, according to the provisions of such further agreement, apply for a patent in respect of the said discovery, invention or improvement.
- 50
- 55 65. (1) If the rights in any discovery, invention or improvement vest in the corporation in terms of section 63 or 64, the corporation may, notwithstanding the provisions of the said sections, by written agreement and subject to the terms and conditions set out in such agreement, cede the said rights to the South African Inventions Development Corporation established by section 2 of the Inventions Development Act, 1962 (Act No. 31 of 1962), or to any other body established by or under any law and empowered to develop or exploit such discovery, invention or improvement, or to any other person, in order to enable the said Inventions Development Corporation or such body or person to develop or exploit the discovery, invention or improvement in terms of the provisions of the said Act or the law applicable to such body, or according to the provisions of an agreement with such person, as the case may be.
- 60
- 65

Special investigations by arrangement with any person with a view to discoveries, inventions or improvements.

Cession by corporation of certain rights to certain bodies and persons.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

(2) Waar die regte op 'n ontdekking, uitvinding of verbetering ingevolge subartikel (1) aan die Suid-Afrikaanse Ontwikkelingskorporasie vir Uitvindings of 'n liggaam of persoon gesedeer is—

- (a) word daardie Ontwikkelingskorporasie of die betrokke liggaam of persoon by die toepassing van die Wet op Patente geag die sessionaris van die betrokke ontdekker of uitvinder te wees; 5
- (b) word 'n patent wat ten opsigte van die ontdekking, uitvinding of verbetering aan die korporasie verleen is, of 'n aansoek wat deur die korporasie om so 'n patent gedoen is, geag deur die korporasie aan daardie Ontwikkelingskorporasie of aan die betrokke liggaam of persoon gesedeer te wees. 10

Verbod op
aansoeke om
sekere patente in
lande buite
Republiek sonder
toestemming van
korporasie.

66. (1) Niemand wat 'n Suid-Afrikaanse burger is of in die Republiek woonagtig is, mag, behalwe met die skriftelike toestemming van die korporasie, in enige land buite die Republiek om 'n patent aansoek doen of laat doen nie ten opsigte van 'n uitvinding of ontdekking met betrekking tot kern- of atoomenergie, of spesiale kernmateriaal, of verryking of herverwerking van 15
bronmateriaal of spesiale kernmateriaal. 20

(2) Die korporasie moet sodanige toestemming verleen of weier binne 'n tydperk van drie maande vanaf die datum van die aansoek om die toestemming.

HOOFSTUK VI

25

ALGEMENE BEPALINGS

Verstreking van
redes deur
Minister.

67. Wanneer die Minister of sy gedelegeerde by die uitoefening van 'n bevoegdheid ingevolge hierdie Wet van oordeel is dat dit in belang van die veiligheid van die Staat is dat redes ten opsigte van sy uitoefening, of sy voorgenome uitoefening, van 30
daardie bevoegdheid in die een of ander rigting nie openbaar gemaak word nie, hoef hy daardie redes nie aan iemand wat daardeur geraak word of gaan word, te openbaar nie, en so 'n besluit om daardie redes nie aldus te openbaar nie, is nie in enige 35
gereghof aan hersiening onderworpe nie.

Verbod op
openbaarmaking
van sekere
inligting.

68. (1) Niemand—

- (a) mag, sonder die skriftelike toestemming van die korporasie, en hetsy binne of buite die Republiek, enige inligting met betrekking tot—
 - (i) reserwevoorrade ertse wat bronmateriaal bevat, en 40
die ligging, omvang en bronmateriaalinhoud van sodanige ertse;
 - (ii) die omvang van die produksie, of moontlike produksie, met bestaande installasies, van bronmateriaal of ertse wat bronmateriaal bevat, deur enig- 45
iemand;
 - (iii) die prys betaal deur of aan enigiemand, hetsy binne of buite die Republiek, ten opsigte van bronmateriaal of ertse wat bronmateriaal bevat, geproduseer of ontgin in, uitgevoer uit of ingevoer in die 50
Republiek;
 - (iv) die bedinge en voorwaardes van die verkryging, verkoop, beskikking oor of bemaking van sodanige bronmateriaal of ertse deur enigiemand, hetsy binne of buite die Republiek, of die identiteit van 55
'n party daarby betrokke;
 - (v) enige ondersoek of navorsing of enige ontdekking of uitvinding betreffende die verwerking, herverwerking, verryking of gebruik van enige bronmateriaal of spesiale kernmateriaal of kern- of atoom- 60
energie, hetsy binne of buite die Republiek;
 - (vi) die prospektering na of die ontginning of behandeling van ertse wat bronmateriaal bevat, hetsy binne of buite die Republiek;

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

(2) Where the rights in any discovery, invention or improvement have in terms of subsection (1) been ceded to the South African Inventions Development Corporation or any body or person—

- 5 (a) the Inventions Development Corporation or the body or person concerned shall for the purposes of the Patents Act be deemed to be the assignee of the discoverer or inventor in question;
- 10 (b) any patent granted to the corporation in respect of such discovery, invention or improvement, or any application made by the corporation for any such patent, shall be deemed to have been ceded by the corporation to that Inventions Development Corporation or to the body or person concerned.

15 66. (1) No person who is a South African citizen or is resident in the Republic shall, except with the written consent of the corporation, make or cause to be made an application in any country outside the Republic for a patent in respect of any invention or discovery relating to nuclear or atomic energy, or special nuclear material, or the enrichment or re-processing of source material or special nuclear material.

Prohibition on applications for certain patents in countries outside Republic without consent of corporation.

(2) The corporation shall grant or refuse such consent within a period of three months from the date of the application for such consent.

25

CHAPTER VI

GENERAL PROVISIONS

67. When the Minister or his delegate is, in the exercise of any power in terms of this Act, of the opinion that it is in the interests of the security of the State that the reasons for his proposed exercise of such power in any direction, be not disclosed, he need not disclose those reasons to any person to be affected thereby, and his decision not so to disclose those reasons, shall not be subject to review.

Furnishing of reasons by Minister.

35 68. (1) No person—

- 35 (a) shall, without the consent in writing of the corporation, communicate, transmit or make known to any person, whether in or outside the Republic, or use or publish, any information in regard to—
 - 40 (i) reserves of ores containing any source material, and the locality, extent and source material content of such ores;
 - (ii) the extent of the output, or potential output, by means of existing installations, of source material or ores containing source material, by any person;
 - 45 (iii) the price paid by or to any person, whether in or outside the Republic, in respect of source material or ores containing source material, produced or mined in or exported from or imported into the Republic;
 - 50 (iv) the terms and conditions of the acquisition, sale, disposal or marketing of such source material or ores by any person, whether in or outside the Republic, or the identity of any party involved therein;
 - 55 (v) any investigation or research or any discovery or invention relating to the processing, re-processing, enrichment or use of any source material or special nuclear material or nuclear or atomic energy whether in or outside the Republic;
 - 60 (vi) prospecting or mining for or treatment of ores containing source material, whether in or outside the Republic;

Disclosure of information prohibited.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

- (vii) enigiets gedoen deur of ten behoeve van die Minister of die korporasie of 'n filiaalmaatskappy by die uitoefening van die Minister of die korporasie of 'n filiaalmaatskappy se bevoegdhede kragtens hierdie Wet; of 5
- (viii) enige eiendom, hetsy roerend of onroerend, in die besit of onder die beheer van die korporasie of 'n filiaalmaatskappy, 5
- aan enigiemand meedeel, versend of andersins bekend maak, of van enige sodanige inligting gebruik maak of dit publiseer nie; 10
- (b) mag inligting ontvang nie, as hy weet of redelike gronde het om te vermoed wanneer hy dit ontvang, dat die inligting in stryd met die bepalings van paragraaf (a) aan hom meegedeel, versend of bekend gemaak word; of 15
- (c) wat inligting wat hy ingevolge paragraaf (a) verbied word om aan enigiemand mee te deel, te versend of bekend te maak, in sy besit of onder sy beheer het, mag in gebreke bly om redelike stappe te doen om daardie inligting te beveilig of hom so gedra dat geheimhouding daarvan in gevaar gestel word nie. 20
- (2) Die bepalings van subartikel (1) is nie ten opsigte van die openbaarmaking van inligting aan 'n patentagent, advokaat of prokureur in die Republiek wat in sy professionele hoedanigheid geraadpleeg word, van toepassing nie. 25
- (3) Die Minister kan gelas dat—
- (a) enige verrigtinge van welke aard ook al, met inbegrip van verrigtinge by arbitrasie, kragtens hierdie Wet, *in camera* gehou word, en dat die publiek van bywoning daarvan uitgesluit word; 30
- (b) in enige verrigtinge van welke aard ook al, getuienis oor transaksies in, en besit van, aandele in 'n maatskappy wat bronmateriaal produseer, *in camera* gelewer word en dat die publiek by die lewering daarvan van die verrigtinge uitgesluit word. 35
- (4) Geen verhoor of voorlopige ondersoek ten opsigte van 'n misdryf ingevolge hierdie artikel word sonder die skriftelike magtiging van die betrokke prokureur-generaal ingestel nie.
- (5) By die toepassing van hierdie artikel beteken „inligting” ook enigiets wat heet inligting te wees of wat inligting bevat of verskaf. 40

Openbaarmaking
van inligting oor
sekere
bedrywighede in
die verlede,
verbode.

69. (1) Niemand—

- (a) wat oor inligting beskik wat op enige wyse hoegenaamd in verband staan met gesprekke, samesprekings, vergaderings of onderhandelings, van watter aard ook al, wat tussen 1 Januarie 1972 en 31 Desember 1975 plaasgevind het tussen produsente van bronmateriaal of derivate of samestellings daarvan, hetsy in of buite die Republiek, in verband met die produksie, invoer, uitvoer, veredeling, besit, eiendomsreg, gebruik of verkoop daarvan, mag sonder die skriftelike toestemming van die korporasie daardie inligting aan iemand anders hetsy binne of buite die Republiek meedeel, versend of bekend maak of dit publiseer nie; 55
- (b) mag inligting ontvang nie, as hy weet of redelike gronde het om te vermoed wanneer hy dit ontvang, dat die inligting in stryd met die bepalings van paragraaf (a) aan hom meegedeel, versend of bekend gemaak word; of 60
- (c) wat inligting wat hy ingevolge paragraaf (a) verbied word om aan enigiemand mee te deel, te versend of bekend te maak, in sy besit of onder sy beheer het, mag in gebreke bly om redelike stappe te doen om daardie inligting te beveilig of hom so gedra dat geheimhouding daarvan in gevaar gestel word nie. 65

(2) Die bepalings van artikel 68 (2), (4) en (5) is *mutatis mutandis* van toepassing ten opsigte van inligting bedoel in, en misdrywe kragtens, subartikel (1) van hierdie artikel.

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (vii) anything done by or on behalf of the Minister or the corporation or any subsidiary company in the exercise of the Minister's or the corporation's or subsidiary company's powers under this Act; or
- 5 (viii) any property, whether movable or immovable, in the possession or under the control of the corporation;
- (b) shall receive any information knowing or having reasonable grounds to believe, at the time when he receives or will receive it, that the information is communicated, transmitted or made known to him in contravention of the provisions of paragraph (a); or
- 10 (c) who has in his possession or under his control any information which under paragraph (a) he is prohibited from communicating, transmitting or making known to any person, shall fail to take reasonable steps to safeguard such information, or so conduct himself as to endanger the secrecy thereof.
- (2) The provisions of subsection (1) shall not apply in respect
- 20 of the disclosure of information to any patent agent, advocate or attorney in the Republic of South Africa in the course of a professional consultation.
- (3) The Minister may direct that—
- 25 (a) any proceedings, including arbitration proceedings, under this Act, be held *in camera* and that the public be excluded from being present thereat;
- (b) in any proceedings whatsoever, evidence in connection with transactions in, and possession of, shares in any company producing source material, be given *in camera*
- 30 and that the public, when such evidence is given, be excluded from the proceedings.
- (4) No trial or preparatory examination in respect of an offence under this section shall be instituted without the written authority of the attorney-general concerned.
- 35 (5) For the purposes of this section "information" includes anything purporting to be or containing or affording information.

69. (1) No person—
- 40 (a) who has at his disposal any information which is in any manner whatsoever connected with conversations, discussions, meetings or negotiations of any nature whatsoever which took place between 1 January 1972 and 31 December 1975, between producers of source material or any derivatives or compounds thereof, whether in or outside the Republic, in connection with the production, importation, exportation, refinement, possession, ownership, use or sale thereof, shall, without the written permission of the corporation, communicate, transmit or make known such information to any other person, whether in or outside the Republic, or publish such information;
- 45 (b) shall receive any information knowing or having reasonable grounds to believe, at the time when he receives it, that the information is communicated, transmitted or made known to him in contravention of the provisions of paragraph (a); or
- 55 (c) who has in his possession or under his control any information which under paragraph (a) he is prohibited from communicating, transmitting or making known to any person, shall fail to take reasonable steps to safeguard such information, or so conduct himself as to endanger the secrecy thereof.
- 60

Disclosure of information regarding certain activities in the past prohibited.

- (2) The provisions of section 68 (2), (4) and (5) shall *mutatis mutandis* apply in respect of information contemplated in and
- 65 offences under subsection (1) of this section.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

Openbaarmaking
van inligting in
verband met
kernlisensies en
terreine en
kerninstallasies
daarby betrokke,
verbode.

70. (1) Niemand—

- (a) mag sonder die skriftelike toestemming van die korporasie enige inligting waaroor hy beskik (hoe ook al verkry) en wat in verband staan met enige ondersoek of onderhandelinge met die oog op die verkryging van 'n kernlisensie, of met enige terrein, kerninstallasie of kerngevaarlike materiaal ten opsigte waarvan 'n kernlisensie verleen is of verleen staan te word kragtens hierdie Wet, of met enigiets op so 'n terrein of by of in so 'n kerninstallasie, aan iemand anders hetsy binne of buite die Republiek meedeel, versend of bekend maak of dit daarbinne of daarbuite publiseer nie;
- (b) mag inligting ontvang nie, as hy weet of redelike gronde het om te vermoed wanneer hy dit ontvang, dat dit in stryd met die bepalings van paragraaf (a) aan hom meegedeel, versend of bekend gemaak word; of
- (c) wat inligting wat hy ingevolge paragraaf (a) verbied word om aan enigiemand mee te deel, te versend of bekend te maak, in sy besit of onder sy beheer het, mag in gebreke bly om redelike stappe te doen om daardie inligting te beveilig of hom so gedra dat geheimhouding daarvan in gevaar gestel word nie.

(2) Die bepalings van artikel 68 (2), (4) en (5) is *mutatis mutandis* van toepassing ten opsigte van inligting bedoel in, en misdrywe kragtens, subartikel (1) van hierdie artikel.

Toestemming van
korporasie nie geag
erkenning van
juistheid van
inligting te wees
nie.

71. Skriftelike toestemming van die korporasie wat met betrekking tot die aangeleenthede bedoel in artikels 68, 69 en 70. gegee is, word nie geag 'n erkenning deur die korporasie te wees van die juistheid van die inligting waarvoor bedoelde toestemming gegee is nie en die bewyslas om die juistheid daarvan te bewys, berus in enige geding by die persoon of instansie wat die inligting bekend gemaak, meegedeel of gepubliseer het.

Bevoegdheid van
korporasie in
verband met
beveiliging van
goed.

72. (1) Die korporasie kan die maatreëls tref, of laat tref, wat hy nodig ag vir die behoorlike beskerming, verdediging of beveiliging van goed wat behoort aan of onder die beheer is van die korporasie of 'n filiaalmaatskappy, of wat op 'n plek is waarop werksaamhede van die korporasie of 'n filiaalmaatskappy verrig word.

(2) Iemand wat skriftelik deur die korporasie daartoe gemagtig is, kan—

- (a) 'n persoon of voertuig wat op 'n plek in subartikel (1) bedoel is, visenteer en kan enige houder of pakket wat in besit van daardie persoon of op of in daardie voertuig is, oopmaak en ondersoek;
- (b) beslag lê op 'n voorwerp wat, behalwe vir die doeleindes van die verrigting van die werksaamhede van die korporasie of 'n filiaalmaatskappy, in besit van 'n in paragraaf (a) bedoelde persoon of op 'n aldus bedoelde voertuig is en wat—
 - (i) aan die korporasie of 'n filiaalmaatskappy behoort of onder die beheer van die korporasie of 'n filiaalmaatskappy is; of
 - (ii) 'n bedreiging inhou vir die veiligheid van die goed van die korporasie of 'n filiaalmaatskappy, of vir die veiligheid van goed wat onder die beheer van die korporasie of 'n filiaalmaatskappy is; en
- (c) 'n persoon in besit van 'n voorwerp in paragraaf (b) bedoel, in hegtenis neem.

(3) Die korporasie of 'n filiaalmaatskappy, of iemand in diens van die korporasie of 'n filiaalmaatskappy, is nie vir verlies of skade as gevolg van liggaamlike beserings, lewensverlies of verlies van of skade aan eiendom of lewende hawe, wat veroorsaak word deur, of ontstaan uit of in verband met, maatreëls getref of werke opgerig vir die beveiliging, verdediging of beskerming van die goed in subartikel (1) bedoel of van 'n aldus bedoelde plek aanspreeklik nie.

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

70. (1) No person—

- (a) shall, without the written permission of the corporation, communicate, transmit or make known to any other person, whether in or outside the Republic, or publish, any information at his disposal (howsoever acquired), connected with any investigation or negotiations with a view to acquiring a nuclear licence, or with any site or nuclear installation or with any nuclear-hazard material in respect of which a nuclear licence has been or is about to be granted, or with anything on such a site, or at or in such nuclear installation;
- (b) shall receive any information knowing or having reasonable grounds to believe, at the time when he receives or will receive it, that the information is communicated, transmitted or made known to him in contravention of the provisions of paragraph (a); or
- (c) who has in his possession or under his control any information which under paragraph (a) he is prohibited from communicating, transmitting or making known to any person, shall fail to take reasonable steps to safeguard such information, or so conduct himself as to endanger the secrecy thereof.

Disclosure of information in connection with nuclear licences and sites and nuclear installations involved therein, prohibited.

(2) The provisions of section 68 (2), (4) and (5) shall *mutatis mutandis* apply in respect of information contemplated in and offences under subsection (1) of this section.

71. The written consent of the corporation granted in respect of the matters mentioned in sections 68, 69 and 70, shall not be deemed to be a recognition by the corporation of the accuracy of the information for which the consent referred to was granted, and the onus of proof for the accuracy thereof vests in any lawsuit with the person or organization which has made known, communicated or published the information.

Consent of corporation not deemed to be recognition of accuracy of information.

72. (1) The corporation may make, or cause to be made, such arrangements as it may deem necessary for the proper protection, defence or security of property which belongs to or is under the control of the corporation, or a subsidiary company, or is on any place on which activities of the corporation or a subsidiary company are carried out.

Powers of corporation in connection with security of property.

(2) Any person who has been authorized thereto in writing by the corporation, may—

- (a) search a person or vehicle which is on any place referred to in subsection (1), and may open and investigate any container or parcel which is in the possession of that person or is on or in that vehicle;
- (b) attach any object which, except for the purposes of the performance of the functions of the corporation or a subsidiary company, is in the possession of a person referred to in paragraph (a) or on or in a vehicle so referred to and which—
- (i) belongs to the corporation or a subsidiary company or is under the control of the corporation or a subsidiary company;
- (ii) constitutes a threat to the security of the property of the corporation or a subsidiary company, or the security of property under the control of the corporation or a subsidiary company; and
- (c) arrest a person in possession of an object referred to in paragraph (b).

(3) The corporation or a subsidiary company, or any person employed by the corporation or a subsidiary company, shall not be liable for loss or damage resulting from any bodily injury, loss of life, or loss of or damage to property or livestock, caused by or arising out of or in connection with measures taken or works erected for the safeguarding, defence or protection of property referred to in subsection (1) or of any place so referred to.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

Skadeloosstelling
ten opsigte van
beserings opgedoen
deur persone wat
vir korporasie of
filiaalmaatskappye
diens doen.

73. (1) Indien iemand wat in enige hoedanigheid deur of ten behoeve van die korporasie of 'n filiaalmaatskappy in diens geneem is, terwyl hy sodanige diens doen, 'n persoonlike besering of siekte opdoen wat toe te skryf is aan die ioniserende straling van kerngevaarlike materiaal, of aan die ontlambare, ontplofbare, giftige of spesiale eienskappe van sodanige materiaal, of aan die ioniserende straling van enige apparaat of die produksie of aanwending van sodanige materiaal of apparaat, moet die korporasie of die betrokke filiaalmaatskappy, na gelang van die geval, behoudens die hieropvolgende bepalings van hierdie artikel—

- (a) al die redelike uitgawes betaal wat deur of namens so iemand aangegaan is ten opsigte van geneeskundige, heelkundige of tandheelkundige behandeling of hospitaalbehandeling, deskundige verpleegdiens of die verskaffing en instandhouding van 'n kunsmatige liggaamsdeel of ander toestel wat deur sodanige besering of siekte nodig gemaak word; en
 - (b) skadeloosstelling ten opsigte van arbeidsongeskiktheid of dood wat deur sodanige besering of siekte veroorsaak is, betaal.
- (2) (a) Alle geskille wat betref die reg op enige betaling kragtens hierdie artikel, die bedrag van so 'n betaling en die wyse van betaling, word beslis deur die Ongevallekommissaris wat ingevolge artikel 12 (1) van die Ongevallewet, 1941 (Wet No. 30 van 1941), aangestel is (hieronder die kommissaris genoem), en by enige beslissing met betrekking tot skadeloosstelling moet die kommissaris die bepalings van artikels 4, 27, 35, 36, 38, 39, 40, 41, 42, 44, 46, 49 en 86 van, en die Eerste Bylae by, genoemde Wet *mutatis mutandis* toepas: Met dien verstande dat die kommissaris, by die berekening van die bedrag van die skadeloosstelling wat kragtens hierdie artikel betaalbaar is, enige bepaling van genoemde artikels van genoemde Wet, soos aldus toegepas, waarvolgens verdienste bo 'n vasgestelde bedrag buite rekening gelaat word, moet verontagsaam.
- (b) Indien die persoon ten opsigte van wie die korporasie of 'n filiaalmaatskappy 'n bedrag moet betaal, iemand is ten opsigte van wie die bepalings van artikel 30 of 31 van die Ongevallewet, 1941, van toepassing sou wees ten opsigte van 'n soortgelyke betaling ingevolge genoemde Wet, is die bepalings van bedoelde artikel *mutatis mutandis* van toepassing ten opsigte van enige betaling ingevolge hierdie artikel.
- (c) Die bepalings van artikels 100 en 102 van die Ongevallewet, 1941, is *mutatis mutandis* van toepassing op skadeloosstelling kragtens hierdie artikel betaalbaar.
- (3) (a) Indien iemand wat op 'n voordeel kragtens hierdie artikel geregtig is, ook, as dit nie vir die bepalings van hierdie artikel was nie, ten opsigte van dieselfde besering of siekte op 'n voordeel kragtens die Ongevallewet, 1941, geregtig sou wees, verval sy reg kragtens genoemde Wet *ipso facto*.
- (b) Geen bepaling van hierdie artikel raak 'n reg wat enige iemand kragtens sy dienskontrak of 'n bepaling van die een of ander wet op gunstiger voordele as dié waarop hy kragtens hierdie artikel geregtig is, besit nie: Met dien verstande dat niemand voordele sowel kragtens hierdie artikel as kragtens bedoelde kontrak of bepaling kan eis nie.

(4) By die toepassing van hierdie artikel het die kommissaris *mutatis mutandis* al die bevoegdhede wat by hom berus ten opsigte van die aangeleenthede wat by artikels 17, 24, 56, 57, 58, 59, 60 en 88 van die Ongevallewet, 1941, behandel word, en die bepalings van genoemde artikels is *mutatis mutandis* van toepassing ten opsigte van alle aangeleenthede wat in verband staan met, of nodig is vir, 'n beslissing deur die kommissaris kragtens hierdie artikel.

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

73. (1) If a person who is employed in any capacity by or on behalf of the corporation or a subsidiary company, while he is performing such service suffers a personal injury or contracts a disease which is attributable to ionizing radiation of any radioactive material, or to the inflammable, explosive, poisonous or special properties of such material, or to the ionizing radiation of any apparatus or production or application of such material or apparatus, the corporation or the subsidiary company concerned, as the case may be, shall, subject to the succeeding provisions of this section—

Compensation in respect of injuries suffered by persons employed by corporation or subsidiary companies.

(a) defray all reasonable expenses incurred by or on behalf of such person in respect of medical, surgical, dental or hospital treatment, expert nursing services or the supply and maintenance of any artificial part of the body or other device, necessitated by such injury or disease; and

(b) pay compensation in respect of disablement or death caused by such injury or disease.

(2) (a) All questions as to the right to any payment under this section, the amount of such payment and the method of payment shall be determined by the Workmen's Compensation Commissioner appointed in terms of section 12 (1) of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941) (hereinafter referred to as the commissioner), and in making any determination in regard to compensation, the commissioner shall, *mutatis mutandis*, apply the provisions of sections 4, 27, 35, 36, 38, 39, 40, 41, 42, 44, 46, 49 and 86 of, and the First Schedule to, the said Act: Provided that in calculating the amount of the compensation payable under this section, the commissioner shall disregard any provision of the said sections of the said Act as so applied in terms of which earnings in excess of a fixed amount are not taken into consideration.

(b) If the person in respect of whom the corporation or a subsidiary company is required to make any payment, is a person to whom the provisions of section 30 or 31 of the Workmen's Compensation Act, 1941, would apply in respect of any similar payment under that Act, the provisions of the said section shall *mutatis mutandis* apply in respect of any payment under this section.

(c) The provisions of sections 100 and 102 of the Workmen's Compensation Act, 1941, shall *mutatis mutandis* apply to any compensation payable under this section.

(3) (a) If any person who is entitled to any benefit under this section would also be entitled, but for the provisions of this section, to any benefit in respect of the same injury or disease under the Workmen's Compensation Act, 1941, his right under the said Act shall *ipso facto* lapse.

(b) Nothing in this section contained shall affect any right which any person may have under his contract of employment, or under any provision of any law, to benefits more favourable than those to which he may be entitled under this section: Provided that no person shall be entitled to claim benefits both under this section and under the said contract or provision.

(4) For the purposes of this section the commissioner shall *mutatis mutandis* possess all the powers vested in him in respect of the matters dealt with by sections 17, 24, 56, 57, 58, 59, 60 and 88 of the Workmen's Compensation Act, 1941, and the provisions of the said sections shall *mutatis mutandis* apply in respect of all matters incidental to or necessary for any determination by the commissioner under this section.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

- (5) (a) Die korporasie en elke filiaalmaatskappy betaal van tyd tot tyd aan die ongevallefonds kragtens artikel 64 van die Ongevallewet, 1941, ingestel, 'n bydrae tot die uitgawes deur die kommissaris ingevolge hierdie artikel aangegaan, waarop onderling deur die korporasie en die kommissaris, of deur die betrokke filiaalmaatskappy en die kommissaris, na gelang van die geval, ooreengekom word of wat, by ontstentenis van so 'n ooreenkoms, deur die Minister vasgestel word.
- (b) By aanslag van die korporasie of sy filiaalmaatskappye ingevolge artikel 69 van genoemde Wet, hou die kommissaris rekening met die vermindering in die potensiële aanspreeklikheid van genoemde ongevallefonds ten gevolge van die bepalinge van hierdie artikel.

Advieskomitee ten opsigte van sekere vergoeding.

74. (1) Indien iemand wat in enige hoedanigheid deur die korporasie of 'n filiaalmaatskappy in diens geneem is, 'n persoonlike besering of siekte tydens sodanige diens opdoen, behalwe 'n persoonlike besering of siekte in artikel 73 (1) beoog, kan die Minister, met die instemming van die Minister van Finansies, en na oorlegpleging met die advieskomitee in subartikel (2) bedoel, ondanks andersluidende bepalinge van die een of ander wet, betaling van vergoeding uit die fondse van die korporasie of van die betrokke filiaalmaatskappy, na gelang van die geval, aan so iemand magtig of, in geval van sy dood, aan sy afhanklikes.

(2) (a) Die Minister moet 'n advieskomitee bestaande uit vyf lede aanstel, van wie een 'n regter van enige afdeling van die Hooggeregshof van Suid-Afrika moet wees en die voorsitter is, en van wie vier persone moet wees met deskundige kennis van die bedryfsfeer van die korporasie of die betrokke filiaalmaatskappy waarin die besering of benadeling na bewering sou plaasgevind het.

(b) Twee van die vier lede met sodanige deskundige kennis moet persone wees wat nie in diens van die korporasie of 'n filiaalmaatskappy is nie.

(3) Die advieskomitee is daarmee belas om al die beskikbare inligting aangevoer by 'n aangeleentheid aan hom voorgelê, te ontvang en te oorweeg, en om die Minister van advies te dien oor die bedrag van vergoeding (indien daar is) wat ingevolge subartikel (1) betaalbaar is.

(4) Enigiemand wat homself deur 'n bevinding van die advieskomitee of 'n beslissing van die Minister veronreg ag, kan na die gepaste afdeling van die Hooggeregshof van Suid-Afrika daarteen appelleer.

(5) Aan 'n lid van die advieskomitee wat nie in die heeltydse diens van die Staat of die korporasie of 'n filiaalmaatskappy is nie, kan die toelae uit die fondse van die korporasie betaal word wat die Minister met die instemming van die Minister van Finansies bepaal.

Verhaal van sekere verliese of skade op persone in diens van korporasie of filiaalmaatskappy.

75. (1) Indien iemand wat in diens van die korporasie of 'n filiaalmaatskappy is of was, die korporasie of die filiaalmaatskappy verlies of skade berokken het deurdat hy—

(a) versuim het om die korporasie of die filiaalmaatskappy se geld vir die invordering waarvan hy verantwoordelik is of was, in te vorder;

(b) vir 'n onreëlmatige uitbetaling van die korporasie of die filiaalmaatskappy se geld of vir 'n uitbetaling van sodanige geld wat nie deur 'n behoorlike bewysstuk gestaaf word nie, verantwoordelik is of was;

(c) weens versuim om sy pligte uit te voer, vir 'n vrugtelose uitgawe van die korporasie of die filiaalmaatskappy se geld verantwoordelik is of was;

(d) vir 'n tekort in, of 'n vernietiging of beskading van, die korporasie of die filiaalmaatskappy se geld, seëls, sigwaardestukke en vorms wat 'n potensiële waarde het, sekuriteite, uitrusting, voorrade of ander eiendom van die korporasie of die filiaalmaatskappy verantwoordelik is of was;

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

5 (5) (a) The corporation and every subsidiary company shall, from time to time, pay to the accident fund established by section 64 of the Workmen's Compensation Act, 1941, a contribution towards the expense incurred by the commissioner under this section as may be agreed upon between the corporation and the commissioner, or between the relevant subsidiary company and the commissioner, as the case may be, or as may in the absence of any such agreement be determined by the Minister.

10 (b) In assessing the corporation or its subsidiary companies in terms of section 69 of the said Act, the commissioner shall make allowance for any reduction in the potential liability of the said accident fund by reason of the provisions of this section.

15 74. (1) If a person who is employed in any capacity by the corporation or a subsidiary company, while he is performing such service, suffers a personal injury or contracts a disease other than a personal injury or disease contemplated in section 73 (1), the Minister may, with the concurrence of the Minister of Finance, and after consultation with the advisory committee referred to in subsection (2), notwithstanding the provisions of any other law to the contrary, authorize the payment of compensation to such person or, in the event of his death, to his dependants, out of the funds of the corporation or the subsidiary company concerned.

Advisory committee in respect of certain compensation.

20 (2) (a) The Minister shall appoint an advisory committee consisting of five members, one of whom shall be a judge of any division of the Supreme Court of South Africa and who shall be chairman, and four of whom shall be persons with expert knowledge of the sphere of activities of the corporation or the subsidiary company in which the injury or damage is alleged to have occurred.

30 (b) Two of the four members with such expert knowledge shall be persons who are not in the service of the corporation or any subsidiary company.

35 (3) It shall be the duty of the advisory committee to receive and consider all the available information adduced in any matter referred to it, and to advise the Minister on the amount of compensation, if any, to be paid in terms of subsection (1).

40 (4) Any person who considers himself aggrieved by the finding of the advisory committee, or the decision of the Minister, shall have a right of appeal to the appropriate division of the Supreme Court of South Africa.

45 (5) Any member of the advisory committee who is not in the full-time employment of the State or of the corporation or a subsidiary company, may, out of the funds of the corporation, be paid such remuneration or allowances as may be determined by the Minister with the concurrence of the Minister of Finance.

50 75. (1) If any person who is or was in the employ of the corporation or a subsidiary company caused the corporation or the subsidiary company any loss or damage because he—

Recovery of certain losses and damages from persons in employment of corporation or subsidiary company.

55 (a) failed to collect moneys of the corporation or the subsidiary company, for the collection of which he is or was responsible;

(b) is or was responsible for an irregular payment of moneys of the corporation or the subsidiary company, or for a payment of such moneys not supported by a proper voucher;

60 (c) is or was responsible for fruitless expenditure of moneys of the corporation or the subsidiary company, due to an omission to carry out his duties;

65 (d) is or was responsible for a deficiency in, or for the destruction of, or damage to, moneys, stamps, face value documents and forms having a potential value, securities, equipment and stores of the corporation or the subsidiary company, or any other property of the corporation or the subsidiary company;

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

- (e) weens versuim om sy pligte uit te voer, vir 'n eis teen die korporasie of die filiaalmaatskappy verantwoordelik is of was,

moet die rekenpligtige beampte in artikel 17 bedoel die bedrag van sodanige verlies of skade vasstel, en kan hy genoemde persoon by skriftelike kennisgewing gelas om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is, binne dertig dae vanaf die datum van die kennisgewing aan die korporasie of die betrokke filiaalmaatskappy terug te betaal.

(2) Indien iemand wat in diens van die korporasie of 'n filiaalmaatskappy is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, word die bedrag, behoudens die bepalinge van subartikels (4), (5) en (6), deur die korporasie of die betrokke filiaalmaatskappy van sy maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking nie in een maand meer as een vierde van sy maandelikse salaris mag beloop nie.

(3) Indien iemand wat in diens van die korporasie of 'n filiaalmaatskappy was, ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, kan genoemde rekenpligtige beampte, behoudens die bepalinge van subartikels (4), (5) en (6), die bedrag deur middel van geregtelike proses ten behoeve van die korporasie of die betrokke filiaalmaatskappy op so iemand verhaal.

(4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk in die betrokke kennisgewing bepaal, aanbied om die bedrag in paaie te betaal, kan genoemde rekenpligtige beampte hom toelaat om die bedrag in die paaie te betaal wat na sy mening redelik is.

(5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van 30 dae vanaf die datum van die lasgewing by die raad van direkteure appèl aanteken met verstrekking van die gronde vir sy appèl, en dié raad kan, na die verdere ondersoek wat die raad nodig ag, die appèl van die hand wys of gelas dat die appellant geheel en al of ten dele, na gelang van wat dié raad billik en redelik ag, van die betaling van daardie bedrag kwytgeskeld word.

(6) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan, in plaas daarvan om kragtens subartikel (5) by die raad van direkteure appèl aan te teken, binne 'n tydperk van 30 dae van die datum van die lasgewing, of binne die verdere tydperk wat die hof toelaat, by 'n bevoegde hof aansoek doen om 'n bevel waarkragtens die lasgewing tersyde gestel of die betrokke bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur genoemde rekenpligtige beampte aan die hand van die omstandighede van die geval oortuig word nie dat die lasgewing tereg opgelê is of dat daardie bedrag juis is, 'n bevel uitreik waarkragtens die lasgewing tersyde gestel word of daardie bedrag verminder word, na gelang van die geval.

(7) Indien 'n bedrag ingevolge subartikel (5) of (6) verminder word, word die aldus verminderde bedrag *mutatis mutandis* ooreenkomstig die bepalinge van subartikels (1), (2), (3) en (4) verhaal.

Likwidasië van korporasie.

76. Die korporasie word nie gelikwedeer nie behalwe deur of kragtens 'n Wet van die Parlement.

Gebruik van naam van korporasie.

77. Geen persoon mag sake doen en geen maatskappy mag kragtens die Maatskappywet, 1973 (Wet No. 61 van 1973), geregistreer word nie onder of op 'n naam waarin die uitdrukking „Atoomenergiekorporasie van Suid-Afrika, Beperk” of „Atomic Energy Corporation of South Africa, Limited” of „AEK van SA Bpk” of „AEC of SA Ltd” voorkom, of wat in so 'n mate daarmee ooreenstem dat dit waarskynlik misleidend kan wees: Met dien verstande dat hierdie artikel nie 'n persoon belet om sake te doen of geregistreer te bly onder of op 'n naam waaronder of waarop bedoelde persoon by die inwerkingtreding van hierdie Wet sake gedoen het of geregistreer was nie.

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (e) due to an omission to carry out his duties, is or was responsible for a claim against the corporation or the subsidiary company,
the accounting officer referred to in section 17 shall determine the amount of such loss or damage, and may order, by notice in writing, the said person to pay to the corporation or the subsidiary company in question, within thirty days from the date of such notice, the whole or any part of the amount so determined.
- (2) If any person who is in the employ of the corporation or a subsidiary company and has in terms of subsection (1) been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the amount shall, subject to the provisions of subsections (4), (5) and (6), be deducted by the corporation or subsidiary company in question from his monthly salary: Provided that such deduction shall not in any month exceed one-fourth of his monthly salary.
- (3) If any person who was in the service of the corporation or a subsidiary company and who has, in terms of subsection (1), been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the said accounting officer may, subject to the provisions of subsections (4), (5) and (6), recover such amount on behalf of the corporation or the subsidiary company in question from such person by legal process.
- (4) If any person who has been ordered to pay an amount in terms of subsection (1) makes, within the period stipulated in the notice in question, an offer to pay the amount in instalments, the said accounting officer may allow payment in such instalments as he may consider reasonable.
- (5) Any person who has in terms of subsection (1) been ordered to pay an amount may, within a period of 30 days from the date of such order, appeal to the board of directors stating the grounds for his appeal, and that board may, after such further investigation as that board may deem necessary, dismiss the appeal or order that the appellant be exempted either wholly or partly, according as that board may consider fair and reasonable, from the payment of such amount.
- (6) Any person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the board of directors under subsection (5), apply within a period of 30 days from the date of the order, or within such further period as the court may allow, to a competent court for an order setting aside such order or reducing the relevant amount, and the court may upon such an application, if it is not convinced on the merits of the case by the said accounting officer that the order was rightly made or that that amount is correct, make an order setting aside such order or reducing that amount, as the case may be.
- (7) If an amount is reduced in terms of subsection (5) or (6), the amount so reduced shall *mutatis mutandis* be recovered in accordance with the provisions of subsections (1), (2), (3) and (4).

76. The corporation shall not be liquidated except by Act of Parliament. Liquidation of corporation.

77. No person may do business and no company may be registered under the Companies Act, 1973 (Act No. 61 of 1973), under or in a name in which the expression "Atomic Energy Corporation of South Africa, Limited", or "Atoomenergiekorporasie van Suid-Afrika, Beperk" or "AEC of SA Ltd" or "AEK van SA Bpk" occurs, or which corresponds in such a manner therewith that it could be misleading: Provided that this section does not debar a person from doing business or remaining registered under or by a name under or by which such person carried on business or was registered at the commencement of this Act. Use of name of corporation.

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

Vrystelling van
bepalings van Wet
deur Minister.

78. (1) Die Minister kan, indien hy dit in die belang van die veiligheid van die Republiek nodig of wenslik ag, met die instemming van die korporasie enige persoon of kategorie persone of enige instituut vir 'n bepaalde of onbepaalde tydperk, of voorwaardelik of onvoorwaardelik, van enige bepaling van hierdie Wet, uitgesonderd 'n bepaling van artikel 39, 41, 42, 43 of 44, vrystel. 5

(2) Die Minister kan te eniger tyd 'n vrystelling kragtens subartikel (1) verleen, wysig of intrek.

Reproduksie van
stukke van
korporasie.

79. (1) Die korporasie kan enige stuk in sy besit of onder sy beheer reproduseer of laat reproduseer deur middel van mikroverfilming of 'n ander proses wat na sy oordeel so 'n stuk noukeurig en duursaam reproduseer, en kan die reproduksie in plaas van die betrokke oorspronklike stuk bewaar of laat bewaar. 10 15

(2) 'n Reproduksie bedoel in subartikel (1) word by die toepassing van hierdie Wet vir alle doeleindes geag die betrokke oorspronklike stuk te wees, en 'n afdruk wat deur middel van so 'n reproduksie verkry is en wat deur die hoof-uitvoerende beampte van die korporasie, of 'n beampte wat deur die hoof-uitvoerende beampte daartoe gemagtig is, as 'n juiste afdruk gesertifiseer is, is in enige gereghof afdoende bewys van die inhoud van die betrokke oorspronklike stuk. 20

Vrystelling van
regte en gelde.

80. Die korporasie en 'n filiaalmaatskappy is vrygestel van die betaling van regte of gelde wat, as dit nie vir die bepaling van hierdie artikel was nie, ingevolge 'n bepaling van die een of ander wet (uitgesonderd 'n wet op doeane en aksyns) deur die korporasie of 'n filiaalmaatskappy aan die Staat betaalbaar sou gewees het ten opsigte van 'n handeling of transaksie, of ten opsigte van 'n stuk wat in verband met 'n handeling of transaksie staan. 25 30

Misdrywe en
strawwe.

81. (1) Iemand wat—

- (a) 'n bepaling van die eerste voorbehoudsbepaling by subartikel (2) van artikel 53, of 'n bepaling van artikel 20, 68 (1) (a), (b) of (c), 69 (1) (a), (b) of (c) of 70 (1) (a), (b) of (c), oortree of versuim om daaraan te voldoen; 35
- (b) (i) 'n bepaling van artikel 42 (1), 47 (1), 49 (1) of (5) (a), 50 (1) of 66 (1), of van 'n voorwaarde hom opgelê kragtens artikel 49 (2) of (5) (b) of 50 (1), oortree of versuim om daaraan te voldoen; 40
- (ii) na die bestelling aan hom van 'n kennisgewing in artikel 52 (1) bedoel, sonder redelike oorsaak weier of versuim om 'n opgawe wat in sodanige kennisgewing van hom vereis word ooreenkomstig die bepaling van die kennisgewing aan die korporasie te verstrek, of wat opsetlik of nalatiglik 'n onjuiste opgawe verstrek; 45
- (iii) 'n gemagtigde persoon bedoel in artikel 52 (2) by die verrigting van sy werksaamhede kragtens daardie artikel hinder; 50
- (iv) 'n bepaling van 'n lasgewing wat aan hom kragtens artikel 58 (1) gegee is, oortree; 55
- (c) (i) 'n bepaling van artikel 30 (1), 31 (1), 37, 43 (1) of 77, of van 'n voorwaarde kragtens artikel 34 (1) (a) of 35 (1) (b) hom opgelê of kragtens artikel 35 (1) (a) ten opsigte van hom bepaal, of van 'n eis van die Minister bedoel in artikel 39 (3) of (4), wat ten opsigte van hom bindend is, oortree of versuim om daaraan te voldoen; 60
- (ii) die gesagvoerder is van 'n vaartuig en 'n bepaling van artikel 32 (1) oortree; 65
- (iii) enige regulasie of voorwaarde opgeplak of vertoon soos beoog in artikel 37 verwyder, beskadig of onleesbaar maak; 65
- (iv) op 'n in subartikel (1) van artikel 72 bedoelde plek sonder wettige rede in besit is van 'n in subartikel (2) (b) van daardie artikel bedoelde voorwerp; 65

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

78. (1) The Minister may, whenever he deems it necessary or expedient in the interests of the security of the Republic, with the concurrence of the corporation, exempt any person or category of persons or any institute for a defined or undefined period, and either conditionally or unconditionally, from any provision of this Act, excepting any provision of section 39, 41, 42, 43 or 44.

Exemption from provisions of Act by Minister.

(2) The Minister may at any time amend or withdraw any exemption granted under subsection (1).

79. (1) The corporation may reproduce or cause to be reproduced documents in its possession and under its control by microfilming or any other process which, in its judgement, reproduces such a document in a durable and accurate manner, and shall keep, or cause to be kept, the reproduction instead of the original document.

Reproduction of documents of corporation.

(2) Any reproduction referred to in subsection (1), shall, for all purposes of this Act, be deemed to be the relevant original document, and a copy obtained by means of such a reproduction and which has been certified by the chief executive officer of the corporation, or by an officer authorized by the chief executive officer, as a true copy, is conclusive evidence in any court of law of the contents of the original document in question.

80. The corporation and a subsidiary company shall be exempted from the payment of any duties or fees which, but for the provisions of this section, would in terms of a provision of any law (other than a law relating to customs and excise) have been payable to the State by the corporation or a subsidiary company in respect of any act or transaction or in respect of any document connected with any act or transaction.

Exemption from duties and fees.

81. (1) Any person who—

(a) contravenes, or fails to comply with, any provision of the first proviso to subsection (2) of section 53; or of any provision of section 20, 68 (1) (a), (b) or (c), 69 (1) (a), (b) or (c) or 70 (1) (a), (b) or (c);

Offences and penalties.

(b) (i) contravenes, or fails to comply with, any provision of section 42 (1), 47 (1), 49 (1) or (5) (a), 50 (1) or 66 (1), or of any condition imposed upon him under section 49 (2) or (5) (b) or 50 (1);

(ii) after the serving on him of any notice contemplated in section 52 (1), without reasonable cause refuses to make a return required of him in such notice to the corporation in accordance with the provisions of such notice, or fails to make any such return, or who deliberately or negligently makes an inaccurate return;

(iii) hinders any authorized person referred to in section 52 (2) in the performance of his functions under that section;

(iv) contravenes any provision of a direction given to him under section 58 (1);

(c) (i) contravenes, or fails to comply with, any provision of section 30 (1), 31 (1), 37, 43 (1) or 77, or of any condition imposed upon him under section 34 (1) (a) or 35 (1) (b) or determined in respect of him under section 35 (1) (a), or of any requirement of the Minister contemplated in section 39 (3) or (4), and which is binding on him;

(ii) as a master of any vessel referred to in section 32 (1), contravenes any provision of that section;

(iii) removes, damages or defaces any regulation or condition displayed as contemplated in section 37;

(iv) on any place referred to in subsection (1) of section 72, is without any lawful cause in possession of any object referred to in subsection (2) (b) of that section;

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

- (d) 'n bepaling van artikel 40 (2), 53 (1), 55 (1) of 56 (2), of van 'n opdrag van die korporasie bedoel in artikel 40 (3) wat aan hom gegee is, of van 'n toestemming van die Minister bedoel in artikel 47 (4), wat vir hom bindend is, oortree of versuim om daaraan te voldoen; 5
- (e) 'n inspekteur by die verrigting van sy werksaamhede of die uitvoering van sy pligte kragtens 'n bepaling van hierdie Wet hinder, of wat versuim om aan enige lasgewing aan hom gegee deur 'n inspekteur kragtens 'n bepaling van hierdie Wet, te voldoen; 10
- (f) versuim om gelde bedoel in artikel 36 of 46 (4) binne die tydperk deur die Minister bepaal, te betaal, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—
- (aa) in die geval van 'n in paragraaf (a) bedoelde misdryf, met 'n boete van hoogstens twintigduisend rand of met 15 gevangenisstraf vir 'n tydperk van hoogstens twintig jaar, of met sowel daardie boete as daardie gevangenisstraf;
- (bb) in die geval van 'n in paragraaf (b) bedoelde misdryf, met 'n boete van hoogstens seweduisend rand of met 20 gevangenisstraf vir 'n tydperk van hoogstens sewe jaar, of met sowel daardie boete as daardie gevangenisstraf;
- (cc) in die geval van 'n in paragraaf (c) bedoelde misdryf, met 'n boete van hoogstens vyfduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of 25 met sowel daardie boete as daardie gevangenisstraf;
- (dd) in die geval van 'n in paragraaf (d) bedoelde misdryf, met 'n boete van hoogstens eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of 30 met sowel daardie boete as daardie gevangenisstraf;
- (ee) in die geval van 'n in paragraaf (e) bedoelde misdryf, met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met sowel daardie boete as daardie gevangenisstraf; 35 en
- (ff) in die geval van 'n in paragraaf (f) bedoelde misdryf, met 'n boete van hoogstens vyfhonderd rand.
- (2) Iemand wat enige inligting wat hy by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte of die verrigting van sy werksaamhede kragtens hierdie Wet verkry het, en ten 40 opsigte waarvan die bepalings van artikel 68, 69 of 70 of van die eerste voorbehoudbepaling by subartikel (2) van artikel 53 nie van toepassing is nie, aan enige persoon hetsy binne of buite die Republiek meedeel, versend of bekend maak, of publiseer, behalwe— 45
- (a) by die raadpleging van 'n patentagent, advokaat of prokureur in die Republiek in sy professionele hoedanigheid; of
- (b) vir sover dit van hom as 'n getuie in 'n geregshof vereis word; of 50
- (c) vir sover dit vir die doeleindes van die verrigting van werksaamhede, die uitoefening van bevoegdhede of die uitvoering van pligte kragtens of ingevolge 'n bepaling van hierdie Wet deur hom nodig is, of kragtens of ingevolge 'n ander wet van hom vereis word; of 55
- (d) in 'n ander geval as 'n geval bedoel in paragraaf (a), (b) of (c), indien so 'n mededeling, versending, bekendmaking of publikasie met die vooraf verkreeë skriftelike toestemming van die korporasie geskied,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 60 die in subparagraaf (aa) van subartikel (1) van hierdie artikel genoemde strawwe.

Regulasies.

82. (1) Die Minister kan regulasies uitvaardig betreffende—
- (a) die byeenroeping van vergaderings van die raad van direkteure of van komitees daarvan, die prosedure by so- 65 danige vergaderings, en die kworum by vergaderings van komitees;
- (b) die byeenroeping van vergaderings van die Raad vir Kernveiligheid of 'n komitee daarvan, en die prosedure by sodanige vergaderings;

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (d) contravenes, or fails to comply with, any provision of section 40 (2), 53 (1), 55 (1) or 56 (2), or of any direction of the corporation referred to in section 40 (3) given to him, or of any permission of the Minister referred to in section 47 (4), and which is binding on him;
- 5 (e) hinders any inspector in the performance of his functions or the carrying out of his duties under any provision of this Act, or fails to comply with any order given to him by an inspector under any provision of this Act;
- 10 (f) fails to pay any fees referred to in section 36 or 46 (4) within the period specified by the Minister,

shall be guilty of an offence, and liable on conviction—

- (aa) in the case of an offence referred to in paragraph (a), to a fine not exceeding twenty thousand rand or to imprisonment for a period not exceeding twenty years, or to both such fine and such imprisonment;
- 15 (bb) in the case of an offence referred to in paragraph (b), to a fine not exceeding seven thousand rand or to imprisonment not exceeding seven years, or to both such fine and such imprisonment;
- 20 (cc) in the case of an offence referred to in paragraph (c), to a fine not exceeding five thousand rand or to imprisonment not exceeding five years, or to both such fine and such imprisonment;
- 25 (dd) in the case of an offence referred to in paragraph (d), to a fine not exceeding one thousand rand or to imprisonment not exceeding one year, or to both such fine and such imprisonment;
- (ee) in the case of an offence referred to in paragraph (e), to a fine not exceeding five hundred rand or to imprisonment not exceeding six months, or to both such fine and such imprisonment;
- 30 (ff) in the case of an offence referred to in paragraph (f), to a fine not exceeding five hundred rand.

- 35 (2) Any person who communicates, transmits or makes known to any other person, whether in or outside the Republic, or who publishes any information which he has obtained in the performance of his functions or the exercise of his powers or the execution of his duties under any provision of this Act, and in
- 40 respect of which the provisions of section 68, 69 or 70 or of the first proviso to subsection (2) of section 53 does not apply, except—

- (a) during the professional consultation with any patent agent, advocate or attorney in the Republic; or
- 45 (b) in so far as it is required of him as a witness in any court of law; or
- (c) in so far as it is necessary for the purposes of the performance of functions, the exercise of powers or the carrying out of duties by him by or under any provision of this Act, or it is required of him by or under any other law; or
- 50 (d) in any case other than a case referred to in paragraph (a), (b) or (c), if such communication, transmission, making known or publication is carried out with the written permission of the corporation first having been obtained,
- 55

shall be guilty of an offence and liable on conviction to the penalties referred to in subparagraph (aa) of subsection (1) of this section.

- 60 82. (1) The Minister may make regulations as to—

Regulations.

- (a) the convening of meetings of the board of directors or of committees thereof, the procedure at such meetings, and the quorum at meetings of committees;
- 65 (b) the convening of meetings of the Council for Nuclear Safety or of any committee thereof, and the procedure at such meetings;

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

- (c) die beveiliging van enige myn of deel van 'n myn wat bronnemateriaal voortbring, en enige uitrusting of perseel waarin sodanige materiaal uit enige stof geëkstraheer of geïsoleer word;
 - (d) die prosedure wat gevolg moet word by die doen van 'n aansoek om 'n kernlisensie, met inbegrip van besonderhede van planne en die spesifikasies van terreine, installasies, aanlegte of strukture, en die ander besonderhede wat tesame met so 'n aansoek aan die korporasie voorgelê moet word; 10
 - (e) die voorwaardes waaraan die uitvoering van enige handeling of die verrigting van enige bedrywigheid vir die uitvoering of verrigting waarvan die verlening van 'n kernlisensie ingevolge hierdie Wet vereis word, onderworpe is; 15
 - (f) die maatreëls wat getref moet word om te voorkom dat 'n kernongeluk plaasvind en, ingeval so 'n ongeluk plaasvind, om die uitbreiding van die trefwydte daarvan wat betref tydsduur, afstand of intensiteit te voorkom, maatreëls om toegang tot aangetaste gebiede te voorkom en om die publiek van gevare wat voortduur in kennis te stel, en die ontsmettingsmaatreëls wat toegepas moet word; 20
 - (g) die persone, behalwe die korporasie, wat van die plaasvind van 'n kernongeluk in kennis gestel moet word, en die hou van aantekeninge deur die korporasie betreffende persone wat te eniger tyd in die gebied wat deur sodanige ongeluk aangetas is, aanwesig was solank dit geduur het; 25
 - (h) die bevoegdhede en pligte van inspekteurs; 30
 - (i) die omstandighede waaronder en die voorwaardes waarop aan lede van die publiek toegang tot enige terrein of kerninstallasie ten opsigte waarvan 'n kernlisensie ingevolge hierdie Wet verleen is, verleen kan word; 35
 - (j) enige ander aangeleentheid wat ingevolge 'n bepaling van hierdie Wet voorgeskryf moet of kan word, of ten opsigte waarvan die Minister dit nodig of wenslik ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te verwesenlik.
- (2) Enige sodanige regulasie kan 'n onderskeid maak tussen 40
verskillende kategorieë myne, verskillende kategorieë kernlisensies, verskillende kategorieë terreine of verskillende kategorieë persone, of in enige ander opsig wat die Minister nodig of wenslik ag.
- (3) 'n Regulasie kragtens subartikel (1) uitgevaardig, kan 45
voorsiening maak dat iemand wat so 'n regulasie oortree of versuim om daaraan te voldoen, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is 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. 50

Herroeping van
wette en
oorgangsbepalings.

83. (1) Behoudens die bepalinge van hierdie artikel word die wette in die Bylae genoem hierby herroep vir sover in die derde kolom van die Bylae aangedui word.

(2) Op die datum van die inwerkingtreding van hierdie Wet (hieronder die vasgestelde datum genoem)— 55

- (a) gaan alle bates, laste, regte en verpligtinge van die Raad op Atoomkrag bedoel in artikel 11 van die Wet op Atoomkrag, 1967 (Wet No. 90 van 1967), en van die Uraanverrykingskorporasie van Suid-Afrika, Beperk, bedoel in artikel 2 van die Wet op Verryking van 60
Uraan, 1970 (Wet No. 33 van 1970) (hieronder die Uraanverrykingskorporasie genoem), op die korporasie oor; en
 - (b) word enige persoon wat onmiddellik voor die vasgestelde datum by genoemde Raad op Atoomkrag of die 65
Uraanverrykingskorporasie in diens was, 'n beampste of werknemer van die korporasie.
- (3) (a) Diens by genoemde Raad op Atoomkrag of by die Uraanverrykingskorporasie van 'n persoon wat inge-

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

- (c) the safeguarding of any mine or portion of a mine producing source material, and any plant or premises in which such material is extracted or isolated from any substance;
- 5 (d) the procedure to be followed in making any application for a nuclear licence, including details of plans and the specifications of sites, installations, plants or structures, and other information to be submitted together with such application to the corporation;
- 10 (e) the conditions subject to which any act or activity for the performance or carrying out of which any nuclear licence is required in terms of this Act shall be performed or carried out;
- 15 (f) the measures to be taken to prevent the occurrence of a nuclear accident and, in the event of such an occurrence, to prevent the extension of its incidence as regards time, distance or intensity, measures to prevent entrance upon affected areas and to notify the public of continuing dangers, and decontamination measures to be applied;
- 20 (g) the persons, other than the corporation, to be notified of the occurrence of a nuclear accident, and the particulars regarding persons at any time present in the area affected by such accident during its period of duration to be recorded by the corporation;
- 25 (h) the powers and duties of inspectors;
- (i) the circumstances in which and the conditions under which members of the public may be admitted to any site or nuclear installation in respect of which a nuclear licence has been granted in terms of this Act;
- 30 (j) any other matters required or permitted to be prescribed under a provision of this Act, or in respect of which the Minister may deem it necessary to make regulations to achieve the objects of this Act.
- 35 (2) Any such regulation may differentiate between different categories of mines, different categories of nuclear licences, different categories of sites or different categories of persons, or in any other respect deemed necessary or expedient by the Minister.
- 40 (3) Any regulation made under subsection (1) may provide that any person contravening such regulation or failing to comply therewith, shall be guilty of an offence, and liable on conviction to a fine not exceeding ten thousand rand or to imprisonment not exceeding ten years, or to both such fine and
- 45 such imprisonment.

83. (1) Subject to the provisions of this section, the laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column of the Schedule.

Repeal of laws and transitional provisions.

(2) On the date of coming into operation of this Act (hereinafter referred to as the fixed date)—

- 55 (a) all the assets, liabilities, rights and obligations of the Atomic Energy Board referred to in section 11 of the Atomic Energy Act, 1967 (Act No. 90 of 1967), and of the Uranium Enrichment Corporation, Limited, referred to in section 2 of the Uranium Enrichment Act, 1970 (Act No. 33 of 1970) (hereinafter referred to as the Uranium Enrichment Corporation), shall vest in the corporation; and
- 60 (b) any person who, immediately before the fixed date, was in the employment of the said Atomic Energy Board or the Uranium Enrichment Corporation, shall become an officer or employee of the corporation.
- (3) (a) Any service of any person who under subsection (2) (b) becomes an officer or employee of the corporation,

- volge subartikel (2) (b) 'n beampte of werknemer van die korporasie word, word vir alle doeleindes geag diens by die korporasie te wees, en enige verlof of pensioen wat ten gunste van so 'n persoon opgehoop het, word geag uit hoofde van sy diens by die korporasie ten gunste van hom op te gehoop het. 5
- (b) Behalwe ingevolge tugmaatreëls deur die korporasie toegepas, word die salaris van 'n persoon wat aldus 'n beampte of werknemer van die korporasie word, nie sonder sy toestemming verminder bloot as gevolg van 10 die bepalings van hierdie artikel nie.
- (4) Die korporasie kan binne een maand, of binne die verdere tydperk wat die Minister toelaat, na die vasgestelde datum, by besluit—
- (a) enige van of al die bates, laste, regte en verpligtinge 15 wat kragtens subartikel (2) (a) op die korporasie oorgegaan het, aan 'n filiaalmaatskappy oordra, in welke geval die betrokke bates, laste, regte en verpligtinge op die betrokke filiaalmaatskappy oorgaan sonder die betaling van enige vergoeding of die lewering van enige 20 ander teenprestasie deur enige sodanige filiaalmaatskappy;
- (b) enige persoon wat kragtens subartikel (2) (b) 'n beampte of werknemer van die korporasie geword het na die diens van 'n filiaalmaatskappy oorplaas, in welke 25 geval diens by die korporasie van sodanige persoon vir alle doeleindes geag word diens by die betrokke filiaalmaatskappy te wees, en enige verlof of pensioen wat ten gunste van hom opgehoop het, geag word uit hoofde van sy diens by die filiaalmaatskappy ten gunste 30 van hom op te gehoop het.
- (5) Enige verwysing in enige wet of dokument na genoemde Raad op Atoomkrag of die Uraanverrykingskorporasie word uitgelê as 'n verwysing na die korporasie, of, ten opsigte van 'n aangeleentheid in verband met 'n bate, las, reg of verpligting 35 wat kragtens subartikel (4) (a) op 'n filiaalmaatskappy oorgegaan het, of met 'n persoon wat kragtens subartikel (4) (b) na 'n filiaalmaatskappy oorgeplaas is, as 'n verwysing na die betrokke filiaalmaatskappy.
- (6) Die betrokke registrateur van aktes moet op versoek van 40 die korporasie die inskrywings en aantekeninge wat hy nodig ag om aan die bepalings van subartikel (2) (a), en, na 'n besluit bedoel in subartikel (4), aan die bepalings van paragraaf (a) van daardie subartikel, gevolg te gee, in of op enige betrokke register, titelbewys of ander stuk in sy kantoor of aan hom voorgelê, 45 maak, en geen hereregte, seëlregte, kantoorgelde of ander gelde is ten opsigte van enige sodanige inskrywing of aantekening betaalbaar nie.
- (7) Vanaf—
- (a) die vasgestelde datum word, behoudens die bepalings 50 van paragraaf (b), enigiets wat deur genoemde Raad op Atoomkrag of die Uraanverrykingskorporasie gedoen is kragtens 'n bepaling van 'n wet wat by subartikel (1) herroep word, geag deur die korporasie kragtens die ooreenstemmende bepaling van hierdie Wet 55 gedoen te gewees het; en
- (b) die datum van 'n besluit in subartikel (4) bedoel, word enigiets wat ten opsigte van 'n aangeleentheid in verband met 'n bate, las, reg of verpligting wat kragtens subartikel (4) (a) op 'n filiaalmaatskappy oorgegaan 60 het, of met 'n persoon wat kragtens subartikel (4) (b) na 'n filiaalmaatskappy oorgeplaas is, en wat kragtens paragraaf (a) van hierdie subartikel geag word deur die korporasie gedoen te gewees het, geag deur die betrokke filiaalmaatskappy gedoen te wees. 65
- (8) Die bepalings van subartikels (4), (5) en (6) word nie uitgelê as sou dit die korporasie verhinder om na die verstryking van die tydperk in subartikel (4) bedoel, en hetsy enige oordrag in paragraaf (a) of enige oorplasing in paragraaf (b) van daardie subartikel bedoel, geskied het al dan nie, enige bate, las, reg of verpligting van die korporasie, behoudens enige tersaaklike toepaslike bepaling van hierdie Wet, of van enige ander wet, of van

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

with the Atomic Energy Board or the Uranium Enrichment Corporation, shall for all purposes be deemed to be service with the corporation, and any leave or pension which may have accrued in favour of any such person, shall be deemed to have accrued in his favour by virtue of service with the corporation.

(b) Save in pursuance of disciplinary measures applied by the corporation, the salary of any person who so becomes an officer or employee of the corporation, shall not be reduced solely because of the provisions of this section.

(4) The corporation may within one month or within such further period as the Minister may allow, after the fixed date, by resolution—

(a) transfer any or all of the assets, liabilities, rights or obligations which vest in the corporation under subsection (2) (a), to any subsidiary company, in which case the relevant assets, liabilities, rights and obligations shall vest in the subsidiary company concerned without payment of compensation or the rendering of any consideration by any such subsidiary company;

(b) transfer any person who has under subsection (2) (b) become an officer or employee of the corporation, to the service of any subsidiary company, in which case any service with the corporation of any such person shall for all purposes be deemed to be service with the subsidiary company concerned, and any pension or leave which may have accrued to any such person shall be deemed to have accrued in his favour by virtue of his service with the subsidiary company.

(5) Any reference in any law or document to the said Atomic Energy Board or the Uranium Enrichment Corporation shall be construed as a reference to the corporation, or, in respect of any matter in connection with any asset, liability, right or obligation which vests in a subsidiary company under subsection (4) (a), or with any person transferred under subsection (4) (b) to a subsidiary company, as a reference to the subsidiary company concerned.

(6) The registrar of deeds concerned shall at the request of the corporation effect the entries and endorsements which he may deem necessary in order to carry into effect the provisions of subsection (2) (a), and, after a resolution referred to in subsection (4), the provisions of paragraph (a) of that subsection, on or in any register, document of title or other document in his office, or submitted to him, and no transfer duties, stamp duties, office fees or other fees shall be payable in respect of any such entry or endorsement.

(7) As from—

(a) the fixed date, anything done by the said Atomic Energy Board or the Uranium Enrichment Corporation under any provision of a law repealed by subsection (1) shall, subject to the provisions of paragraph (b), be deemed to have been done by the corporation under the corresponding provision of this Act; and

(b) the date of a resolution referred to in subsection (4), anything done in respect of any matter in connection with any asset, liability, right or obligation vesting under subsection (4) (a) in a subsidiary company, or with any person transferred under subsection (4) (b) to a subsidiary company, and which is under paragraph (a) of this subsection deemed to have been done by the corporation, shall be deemed to have been done by the subsidiary company concerned.

(8) The provisions of subsections (4), (5) and (6) shall not be construed as preventing the corporation after the expiry of the period referred to in subsection (4), and whether or not any transfer referred to in paragraph (a) or (b) of that subsection has taken place, from transferring any asset, liability, right or obligation of the corporation, subject to any relevant applicable provision of this Act, or any other law, or of the memorandum or

Wet No. 92, 1982

WET OP KERNENERGIE, 1982

die akte van oprigting of statute van 'n filiaalmaatskappy, aan 'n filiaalmaatskappy oor te dra of enige beamppte of werknemer van die korporasie, behoudens so 'n bepaling, aan die diens van so 'n filiaalmaatskappy af te staan nie.

(9) Behoudens die bepaling van subartikel (7), word enigiets 5 gedoen kragtens 'n bepaling van 'n wet wat by subartikel (1) herroep word, behalwe vir sover anders deur hierdie Wet vereis word, geag kragtens die ooreenstemmende bepaling van hierdie Wet gedoen te wees.

Kort titel en
inwerkingtreding.

84. Hierdie Wet heet die Wet op Kernenergie, 1982, en tree 10 in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Bylae

WETTE HERROEP

No. en jaar van wet	Titel	In hoeverre herroep
Wet No. 43 van 1963	Wet op Kerninstallasies (Lisensiëring van Sekerheidstelling), 1963	Die geheel
Wet No. 39 van 1965	Wysigingswet op Atoomkrag en Kerninstallasies (Lisensiëring en Sekerheidstelling), 1965	Die geheel
Wet No. 89 van 1967	Wysigingswet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1967	Die geheel
Wet No. 90 van 1967	Wet op Atoomkrag, 1967	Die geheel
Wet No. 33 van 1970	Wet op Verryking van Uraan, 1970	Die geheel
Wet No. 34 van 1970	Wysigingswet op Atoomkrag, 1970	Die geheel
Wet No. 73 van 1971	Wysigingswet op Atoomkrag, 1971	Die geheel
Wet No. 62 van 1973	Algemene Regswysigingswet, 1973	Artikel 33
Wet No. 37 van 1974	Wysigingswet op Verryking van Uraan, 1974	Die geheel
Wet No. 38 van 1974	Wysigingswet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1974	Die geheel
Wet No. 39 van 1974	Wysigingswet op Atoomkrag, 1974	Die geheel
Wet No. 11 van 1975	Wysigingswet op Verryking van Uraan, 1975	Die geheel
Wet No. 82 van 1976	Wysigingswet op Verryking van Uraan, 1976	Die geheel
Wet No. 91 van 1976	Wysigingswet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1976	Die geheel
Wet No. 76 van 1977	Wysigingswet op Atoomkrag, 1977	Die geheel
Wet No. 22 van 1978	Wysigingswet op Kerninstallasies (Lisensiëring en Sekerheidstelling), 1978	Die geheel
Wet No. 46 van 1978	Wysigingswet op Atoomkrag, 1978	Die geheel
Wet No. 94 van 1978	Finansiewet, 1978	Artikel 10
Wet No. 46 van 1979	Wysigingswet op Atoomkrag, 1979	Die geheel
Wet No. 47 van 1979	Wysigingswet op Verryking van Uraan, 1979	Die geheel
Wet No. 7 van 1981	Wysigingswet op Atoomkrag, 1981	Die geheel

NUCLEAR ENERGY ACT, 1982

Act No. 92, 1982

articles of the subsidiary company, to, or from seconding any employer or officer of the corporation, subject to any such provision, to the service of, such subsidiary company.

(9) Subject to the provisions of subsection (7), anything done under any provision of a law repealed by subsection (1), shall, except to the extent that this Act requires otherwise, be deemed to have been done under the corresponding provision of this Act.

84. This Act shall be called the Nuclear Energy Act, 1982, and shall come into force on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

Schedule

LAWS REPEALED

No. and year of law	Title	Extent of repeal
Act No. 43 of 1963	Nuclear Installations (Licensing and Security) Act, 1963	The whole
Act No. 39 of 1965	Atomic Energy and Nuclear Installations (Licensing and Security) Amendment Act, 1965	The whole
Act No. 89 of 1967	Nuclear Installations (Licensing and Security) Amendment Act, 1967	The whole
Act No. 90 of 1967	Atomic Energy Act, 1967	The whole
Act No. 33 of 1970	Uranium Enrichment Act, 1970	The whole
Act No. 34 of 1970	Atomic Energy Amendment Act, 1970	The whole
Act No. 73 of 1971	Atomic Energy Amendment Act, 1971	The whole
Act No. 62 of 1973	General Law Amendment Act, 1973	Section 33
Act No. 37 of 1974	Uranium Enrichment Amendment Act, 1974	The whole
Act No. 38 of 1974	Nuclear Installations (Licensing and Security) Amendment Act, 1974	The whole
Act No. 39 of 1974	Atomic Energy Amendment Act, 1974	The whole
Act No. 11 of 1975	Uranium Enrichment Amendment Act, 1975	The whole
Act No. 82 of 1976	Uranium Enrichment Amendment Act, 1976	The whole
Act No. 91 of 1976	Nuclear Installations (Licensing and Security) Amendment Act, 1976	The whole
Act No. 76 of 1977	Atomic Energy Amendment Act, 1977	The whole
Act No. 22 of 1978	Nuclear Installations (Licensing and Security) Amendment Act, 1978	The whole
Act No. 46 of 1978	Atomic Energy Amendment Act, 1978	The whole
Act No. 94 of 1978	Finance Act, 1978	Section 10
Act No. 46 of 1979	Atomic Energy Amendment Act, 1979	The whole
Act No. 47 of 1979	Uranium Enrichment Amendment Act, 1979	The whole
Act No. 7 of 1981	Atomic Energy Amendment Act, 1981	The whole

