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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 340

CAPE TOWN, 6 OCTOBER 1993

KAAPSTAD, 6 OKTOBER 1993

No. 15159

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1851.

6 October 1993

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

No. 131 of 1993: Nuclear Energy Act, 1993.

No. 1851.

6 Oktober 1993

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

No. 131 van 1993: Wet op Kernenergie, 1993.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To provide for the continued existence of the Atomic Energy Corporation of South Africa, Limited, and of the Council for Nuclear Safety and for the management thereof; to determine the objects, powers and functions of that Corporation and that Council; to provide for the implementation of the Nuclear Non-Proliferation Treaty and the Safeguards Agreement; to regulate the licensing of nuclear activities; to amend the Hazardous Substances Act, 1973, so as to amend a certain definition; and to provide for matters connected therewith.

*(English text signed by the Acting State President.)
(Assented to 24 September 1993.)*

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

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CHAPTER I

15

Introduction**Definitions**

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

- (a) any expression to which a meaning has been assigned in the Patents Act, 1978 (Act No. 57 of 1978), the Nuclear Non-Proliferation Treaty and the Safeguards Agreement, bears the meaning so assigned thereto; and 20
- (b) (i) "AEC" means the Atomic Energy Corporation of South Africa,

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Om voorsiening te maak vir die voortbestaan van die Atoomenergiekorporasie van Suid-Afrika, Beperk, en van die Raad vir Kernveiligheid en vir die bestuur daarvan; om die oogmerke, bevoegdhede en werksaamhede van dié Korporasie en dié Raad te bepaal; om voorsiening te maak vir die implementering van die Kernsperverdrag en die Waarborgooreenkoms; om die lisensiëring van kernbedrywighede te reël; tot wysiging van die Wet op Gevaarhoudende Stowwe, 1973, ten einde 'n sekere omskrywing te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 24 September 1993.)*

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

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HOOFSTUK I**Inleiding****Woordomskrywing**

1. In hierdie Wet, tensy uit die samehang anders blyk—
- 20 (a) het enige uitdrukking waaraan in die Wet op Patente, 1978 (Wet No. 57 van 1978), die Kernsperverdrag en die Waarborgooreenkoms 'n betekenis gegee is, die betekenis aldus daaraan gegee; en
- (b) beteken—

- Limited, referred to in section 4; and "corporation" has a corresponding meaning; (ii)
- (ii) "Board of Directors" means the Board of Directors referred to in section 8; (xxix)
- (iii) "chief executive officer" means the person appointed as such in terms of section 11; (xiii) 5
- (iv) "CNS" means the Council for Nuclear Safety referred to in section 33; (xxxiv)
- (v) "council" means the council referred to in section 36; (xxviii)
- (vi) "director" means a member of the Board of Directors referred to in section 8; (viii) 10
- (vii) "dispose of" means sell, exchange, donate, distribute, lend or in any other manner transfer; and "disposal of" has a corresponding meaning; (v)
- (viii) "enrich" means 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; (xl) 15
- (ix) "executive officer" means the person appointed as such in terms of section 44; (xxxvii) 20
- (x) "fixed date" means the date fixed in terms of section 86; (xxxviii)
- (xi) "IAEA" means the International Atomic Energy Agency; (xiv)
- (xii) "inspector" means a person appointed as such in terms of section 67; (xv)
- (xiii) "ionizing radiation" means electromagnetic or corpuscular emission emitted from radioactive material and capable of producing ions, directly or indirectly, while passing through matter; (xvi) 25
- (xiv) "licensee" means a person to whom a nuclear licence has been granted, whether or not that licence is still in force; (x)
- (xv) "management board" the board established in terms of section 12; (vi) 30
- (xvi) "Minister" means the Minister of Mineral and Energy Affairs; (xxvi)
- (xvii) "nuclear accident" means any occurrence or succession of occurrences having the same origin which— 35
- (a) causes nuclear damage; or
- (b) results in—
- (i) the release of radioactive material; or
- (ii) a radiation dose, which exceeds the limits determined by the CNS and laid down in the relevant nuclear licence; (xxii) 40
- (xviii) "nuclear damage" means any injury to or the death or any sickness or disease of a person, or other damage, including any damage to or any loss of use of property, which arises out of, or results from, or is attributable to, the ionizing radiations associated with radioactive material or with the generation of nuclear energy; (xxiii) 45
- (xix) "nuclear energy" means all the energy released by a nuclear fission or nuclear fusion process; (xviii)
- (xx) "nuclear fuel" means any material capable of undergoing a nuclear fission or nuclear fusion process by itself or in combination with some other material; (xvii) 50
- (xxi) "nuclear installation" means a facility, installation, plant or structure (other than a facility, installation, plant or structure situated at any mine as defined in section 1 of the Minerals Act, 1991 (Act No. 50 of 1991)) designed or adapted for, or which may involve the carrying out of, any process within the nuclear fuel cycle involving radioactive material and which is capable of causing nuclear damage; and includes— 55
- (a) a uranium or thorium refinement or conversion facility;

- (i) "aanleg" ook enige masjinerie, toerusting of toestel, hetsy dit aan die grond geheg is of nie; (xxvii)
- (ii) "AEK" die Atoomenergiekorporasie van Suid-Afrika, Beperk, bedoel in artikel 4; en het "korporasie" 'n ooreenstemmende betekenis; (i)
- (iii) "afvalwegdoeningsfasiliteit" 'n fasiliteit vir die ontvangs, hantering en behandeling van radioaktiewe afval en bestraalde kernbrandstof en die wegdoening van radioaktiewe afval; (xliii)
- (iv) "beperkte materiaal" berillium en sirkonium en enige ander stof wat kragtens artikel 2(a) tot beperkte materiaal verklaar is; (xxxv)
- (v) "beskik" verkoop, ruil, skenk, versprei, leen of op enige ander wyse oordra; en het "beskikking" 'n ooreenstemmende betekenis; (vii)
- (vi) "bestuursraad" die raad wat ingevolge artikel 12 aangestel word; (xv)
- (vii) "bronmateriaal" materiaal wat kragtens artikel 2(b) tot bronmateriaal verklaar is; (xxxviii)
- (viii) "direkteur" 'n lid van die Raad van Direkteure bedoel in artikel 8; (vi)
- (ix) "filiaalmaatskappy" 'n "filiaalmaatskappy" wat beoog word in artikel 1 van die Maatskappywet, 1973 (Wet No. 61 van 1973), en wat 'n filiaalmaatskappy is wat deur die AEK opgerig is, hetsy alleen of in medewerking met iemand anders; (xli)
- (x) "gelisensieerde" iemand aan wie 'n kernlisensie verleen is, hetsy die lisensie nog van krag is al dan nie; (xiv)
- (xi) "herverwerk" uit bronmateriaal of spesiale kernmateriaal wat aan bestraling blootgestel was, dié bestanddele wat as gevolg van die bestraling transmutasies ondergaan het, of dié bestanddele wat nie transmutasies ondergaan het nie en hergebruik kan word, ekstraheer of afskei; (xxxiv)
- (xii) "hierdie Wet" ook enige regulasies; (xlii)
- (xiii) "hoof- uitvoerende beampte" die persoon wat as sodanig ingevolge artikel 11 aangestel is; (iii)
- (xiv) "IAEA" die Internasionale Atoomenergie-agentskap; (xi)
- (xv) "inspekteur" 'n persoon wat as sodanig ingevolge artikel 67 aangestel is; (xii)
- (xvi) "ioniserende straling" elektro-magnetiese straling of deeltjestraling wat deur radioaktiewe materiaal uitgestraal word, en wat in staat is om ione regstreeks of onregstreeks te produseer terwyl dit deur materie dring; (xiii)
- (xvii) "kernbrandstof" enige materiaal wat alleen of in samestelling met enige ander materiaal 'n kernklowing- of kernversmeltingsproses kan ondergaan; (xx)
- (xviii) "kernenergie" al die energie wat deur 'n kernklowing- of kernversmeltingsproses vrygestel word; (xix)
- (xix) "kerninstallasie" 'n fasiliteit, installasie, aanleg of struktuur (behalwe 'n fasiliteit, installasie, aanleg of struktuur wat by enige myn soos omskryf in artikel 1 van die Mineralewet, 1991 (Wet No. 50 van 1991), geleë is) wat ontwerp of aangepas is vir, of wat die uitvoering behels van, enige proses in die kernbrandstofsiklus waarby radioaktiewe materiaal betrokke is en wat in staat is om kernskade te veroorsaak, met inbegrip van—
- (a) 'n raffinerings- of omsettingsfasiliteit vir uraan of torium;
- (b) 'n uraanverrykingsfasiliteit;
- (c) 'n kernbrandstofvervaardigingsfasiliteit;
- (d) 'n kernreaktor, met inbegrip van 'n kernklowingsreaktor of 'n kernversmeltingsreaktor of enige ander fasiliteit wat bedoel is om kernversmelting teweeg te bring;
- (e) 'n herverwerkingsfasiliteit;

- (b) a uranium enrichment facility;
- (c) a nuclear fuel fabrication facility;
- (d) a nuclear reactor, including a nuclear fission reactor or a nuclear fusion reactor or any other facility intended to create nuclear fusion; 5
- (e) a reprocessing facility;
- (f) a waste disposal facility;
- (g) a storage facility;
- (h) any other facility, installation, plant or structure which has been declared under section 2(d) to be a nuclear installation, as well as the site upon which such installation is situated; (xix) 10
- (xxii) "nuclear licence" means a nuclear licence referred to in section 51 or 52; (xx)
- (xxiii) "nuclear material" means source material and special nuclear material; (xxi) 15
- (xxiv) "Nuclear Non-Proliferation Treaty" the Treaty on the Non-Proliferation of Nuclear Weapons acceded to by the Republic on 10 July 1991; (xxiv)
- (xxv) "nuclear related equipment and material" means equipment and material which have been declared under section 2(h) to be nuclear related equipment and material; (xxv) 20
- (xxvi) "period of responsibility", in relation to a licensee, means the period beginning on the date of the grant of the relevant nuclear licence and ending on whichever of the following dates is the earlier, namely— 25
 - (a) the date on which the CNS gives notice in writing to the licensee that in its opinion the 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 51(1) carried out in regard to the radioactive material, or from any act performed in regard to the nuclear installation or site in question, as the case may be, no longer exceeds the limits consistent with the safeguarding of persons; or 30
 - (b) the date on which a nuclear licence in respect of the nuclear installation, radioactive material or site in question is granted to some other person; (xxxix) 35
- (xxvii) "plant" includes any machinery, equipment or device, whether it is attached to the ground or not; (i)
- (xxviii) "prescribed" means prescribed by regulation; (xlii)
- (xxix) "process", in relation to source material, special nuclear material and restricted material, means recover, extract, concentrate, refine or convert such material, but does not include enriching; and "processing" has a corresponding meaning; (xli) 40
- (xxx) "radioactive material" means any substance consisting of, or containing, any radioactive nuclide, whether natural or artificial; (xxx) 45
- (xxxi) "radioactive nuclide" means an unstable atomic nucleus which decays spontaneously with the accompanying emission of ionizing radiation; (xxxii)
- (xxxii) "radioactive waste" means any radioactive material which is intended to be discarded as waste material; (xxx) 50
- (xxxiii) "regulation" means any regulation made under this Act; (xxxiii)
- (xxxiv) "reprocess" means extract or separate from source material or special nuclear material that has been subjected to radiation, those constituents that have undergone transmutations as a result of the radiation, or those constituents that have not undergone transmutations and are re-usable; (xi) 55
- (xxxv) "restricted material" means beryllium and zirconium and any other substance that has under section 2(a) been declared to be restricted material; (iv) 60

- (f) 'n afvalwegdoeningsfasiliteit;
- (g) 'n opbergingsfasiliteit;
- (h) enige ander fasiliteit, installasie, aanleg of struktuur wat kragtens artikel 2(d) tot 'n kerninstallasie verklaar is,
- 5 en ook die terrein waarop so 'n kerninstallasie geleë is; (xxi)
- (xx) "kernlisensie" 'n kernlisensie bedoel in artikel 51 of 52; (xxii)
- (xxi) "kernmateriaal" bronmateriaal en spesiale kernmateriaal; (xxiii)
- (xxii) "kernongeluk" enige gebeurtenis of reeks gebeurtenisse met dieselfde oorsprong wat—
- 10 (a) kernskade veroorsaak; of
- (b) (i) die vrylating van radioaktiewe materiaal; of
- (ii) 'n stralingsdosis,
- 15 tot gevolg het wat die perke oorskry wat deur die RKV bepaal en in die betrokke kernlisensie voorgeskryf is; (xvii)
- (xxiii) "kernskade" enige besering aan of die dood of enige siekte of kwaal van iemand, of ander skade, met inbegrip van enige skade aan of verlies van die gebruik van eiendom wat voortspruit uit of die gevolg is van of toe te skryf is aan die ioniserende stralings wat verband hou met radioaktiewe materiaal of met die opwekking van kernenergie; (xviii)
- (xxiv) "Kernsperverdrag" die Verdrag op die Nie-proliferasie van Kernwapens waartoe die Republiek op 10 Julie 1991 toegetree het; (xxiv)
- 25 (xxv) "kernverwante toerusting en materiaal" toerusting en materiaal wat kragtens artikel 2(h) tot kernverwante toerusting en materiaal verklaar is; (xxv)
- (xxvi) "Minister" die Minister van Mineraal- en Energiesake; (xvi)
- 30 (xxvii) "opbergingsfasiliteit" 'n fasiliteit vir die ontvangs, hantering en behandeling van bestraalde kernbrandstof en die opberging daarvan; (xi)
- (xxviii) "raad" die raad bedoel in artikel 36; (v)
- (xxix) "Raad van Direkteure" die Raad van Direkteure bedoel in artikel 8; (ii)
- 35 (xxx) "radioaktiewe afval" enige radioaktiewe materiaal wat bestem is om as afvalmateriaal weggedoen te word; (xxxii)
- (xxxi) "radioaktiewe materiaal" enige stof wat bestaan uit enige radioaktiewe nuklied, hetsy natuurlik of kunsmatig, of wat dit bevat; (xxx)
- 40 (xxxii) "radioaktiewe nuklied" 'n onstabiele atoomkern wat spontaan verval met gepaardgaande uitstraling van ioniserende straling; (xxxi)
- (xxxiii) "regulasie" enige regulasie kragtens hierdie Wet uitgevaardig; (xxxiii)
- 45 (xxxiv) "RKV" die Raad vir Kernveiligheid bedoel in artikel 33; (iv)
- (xxxv) "spesiale kernmateriaal" enige materiaal wat kragtens artikel 2(c) tot spesiale kernmateriaal verklaar is; (xxxix)
- (xxxvi) "terrein" 'n terrein waarop 'n kerninstallasie geleë is of opgerig word of waarop enige bedrywigheid waarby radioaktiewe materiaal betrokke is, uitgevoer word wat aan lisensieering kragtens artikel 51 onderworpe is en in die betrokke kernlisensie beskryf word; (xxxvii)
- 50 (xxxvii) "uitvoerende beampte" die persoon wat as sodanig ingevolge artikel 44 aangestel is; (ix)
- (xxxviii) "vasgestelde datum" die datum wat ingevolge artikel 86 vasgestel word; (x)
- (xxxix) "verantwoordelikheidstydperk", met betrekking tot 'n gelisensieerde, die tydperk wat begin op die datum waarop die betrokke kernlisensie uitgereik is en wat eindig op die vroegste van die volgende datums, naamlik—
- 60 (a) die datum waarop die RKV die gelisensieerde skriftelik kennis gee dat, na sy oordeel, die risiko van kernskade

- (xxxvi) "Safeguards Agreement" means the comprehensive safeguards agreement concluded by the Republic with the IAEA on 16 September 1991 regarding the application of safeguards in connection with the Nuclear Non-Proliferation Treaty; (xliii)
- (xxxvii) "site" means a site on which a nuclear installation is situated or is being constructed or on which any activity which involves radioactive material is carried out which installation or activity is subject to licensing in terms of section 51 and is described in the nuclear licence concerned; (xxxvi) 5
- (xxxviii) "source material" means material which has under section 2(b) been declared to be source material; (vii) 10
- (xxxix) "special nuclear material" means any material which has under section 2(c) been declared to be special nuclear material; (xxxv)
- (xl) "storage facility" means a facility for the acceptance, handling and treatment of irradiated fuel and the storage thereof; (xxvii) 15
- (xli) "subsidiary company" means a "subsidiary company" contemplated in section 1 of the Companies Act, 1973 (Act No. 61 of 1973), and which has been established by the AEC, either alone or in association with any other person; (ix)
- (xlii) "this Act" includes any regulations; (xii) and 20
- (xliii) "waste disposal facility" means a facility for the acceptance, handling and treatment of radioactive waste and irradiated fuel and the discarding of radioactive waste. (iii)

Notices

2. The Minister may by notice in the *Gazette*— 25
- (a) declare any substance of such degree of purity as specified in the notice to be restricted material for the purposes of this Act;
- (b) declare any substance containing uranium or thorium with concentration and mass limits above those specified in the notice to be source material for the purposes of this Act; 30
- (c) declare—
- (i) plutonium-239;
- (ii) uranium-233;
- (iii) uranium enriched in its 235 or 233 isotopes;
- (iv) transuranium elements; or 35
- (v) any composition of any of the materials referred to in subparagraphs (i), (ii), (iii) and (iv) or any composition of the said materials and any other substance or substances,
- with concentration and mass limits above those specified in the notice, to be special nuclear material for the purposes of this Act; 40
- (d) declare any facility, installation, plant or structure designed or adapted for or which may involve the carrying out of any process within the nuclear fuel cycle involving radioactive material, and which is capable of causing nuclear damage, to be a nuclear installation for the purposes of this Act; 45
- (e) determine the levels of the specific activity and total activity of radioactive material and the radiation dose with reference to which the CNS may issue a declaration in terms of section 51(1)(b)(i);
- (f) determine the levels of specific activity and total activity of radioactive material below which the provisions of this Act do not apply; 50
- (g) with the concurrence of the CNS and AEC, exempt any radioactive material from the provisions of this Act;
- (h) for the purposes of this Act, declare equipment and material specially designed or prepared for the processing, use or production of nuclear material, to be nuclear related equipment and material. 55

- 5 uit enigiets op die betrokke terrein, of by of in die betrokke kerninstallasie, of uit enige bedrywigheid in artikel 51(1) bedoel, wat met betrekking tot die radio-aktiewe materiaal verrig is, of uit enige handeling wat
10 uitgevoer is met betrekking tot die betrokke kerninstallasie of terrein, na gelang van die geval, nie langer die perke wat vir die beveiliging van persone bepaal is, oorskry nie; of
- (b) die datum waarop 'n kernlisensie ten opsigte van die betrokke kerninstallasie, radioaktiewe materiaal of terrein aan iemand anders verleen word; (xxvi)
- (xl) "verryk" die verhouding van 'n isotoopbestanddeel van 'n element tot die oorblywende isotoopbestanddele van daardie element verhoog relatief tot die verhouding wat in die natuur voorkom; en het "verryking" 'n ooreenstemmende betekenis; (viii)
- (xli) "verwerk", met betrekking tot bronmateriaal, spesiale kernmateriaal en beperkte materiaal, daardie materiaal herwin, ekstraheer, konsentreer, raffineer of omskep, maar nie ook verryk nie; en het "verwerking" 'n ooreenstemmende betekenis; (xxix)
- (xlii) "voorgeskrewe" by regulasie voorgeskrewe; en (xxviii)
- (xliii) "Waarborgooreenkoms" die omvattende waarborgooreenkoms wat die Republiek op 16 September 1991 met die IAEA gesluit het. (xxxvi)
- 25

Kennisgewings

2. Die Minister kan by kennisgewing in die *Staatskoerant*—
- (a) vir die doeleindes van hierdie Wet enige stof met sodanige suiwerheidsgraad as wat in die kennisgewing gespesifiseer word, tot beperkte materiaal verklaar;
- 30 (b) vir die doeleindes van hierdie Wet enige stof wat uraan of torium bevat met sterkte- en massaperke bo dié wat in die kennisgewing gespesifiseer word, tot bronmateriaal verklaar;
- (c) (i) plutonium-239;
- 35 (ii) uraan-233;
- (iii) uraan verryk in sy 235- of 233-isotoop;
- (iv) transuraanelemente; of
- (v) enige samestelling van enige van die materiale in subparagrafe (i), (ii), (iii) en (iv) genoem of 'n samestelling van enige van
- 40 genoemde materiale en enige ander stof of stowwe, met sterkte- en massaperke bo dié wat in die kennisgewing gespesifiseer word, vir die doeleindes van hierdie Wet tot spesiale kernmateriaal verklaar;
- (d) vir die doeleindes van hierdie Wet enige fasiliteit, installasie, aanleg of struktuur wat ontwerp of aangepas is vir, of wat die uitvoering behels van, enige proses binne die kernbrandstofsiklus waarby radioaktiewe materiaal betrokke is, en wat in staat is om kernskade te veroorsaak, tot 'n kerninstallasie verklaar;
- 45 (e) die vlakke van die spesifieke aktiwiteit en totale aktiwiteit van radioaktiewe materiaal, en die stralingsdosis ten aansien waarvan die RKV 'n verklaring kragtens artikel 51(1)(b)(i) kan uitreik, bepaal;
- (f) die vlakke van die spesifieke aktiwiteit en totale aktiwiteit van radioaktiewe materiaal waarbene die bepalings van hierdie Wet nie van toepassing is nie, bepaal;
- 50 (g) met die instemming van die RKV en die AEK, enige radioaktiewe materiaal van die bepalings van hierdie Wet vrystel;
- (h) vir die doeleindes van hierdie Wet toerusting en materiaal wat spesiaal ontwerp of voorberei is vir die verwerking, gebruik of produksie van kernmateriaal, tot kernverwante toerusting en materiaal verklaar.

Application of this Act**3. The provisions of this Act are not applicable—**

- (a) subject to the provisions of section 28, in respect of Group IV hazardous substances as defined in section 1 of the Hazardous Substances Act, 1973 (Act No. 15 of 1973); or
- (b) in respect of radioactive material with a specific activity and a total activity below the levels determined in terms of section 2(f); or
- (c) in respect of any other radioactive material exempted in terms of section 2(g).

CHAPTER II***The Atomic Energy Corporation of South Africa, Limited*****Continuation of Atomic Energy Corporation**

4. (1) The Atomic Energy Corporation of South Africa, Limited, established by section 2 of the Nuclear Energy Act, 1982 (Act No. 92 of 1982), shall continue as a juristic person, known as the AEC, notwithstanding the repeal of that Act by this Act.

(2) The registrar of deeds concerned shall make such entries or endorsements as he may deem necessary to give effect to the provisions of subsection (1) in or on any relevant register, title deed or any other document in his office or submitted to him, and no office fees or other moneys shall be payable in respect of such an entry or endorsement.

Objects of AEC**5. The objects of the AEC are to—**

- (a) develop technology and expertise in the field of nuclear energy, and to undertake the production of nuclear energy for peaceful purposes;
- (b) develop, and promote the development of, nuclear related technology and related expertise, and to make these generally available;
- (c) process source material, special nuclear material and restricted material and to reprocess and enrich source material and special nuclear material;
- (d) commercially utilize the technological expertise in its possession;
- (e) exercise control over the discarding of radioactive waste and the storing of irradiated nuclear fuel;
- (f) undertake and promote research in the field of nuclear energy and nuclear related technology;
- (g) act as national authority for the implementation of the Safeguards Agreement and other similar agreements with other institutions and governments; and
- (h) co-operate with any person, institution, government or administration in matters falling within the said objects, and promote such co-operation between the Republic and other countries.

Functions of AEC**6. (1) In order to achieve its objects, the AEC may—**

- (a) with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure—
 - (i) for the purpose of developing or exploiting in any manner any invention or technological expertise, establish a company in terms of the Companies Act, 1973 (Act No. 61 of 1973), or in association with any person so establish a company, or finance the establishment of such a company or assist in the financing thereof, or acquire an interest in or control over such a company;

Toepassing van hierdie Wet

3. Die bepalings van hierdie Wet is nie van toepassing nie—
- (a) behoudens die bepalings van artikel 28, ten opsigte van Groep IV-gevaarhoudende stowwe soos omskryf in artikel 1 van die Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973); of
 - (b) ten opsigte van radioaktiewe materiaal met 'n spesifieke aktiwiteit en 'n totale aktiwiteit onder die vlakke wat ingevolge artikel 2(f) bepaal is; of
 - (c) ten opsigte van enige ander radioaktiewe materiaal wat kragtens artikel 2(g) vrygestel is.

HOOFSTUK II***Die Atoomenergiekorporasie van Suid-Afrika, Beperk*****Voortbestaan van Atoomenergiekorporasie**

4. (1) Die Atoomenergiekorporasie van Suid-Afrika, Beperk, ingestel by artikel 2 van die Wet op Kernenergie, 1982 (Wet No. 92 van 1982), bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan as 'n regs persoon, bekend as die AEK.

- (2) Die betrokke registrateur van aktes moet die inskrywings of aantekeninge wat hy nodig ag ten einde aan die bepalings van subartikel (1) gevolg te gee, in of op enige betrokke register, titelbewys of enige ander stuk in sy kantoor of aan hom voorgelê, aanbring, en geen kantoorgelde of ander gelde is ten opsigte van so 'n inskrywing of aantekening betaalbaar nie.

Oogmerke van AEK

5. Die oogmerke van die AEK is om—
- (a) tegnologie en kundigheid op die gebied van kernenergie te ontwikkel, en die voortbrenging van kernenergie vir vreedsame doeleindes te onderneem;
 - (b) kernverwante tegnologie en -kundigheid te ontwikkel, die ontwikkeling daarvan te bevorder, en dit algemeen beskikbaar te stel;
 - (c) bronmateriaal, spesiale kernmateriaal en beperkte materiaal te verwerk en bronmateriaal en spesiale kernmateriaal te herverwerk en te verryk;
 - (d) die tegnologiese kundigheid in sy besit kommersieel te benut;
 - (e) beheer uit te oefen oor die wegdoening van radioaktiewe afval en die opberging van bestraalde kernbrandstof;
 - (f) navorsing op die gebied van kernenergie en kernverwante tegnologie te onderneem en te bevorder;
 - (g) as nasionale owerheid vir die implementering van die Waarborg-ooreenkoms en ander soortgelyke ooreenkomste wat met ander instellings en regerings gesluit is, op te tree; en
 - (h) met enige persoon, instelling, regering of administrasie saam te werk oor aangeleenthede wat binne genoemde oogmerke val, en sodanige samewerking tussen die Republiek en ander lande te bevorder.

Werksaamhede van AEK

6. (1) Ten einde sy oogmerke te bereik, kan die AEK—
- (a) met die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding—
 - (i) met die doel om enige uitvinding of tegnologiese kundigheid op enige wyse te ontwikkel of te benut, 'n maatskappy ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), oprig of in medewerking met enige persoon 'n maatskappy aldus oprig, of die oprigting van so 'n maatskappy finansier of met die finansiering daarvan behulpsaam wees, of 'n belang in of beheer oor so 'n maatskappy verkry;

- (ii) purchase or otherwise acquire immovable property, and encumber or dispose of such property;
- (iii) purchase, erect, or cause to be erected, buildings or other works or plants;
- (b) manage a company contemplated in paragraph (a)(i) and appoint any person to act on behalf of the AEC as director of, or in any other capacity in relation to, such company; 5
- (c) establish and manage facilities for collecting and disseminating information regarding activities falling within the objects of the AEC;
- (d) utilize or let buildings, works or plants to the benefit of the AEC or a company contemplated in paragraph (a)(i); 10
- (e) hire, possess, purchase or otherwise acquire movable property, and let, pledge, encumber or dispose of such property;
- (f) hire or let services or make them otherwise available;
- (g) conclude agreements with producers to produce and deliver such quantities of source material as may be required by the AEC and its subsidiary companies from time to time; 15
- (h) cede or assign to any person any or all of the rights and obligations of the AEC in terms of any contract relating to the sale or supply of source material; 20
- (i) undertake or promote the prospecting for and mining of source material and restricted material;
- (j) undertake, cause to be undertaken or promote the development of nuclear technology, nuclear related technology and know-how and nuclear research; 25
- (k) manufacture or otherwise produce, or acquire or possess uranium hexafluoride (UF₆) or dispose thereof;
- (l) acquire, possess, utilize, dispose of or process source material, special nuclear material and restricted material, and enrich and reprocess source material and special nuclear material; 30
- (m) manufacture, acquire or possess nuclear fuel and dispose thereof;
- (n) produce nuclear energy;
- (o) import into or export from the Republic source material, special nuclear material, restricted material and nuclear related equipment and material and technology; 35
- (p) control the discarding of radioactive waste, discard radioactive waste and operate waste disposal facilities for such purpose;
- (q) control the storage of irradiated nuclear fuel, store irradiated fuel and operate storage facilities for such purpose;
- (r) undertake, or cause to be undertaken, the transport of source material, special nuclear material, nuclear fuel, irradiated nuclear fuel, radioactive material and radioactive waste; 40
- (s) make such arrangements as the Minister may deem necessary for the stockpiling of strategic raw materials, materials and equipment;
- (t) (i) sell to any person or in any other manner make available for use on such conditions as determined by the Board of Directors, any patent, licence, concession, right to manufacture or any similar right granting powers to use any information, expertise, process or technology which has been developed by the AEC or a subsidiary company and which is its property; 45
- (ii) 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 use, exercise, develop or grant licences in respect of such rights, concessions, technologies, expertise, information or processes, or otherwise derive benefit therefrom; 50
- (u) co-operate with educational, scientific or other bodies or institutions with a view to the provision of instruction to, or the training of, persons required by the AEC, and if the AEC deems it necessary, provide financial or other assistance for the training of such persons; 60
- (v) award bursaries and loans for study purposes to any person;
- (w) do any other thing that is necessary to achieve, or is conducive to the achievement of, its objects.

- (ii) onroerende goed koop of andersins verkry, en daardie goed beswaar of vervreem;
- (iii) geboue of ander werke of aanlegte koop, oprig of laat oprig;
- 5 (b) 'n maatskappy beoog in paragraaf (a)(i) bestuur, en 'n persoon aanstel om namens die AEK as 'n direkteur van, of in 'n ander hoedanigheid met betrekking tot, die maatskappy op te tree;
- (c) fasiliteite vir die insameling en verspreiding van inligting betreffende bedrywighede wat binne die oogmerke van die AEK val, oprig en bestuur;
- 10 (d) geboue, werke of aanlegte tot voordeel van die AEK of 'n maatskappy in paragraaf (a)(i) beoog, aanwend of verhuur;
- (e) roerende goed, huur, besit, koop of andersins verkry en daardie goed verhuur, verpand, beswaar of vervreem;
- (f) dienste huur of verhuur of andersins beskikbaar stel;
- 15 (g) ooreenkomste met produsente aangaan om die hoeveelheid bronmateriaal voort te bring en te lewer wat die AEK en sy filiaalmaatskappye van tyd tot tyd nodig het;
- (h) enige van of al die regte en verpligtinge van die AEK ingevolge 'n kontrak betreffende die verkoop of verskaffing van bronmateriaal aan enigiemand sedeer of oordra;
- 20 (i) prospektering na, en ontginning van, bronmateriaal en beperkte materiaal onderneem of bevorder;
- (j) die ontwikkeling van kerntegnologie, kernverwante tegnologie en kundigheid en kernnavorsing onderneem, laat onderneem of bevorder;
- 25 (k) uraanheksafluoried (UF₆) vervaardig of andersins voortbring, of verkry, besit of daarvoor beskik;
- (l) bronmateriaal, spesiale kernmateriaal en beperkte materiaal verkry, besit, gebruik, daarvoor beskik en dit verwerk, en bronmateriaal en spesiale kernmateriaal verryk en herverwerk;
- 30 (m) kernbrandstof vervaardig, verkry, besit en daarvoor beskik;
- (n) kernenergie voortbring;
- (o) bronmateriaal, spesiale kernmateriaal, beperkte materiaal en kernverwante toerusting en materiaal en tegnologie invoer in of uitvoer uit die Republiek;
- 35 (p) die wegdoening van radioaktiewe afval beheer, en radioaktiewe afval wegdoen en vir dié doel afvalwegdoeningsfasiliteite bedryf;
- (q) die opberging van bestraalde kernbrandstof beheer, bestraalde kernbrandstof opberg en vir dié doel opbergingsfasiliteite bedryf;
- (r) die vervoer van bronmateriaal, spesiale kernmateriaal, kernbrandstof, bestraalde kernbrandstof, radioaktiewe materiaal en radioaktiewe afval onderneem of laat onderneem;
- 40 (s) reëlins tref wat die Minister nodig ag vir die opstapeling van strategiese grondstowwe, materiaal en toerusting;
- (t) (i) 'n patent, lisensie, konsessie, vervaardigingsreg of soortgelyke reg wat bevoegdhede verleen vir die gebruik van enige inligting, kundigheid, proses of tegnologie wat deur die AEK of 'n filiaalmaatskappy ontwikkel is en wat sy eiendom is, aan enige persoon verkoop of op 'n ander wyse vir gebruik beskikbaar stel op voorwaardes wat die Raad van Direkteure mag bepaal;
- 45 (ii) patente, lisensies, konsessies, vervaardigingsregte of ander soortgelyke regte wat bevoegdhede verleen vir die gebruik van tegnologieë, kundigheid, inligting of prosesse aanvra, koop of op 'n ander wyse verkry, en dié regte, konsessies, tegnologieë, kundigheid, inligting of prosesse gebruik, uitoefen, ontwikkel of lisensies ten opsigte daarvan verleen, of op 'n ander wyse daaruit voordeel trek;
- 50 (u) met opvoedkundige, wetenskaplike of ander liggame of instellings saamwerk met die oog op die verskaffing van onderrig aan, of die opleiding van, persone wat die AEK nodig het, en indien die AEK dit nodig ag, geldelike of ander hulp verleen vir die opleiding van sodanige persone;
- 60 (v) studiebeurse en -lenings aan enige persoon toeken;
- (w) enigiets anders doen wat nodig is om sy oogmerke te bereik of bevorderlik is vir die bereiking daarvan.

(2) In order to create and utilize viable business opportunities in commerce and industry, the AEC may—

- (i) produce and otherwise acquire reports, computer programs and other intellectual property and dispose thereof;
- (ii) manufacture and sell instruments, equipment and similar products;
- (iii) process and sell minerals;
- (iv) produce, process and sell metals, chemicals and related products;
- (v) render services against payment.

(3) The functions of the AEC mentioned in this section shall be performed by the chief executive officer, except in so far as they have been assigned by this Act or by the Board of Directors or by the Minister to any other person.

Exercise of powers of AEC outside Republic

7. (1) The AEC may at the request of or with the prior approval of the Minister undertake the development, transfer or exploitation of nuclear or nuclear related technology on behalf of or in collaboration with any person, institution, government or administration, in any country or territory outside the Republic.

(2) Subject to the provisions of subsection (3), the provisions of this Act, in so far as they can be applied, apply *mutatis mutandis* to the AEC in the exercising of its powers in terms of this section as if the country or territory in which it so exercises its powers were within the Republic.

(3) Development, transfer and exploitation of technology in terms of subsection (1) are undertaken on such conditions—

- (a) as are agreed upon between the chief executive officer and the person, institution, government or administration on behalf of or in collaboration with whom such development, transfer and exploitation are to be undertaken; and
- (b) as are approved by the Board of Directors.

(4) The Minister may with the concurrence of the Minister of Finance indemnify the AEC against any losses which it may incur consequent on any act or omission of a person, institution, government or administration referred to in subsection (1).

Control and management of affairs of AEC

8. (1) The affairs of the AEC shall be managed by a Board of Directors, which, subject to the provisions of this Act, shall determine the policy and goals of the AEC and shall generally exercise control over the performance of its functions and the exercise of its powers.

(2) The Board of Directors shall consist of—

- (a) a chairman appointed by the Minister;
- (b) not more than six other directors appointed by the Minister after consultation with the chairman and chief executive officer, of whom—
 - (i) one shall be a person who is involved in the mining and extraction of source material;
 - (ii) one shall be appointed to represent Eskom referred to in section 2 of the Eskom Act, 1987 (Act No. 40 of 1987);
 - (iii) one shall be a person who is involved in commerce;
 - (iv) one shall be a person who is involved in industry;
 - (v) two shall be persons who have knowledge or experience of technology of an advanced nature which forms part of the AEC's activities;
- (c) the chief executive officer, who is an *ex officio* member of the Board of Directors;
- (d) an official of the Department of Mineral and Energy Affairs appointed by the Minister;
- (e) an official of the Department of Foreign Affairs designated by the Minister after consultation with the Minister of Foreign Affairs.

- (2) Die AEK kan, ten einde lewensvatbare sakegeleenthede in die handel en nywerheid te skep en te benut—
- (i) verslae, rekenaarprogramme en ander intellektuele eiendom produseer, of andersins verkry en daaroor beskik;
 - 5 (ii) instrumente, toerusting en dergelike produkte vervaardig en verkoop;
 - (iii) minerale verwerk en verkoop;
 - (iv) metale, chemikalieë en verwante produkte produseer, verwerk en verkoop; en
 - (v) dienste teen betaling lewer.
- 10 (3) Die werksaamhede van die AEK in hierdie artikel vermeld, word verrig deur die hoof- uitvoerende beampte, behalwe vir sover dit deur hierdie Wet of deur die Raad van Direkteure of deur die Minister aan iemand anders opgedra word.

Uitoefening van bevoegdhede van AEK buite Republiek

- 15 7. (1) Die AEK kan op versoek van of met die voorafverkreë toestemming van die Minister die ontwikkeling, oordrag of eksplorasie van kern- en kernverwante tegnologie namens of in samewerking met enige persoon, instelling, regering of administrasie, in enige land of gebied buite die Republiek onderneem.
- 20 (2) Behoudens die bepalinge van subartikel (3) is die bepalinge van hierdie Wet, vir sover dit toegepas kan word, *mutatis mutandis* van toepassing op die AEK by die uitoefening van sy bevoegdhede ingevolge hierdie artikel asof die land of gebied waarin hy sy bevoegdhede aldus uitoefen binne die Republiek is.
- (3) Die ontwikkeling, oordrag en eksplorasie van tegnologie ingevolge
- 25 subartikel (1) word onderneem op die voorwaardes—
- (a) waaromtrent daar ooreengekom word tussen die hoof- uitvoerende beampte en die persoon, instelling, regering of administrasie namens of in samewerking met wie die ontwikkeling, oordrag en eksplorasie gedoen gaan word; en
 - 30 (b) wat deur die Raad van Direkteure goedgekeur word.
- (4) Die Minister kan met die instemming van die Minister van Finansies die AEK vrywaar teen verliese wat hy mag ly as gevolg van 'n handeling of versuim van 'n persoon, instelling, regering of administrasie in subartikel (1) bedoel.

Beheer oor en bestuur van sake van AEK

- 35 8. (1) Die sake van die AEK word bestuur deur 'n Raad van Direkteure, wat, behoudens die bepalinge van hierdie Wet, die beleid en doelstellings van die AEK bepaal en in die algemeen beheer uitoefen oor die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede.
- (2) Die Raad van Direkteure bestaan uit—
- 40 (a) 'n voorsitter wat deur die Minister aangestel word;
- (b) hoogstens ses ander direkteure wat deur die Minister na raadpleging van die voorsitter en hoof- uitvoerende beampte aangestel word, van wie—
- 45 (i) een 'n persoon moet wees wat by die ontginning en ekstrahering van bronmateriaal betrokke is;
 - (ii) een aangestel word om Eskom bedoel in artikel 2 van die Eskomwet, 1987 (Wet No. 40 van 1987), te verteenwoordig;
 - (iii) een 'n persoon moet wees wat by die handel betrokke is;
 - (iv) een 'n persoon moet wees wat by die nywerheid betrokke is;
 - 50 (v) twee persone moet wees wat oor besondere kennis of ondervinding beskik van tegnologie van 'n gevorderde aard wat deel van die AEK se bedrywighede vorm;
 - (c) die hoof- uitvoerende beampte, wat ampshalwe as lid van die Raad van Direkteure dien;
 - 55 (d) 'n beampte van die Departement van Mineraal- en Energiesake wat deur die Minister aangewys word;
 - (e) 'n beampte van die Departement van Buitelandse Sake wat deur die Minister na oorlegpleging met die Minister van Buitelandse Sake aangewys word.

(3) The directors shall be South African citizens permanently resident in the Republic.

(4) (a) The chairman of the Board of Directors shall hold office for a period not exceeding five years, but may be reappointed.

(b) A director referred to in subsection (2)(b) shall hold office for a period not exceeding three years, but may be reappointed. 5

(5) The directors, other than a director who is in the full-time employment of the State or the AEC, shall be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may determine with the concurrence of the Minister of State Expenditure. 10

(6) (a) The Minister may appoint one of the other directors as vice-chairman of the Board of Directors to act as chairman, if the chairman is absent or is unable to perform his functions as chairman.

(b) When the vice-chairman so acts as chairman, he shall exercise all the powers and perform all the duties and functions of the chairman. 15

(7) The chairman or vice-chairman, or in their absence a director elected by the directors present, shall preside at a meeting of the Board of Directors.

(8) If a director dies or vacates his office, the Minister may, subject to the provisions of subsection (2), appoint another person as a director for the unexpired part of his term of office. 20

(9) Any person who immediately prior to the commencement of this Act served as a member of the board of directors as defined in section 1 of the Nuclear Energy Act, 1982 (Act No. 92 of 1982), shall remain a member of the Board of Directors until the expiry of the period for which he was appointed in terms of section 5 of the said Act or until the appointment of a Board of Directors in terms of subsection (2), whichever occurs first. 25

(10) The Minister may at any time discharge a director from office if such director is unable to fulfil his duties or is guilty of misconduct.

(11) 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 such loss or damage is due to his gross negligence or his failure to comply with any provision of this Act or to anything done by him in bad faith. 30

(12) A director shall vacate his office if he—

(a) loses or relinquishes his South African citizenship or is no longer permanently resident in the Republic; 35

(b) is declared insolvent or hands his estate over to his creditors;

(c) is convicted of an offence and sentenced to imprisonment without the option of a fine;

(d) has been absent from three consecutive meetings of the Board of Directors without leave of the chairman, unless the Board of Directors condones his absence on his advancing good reasons for his absence; 40

(e) resigns as director;

(f) is discharged by the Minister in terms of subsection (10);

(g) (i) is nominated as a candidate for election as a member of Parliament in terms of the provisions of the Electoral Act, 1979 (Act No. 45 of 1979); or 45

(ii) is nominated or elected as a member of Parliament or designated or appointed to any other public office in the legislative or executive authority of the State. 50

Meetings of Board of Directors

9. (1) The first meeting of the Board of Directors shall be held at the time and place determined by the chairman, and meetings thereafter shall be held at such times and places as the Board of Directors shall determine.

(2) The chairman or, in his absence, the vice-chairman may at any time call a special meeting of the Board of Directors, to be held at such time and place as the chairman or vice-chairman, as the case may be, may determine. 55

(3) A majority of the directors shall form a quorum for any meeting of the Board of Directors.

- (3) Die direkteure moet Suid-Afrikaanse burgers wees wat permanent in die Republiek woonagtig is.
- (4) (a) Die voorsitter van die Raad van Direkteure beklee sy amp vir 'n tydperk van hoogstens vyf jaar, maar kan weer aangestel word.
- 5 (b) 'n Direkteur bedoel in subartikel (2)(b) beklee sy amp vir 'n tydperk van hoogstens drie jaar, maar kan weer aangestel word.
- (5) Die direkteure, behalwe 'n direkteur wat in die heeltidse diens van die Staat of die AEK is, word aangestel op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die
- 10 Minister met die instemming van die Minister van Staatsbesteding bepaal.
- (6) (a) Die Minister kan een van die ander direkteure as ondervoorsitter aanstel om as voorsitter waar te neem indien die voorsitter afwesig is of nie in staat is om sy werksaamhede as voorsitter te verrig nie.
- (b) Wanneer die ondervoorsitter aldus waarneem, oefen hy al die bevoegd-
- 15 hede uit en verrig hy al die pligte en werksaamhede van die voorsitter.
- (7) Die voorsitter of ondervoorsitter, of in hul afwesigheid 'n direkteur deur die aanwesige direkteure aangewys, sit voor op 'n vergadering van die Raad van Direkteure.
- (8) Indien 'n direkteur te sterwe kom of sy amp ontruim, kan die Minister,
- 20 behoudens die bepalings van subartikel (2), iemand anders vir die onverstreke deel van sy ampstermyn as direkteur aanstel.
- (9) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet as lid van die raad van direkteure soos omskryf in artikel 1 van die Wet op Kernenergie, 1982 (Wet No. 92 van 1982), gedien het, bly aan as lid van die
- 25 Raad van Direkteure tot by die verstryking van die tydperk waarvoor hy ingevolge artikel 5 van genoemde Wet aangestel is of tot die aanstelling van 'n Raad van Direkteure ingevolge subartikel (2), watter ook al eerste voorkom.
- (10) Die Minister kan 'n direkteur te eniger tyd van sy amp onthef indien die direkteur nie in staat is om sy pligte te vervul nie of aan wangedrag skuldig is.
- 30 (11) 'n Direkteur is nie persoonlik aanspreeklik vir enige verlies of skade wat voortvloei uit, of in verband staan met, die uitvoering van sy pligte uit hoofde van sy aanstelling as 'n direkteur nie, tensy dié verlies of skade te wyte is aan sy growwe nalatigheid of versuim om 'n bepaling van hierdie Wet na te kom of aan iets te kwader trou deur hom gedoen.
- 35 (12) 'n Direkteur ontruim sy amp indien hy—
- (a) sy Suid-Afrikaanse burgerskap verloor of prysgee of nie meer permanent in die Republiek woonagtig is nie;
- (b) insolvent verklaar word of sy boedel aan sy skuldeisers oorgee;
- (c) aan 'n misdryf skuldig bevind en gevonnissen word tot gevangenisstraf
- 40 sonder die keuse van 'n boete;
- (d) sonder verlof van die voorsitter van drie agtereenvolgende vergaderings van die Raad van Direkteure afwesig is, tensy die Raad van Direkteure by die aanvoer van gegronde redes deur hom sy afwesigheid kondoneer;
- 45 (e) as direkteur bedank;
- (f) deur die Minister ingevolge subartikel (10) van sy amp onthef word;
- (g) (i) ingevolge die bepalings van die Kieswet, 1979 (Wet No. 45 van 1979), as kandidaat vir verkiesing as lid van die Parlement genomineer word; of
- 50 (ii) as lid van die Parlement benoem of verkies of vir of in enige ander openbare amp in die wetgewende of uitvoerende gesag van die Staat aangewys of aangestel word.

Vergaderings van Raad van Direkteure

9. (1) Die eerste vergadering van die Raad van Direkteure word gehou op die
- 55 tyd en plek wat die voorsitter bepaal, en vergaderings daarna word gehou op die tyd en plekke wat die Raad van Direkteure bepaal.
- (2) Die voorsitter of, in sy afwesigheid, die vise-voorsitter kan te eniger tyd 'n spesiale vergadering van die Raad van Direkteure belê, wat gehou word op die tyd en plek wat die voorsitter of die ondervoorsitter, na gelang van die geval,
- 60 bepaal.
- (3) Die kworum vir 'n vergadering van die Raad van Direkteure is 'n meerderheid van die direkteure.

(4) A decision of the majority of the directors present at a meeting of the Board of Directors shall constitute a decision of such Board, and in the event of an equality of votes on any matter the director presiding at the relevant meeting shall have a casting vote in addition to his deliberative vote.

(5) No decision taken by the Board of Directors or act performed under the authority of the Board of Directors, shall be invalid merely by reason of a vacancy on the Board of Directors or of the fact that any person not entitled to sit as a director, sat as a director at the time the decision was taken, if the decision was taken or the act was authorized by the required majority of directors present at the meeting and who were entitled to sit as directors.

Committees for particular purposes

10. (1) The Board of Directors may establish one or more committees, including an executive committee, which, subject to the directives of the Board of Directors, shall perform such functions of the Board of Directors as it may determine.

(2) A committee contemplated in subsection (1) shall consist of such persons, including directors and employees of the AEC, as the Board of Directors deems necessary, and the Board of Directors may dissolve or reconstitute a committee at any time.

(3) If such a committee consists of more than one member, the Board of Directors shall designate a member of the committee as chairman thereof.

(4) The AEC may pay the members of a committee referred to in subsection (1) who are not in the full-time service of the State or employees of the AEC such remuneration and such allowances as the Minister may determine with the concurrence of the Minister of State Expenditure.

Chief executive officer

11. (1) The Board of Directors shall, with the concurrence of the Minister, appoint an employee of the AEC as chief executive officer of the AEC.

(2) The chief executive officer shall be the chairman of the management board and is, subject to section 6(3), responsible, in co-operation with the management board, for the management and the performance of the functions of the AEC by virtue of this Act and such functions as may be assigned to him by the Minister or the Board of Directors in terms of the provisions of this Act or by the provisions of this Act or any other law, and shall report on such matters as the Board of Directors or the Minister may determine.

(3) Whenever the chief executive officer is for any reason absent or unable to perform his functions, or whenever there is a vacancy in the office of chief executive officer, the Board of Directors may designate a member of the management board to act as chief executive officer until the chief executive officer resumes his functions or a chief executive officer is appointed in terms of subsection (1), and that member shall, while so acting, have all the powers and perform all the functions of the chief executive officer.

(4) An appointment as chief executive officer or a designation as acting chief executive officer shall be subject to such conditions of service as the Board of Directors may with the approval of the Minister determine from time to time.

Management board

12. The Board of Directors shall establish a management board to assist the chief executive officer, subject to the directives and control of the said Board, in the execution of his managerial functions, and may appoint as many employees of the AEC as it may deem necessary as members of such management board.

Staff of AEC and conditions of service

13. (1) The chief executive officer—

(4) 'n Besluit van die meerderheid van die direkteure van die Raad van Direkteure wat op 'n vergadering van die Raad van Direkteure aanwesig is, maak 'n besluit uit van dié Raad, en by 'n staking van stemme oor enige aangeleentheid het die direkteur wat op die betrokke vergadering as voorsitter optree, benewens sy beraadslagende stem 'n beslissende stem.

(5) Geen besluit van die Raad van Direkteure of handeling verrig op gesag van die Raad van Direkteure is ongeldig nie bloot vanweë 'n toevallige vakature in die Raad van Direkteure of die feit dat 'n persoon wat nie geregtig was om as direkteur sitting te neem nie, as 'n direkteur sitting geneem het toe die besluit geneem is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die direkteure wat op die vergadering aanwesig was en wat geregtig was om as direkteure sitting te neem.

Komitees vir bepaalde doeleindes

10. (1) Die Raad van Direkteure kan een of meer komitees, met inbegrip van 'n uitvoerende komitee, instel, wat, onderhewig aan die voorskrifte van die Raad van Direkteure, dié werksaamhede van die Raad van Direkteure verrig wat hy bepaal.

(2) 'n Komitee beoog in subartikel (1) bestaan uit dié persone, met inbegrip van direkteure en werknemers van die AEK, wat die Raad van Direkteure nodig ag, en die Raad van Direkteure kan te eniger tyd 'n komitee ontbind of hersaamstel.

(3) Indien so 'n komitee uit meer as een lid bestaan, wys die Raad van Direkteure 'n lid van die komitee as voorsitter daarvan aan.

(4) Die AEK kan aan die lede van 'n komitee in subartikel (1) bedoel wat nie in die heeltidse diens van die Staat of werknemers van die AEK is nie, die besoldiging en toelaes betaal wat die Minister met die instemming van die Minister van Staatsbesteding bepaal.

Hoof- uitvoerende beampte

11. (1) Die Raad van Direkteure stel met die instemming van die Minister 'n werknemer van die AEK as hoof- uitvoerende beampte van die AEK aan.

(2) Die hoof- uitvoerende beampte is die voorsitter van die bestuursraad en is, behoudens artikel 6(3), in samewerking met die bestuursraad, verantwoordelik vir die bestuur en die verrigting van die werksaamhede van die AEK uit hoofde van hierdie Wet en dié werksaamhede wat deur die Minister of die Raad van Direkteure ingevolge die bepalings van hierdie Wet of die bepalings van hierdie Wet of enige ander wet aan hom opgedra word, en doen verslag oor dié sake wat die Raad van Direkteure of die Minister bepaal.

(3) Wanneer die hoof- uitvoerende beampte om die een of ander rede afwesig is of nie in staat is om sy werksaamhede te verrig nie, of wanneer die amp van hoof- uitvoerende beampte vakant is, kan die Raad van Direkteure 'n lid van die bestuursraad aanwys om as hoof- uitvoerende beampte waar te neem totdat die hoof- uitvoerende beampte sy werksaamhede hervat of 'n hoof- uitvoerende beampte ingevolge subartikel (1) aangestel is, en terwyl hy aldus waarneem, het daardie lid al die bevoegdhede en verrig hy al die werksaamhede van die hoof- uitvoerende beampte.

(4) 'n Aanstelling as hoof- uitvoerende beampte of 'n aanwysing as waarnemende hoof- uitvoerende beampte is onderworpe aan die diensvoorwaardes wat die Raad van Direkteure van tyd tot tyd met die goedkeuring van die Minister bepaal.

Bestuursraad

12. Die Raad van Direkteure stel 'n bestuursraad in om, onderworpe aan die voorskrifte en beheer van dié Raad, die hoof- uitvoerende beampte by die uitvoering van sy bestuursfunksies by te staan, en kan soveel werknemers van die AEK as wat hy nodig ag as lede van dié bestuursraad aanstel.

Personeel van AEK en diensvoorwaardes

13. (1) Die hoof- uitvoerende beampte—

- (a) may, subject to paragraph (b) and on such conditions as determined by the Board of Directors, appoint such employees of the AEC as he may deem necessary to assist him in the performance of his functions;
- (b) shall pay such employees such remuneration, allowances, subsidies and other benefits as the Board of Directors may determine in accordance with a system approved from time to time by the Minister with the consent of the Minister of State Expenditure;
- (c) may, on such conditions as he may deem fit, second an employee of the AEC, either for a particular service or for a period of time, to the service of a department of State, the government of another country or territory or an institution or person inside or outside the Republic: Provided that an employee shall not be seconded to the service of the government of such other country or territory or of such person or institution outside the Republic, unless the employee consents thereto: Provided further that if an employee is so seconded, his conditions of service as employee of the AEC shall not be adversely affected thereby.

(2) Any person who immediately prior to the fixed date was an officer or employee appointed or deemed to have been appointed as such in terms of section 8 of the Nuclear Energy Act, 1982 (Act No. 92 of 1982), shall from that date be deemed to have been appointed as an employee in terms of subsection (1)(a) of this section on such conditions of service as may be determined from time to time in terms of the said subsection.

(3) The chief executive officer may from time to time on such conditions and with such security as he may deem fit—

- (a) provide collateral security, including guarantees, to a financial institution as defined in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), in respect of a loan granted to any employee of the AEC by such financial institution to enable such employee to acquire, improve or enlarge immovable property for the purposes of occupation;
- (b) build, cause to be built, buy or hire dwelling houses, flats or flat buildings for occupation by such employees, and may sell or let such houses or flats to such employees or otherwise alienate, let or otherwise deal with such houses, flats or flat buildings;
- (c) 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 may be beneficial to such employees.

(4) (a) Subject to the provisions of paragraph (b) of this subsection, the AEC shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution.

(b) The AEC may with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, institute and manage or cause to be managed a pension or provident fund or an alternative pension or provident fund for its employees.

Delegation of powers and assignment of functions

14. (1) The Minister may in writing delegate any power granted to him in terms of section 21 or 22 to the Board of Directors or, after consultation with the Board of Directors, to the council or the South African Council for the Non-Proliferation of Weapons of Mass Destruction established by section 4 of the Non-Proliferation of Weapons of Mass Destruction Act, 1993, or any other person.

(2) The Board of Directors may—

- (a) delegate any power granted to it by or under this Act to the chairman or any other director, the chief executive officer or a committee established under section 10; or
- (b) assign the performance of a function entrusted to the Board of Directors by or under this Act to the chairman or any other director, the chief executive officer or a committee established under section 10.

- (a) kan, behoudens paragraaf (b) en op die voorwaardes wat die Raad van Direkteure bepaal, die werknemers van die AEK aanstel wat hy nodig ag om hom by die verrigting van sy werksaamhede by te staan;
- 5 (b) moet aan dié werknemers die besoldiging, toelaes, subsidies en ander voordele betaal wat die Raad van Direkteure bepaal ooreenkomstig 'n stelsel wat van tyd tot tyd deur die Minister met die instemming van die Minister van Staatsbesteding goedgekeur word;
- 10 (c) kan, op die voorwaardes wat hy goedvind, 'n werknemer van die AEK, hetsy vir 'n besondere diens of vir 'n tydperk, afstaan aan die diens van 'n Staatsdepartement, die regering van 'n ander land of gebied of 'n instelling of persoon binne of buite die Republiek: Met dien verstande dat 'n werknemer nie aan die diens van die regering van sodanige ander land of gebied of van 'n persoon of instelling buite die Republiek afgestaan word, tensy die werknemer daartoe instem nie: Met dien verstande verder dat
- 15 indien 'n werknemer aldus afgestaan word, sy diensvoorwaardes as werknemer van die AEK nie nadelig daardeur geraak word nie.
- (2) Iemand wat onmiddellik voor die vasgestelde datum 'n beampte of werknemer was wat ingevolge artikel 8 van die Wet op Kernenergie, 1982 (Wet No. 92 van 1982), as sodanig aangestel was of geag word as sodanig aangestel te
- 20 wees, word vanaf daardie datum geag ingevolge subartikel (1)(a) van hierdie artikel as werknemer aangestel te wees op die diensvoorwaardes wat van tyd tot tyd ingevolge genoemde subartikel bepaal word.
- (3) Die hoof- uitvoerende beampte kan van tyd tot tyd op die voorwaardes en met die sekerheid wat hy goedvind—
- 25 (a) kollaterale sekerheid, met inbegrip van waarborge, aan 'n finansiële instelling soos omskryf in artikel 1 van die Wet op die Raad op Finansiële Dienste, 1990 (Wet No. 97 van 1990), gee ten opsigte van 'n lening wat deur so 'n finansiële instelling aan 'n werknemer van die AEK toegestaan is ten einde so 'n werknemer in staat te stel om
- 30 onroerende eiendom vir die doeleindes van bewoning te verkry, te verbeter of te vergroot;
- (b) woonhuise, woonstelle of woonstelgeboue vir bewoning deur werknemers bou, laat bou, koop of huur, en daardie woonhuise of woonstelle aan sodanige werknemers verkoop of verhuur, of daardie
- 35 woonhuise, woonstelle of woonstelgeboue andersins vervreem, verhuur of andersins daarmee handel;
- (c) sport- en vermaaklikheidsverenigings, sosiale klubs, sosiale en gesondheidsdienste, restaurante, tehuise, beursskemas vir studiedoeleindes of ander dergelijke ondernemings of skemas wat na sy oordeel vir sodanige werknemers voordelig kan wees, instel, stig, oprig of bedryf.
- 40 (4) (a) Behoudens die bepalings van paragraaf (b) van hierdie subartikel word die AEK by die toepassing van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), geag 'n geassosieerde inrigting te wees.
- (b) Die AEK kan met die goedkeuring van die Minister, verleen met die
- 45 instemming van die Minister van Staatsbesteding, 'n pensioenfonds of voorsorgfonds of 'n alternatiewe pensioenfonds of voorsorgfonds vir sy werknemers instel en bestuur of laat bestuur.

Delegering van bevoegdhede en opdra van werksaamhede

14. (1) Die Minister kan 'n bevoegdheid wat ingevolge artikel 21 of 22 aan
- 50 hom verleen word, skriftelik aan die Raad van Direkteure of, na oorlegpleging met die Raad van Direkteure, aan die raad of die Suid-Afrikaanse Raad vir die Nie-proliferasie van Wapens van Grootsekaalse Vernietiging ingestel by artikel 4 van die Wet op die Nie-proliferasie van Wapens van Grootsekaalse Vernietiging, 1993, of enige ander persoon deleger.
- 55 (2) Die Raad van Direkteure kan—
- (a) 'n bevoegdheid wat by of ingevolge hierdie Wet aan hom verleen word, skriftelik aan die voorsitter of enige ander direkteur, die hoof- uitvoerende beampte of 'n komitee ingestel kragtens artikel 10, delegeer; of
- 60 (b) die verrigting van 'n werksaamheid wat by of kragtens hierdie Wet aan die Raad van Direkteure opgedra word, skriftelik aan die voorsitter of enige ander direkteur, die hoof- uitvoerende beampte of enige ander

(3) The chief executive officer may in writing—

- (a) delegate any power conferred upon him by or under this Act in his capacity as chief executive officer to an employee of the AEC; or
- (b) assign the performance of any function conferred on him by or under this Act in his capacity as chief executive officer or accounting officer to such an employee.

(4) A delegation or assignment under subsections (1), (2) and (3) may be made subject to such conditions and restrictions as may be determined by the Minister, the Board of Directors or the chief executive officer, as the case may be, and may be withdrawn or amended by the Minister, the Board of Directors or the chief executive officer, as the case may be.

(5) The Minister, the Board of Directors or the chief executive officer shall not be divested of a power or function delegated or assigned by him or it in terms of subsection (1), (2) or (3), and may, subject to the provisions of subsection (6), amend or withdraw any decision made in the exercise of such delegated power.

(6) A decision made in the exercise of a power so delegated and by which a right has been conferred upon any person, shall not be amended or withdrawn.

(7) Where a power or function is delegated or assigned under subsection (1), (2) or (3) to the holder of an office, such delegation or assignment shall be deemed to have been made to the holder for the time being of the office or to any person at any time lawfully acting in his stead.

Share capital

15. (1) The share capital of the AEC 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 Board of Directors and shall be divided into ordinary shares of one rand each.

(2) The State shall take up shares in the AEC to such extent and in such manner and subject to such conditions as the Minister may, with the concurrence of the Minister of Finance, determine.

Limitation of liability of State

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

Finance of AEC

17. (1) The funds of the AEC shall consist of—

- (a) the share capital referred to in section 15;
- (b) money appropriated by Parliament to enable the AEC to perform its functions;
- (c) income derived by virtue of the exercise and performance of its powers and functions;
- (d) money raised or obtained by the AEC in terms of section 18;
- (e) the proceeds of the sale of shares and of dividends on shares held by the AEC in any company referred to in section 6(1)(a);
- (f) donations or contributions received by the AEC from any person, institution, government or administration;
- (g) income derived by virtue of subsection (4);
- (h) money received from any other source.

(2) (a) The AEC shall utilize its funds to defray expenses in connection with the performance of its functions or the exercise of its powers.

- werknemer van die AEK of 'n komitee ingestel kragtens artikel 10, opdra.
- (3) Die hoof- uitvoerende beampte kan—
- (a) 'n bevoegdheid wat by of kragtens hierdie Wet aan hom in sy hoedanigheid van hoof- uitvoerende beampte verleen word, skriftelik aan 'n werknemer van die AEK delegeer; of
- (b) 'n werksaamheid wat hom by of kragtens hierdie Wet in sy hoedanigheid van hoof- uitvoerende beampte of rekenpligtige beampte opgedra is, skriftelik aan so 'n werknemer opdra.
- (4) 'n Delegering of opdrag kragtens subartikels (1), (2) en (3) kan geskied onderworpe aan die voorwaardes en beperkings wat die Minister, die Raad van Direkteure of die hoof- uitvoerende beampte, na gelang van die geval, bepaal en kan deur die Minister, die Raad van Direkteure of die hoof- uitvoerende beampte, na gelang van die geval, herroep of gewysig word.
- (5) Die Minister, die Raad van Direkteure of die hoof- uitvoerende beampte is nie ontdoen van 'n bevoegdheid of werksaamheid deur hom kragtens subartikel (1), (2) of (3) gedelegeer of opgedra nie, en kan, behoudens die bepalinge van subartikel (6), 'n beslissing by die uitvoering van sodanige gedelegeerde bevoegdheid gegee, wysig of intrek.
- (6) 'n Beslissing gegee by die uitoefening van 'n bevoegdheid wat aldus gedelegeer is en waardeur 'n reg aan 'n persoon verleen is, word nie gewysig of ingetrek nie.
- (7) Waar 'n bevoegdheid of 'n werksaamheid kragtens subartikel (1), (2) of (3) aan 'n ampsbekleër gedelegeer of opgedra word, word sodanige delegasie of opdrag geag te geskied het aan die dienende bekleër van die amp of aan die persoon wat te eniger tyd wettig as sy plaasvervanger optree.

Aandelekapitaal

15. (1) Die aandelekapitaal van die AEK bedra dié bedrag wat die Minister met die instemming van die Minister van Finansies van tyd tot tyd op aanbeveling van die Raad van Direkteure bepaal, en word in gewone aandele van een rand elk verdeel.
- (2) Die Staat neem aandele in die AEK op in die mate en op die wyse en behoudens die voorwaardes wat die Minister, met die instemming van die Minister van Finansies, bepaal.

35 Beperking van aanspreeklikheid van Staat

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

Finansies van AEK

17. (1) Die fondse van die AEK bestaan uit—
- (a) die aandelekapitaal in artikel 15 vermeld;
- (b) geld deur die Parlement bewillig ten einde die AEK in staat te stel om sy werksaamhede te verrig;
- (c) inkomste verkry uit hoofde van die uitoefening en verrigting van sy bevoegdhede en werksaamhede;
- (d) geld deur die AEK ingevolge artikel 18 opgeneem of verkry;
- (e) die opbrengs van die verkoop van aandele en van dividende op aandele deur die AEK gehou in enige maatskappy bedoel in artikel 6(1)(a);
- (f) skenkings of bydraes wat die AEK van enige persoon, instelling, regering of administrasie ontvang;
- (g) inkomste verkry uit hoofde van subartikel (5);
- (h) geld uit enige ander bron ontvang.
- (2) (a) Die AEK moet sy fondse aanwend om uitgawes in verband met die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede te bestry.

(b) The AEC shall use donations or contributions contemplated in subsection (1)(f) for such purposes and in accordance with such conditions as are specified by the donor or contributor concerned.

(3) The chief executive officer may in respect of—

- (a) work performed, products manufactured or services rendered by employees of the AEC; or
- (b) the utilization of the AEC's facilities; or
- (c) rights resulting from any discovery, invention or improvement by the AEC,

charge such fees or make such financial arrangements as he may deem fit.

(4) The chief executive officer shall open an account in the name of the AEC with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990), and shall deposit therein all money received in terms of this section.

(5) The Board of Directors may with the approval of the Minister, granted with the consent of the Minister of State Expenditure, empower the chief executive officer to invest any unspent part of the AEC's funds, and to use interest on such investments to defray expenses in connection with the performance of his functions.

(6) The Board of Directors may with the approval of the Minister, granted with the consent of the Minister of State Expenditure, authorize the establishment of such reserve funds and the depositing of such amounts therein as it may deem necessary or desirable.

(7) The Board of Directors shall in each financial year, at such time as determined by the Minister, submit a statement of the AEC's estimated income and expenditure during the following financial year to the Minister for his approval, granted with the concurrence of the Minister of State Expenditure.

(8) The Board of Directors shall comply with the provisions of the Reporting by Public Entities Act, 1992 (Act No. 93 of 1992).

Loans

18. The chief executive officer 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 Board of Directors may deem fit, and may issue debentures and, if necessary, provide security or make provision for the repayment of money so raised or obtained.

Accounting officer and accounting

19. (1) The chief executive officer shall be the accounting officer of the AEC.

(2) The accounting officer shall perform the functions entrusted to him by this Act, the Reporting by Public Entities Act, 1992 (Act No. 93 of 1992), or any other law or by the Board of Directors or by the Minister.

(3) The financial year of the AEC shall end on 31 March in each year.

CHAPTER III

International safeguards

Application of Nuclear Non-Proliferation Treaty and Safeguards Agreement

20. (1) Whereas South Africa acceded to the Nuclear Non-Proliferation Treaty on 10 July 1991 and entered into the Safeguards Agreement with the IAEA on 16 September 1991 in order to timeously detect and deter the diversion of nuclear material intended to be used for peaceful nuclear activities, to the manufacture of nuclear weapons or of other nuclear explosive devices or for any other unknown

- (b) Die AEK moet skenkings of bydraes beoog in subartikel (1)(f) aanwend vir die doeleindes en onderworpe aan die voorwaardes wat die betrokke skenker of bydraer bepaal.
- (3) Die hoof- uitvoerende beampte kan ten opsigte van—
- 5 (a) werk verrig, produkte vervaardig of dienste gelewer deur werknemers van die AEK; of
- (b) die benutting van die AEK se fasiliteite; of
- (c) regte wat voortspruit uit enige ontdekking, uitvinding of verbetering deur die AEK,
- 10 die gelde vorder of die ander geldelike reëlings tref wat hy goedvind.
- (4) Die hoof- uitvoerende beampte moet 'n rekening in die naam van die AEK open by 'n instelling wat ingevolge die Bankwet, 1990 (Wet No. 94 van 1990), as 'n bank geregistreer is, en moet daarin alle geld wat ingevolge hierdie artikel ontvang word, stort.
- 15 (5) Die Raad van Direkteure kan met die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding, die hoof- uitvoerende beampte magtig om enige onbestede gedeelte van die AEK se fondse te belê en om rente op sodanige beleggings aan te wend ter bestryding van uitgawes in verband met die verrigting van sy werksaamhede.
- 20 (6) Die Raad van Direkteure kan met die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding, die instelling van die reserwefondse en die storting daarin van die bedrae magtig wat hy nodig of wenslik ag.
- (7) Die Raad van Direkteure moet in elke boekjaar, op die tydstip wat die
- 25 Minister bepaal, 'n staat van die AEK se geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar aan die Minister voorlê vir sy goedkeuring, wat met die instemming van die Minister van Staatsbesteding verleen word.
- (8) Die Raad van Direkteure moet uitvoering gee aan die bepalings van die
- 30 Wet op Verslagdoening deur Openbare Entiteite, 1992 (Wet No. 93 van 1992).

Lenings

18. Die hoof- uitvoerende beampte 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
- 35 voorwaardes wat die Raad van Direkteure goedvind, en kan skuldbriewe uitreik en, indien nodig, sekerheid stel of voorsorg tref vir die terugbetaling van geld aldus opgeneem of verkry.

Rekenpligtige beampte en boekhouding

19. (1) Die hoof- uitvoerende beampte is die rekenpligtige beampte van die
- 40 AEK.
- (2) Die rekenpligtige beampte oefen die bevoegdhede uit, verrig die werksaamhede en voer die pligte uit wat by hierdie Wet, die Wet op Verslagdoening deur Openbare Entiteite, 1992 (Wet No. 93 van 1992), of enige ander wet of
- 45 deur die Raad van Direkteure of deur die Minister aan hom verleen of opgedra word.
- (3) Die boekjaar van die AEK eindig op 31 Maart in elke jaar.

HOOFSTUK III

Internasionale waarborge

Toepassing van Kernsperverdrag en Waarborgooreenkoms

20. (1) Aangesien Suid-Afrika op 10 Julie 1991 tot die Kernsperverdrag toegetree het en op 16 September 1991 die Waarborgooreenkoms met die IAEA gesluit het ten einde die afwending van kernmateriaal wat bestem is om vir vreedsame kernaktiwiteite gebruik te word, na die vervaardiging van kernwapens of ander kernplofstelle of vir enige ander onbekende doeleindes, tydig op
- 55 te spoor en te voorkom, tree die AEK namens die Staat op as die nasionale

purposes, the AEC acts on behalf of the State as the national authority responsible for the implementation of the said Safeguards Agreement.

(2) In order to fulfil the responsibilities referred to in subsection (1)—

- (a) the chief executive officer shall continuously liaise with the IAEA in respect of—
 - (i) negotiations on subsidiary arrangements to the Safeguards Agreement; 5
 - (ii) the supply and maintenance of information regarding the design of nuclear installations and sites;
 - (iii) the furnishing of such reports as required by the Safeguards Agreement and the subsidiary arrangements; 10
 - (iv) requests for exemption from or termination of safeguards on nuclear material;
 - (v) the provision of facilities to and support of inspectors of the IAEA;
 - (vi) the selection of inspectors nominated for the Republic by the IAEA; 15
 - (vii) the accompaniment of IAEA inspectors during inspections;
 - (viii) the handling of the import into and export from the Republic of equipment and samples of the IAEA;
- (b) the chief executive officer may issue instructions in respect of— 20
 - (i) measuring methods and systems;
 - (ii) procedures for the handling of shipper-receiver differences in respect of nuclear material;
 - (iii) the undertaking of periodic physical stocktaking of nuclear material; 25
 - (iv) the operation of material accounting systems;
 - (v) the keeping of records and reporting;
 - (vi) the provision of information regarding the design and changes to designs of nuclear installations and sites;
 - (vii) the provision of information on the import into, and export from, the Republic of nuclear material and nuclear related equipment and material; 30
 - (viii) applications for the exemption of or termination of safeguards on nuclear material;
 - (ix) the physical protection of nuclear material; 35
- (c) the chief executive officer may—
 - (i) undertake the arrangement and verification of the physical inventory of nuclear material;
 - (ii) undertake inspections, as and when he deems it necessary, independently of the IAEA; 40
 - (iii) verify measuring methods and systems;
 - (iv) take and analyse samples;
 - (v) take independent measurements of nuclear material;
- (d) the chief executive officer may apply such measures as he may deem necessary regarding the containment and surveillance of nuclear material. 45

(3) Any person in possession of, using, handling or processing nuclear material shall—

- (a) keep the prescribed records; 45
- (b) submit the prescribed reports to the AEC; 50
- (c) perform the prescribed measurements on nuclear material and maintain the prescribed measuring control programmes;
- (d) provide the AEC with information regarding design and changes to designs of nuclear installations and sites in the prescribed manner;
- (e) undertake periodic prescribed physical stocktaking of nuclear material; 55
- (f) in the prescribed manner give prior notice of the import and export of nuclear material and nuclear related equipment and material;
- (g) implement and maintain the prescribed physical protective measures in respect of nuclear material;
- (h) without delay report to the AEC any loss of nuclear material in excess of the prescribed limits; 60

gesagsliggaam verantwoordelik vir die implementering van genoemde Waarborg-ooreenkoms.

(2) Ten einde die verantwoordelikhede bedoel in subartikel (1) na te kom—

- (a) moet die hoof- uitvoerende beampte deurlopend met die IAEA skakel
5 ten opsigte van—
 - (i) onderhandelings oor aanvullende reëlins tot die Waarborg-ooreenkoms;
 - (ii) die verskaffing en instandhouding van inligting rakende die ontwerp van kerninstallasies en terreine;
 - 10 (iii) die verstrekking van sodanige verslae as wat deur die Waarborg-ooreenkoms en die aanvullende reëlins vereis word;
 - (iv) die aanvraag om vrystelling van of beëindiging van waarborge ten opsigte van kernmateriaal;
 - (v) die verskaffing van geriewe aan en die ondersteuning van inspekteurs van die IAEA;
 - 15 (vi) die keuring van inspekteurs wat die IAEA vir die Republiek benoem;
 - (vii) die begeleiding van IAEA-inspekteurs tydens inspeksies;
 - (viii) die hantering van die invoer in en uitvoer uit die Republiek van toerusting en monsters van die IAEA;
 - 20 (b) kan die hoof- uitvoerende beampte voorskrifte uitreik ten opsigte van—
 - (i) meetmetodes en -stelsels;
 - (ii) prosedures vir die hantering van verskeper-ontvangerverskille ten opsigte van kernmateriaal;
 - 25 (iii) die uitvoering van periodieke fisiese voorraadopnames van kernmateriaal;
 - (iv) die bedryf van materiaalrekeningstelsels;
 - (v) die byhou van rekords en verslagdoening;
 - 30 (vi) die beskikbaarstelling van inligting betreffende die ontwerp en veranderings van ontwerpe van kerninstallasies en terreine;
 - (vii) die beskikbaarstelling van inligting oor die invoer in en uitvoer uit die Republiek van kernmateriaal en kernverwante toerusting en materiaal;
 - 35 (viii) aansoeke om die vrystelling van of beëindiging van waarborge ten opsigte van kernmateriaal;
 - (ix) die fisiese beskerming van kernmateriaal;
 - (c) kan die hoof- uitvoerende beampte—
 - (i) die reëling en verifikasie van fisiese voorraadopnames van kernmateriaal onderneem;
 - 40 (ii) soos en wanneer hy dit nodig ag, inspeksies onafhanklik van die IAEA uitvoer;
 - (iii) meetmetodes en -stelsels verifieer;
 - (iv) monsters neem en ontleed;
 - 45 (v) onafhanklike metings van kernmateriaal uitvoer;
 - (d) kan die hoof- uitvoerende beampte die maatreëls betreffende die inperking en bewaking van kernmateriaal toepas wat hy nodig ag.
 - (3) Iemand wat kernmateriaal besit, gebruik, hanteer of verwerk, moet—
 - (a) die voorgeskrewe rekords hou;
 - 50 (b) die voorgeskrewe verslae by die AEK indien;
 - (c) die voorgeskrewe metings op kernmateriaal uitvoer en die voorgeskrewe meetbeheerprogramme in stand hou;
 - (d) inligting betreffende die ontwerp en veranderings van ontwerpe van kerninstallasies en terreine op die voorgeskrewe wyse aan die AEK voorsien;
 - 55 (e) periodieke voorgeskrewe fisiese voorraadopnames van kernmateriaal uitvoer;
 - (f) op die voorgeskrewe wyse vooraf kennis gee van die invoer en uitvoer van kernmateriaal en kernverwante toerusting en materiaal;
 - 60 (g) die voorgeskrewe fisiese beskermingsmaatreëls ten opsigte van kernmateriaal implementeer en in stand hou;
 - (h) sonder versuim enige verlies van kernmateriaal bo die voorgeskrewe perke aan die AEK rapporteer;

- (i) in the prescribed manner provide the AEC with periodic schedules of planned activities;
- (j) allow inspectors of the IAEA and authorized persons of the AEC to carry out inspections without any hindrance.

(4) All information disclosed or supplied to any person in terms of any provision of this Chapter, shall be treated by him as confidential and he shall use it only for the purposes of the application of the Nuclear Non-Proliferation Treaty and the Safeguards Agreement. 5

Authorization for acquisition or possession of, and carrying out of certain activities in respect of, nuclear material, restricted material and nuclear related equipment and material 10

21. (1) Except with the written authority of the Minister, no person, except the AEC, shall—

- (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 undertaken by him, or unless he is in possession of such material on behalf of a person who has so come into possession of such material or unless he has in any other manner lawfully acquired such material; 15
- (b) acquire, use or dispose of any source material;
- (c) import any source material into the Republic; 20
- (d) process, enrich or reprocess any source material;
- (e) acquire or be in possession of any special nuclear material;
- (f) import any special nuclear material into the Republic;
- (g) use or dispose of any special nuclear material;
- (h) process, enrich or reprocess any special nuclear material; 25
- (i) acquire or be in possession of any restricted material;
- (j) import any restricted material into the Republic;
- (k) use or dispose of any restricted material;
- (l) produce nuclear energy;
- (m) manufacture or otherwise produce or acquire, possess or dispose of uranium hexafluoride (UF₆); 30
- (n) import uranium hexafluoride (UF₆) into the Republic;
- (o) manufacture, acquire, possess or dispose of nuclear fuel;
- (p) import nuclear fuel into the Republic;
- (q) manufacture or otherwise produce, import, acquire, possess, use or dispose of nuclear related equipment and material. 35

(2) Any authority under subsection (1) may be granted subject to such conditions as the Minister may in his discretion impose.

(3) Any authority granted by the Minister under subsection (1) and any conditions imposed by him under subsection (2) shall be granted or imposed by him only after consultation with the Board of Directors. 40

(4) In the event of an application for an authorization being refused, the Minister shall in writing inform the applicant of his decision, stating the reasons for such decision.

(5) If a person who is a South African citizen or is resident in the Republic or a juristic person registered in the Republic performs an act mentioned in subsection (1)(b), (d), (e), (g), (h), (i), (k), (l), (m), (o) or (q) in any country outside the Republic, he shall be deemed to have performed such act in the Republic. 45

Export of nuclear material, restricted material and nuclear related equipment and material 50

22. (1) Except on the written authority of the Minister, no person, except the AEC, shall export from the Republic source material, special nuclear material or restricted material or nuclear related equipment and material.

(2) An authority under subsection (1) may be granted on such conditions as the Minister may in his discretion impose, but taking into account the provisions of the Nuclear Non-Proliferation Treaty, the Safeguards Agreement or other similar agreements with other institutions or other governments: Provided that the export of source material, special nuclear material and restricted material and the equipment and material referred to in subsection (1)(b)— 55

- (i) periodiek programme van beplande bedrywighede op die voorgeskrewe wyse aan die AEK verskaf;
 - (j) inspekteurs van die IAEA en gemagtigdes van die AEK toelaat om inspeksies onbelemmerd uit te voer.
- 5 (4) Alle inligting wat ingevolge enige bepaling in hierdie Hoofstuk aan enigiemand bekend gemaak of voorsien word, moet deur hom as vertroulik hanteer word en hy mag dit slegs aanwend vir die doeleindes van die toepassing van die Kernspervdrag en die Waarborgooreenkoms.

Magtiging vir verkryging of besit van, en verrigting van sekere bedrywighede ten opsigte van, kernmateriaal, beperkte materiaal en kernverwante toerusting en materiaal

21. (1) Behalwe met die skriftelike magtiging van die Minister mag niemand, behalwe die AEK—
- 15 (a) in besit wees van enige bronmateriaal nie, tensy hy in besit daarvan gekom het as gevolg van prospekteer-, herwinnings- of ontginningsbedrywighede wat hy wettig onderneem het, of tensy hy in besit is van sodanige materiaal ten behoeve van iemand wat aldus in besit van sodanige materiaal gekom het of tensy hy sodanige materiaal op 'n ander wyse wettig verkry het;
 - 20 (b) enige bronmateriaal verkry, gebruik of daaroor beskik nie;
 - (c) enige bronmateriaal in die Republiek invoer nie;
 - (d) enige bronmateriaal verwerk, verryk of herverwerk nie;
 - (e) enige spesiale kernmateriaal verkry of in besit daarvan wees nie;
 - (f) enige spesiale kernmateriaal in die Republiek invoer nie;
 - (g) enige spesiale kernmateriaal gebruik of daaroor beskik nie;
 - 25 (h) enige spesiale kernmateriaal verwerk, verryk of herverwerk nie;
 - (i) enige beperkte materiaal verkry of in besit daarvan wees nie;
 - (j) enige beperkte materiaal in die Republiek invoer nie;
 - (k) enige beperkte materiaal gebruik of daaroor beskik nie;
 - (l) kernenergie voortbring nie;
 - 30 (m) uraanheksafluoried (UF_6) vervaardig of andersins voortbring of verkry, besit of daaroor beskik nie;
 - (n) uraanheksafluoried (UF_6) in die Republiek invoer nie;
 - (o) kernbrandstof vervaardig, verkry, besit of daaroor beskik nie;
 - (p) kernbrandstof in die Republiek invoer nie;
 - 35 (q) kernverwante toerusting en materiaal vervaardig of andersins voortbring, invoer, verkry, besit, gebruik of daaroor beskik nie.
- (2) 'n Magtiging kragtens subartikel (1) kan verleen word op die voorwaardes wat die Minister na goëddunke oplê.
- (3) 'n Magtiging deur die Minister kragtens subartikel (1) verleen en voor-
- 40 waardes deur hom kragtens subartikel (2) opgelê, word slegs na oorlegpleging met die Raad van Direkteure deur hom verleen of opgelê.
- (4) Indien 'n aansoek om 'n magtiging afgewys word, moet die Minister die aansoeker skriftelik van sy besluit verwittig met verstrekking van die redes vir dié besluit.
- 45 (5) Indien 'n Suid-Afrikaanse burger of iemand wat in die Republiek woonagtig is of 'n regs persoon wat in die Republiek geregistreer is 'n handeling genoem in subartikel (1)(b), (d), (e), (g), (h), (i), (k), (l), (m), (o), of (q) in enige land buite die Republiek verrig, word hy geag so 'n handeling binne die Republiek te verrig het.

Uitvoer van kernmateriaal, beperkte materiaal en kernverwante toerusting en materiaal

22. (1) Behalwe met die skriftelike magtiging van die Minister, mag niemand behalwe die AEK bronmateriaal, spesiale kernmateriaal of beperkte materiaal of kernverwante toerusting en materiaal uit die Republiek uitvoer nie.
- 55 (2) 'n Magtiging kragtens subartikel (1) kan verleen word op die voorwaardes wat die Minister na goëddunke, maar met inagneming van die bepalinge van die Kernspervdrag, die Waarborgooreenkoms of ander soortgelyke ooreenkoms met ander instellings of ander regerings, oplê: Met dien verstande dat die uitvoer van bronmateriaal, spesiale kernmateriaal en beperkte materiaal en
- 60 die toerusting en materiaal in subartikel (1) bedoel—

- (a) to a nuclear weapons state shall at all times be subject to the condition that the material and the equipment may be used for peaceful purposes only;
- (b) to a non-nuclear weapons state shall always be subject to the condition that the material and the equipment shall at all times be subject to comprehensive international safeguards. 5
- (3) Any authority granted by the Minister under subsection (1) and the conditions imposed by him under subsection (2) shall be granted and imposed by him only after consultation with the Board of Directors.
- (4) In the event of an application for an authorization being refused, the Minister shall in writing inform the applicant of his decision, stating the reasons 10 for such decision.

Furnishing of information and reports

23. (1) The chief executive officer may direct any person to whom an authority was granted under section 21 or 22 to furnish returns of—
- (a) any source material, restricted material or special nuclear material 15 acquired by him or in his possession or under his control;
- (b) any nuclear related equipment or material acquired by him or in his possession or under his control;
- (c) any other information in his possession relating to any work carried out by him or on his behalf or under his direction in connection with the 20 production, use, processing, enrichment or reprocessing of source material, restricted material, special nuclear material or nuclear energy, or in connection with research in respect of matters connected therewith.
- (2) Returns referred to in subsection (1) shall contain such particulars and be accompanied by such plans, drawings and other documents as are specified in the 25 notice concerned.

Inspection or investigation

24. (1) (a) An employee of the AEC authorized thereto in writing by the chief executive officer may, subject to paragraph (b), at all reasonable times enter any place or go upon any land, to determine whether the conditions of an authority 30 referred to in section 23(1) are being complied with, or where he has reasonable grounds to suspect that any material, substance, equipment or plant referred to in the said section may be present or may be carried out or is situated, and may at that place or on that ground carry out such inspections and conduct such investigations as he may deem necessary or expedient. 35
- (b) The chief executive officer shall issue to a person authorized under paragraph (a) a duly authenticated document to the effect that he has been so authorized, and in the exercise of his powers that person shall on demand produce such document.
- (2) (a) An authorized person referred to in subsection (1) shall, before carrying 40 out an inspection or conducting any such investigation in terms of the said subsection, consult with appropriate persons having duties upon the site or place in question to determine whether the carrying out of any such inspection or the conducting of any such investigation will be injurious to any person's health, or will cause injury to any person or damage to any property. 45
- (b) In the event of disagreement as to whether the proposed inspection or investigation would or would not be likely to have any effect contemplated in paragraph (a), the said authorized person shall refer the question to the chief executive officer, who shall decide thereon.
- (3) Any person carrying out the inspection or conducting the investigation may 50 make copies of or excerpts from any drawing, plan or other document found at the place or on the land, and in any way take samples of any mineral, material or substance found in, on or under the surface of the place or land in question, and may, for the purpose of making copies or excerpts or of conducting tests or investigations, remove such a drawing, plan or document and retain possession 55 thereof for a period not exceeding 60 days, and may also require the submission of such documents as he may deem necessary.

- (a) na 'n kernwapenland altyd aan die voorwaarde onderhewig is dat die materiaal en toerusting te alle tye slegs vir vreedsame doeleindes gebruik mag word;
- (b) na 'n nie-kernwapenland altyd onderhewig is aan die voorwaarde dat die materiaal en toerusting te alle tye aan omvattende internasionale waarborge onderhewig is.
- (3) 'n Magtiging deur die Minister kragtens subartikel (1) verleen en die voorwaardes deur hom kragtens subartikel (2) opgelê, word deur hom verleen en opgelê slegs na oorlegpleging met die Raad van Direkteure.
- (4) Indien 'n aansoek om 'n magtiging afgewys word, moet die Minister die aansoeker skriftelik van sy besluit verwittig met verstrekking van die redes vir dié besluit.

Verstreking van inligting en verslae

23. (1) Die hoof- uitvoerende beampte kan enige persoon aan wie 'n magtiging kragtens artikel 21 of 22 verleen is, gelas om op die tye in die lasgewing vermeld, opgawes te verstrek van—

- (a) enige bronmateriaal, beperkte materiaal of spesiale kernmateriaal wat deur hom verkry of in sy besit of onder sy beheer is;
- (b) enige kernverwante toerusting en materiaal wat deur hom verkry of in sy besit of onder sy beheer is;
- (c) enige ander inligting in sy besit met betrekking tot enige werk deur hom of ten behoeve van hom of kragtens sy lasgewing uitgevoer in verband met die voortbrenging, gebruik, verwerking, verryking of herverwerking van bronmateriaal, beperkte materiaal, spesiale kernmateriaal of kern-energie, of in verband met navorsing ten opsigte van aangeleenthede in verband daarmee.

(2) Opgawes bedoel in subartikel (1) moet die besonderhede bevat en vergesel gaan van die planne, tekeninge en ander stukke wat in die betrokke kennisgewing vermeld word.

30 Inspeksie of ondersoek

24. (1) (a) 'n Werknemer van die AEK wat deur die hoof- uitvoerende beampte skriftelik daartoe gemagtig is, kan, behoudens paragraaf (b), te alle redelike tye enige plek binnegaan of enige grond betree, ten einde vas te stel of die voorwaardes van 'n magtiging in artikel 23(1) bedoel, nagekom word, of waar, na hy op redelike gronde vermoed, enige materiaal, stof, toerusting of aanleg in genoemde artikel bedoel, voorkom, of uitgevoer word of geleë is, en kan op daardie plek of grond die inspeksie doen en die ondersoeke instel wat hy nodig of dienstig ag.

- (b) Die hoof- uitvoerende beampte moet aan 'n persoon wat kragtens paragraaf (a) gemagtig is, 'n behoorlik gewaarmerkte dokument verstrek ten effekte dat hy aldus gemagtig is, en by die uitoefening van sy bevoegdhede moet daardie persoon dié dokument op aanvraag toon.

- (2) (a) Alvorens 'n gemagtigde persoon bedoel in subartikel (1) ingevolge genoemde subartikel enige inspeksie doen of ondersoek instel, moet hy oorleg pleeg met gepaste persone wat pligte op die betrokke terrein of plek moet uitvoer, ten einde te bepaal of die instel van so 'n ondersoek waarskynlik vir iemand se gesondheid nadelig sal wees of 'n besering aan enige persoon of skade aan enige eiendom sal veroorsaak.

- (b) In die geval van 'n meningsverskil oor die vraag of die beoogde inspeksie of ondersoek waarskynlik 'n uitwerking soos beoog in paragraaf (a) sal hê of nie, moet bedoelde gemagtigde persoon die vraag na die hoof- uitvoerende beampte verwys, wat daaroor besluit.

- (3) Die persoon wat die inspeksie doen of 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 op enige wyse monsters neem van enige 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 hoogstens 60 dae in sy besit hou, en kan ook die oorlegging van die dokumente wat hy nodig ag, vereis.

(4) The AEC shall not be obliged to return any samples taken under subsection (3) to the owner of the land, place or site in question, or to compensate the owner therefor.

(5) The authorized person referred to in subsection (1) may use such apparatus and equipment as he may need and may take with him such persons as he may deem necessary to assist him in the exercise of his powers under this section. 5

(6) The said authorized person shall at the conclusion of his inspection or investigation without delay submit a written report thereon to the chief executive officer.

(7) If the chief executive officer on the strength of the report contemplated in subsection (6) is of the opinion that any activity or condition connected with nuclear material or nuclear related equipment and material, whether or not such activity or condition is relevant to any criminal offence under this Act, does not comply with the provisions and objects of the Nuclear Non-Proliferation Treaty and the Safeguards Agreement, or any similar agreement with any other institution or government, he shall notify the Minister accordingly. 10 15

(8) The Minister may in writing require that the activity in question be discontinued forthwith or that the condition in question be cleared away forthwith in such manner and subject to such conditions as he may determine.

Patents for inventions in respect of nuclear material, restricted material, nuclear energy and nuclear related equipment and material 20

25. (1) Notwithstanding anything to the contrary contained in the Patents Act, 1978 (Act No. 57 of 1978), 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 the processing, use or production of source material, special nuclear material, restricted material or nuclear related equipment and material, or the production of nuclear energy, shall forthwith in writing notify the chief executive officer of the application so lodged, and shall at the same time furnish the chief executive officer with a copy of the specification relating to such invention and any other information regarding such invention which he may require: Provided that the chief executive officer shall regard such information as confidential and shall not use it for any commercial purposes; 25 30

(b) the registrar of patents shall— 35

(i) allow any person duly authorized thereto in writing by the chief executive officer to inspect any application for a patent referred to in paragraph (a) and any document relevant to and accompanying any such application; 35

(ii) 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 a further period of three months if the chief executive officer so directs in writing; 40

(iii) at the written request of the chief executive officer, and until he otherwise directs, withhold acceptance or sealing of the patent application in respect of any such invention and keep secret the specification thereof, and notify the applicant accordingly. 45

(2) The communication of an invention to the chief executive officer or to any person acting in terms of an authorization contemplated in subsection (1)(b)(i), or anything done by such authorized person in connection with the invention for the purposes of any inspection contemplated in the said subsection, shall be deemed not to be publication or use of the invention prejudicing the grant or validity of any patent for the invention. 50

(3) The chief executive officer may, if he is by virtue of the information submitted to him under subsection (1)(a) satisfied that the grant of a patent for an invention would be contrary to the provisions of the Nuclear Non-Proliferation Treaty or the Safeguards Agreement or any similar agreement with any other institution or government, and after the applicant concerned has been granted the opportunity to lodge written or oral representations with him— 55 60

(a) in writing direct the registrar of patents to refuse the granting of such

(4) Die AEK is nie verplig om monsters wat kragtens subartikel (3) geneem is aan die eienaar van die betrokke grond of plek terug te stuur of die eienaar daarvoor te vergoed nie.

(5) Die gemagtigde persoon in subartikel (1) bedoel, kan die apparaat en toerusting wat hy nodig het, en soveel persone as wat hy nodig ag, om hom by die uitoefening van sy bevoegdhede kragtens hierdie artikel by te staan, met hom saamneem.

(6) Bedoelde gemagtigde persoon moet onverwyld na die afhandeling van sy inspeksie of ondersoek 'n skriftelike verslag daaroor aan die hoof- uitvoerende beampte voorlê.

(7) Indien die hoof- uitvoerende beampte op grond van die verslag in subartikel (6) beoog, van oordeel is dat enige bedrywigheid of enige toestand wat met kernmateriaal of kernverwante toerusting en materiaal verband hou, hetsy so 'n bedrywigheid of toestand by enige strafregtelike oortreding ingevolge hierdie Wet ter sake is of nie, nie voldoen aan die bepalings en oogmerke van die Kernspervdrag en die Waarborgooreenkoms of 'n soortgelyke ooreenkoms met 'n ander instelling of regering nie, moet hy die Minister dienooreenkomstig inlig.

(8) Die Minister kan skriftelik gelas dat die betrokke bedrywigheid onverwyld gestaak of die betrokke toestand onverwyld uit die weg geruim word op die wyse en onderhewig aan die voorwaardes wat hy bepaal.

Patente vir uitvindings ten opsigte van kernmateriaal, beperkte materiaal, kernenergie en kernverwante toerusting en materiaal

25. (1) Ondanks andersluidende bepalings van die Wet op Patente, 1978 (Wet No. 57 van 1978), of enige ander wet—

(a) moet iemand wat by die registrateur van patente aansoek doen om 'n patent ten opsigte van 'n uitvinding met betrekking tot die verwerking, gebruik of produksie van bronmateriaal, spesiale kernmateriaal of beperkte materiaal of kernverwante toerusting en materiaal, die ver-
ryking of herverwerking van bronmateriaal en spesiale kernmateriaal of die voortbrenging van kernenergie, die hoof- uitvoerende beampte onverwyld skriftelik in kennis stel dat hy die aansoek aldus ingedien het en tegelykertyd 'n eksemplaar van die spesifikasie vir daardie uitvin-
ding, en enige ander inligting wat die hoof- uitvoerende beampte oor die uitvinding verlang, aan hom verstrek: Met dien verstande dat die
hoof- uitvoerende beampte sodanige inligting as vertroulik moet hanteer en dit nie vir kommersiële doeleindes mag aanwend nie;

(b) moet die registrateur van patente—

(i) iemand wat skriftelik deur die hoof- uitvoerende beampte gemagtig is, toelaat om insae te hê in enige aansoek om 'n patent bedoel in paragraaf (a), en in enige stuk wat op daardie aansoek betrekking het en dit vergesel;

(ii) 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 'n verdere tydperk van drie maande daarna indien die hoof-
uitvoerende beampte dit skriftelik gelas;

(iii) op skriftelike versoek van die hoof- uitvoerende beampte en totdat hy anders gelas, aanname of seëling van die patentaansoek ten opsigte van so 'n uitvinding agterweë hou en die spesifikasie daarvan geheim hou, en die aansoeker dienooreenkomstig in kennis stel.

(2) Die bekendmaking van 'n uitvinding aan die hoof- uitvoerende beampte of 'n persoon wat ingevolge 'n magtiging beoog in subartikel (1)(b)(i) optree, of enigiets deur so 'n gemagtigde persoon gedoen in verband met die uitvinding vir die doeleindes van insae en ondersoek beoog in genoemde subartikel, word geag
nie openbaarmaking of aanwending van die uitvinding te wees wat die verlening of geldigheid van 'n patent vir die uitvinding benadeel nie.

(3) Die hoof- uitvoerende beampte kan, indien hy op grond van inligting kragtens subartikel (1)(a) aan hom verskaf, oortuig is dat die verlening van 'n patent vir 'n uitvinding in stryd is met die bepalings van die Kernspervdrag of die Waarborgooreenkoms of 'n soortgelyke ooreenkoms met 'n ander instelling of regering, en nadat die betrokke aansoeker die geleentheid gegee is om skriftelike of mondelinge verhoë tot hom te rig—

(a) die registrateur van patente skriftelik gelas om die verlening van so 'n

patent, upon which the registrar shall refuse to grant the patent, notify the applicant accordingly and keep secret the specification of the invention and the manner in which it is to be applied; or

- (b) in writing authorize the registrar of patents to grant the patent, subject to the condition that the claims in the specification of the invention shall contain the disclaimer in respect of that invention mentioned in the authority.

(4) If the chief executive officer is satisfied that the patent application lodged with him in terms of subsection (1)(a) is not contrary to the Nuclear Non-Proliferation Treaty or the Safeguards Agreement or any similar agreement with any other institution or government, he shall notify the registrar of patents accordingly.

(5) When any direction given under subsection (1)(b)(ii) or (iii) is withdrawn or an authority is granted under subsection (3)(b), any steps taken before the date of that direction in terms of the Patents Act, 1978, in respect of the relevant patent application and which were interrupted by such direction, may be continued as if the interruption did not occur, and any period that has lapsed between the date on which the direction was issued to the registrar of patents and the date of the withdrawal thereof or of the authority for the granting of the patent, shall not be taken into account in the calculation of any prescribed period in terms of the Patents Act, 1978.

(6) The grant of a patent contrary to the provisions of subsection (3) shall be null and void.

Prohibition of applications for certain patents in countries outside Republic

26. (1) Except with the written consent of the chief executive officer, granted with the approval of the Minister, no person who is a South African citizen or is resident in the Republic, and no juristic person registered in the Republic, except the AEC, shall apply in a country outside the Republic for a patent for an invention or improvement in respect of the processing, use or production of source material, special nuclear material, restricted material or nuclear related equipment and material or the production of nuclear energy.

(2) The chief executive officer may grant consent under subsection (1) on such conditions as he may deem expedient.

(3) The chief executive officer shall grant or refuse such consent within a period of three months from the date on which the application concerned was lodged with him.

CHAPTER IV

Powers of AEC in respect of source material, special nuclear material, restricted material, radioactive waste, and irradiated nuclear fuel

Acquisition by State of source material and special nuclear material

27. (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.

(2) The control of all source material and special nuclear material acquired by the State under subsection (1) shall vest in the AEC.

(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 consent of the Minister of State Expenditure, and the owner or, failing such agreement, as may be determined by arbitration.

(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).

Power of AEC in respect of radioactive material

28. Notwithstanding anything to the contrary contained in any other law, the AEC or a subsidiary company may produce or otherwise acquire, or dispose of,

patent te weier, waarop die registrateur weier om die patent te verleen, die aansoeker dien ooreenkomstig in kennis stel en die spesifikasie van die uitvinding en die wyse waarop dit toegepas moet word, geheim hou; of

- (b) die registrateur van patente skriftelik magtig om die patent te verleen, onderhewig aan die voorwaarde dat die aansprake in die spesifikasie van die uitvinding die ontkenning ten opsigte van die uitvinding wat in die magtiging genoem word, moet bevat.

(4) Indien die hoof- uitvoerende beampte oortuig is dat 'n uitvinding soos beskryf in 'n patentaansoek wat kragtens subartikel (1)(a) aan hom verstrekk is, nie met die Kernspervetrag of die Waarborgooreenkoms of 'n soortgelyke ooreenkoms met 'n ander instelling of regering strydig is nie, stel hy die registrateur van patente dien ooreenkomstig in kennis.

(5) Wanneer 'n lasgewing wat kragtens subartikel (1)(b)(ii) of (iii) gegee is, ingetrek word of 'n magtiging kragtens subartikel (3)(b) verleen word, kan daar met enige stappe wat voor die datum van daardie lasgewing ingevolge die Wet op Patente, 1978, ten opsigte van die betrokke patentaansoek gedoen is en wat deur dié lasgewing onderbreek is, voortgegaan word asof die onderbreking nie plaasgevind het nie, en enige tydperk wat tussen die datum waarop die lasgewing by die registrateur van patente ingedien is en die datum van die intrekking daarvan of van die magtiging vir die verlening van die patent verloop het, word nie by die berekening van enige voorgeskrewe tydperk ingevolge die Wet op Patente, 1978, in aanmerking geneem nie.

(6) Die verlening van 'n patent in stryd met die bepalings van subartikel (3) is nietig.

25 Verbod op aansoeke om sekere patente in lande buite Republiek

26. (1) Behalwe met die skriftelike toestemming van die hoof- uitvoerende beampte, verleen met die goedkeuring van die Minister, mag niemand wat 'n Suid-Afrikaanse burger is of in die Republiek woonagtig is, en geen regspersoon wat in die Republiek geregistreer is, behalwe die AEK, in 'n land buite die Republiek om 'n patent vir 'n uitvinding of verbetering met betrekking tot die verwerking, gebruik of produksie van bronmateriaal, spesiale kernmateriaal, beperkte materiaal of kernverwante toerusting en materiaal of die voortbrenging van kernenergie aansoek doen nie.

(2) Die hoof- uitvoerende beampte kan toestemming kragtens subartikel (1) verleen op die voorwaardes wat hy goedvind.

(3) Die hoof- uitvoerende beampte moet sodanige toestemming verleen of weier binne 'n tydperk van drie maande vanaf die datum waarop die betrokke aansoek by hom ingedien is.

HOOFSTUK IV

40 Bevoegdheid van AEK ten opsigte van bronmateriaal, spesiale kernmateriaal, beperkte materiaal, radioaktiewe afval en bestraalde kernbrandstof

Verkryging deur Staat van bronmateriaal en spesiale kernmateriaal

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

(2) Die beheer oor alle bronmateriaal en spesiale kernmateriaal kragtens subartikel (1) deur die Staat verkry, berus by die AEK.

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

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

Bevoegdheid van AEK ten opsigte van radioaktiewe materiaal

28. Ondanks andersluidende bepalings van enige ander wet kan die AEK of 'n filiaalmaatskappy enige radioaktiewe materiaal voortbring of andersins

or import into or export from the Republic, or be in possession of, or use on the premises of the AEC or a subsidiary company, or convey or cause to be conveyed, any radioactive material.

Control over discarding of radioactive waste and storage of irradiated nuclear fuel

29. Subject to the provisions of sections 34 and 51(1), the authority over discarding of radioactive waste and the storage of irradiated nuclear fuel, shall vest in the AEC.

Discarding of radioactive waste and storage of irradiated nuclear fuel

30. (1) Subject to authorities granted from time to time in terms of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), no person may, except on the written authority of the chief executive officer, in any manner discard any radioactive waste or cause it to be discarded.

(2) No person shall, except on the written authority of the chief executive officer, granted with the concurrence of the Board of Directors, store any irradiated nuclear fuel or cause it to be stored.

(3) An authority under subsection (1) or (2) may, in addition to the conditions contained in a nuclear licence, be granted on such conditions as the chief executive officer may in his discretion impose.

Reporting of information on occurrence of source material

31. (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 a chemical or metallurgical process, or otherwise, has reason to believe that any source material occurs at any place, shall within a period of 30 days after he has developed such belief submit to the Director-General: Mineral and Energy Affairs and the AEC a written report regarding the matter, containing full particulars of the grounds on which his belief is based and full particulars of the place where it occurs.

(2) Notwithstanding anything to the contrary contained in any other law, the AEC shall have access to and the use of all information in respect of mineral values which must be made available to the Department of Mineral and Energy Affairs under the provisions of any law: Provided that—

- (a) no information obtained under this subsection may be furnished to anyone outside the service of the AEC without the written permission of the person from whom such information is derived; and
- (b) the AEC may use the said information only for feasibility and other studies with respect to reserves of source material in the Republic, or matters incidental thereto.

Provision of radioactive material for research, development and training purposes

32. The chief executive officer may, as far as is practicable, having regard to the public interest and safety, and upon such terms as the Board of Directors may determine, make available for nuclear research and technology development and for the training of persons to qualify them to engage in nuclear research and technology development, such quantities and kinds of nuclear material, radioactive material and nuclear related equipment and material as the chief executive officer may in his discretion determine, having regard to the quantities thereof available.

CHAPTER V

Council for Nuclear Safety

Continuation of Council for Nuclear Safety

33. The Council for Nuclear Safety established by section 24 of the Nuclear Energy Act, 1982 (Act No. 92 of 1982), shall continue as a juristic person known as the CNS, notwithstanding the repeal of that Act by this Act.

verkry, of daaroor beskik, of dit invoer in of uitvoer uit die Republiek, of in besit wees daarvan, of dit op die perseel van die AEK of 'n filiaalmaatskappy gebruik, of dit vervoer of laat vervoer.

Beheer oor wegdoening van radioaktiewe afval en opberging van bestraalde kernbrandstof

29. Behoudens die bepalings van artikels 34 en 51(1) berus die gesag oor die wegdoening van radioaktiewe afval en die opberging van bestraalde kernbrandstof, by die AEK.

Wegdoening van radioaktiewe afval en opberging van bestraalde kernbrandstof

10 30. (1) Behoudens magtigings wat van tyd tot tyd ingevolge die Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973), verleen word, mag niemand, behalwe met die skriftelike magtiging van die hoof- uitvoerende beampte, enige radioaktiewe afval op enige wyse wegdoen of laat wegdoen nie.

15 (2) Niemand mag, behalwe met die skriftelike magtiging van die hoof- uitvoerende beampte, verleen met die instemming van die Raad van Direkteure, enige bestraalde kernbrandstof opberg of laat opberg nie.

(3) 'n Magtiging kragtens subartikel (1) of (2) kan, benewens die voorwaardes vervat in 'n kernlisensie, verleen word op die voorwaardes wat die hoof- uitvoerende beampte na goeddunke oplê.

20 Rapportering van inligting oor voorkoms van bronmateriaal

31. (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 25 30 dae nadat hy so 'n vermoede verkry het 'n skriftelike verslag oor die aangeleentheid, met volledige besonderhede van die gronde waarop sy vermoede berus en volledige besonderhede van die plek en voorkoms, aan die Direkteur-generaal: Mineraal- en Energiesake en die AEK voorlê.

(2) Ondanks andersluidende bepalings van enige ander wet het die AEK 30 toegang tot, en die gebruik van, alle inligting ten opsigte van mineraalwaardes wat ingevolge die bepalings van enige wet aan die Departement van Mineraal- en Energiesake beskikbaar gestel moet word: Met dien verstande dat—

(a) geen inligting kragtens hierdie subartikel verkry, sonder die skriftelike 35 toestemming van die persoon van wie sodanige inligting afkomstig is, aan enigeen buite die diens van die AEK verstrekkend mag word nie; en

(b) die AEK 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.

40 Voorsiening van radioaktiewe materiaal vir doeleindes van navorsing, ontwikkeling en opleiding

32. Die hoof- uitvoerende beampte kan, sover doenlik, met inagneming van die openbare belang en veiligheid en op die voorwaardes wat die Raad van Direkteure bepaal, die hoeveelhede en soorte kernmateriaal, radioaktiewe materiaal en kernverwante toerusting en materiaal wat die hoof- uitvoerende 45 beampte na goeddunke, met inagneming van die beskikbare hoeveelhede daarvan, bepaal, beskikbaar stel vir kernnavorsing en tegnologie-ontwikkeling en vir die opleiding van persone om hulle vir sodanige navorsing en ontwikkeling te bekwaam.

HOOFSTUK V

50 Raad vir Kernveiligheid

Voortbestaan van Raad vir Kernveiligheid

33. Die Raad vir Kernveiligheid ingestel by artikel 24 van die Wet op Kern- energie, 1982 (Wet No. 92 van 1982), bly ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan as 'n regspersoon bekend as die RKV.

Objects of CNS

34. The objects of the CNS are, with a view to the safeguarding of persons against nuclear damage, to regulate and exercise control, through the issue of nuclear licences or the exercise of the discretion contemplated in section 51(1), over—

- (a) the construction or use of a nuclear installation;
- (b) the use, possession, production, storage, processing, enriching, reprocessing, conveyance or disposal of radioactive material;
- (c) the discarding of radioactive waste; and
- (d) the storage of irradiated nuclear fuel;
- (e) the carrying out of any other activity involving radioactive material and which is capable of causing nuclear damage.

Functions of CNS

35. (1) The CNS may, subject to the provisions of this Act, and in addition to the powers granted and functions assigned to it under the other provisions of this Act, for the purpose of achieving its objects—

- (a) grant nuclear licences and issue declarations contemplated in section 51(1);
- (b) hire, purchase or otherwise acquire movable and immovable property, and may rent, sell or otherwise dispose of property so acquired: Provided that immovable property shall not be purchased or otherwise acquired, sold, burdened or otherwise disposed of without the prior approval of the Minister, granted with the concurrence of the Minister of State Expenditure;
- (c) apply for, purchase or by any other means acquire patents, licences, concessions, manufacturing rights or other similar rights which grant authority to utilize technologies, know-how, information or processes, and may use, exercise or develop such rights, concessions, know-how, processes, technologies or information so acquired or grant licences in regard thereto, or gain advantage therefrom in any other way;
- (d) collaborate with any other body or institution or establish and control facilities for the collection and dissemination of scientific and technical information, in connection with any matter regarding nuclear energy falling within the purview of the objects of the CNS;
- (e) collaborate with any educational, scientific or other body or institution in connection with the provision of instruction for, or the training of, persons required by the CNS, and may provide, on such conditions as the CNS may deem fit, financial or other assistance in connection with the training of such persons in so far as in the opinion of the CNS it may be necessary in order to ensure that a sufficient number of trained persons will be available to enable the CNS to perform its functions;
- (f) insure itself against any loss, damage, risk or liability which it may suffer or incur;
- (g) advise the Minister on matters associated with any activity or condition which is capable of causing nuclear damage or which he may refer to the CNS, or regarding which the CNS may deem it necessary to advise the Minister;
- (h) accredit persons or suppliers of certain services or facilities necessary to enable licensees to comply with the requirements of the CNS;
- (i) act as the national competent authority for any purpose in connection with the IAEA's Regulations for the Safe Transport of Radioactive Material,

and the CNS shall in general have the power to conclude contracts, enter into agreements, provide consultancy or other services, or perform any act, whether in the Republic or elsewhere, whereby the objects of the CNS under this Act are carried into effect or which is calculated, directly or indirectly, to enhance the value of the services which the CNS may render towards the achievement of its objects or which the Minister may from time to time determine.

Oogmerke van RKV

34. Die oogmerke van die RKV is om, met die oog op die beveiliging van persone teen kernskade, deur die uitreiking van kernlisensies en die uitoefening van die diskresie beoog in artikel 51(1)—

- 5 (a) die oprigting of gebruik van 'n kerninstallasie;
- (b) die gebruik, besit, produksie, opberging, verwerking, verryking, herverwerking en vervoer van, en beskikking oor, radioaktiewe materiaal;
- (c) die wegdoening van radioaktiewe afval;
- 10 (d) die opberging van bestraalde kernbrandstof;
- (e) die uitvoering van enige ander bedrywigheid waarby radioaktiewe materiaal betrokke is en wat kernskade kan veroorsaak, te reël, en beheer daarvoor uit te oefen.

Werkzaamhede van RKV

15 35. (1) Die RKV kan, behoudens die bepalings van hierdie Wet, en benewens die bevoegdhede aan hom verleen en die werkzaamhede aan hom opgedra kragtens die ander bepalings van hierdie Wet, ten einde sy oogmerke te bereik—

- (a) kernlisensies verleen en verklarings beoog in artikel 51(1) uitreik;
- (b) roerende en onroerende goed huur, koop of andersins verkry en goed wat aldus verkry is, verhuur of verkoop, of andersins daarvoor beskik: Met dien verstande dat onroerende eiendom nie gekoop of andersins verkry, of verkoop, beswaar of andersins oor beskik word nie sonder die voorafgaande goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding;
- 20 (c) patente, lisensies, konsessies, vervaardigingsregte of ander soortgelyke regte wat magtiging verleen om tegnologieë, kundigheid, inligting of prosesse te gebruik, aanvra, koop of op 'n ander wyse verkry, en die regte, konsessies, kundigheid, prosesse, tegnologieë of inligting aldus verkry, gebruik, uitoefen, ontwikkel of lisensies ten opsigte daarvan verleen, of op 'n ander wyse daaruit voordeel trek;
- (d) met enige ander liggaam of instelling saamwerk of geriewe vir die versameling en verspreiding van wetenskaplike en tegniese inligting of in verband met enige aangeleentheid betreffende kernenergie wat binne die bestek van die RKV se oogmerke val, oprig en beheer;
- 35 (e) met enige opvoedkundige, wetenskaplike of ander liggaam of instelling saamwerk in verband met die voorsiening van onderrig aan, of opleiding van, persone wat die RKV nodig het, en kan, op die voorwaardes wat die RKV goedvind, geldelike of ander hulp verleen in verband met die opleiding van sodanige persone vir sover dit na die oordeel van die RKV nodig is ten einde te verseker dat 'n voldoende aantal opgeleide persone beskikbaar sal wees om die RKV in staat te stel om sy werkzaamhede te verrig;
- (f) homself verseker teen enige verlies, skade, risiko of aanspreeklikheid wat hy mag ly of oploop;
- 45 (g) die Minister adviseer oor aangeleenthede wat verband hou met enige bedrywigheid of toestand wat kernskade kan veroorsaak of wat hy na die RKV verwys, of waaromtrent die RKV dit nodig ag dat die Minister geadviseer word;
- (h) persone of verskaffers van bepaalde dienste of fasiliteite wat nodig is om lisensiehouers in staat te stel om aan die vereistes van die RKV te voldoen, akkrediteer;
- 50 (i) as die nasionale bevoegde owerheidsliggaam optree vir enige doel in verband met die IAEA se Regulasies vir die Veilige Vervoer van Radioaktiewe Materiaal,

55 en die RKV het in die algemeen die bevoegdheid om kontrakte te sluit, ooreenkomste aan te gaan, raadgevende of ander dienste te lewer, of enige handeling te verrig, in die Republiek of elders, waardeur uitvoering aan die oogmerke van die RKV ingevolge hierdie Wet gegee word of wat daarop bereken is om regstreeks of onregstreeks die waarde van die dienste te verhoog
60 wat die RKV ten opsigte van die bereiking van sy oogmerke lewer of wat die Minister van tyd tot tyd bepaal.

(2) The functions of the CNS mentioned in this section shall be performed by the executive officer, except in so far as they are by this Act, the council or the Minister assigned to any other person.

(3) (a) Subject to the provisions of paragraph (b) of this subsection, the CNS shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution. 5

(b) The CNS may with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, institute and manage or cause to be managed a pension or provident fund or an alternative pension or provident fund for its employees. 10

Control and management of affairs of CNS

36. (1) The affairs of the CNS shall be managed by a council, which, subject to the provisions of this Act, shall determine the policy of the CNS and shall generally exercise control over the performance of its functions and the exercise of its powers. 15

(2) The council shall consist of—

(a) the executive officer, who shall be an *ex officio* member of the council; and

(b) subject to subsection (3), not more than seven members, appointed by the Minister after consultation with— 20

(i) the executive officer;

(ii) the president of the Council for Scientific and Industrial Research;

(iii) the president of the Foundation for Research Development;

(iv) the director-general of the South African Bureau of Standards; and 25

(v) the president of the Medical Research Council, 25

who shall not be licensees or employees of licensees and need not be employees of the said statutory bodies, and whose knowledge and experience and standing will in the opinion of the Minister contribute to the achievement by the CNS of its objects.

(3) The Minister may, whenever he deems it necessary or expedient, subject to the provisions of subsection (2), appoint an alternate member for any member of the council. 30

(4) Save for the executive officer, a member or alternate member of the council shall hold office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment. 35

(5) Any person whose term of office as a member or an alternate member of the council has expired, shall be eligible for reappointment.

(6) The Minister may at any time terminate the period of office of a member or alternate member of the council if such member or alternate member is unable to perform his duties or is guilty of misconduct. 40

(7) In the event of the resignation, vacation of office or death of a member or alternate member of the council, the Minister may, after consultation with the chairman and the executive officer, appoint any other person in his stead for the unexpired term of office of such member or alternate member. 45

(8) A member holding office on the Council for Nuclear Safety established under section 24 of the Nuclear Energy Act, 1982 (Act No. 92 of 1982), as substituted by section 10 of the Nuclear Energy Amendment Act, 1988 (Act No. 56 of 1988), immediately prior to the commencement of this Act, shall continue to hold his office on the council until the expiry of the period for which he was appointed in terms of section 24C of the first-mentioned Act or until the appointment of a council in terms of subsection (2), whichever occurs first. 50

Chairman and vice-chairman

37. (1) The Minister shall appoint a member of the council, other than the executive officer, as the chairman and another member as the vice-chairman of the council. 55

(2) 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

(2) Die werksaamhede van die RKV in hierdie artikel vermeld, word deur die uitvoerende beampte verrig, behalwe vir sover dit deur hierdie Wet, die raad of die Minister aan iemand anders opgedra word.

(3) (a) Behoudens die bepalings van paragraaf (b) van hierdie subartikel word die RKV by die toepassing van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), geag 'n geassosieerde inrigting te wees.

(b) Die RKV kan met die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding, 'n pensioenfonds of voorsorgfonds of 'n alternatiewe pensioenfonds of voorsorgfonds vir sy werknemers instel en bestuur of laat bestuur.

Beheer en bestuur van sake van RKV

36. (1) Die sake van die RKV word bestuur deur 'n raad, wat, behoudens die bepalings van hierdie Wet, die beleid van die RKV moet bepaal en in die algemeen beheer uitoefen oor die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede.

(2) Die raad bestaan uit—

(a) die uitvoerende beampte, wat ampshalwe as lid van die raad dien; en

(b) behoudens subartikel (3), hoogstens sewe lede wat die Minister aanstel na raadpleging met—

(i) die uitvoerende beampte;

(ii) die president van die Wetenskaplike en Nywerheidsnavorsingsraad;

(iii) die president van die Stigting vir Navorsingsontwikkeling;

(iv) die direkteur-generaal van die Suid-Afrikaanse Buro vir Standaardering; en

(v) die president van die Mediese Navorsingsraad,

wat nie gelisensieerdes of werknemers van gelisensieerdes mag wees nie en nie werknemers van genoemde statutêre liggame hoef te wees nie, en wie se kennis, ervaring en aansien na die oordeel van die Minister tot die verwesenliking van die RKV se oogmerke sal bydra.

(3) Die Minister kan, wanneer hy dit nodig of wenslik ag, behoudens die bepalings van subartikel (2) 'n plaasvervangende lid vir enige lid van die raad aanstel.

(4) Met uitsondering van die uitvoerende beampte beklee 'n lid of plaasvervangende lid van die raad sy amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal.

(5) Iemand wie se ampstermyn as 'n lid of 'n plaasvervangende lid van die raad verstryk het, kan weer aangestel word.

(6) Die Minister kan te eniger tyd die ampstermyn van 'n lid of 'n plaasvervangende lid van die raad beëindig indien dié lid of plaasvervangende lid nie in staat is om sy pligte na te kom nie of aan wangedrag skuldig is.

(7) By die bedanking, ampsbeëindiging of afsterwe van 'n lid of plaasvervangende lid van die raad kan die Minister, na oorlegpleging met die voorsitter en die uitvoerende beampte, 'n ander persoon in die plek van so 'n lid of plaasvervangende lid vir die onverstreke deel van sy ampstermyn aanstel.

(8) 'n Lid wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n amp beklee het in die Raad vir Kernveiligheid ingestel by artikel 24 van die Wet op Kernenergie, 1982 (Wet No. 92 van 1982), soos vervang deur artikel 10 van die Wysigingswet op Kernenergie, 1988 (Wet No. 56 van 1988), gaan voort om sy amp in die raad te beklee tot die verstryking van die tydperk waarvoor hy ingevolge artikel 24C van eersgenoemde Wet aangestel is of tot die aanstelling van 'n raad ingevolge subartikel (2), watter ook al eerste voorkom.

Voorsitter en ondervoorsitter

37. (1) Die Minister moet 'n lid van die raad, uitgesonderd die uitvoerende beampte, as voorsitter en 'n ander lid as ondervoorsitter van die raad aanstel.

(2) Die voorsitter of, in sy afwesigheid, die ondervoorsitter sit voor op 'n vergadering van die raad, en indien sowel die voorsitter as die ondervoorsitter

from any meeting of the council, the members present shall elect a member from among themselves to preside at such meeting.

(3) For the purposes of subsection (2) "member" shall include an alternate member present at a particular meeting of the council during the absence, or vacancy in the office, of the member in whose place he has been appointed as an alternate member.

Co-option of persons

38. 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 before the council.

Disqualification for membership of council, and vacating of office

39. (1) No person shall be appointed as a member or alternate member of the council if such person—

- (a) is an unrehabilitated insolvent;
- (b) is not a South African citizen permanently resident in the Republic;
- (c) has been convicted of a criminal offence and in respect thereof sentenced to imprisonment without the option of a fine; or
- (d) (i) has been nominated as a candidate for election as a member of Parliament in terms of the provisions of the Electoral Act, 1979 (Act No. 45 of 1979); or
- (ii) has been nominated or elected as a member of Parliament or designated or appointed to any other office in the legislative or the executive authority of the State.

(2) A member or alternate member of the council shall vacate his office if—

- (a) he becomes subject to a disqualification referred to in subsection (1);
- (b) he becomes of unsound mind;
- (c) in the case of a member, he has been absent from more than two consecutive meetings of the council without the leave of the chairman or, in the case of an alternate member, if he has been so absent during the absence, or vacancy in the office, of the member for whom he has been appointed as alternate member;
- (d) the Minister terminates his period of office in terms of section 36(6); or
- (e) he resigns as a member or alternate member.

Limitation of liability of member or alternate member of council

40. A member or alternate member of the council 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 such, unless the loss or damage is due to anything done in bad faith or to gross negligence or failure to comply with any provision of this Act.

Meetings of council

41. (1) A majority of the members of the council shall form a quorum for any meeting of the council.

(2) The decision of a majority of the members of the council present at a meeting of the council shall constitute a decision of the council, and in the event of an equality of votes on any matter the member presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

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

(4) For the purposes of this section "member" shall include an alternate member present at a particular meeting of the council during the absence, or vacancy in the office, of the member in whose place he has been appointed.

van enige vergadering van die raad afwesig is, kies die aanwesige lede 'n lid uit hulle midde om op sodanige vergadering voor te sit.

(3) By die toepassing van subartikel (2) beteken "lid" ook 'n plaasvervangende lid wat by 'n bepaalde vergadering van die raad aanwesig is tydens die afwesigheid, of vakature in die amp, van die lid in wie se plek hy as plaasvervangende lid aangestel is.

Koöptering van persone

38. Die raad kan enige persoon koöpteer om hom by die verrigting van sy werksaamhede ingevolge hierdie Wet behulpsaam te wees: Met dien verstande dat so 'n persoon oor geen aangeleentheid wat voor die raad dien, mag stem nie.

Onbevoegdheid vir lidmaatskap van raad, en ontruiming van amp

39. (1) Niemand word as lid of plaasvervangende lid van die raad aangestel nie indien hy—

- (a) 'n ongerehabiliteerde insolvent is;
- (b) nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie;
- (c) skuldig bevind is aan 'n misdryf en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is; of
- (d) (i) genomineer is as 'n kandidaat vir verkiesing as 'n lid van die Parlement kragtens die bepalings van die Kieswet, 1979 (Wet No. 45 van 1979); of
- (ii) benoem of verkies is as lid van die Parlement of aangewys is vir of aangestel is in enige ander amp in die wetgewende of die uitvoerende gesag van die Staat.

(2) 'n Lid of plaasvervangende lid van die raad ontruim sy amp indien—

- (a) hy onderhewig raak aan 'n onbevoegdheid in subartikel (1) genoem;
- (b) hy geestelik versteurd raak;
- (c) in die geval van 'n lid, hy sonder verlof van die voorsitter van meer as twee agtereenvolgende vergaderings van die raad afwesig is of, in die geval van 'n plaasvervangende lid, indien hy aldus afwesig is tydens die afwesigheid, of vakature in die amp, van die lid in wie se plek hy as plaasvervangende lid aangestel is;
- (d) die Minister sy ampstermyn ingevolge artikel 36(6) beëindig; of
- (e) hy as lid of plaasvervangende lid bedank.

35 Bepkering van aanspreeklikheid van lid of plaasvervangende lid van raad

40. 'n Lid of plaasvervangende lid van die raad is nie persoonlik aanspreeklik vir verlies of skade wat ontstaan uit, of in verband staan met, die uitvoering van sy pligte uit hoofde van sy aanstelling as sodanig nie, tensy die verlies of skade te wyte is aan iets te kwader trou gedoen of aan growwe nalatigheid of 'n versuim om 'n bepaling van hierdie Wet na te kom.

Vergaderings van raad

41. (1) 'n Meerderheid van die lede van die raad maak vir 'n vergadering van die raad 'n kworum uit.

(2) Die beslissing van die meerderheid van die lede van die raad wat op 'n vergadering aanwesig is, maak 'n besluit van die raad uit, en by 'n staking van stemme oor 'n aangeleentheid het die lid wat op die betrokke vergadering voorsit benewens sy beraadslagende stem 'n beslissende stem.

(3) 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 toe die besluit geneem is 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.

(4) By die toepassing van hierdie artikel beteken "lid" ook 'n plaasvervangende lid wat by 'n betrokke vergadering van die raad aanwesig is tydens die afwesigheid of vakature in die amp van die lid in wie se plek hy aangestel is.

Executive committee of council

42. (1) The council may nominate an executive committee, which may during the periods between meetings of the council perform such functions of the council as the council may determine from time to time, but the executive committee shall not be competent to set aside or vary a decision of the council. 5
- (2) The executive committee shall consist of the chairman, vice-chairman and as many members of the council as the council shall determine.
- (3) The chairman of the council or, in his absence, the vice-chairman shall preside at a meeting of the executive committee.
- (4) The provisions of section 41 shall *mutatis mutandis* apply to any meeting of the executive committee. 10
- (5) Any decision of the executive committee shall be laid upon the table at the first meeting of the council following upon the meeting of the executive committee at which the relevant decision was taken.
- (6) The council may set aside or vary a decision of the executive committee, except a decision in consequence of which a payment has been made or any other right has been granted to any person. 15

Committees of council

43. 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 employees of the CNS or a licensee. 20

Executive officer of CNS

44. (1) The Minister shall with the concurrence of the council appoint an employee of the CNS as executive officer of the CNS. 25
- (2) The executive officer shall be responsible for the management and the performance of the functions of the CNS by virtue of this Act and such functions as may be assigned to him by the council or the Minister in terms of the provisions of this Act or by the provisions of this Act or any other law, and shall report on such matters as the council or the Minister may determine. 30
- (3) Whenever the executive officer is absent or for any reason unable to perform his functions or whenever there is a vacancy in the office of the executive officer, the chairman of the council may designate an employee of the CNS to act as executive officer until the executive officer is able to resume his functions or until an executive officer is appointed in terms of subsection (1), and that employee shall, while so acting, have all the powers and perform all the functions of the executive officer. 35

Personnel of CNS

45. (1) The executive officer may, subject to the provisions of section 47(2) and on such conditions as the council may determine, appoint such employees as he may deem necessary to assist him in the performance of his functions. 40
- (2) Any person serving as an officer or employee of the Council for Nuclear Safety immediately prior to the commencement of this Act and who was appointed, or was deemed to have been appointed, as such in terms of section 24K(2) of the Nuclear Energy Act, 1982 (Act No. 92 of 1982), shall be deemed to have been appointed as an employee in terms of subsection (1) of this section from the date of his appointment, on the conditions determined in accordance with the said subsection. 45

Delegation of powers and assignment of functions

46. (1) The council may in writing— 50
- (a) delegate any power conferred on it by or under any provision of this Act, excluding the power under section 35(1)(a), to the chairman, the

Uitvoerende komitee van raad

42. (1) Die raad kan 'n uitvoerende komitee benoem, wat gedurende die tydperke tussen vergaderings van die raad die werksaamhede van die raad kan verrig wat die raad van tyd tot tyd bepaal, maar die uitvoerende komitee is nie bevoeg om 'n besluit van die raad tersyde te stel of te wysig nie.

(2) Die uitvoerende komitee bestaan uit die voorsitter, ondervoorsitter en soveel lede van die raad as wat die raad bepaal.

(3) Die voorsitter van die raad of, in sy afwesigheid, die ondervoorsitter sit voor op 'n vergadering van die uitvoerende komitee.

10 (4) Die bepalinge van artikel 41 is *mutatis mutandis* ten opsigte van 'n vergadering van die uitvoerende komitee van toepassing.

(5) 'n Besluit van die uitvoerende komitee moet by die eerste vergadering van die raad wat volg op die vergadering van die uitvoerende komitee waarop die betrokke besluit geneem is, ter tafel gelê word.

15 (6) Die raad kan 'n besluit van die uitvoerende komitee, uitgesonderd 'n besluit as gevolg waarvan aan iemand 'n betaling gedoen of 'n ander reg verleen is, tersyde stel of wysig.

Komitees van raad

20 43. Die raad kan komitees instel wat hy nodig ag om hom by die verrigting van sy werksaamhede behulpsaam te wees, en kan die persone wat hy goedvind, met inbegrip van lede van die raad, werknemers van die RKV of 'n gelisensieerde, as lede van enige sodanige komitee aanstel.

Uitvoerende beampte van RKV

25 44. (1) Die Minister stel met die instemming van die raad 'n werknemer van die RKV as uitvoerende beampte van die RKV aan.

(2) Die uitvoerende beampte is verantwoordelik vir die bestuur en die verrigting van die werksaamhede van die RKV uit hoofde van hierdie Wet en die werksaamhede wat deur die raad of die Minister ingevolge die bepalinge van hierdie Wet of deur die bepalinge van hierdie Wet of enige ander wet aan hom opgedra word, en doen verslag oor die sake wat die raad of die Minister mag bepaal.

(3) Wanneer die uitvoerende beampte afwesig is of om die een of ander rede nie in staat is om sy werksaamhede te verrig nie, of wanneer die amp van uitvoerende beampte vakant is, kan die voorsitter van die raad 'n werknemer van die RKV aanwys om as uitvoerende beampte waar te neem totdat die uitvoerende beampte sy werksaamhede kan hervat of totdat 'n uitvoerende beampte ingevolge subartikel (1) aangestel is, en terwyl daardie werknemer aldus waarneem, het hy al die bevoegdhede en verrig hy al die werksaamhede van die uitvoerende beampte.

40 Personeel van RKV

45 45. (1) Behoudens die bepalinge van artikel 47(2) en op die voorwaardes wat die raad mag bepaal, kan die uitvoerende beampte die werknemers aanstel wat hy nodig ag om hom by die verrigting van sy werksaamhede by te staan.

(2) 'n Persoon wat as 'n beampte of werknemer van die Raad vir Kernveiligheid in diens is onmiddellik voor die inwerkingtreding van hierdie Wet en wat as sodanig aangestel is, of geag word as sodanig aangestel te wees, ingevolge artikel 24K(2) van die Wet op Kernenergie, 1982 (Wet No. 92 van 1982), word geag ingevolge subartikel (1) van hierdie artikel as werknemer aangestel te wees vanaf die datum van sy aanstelling, op die voorwaardes wat ooreenkomstig genoemde subartikel bepaal word.

Delegering van bevoegdhede en opdra van werksaamhede

46. (1) Die raad kan skriftelik—

(a) 'n bevoegdheid wat by of kragtens 'n bepaling van hierdie Wet aan hom verleen of opgedra is, uitgesonderd die bevoegdheid kragtens artikel

executive officer, the executive committee nominated under section 42, or any committee established under section 43 or any member thereof;

- (b) assign the performance of any function entrusted to the council by or under this Act to the chairman or any other member of the council, the executive officer, the executive committee nominated under section 42, or any committee established under section 43 or any member thereof.

(2) The executive officer may in writing—

- (a) delegate any power conferred on him by or under this Act in his capacity as executive officer to any employee of the CNS; or
(b) assign the performance of any function entrusted to him by or under this Act in his capacity as executive officer or accounting officer to such an employee.

(3) A delegation or assignment under subsection (1) or (2) may be made subject to such conditions and restrictions as may be determined by the council or the executive officer, as the case may be, and may be withdrawn or amended by it or him.

(4) The council or the executive officer shall not be divested of a power or function delegated or assigned by it or him in terms of subsection (1) or (2), and may, subject to the provisions of subsection (5), amend or withdraw any decision made in the exercise of such delegated powers or performance of such assigned functions.

(5) A decision made in the exercise or performance of any power or function delegated or assigned under subsection (1) or (2) and by which a right has been conferred upon any person, shall not be set aside or varied.

(6) Where a power or function is delegated or assigned under subsection (1) or (2) to the holder of an office, such delegation or assignment shall be deemed to have been made 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.

Remuneration and allowances paid and benefits afforded to members or alternate members of council and other persons

47. (1) Members or alternate members of the council and other persons referred to in sections 38 and 43 who are not in the full-time service of the State or employees of the CNS, shall be paid from the funds of the CNS such remuneration and allowances and be afforded such benefits as the Minister may determine with the concurrence of the Minister of State Expenditure.

(2) The CNS shall out of its own funds pay to its employees such salaries, allowances, subsidies and other benefits as the council may determine in accordance with a system approved from time to time for that purpose by the Minister with the concurrence of the Minister of State Expenditure.

Funds of CNS

48. (1) The funds of the CNS shall consist of—

- (a) fees paid by licensees;
(b) money appropriated by Parliament; and
(c) money received from any other source.

(2) The CNS shall utilize its funds for the defrayal of expenses incurred by the CNS in the performance of its functions under this Act, but money or other goods donated or bequeathed to the CNS shall be utilized in accordance with the conditions, if any, of the donation or bequest in question.

(3) The executive officer shall open an account in the name of the CNS with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990), and shall deposit in that account all money received in terms of this section.

(4) (a) The executive officer may invest all money received in terms of subsection (1) which is not required for immediate use, with the Public Investment Commissioners or, with the approval of the council, with such other institutions

- 35(1)(a), aan die voorsitter, die uitvoerende beampte, die uitvoerende komitee kragtens artikel 42 benoem, of 'n komitee kragtens artikel 43 ingestel of enige lid daarvan, delegeer; of
- (b) die verrigting van enige werksaamheid wat ingevolge hierdie Wet aan die raad opgedra is, aan die voorsitter of enige ander lid van die raad, die uitvoerende beampte, die uitvoerende komitee kragtens artikel 43 benoem, of 'n komitee kragtens artikel 43 ingestel of enige lid daarvan, opdra.
- (2) Die uitvoerende beampte kan skriftelik—
- (a) 'n bevoegdheid wat by of kragtens hierdie Wet aan hom in sy hoedanigheid van uitvoerende beampte verleen word, aan 'n werknemer van die RKV delegeer; of
- (b) so 'n werknemer magtig om 'n werksaamheid te verrig wat by of kragtens hierdie Wet in sy hoedanigheid van uitvoerende beampte of rekenpligtige beampte aan hom opgedra is.
- (3) 'n Delegering of opdrag kragtens subartikel (1) of (2) kan geskied onderworpe aan die voorwaardes en beperkings wat die raad of the uitvoerende beampte, na gelang van die geval, kan bepaal, en kan deur hom ingetrek of gewysig word.
- (4) Die raad of die uitvoerende beampte is nie ontdoen van 'n bevoegdheid of werksaamheid deur hom ingevolge subartikel (1) of (2) gedelegeer of opgedra nie en kan, behoudens die bepalings van subartikel (5), 'n beslissing by die uitoefening van sodanige gedelegeerde bevoegdhede of die verrigting van sodanige werksaamhede gegee, wysig of intrek.
- (5) 'n Besluit geneem by die uitoefening of verrigting van 'n bevoegdheid of werksaamheid wat kragtens subartikel (1) of (2) gedelegeer of opgedra is en waardeur 'n reg aan 'n persoon verleen is, word nie tersyde gestel of gewysig nie.
- (6) Waar 'n bevoegdheid of 'n werksaamheid kragtens subartikel (1) of (2) aan 'n ampsbekleër gedelegeer of opgedra word, word sodanige delegasie of opdrag geag te geskied het aan die dienende bekleër van die amp of aan die persoon wat te eniger tyd wettig as sy plaasvervanger optree.

Besoldiging en toelaes betaal en voordele verskaf aan lede of plaasvervangende lede van raad en ander persone

47. (1) Aan lede of plaasvervangende lede van die raad en ander persone genoem in artikels 38 en 43 wat nie in die heeltidse diens van die Staat of werknemers van die RKV is nie, word uit die fondse van die RKV die besoldiging en toelaes betaal en voordele verskaf wat die Minister met die instemming van die Minister van Staatsbesteding bepaal.
- (2) Die RKV betaal uit sy eie fondse aan sy werknemers die salarisse, toelaes, subsidies en ander voordele wat die raad bepaal ooreenkomstig 'n stelsel wat van tyd tot tyd vir daardie doel deur die Minister met die instemming van die Minister van Staatsbesteding goedgekeur word.

Fondse van RKV

48. (1) Die fondse van die RKV bestaan uit—
- (a) gelde deur gelisensieerdes betaal;
- (b) geld deur die Parlement bewillig; en
- (c) geld uit enige ander bron ontvang.
- (2) Die RKV wend sy fondse aan ter bestryding van die uitgawes wat die RKV by die verrigting van sy werksaamhede kragtens hierdie Wet aangaan, maar moet geld of ander goed wat aan die RKV geskenk of bemaak word, ooreenkomstig die voorwaardes, as daar is, van die betrokke skenking of bemaking aanwend.
- (3) Die uitvoerende beampte moet 'n rekening in die naam van die RKV open by 'n instelling wat ingevolge die Bankwet, 1990 (Wet No. 94 van 1990), as 'n bank geregistreer is, en moet in daardie rekening alle geld stort wat ingevolge hierdie artikel ontvang is.
- (4) (a) Die uitvoerende beampte kan alle geld wat ingevolge subartikel (1) ontvang is en nie vir onmiddellike gebruik nodig is nie, by die Openbare Beleggingskommissaris, met die goedkeuring van die raad, of by die ander

as the Minister may with the concurrence of the Minister of State Expenditure determine.

(b) The CNS may use interest on such investments to defray expenses in connection with the performance of its functions.

(5) The council may with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, authorize the establishment of such reserve funds and the depositing of such amounts therein as it may deem necessary or expedient.

(6) The council shall in each financial year, at such time as is determined by the Minister, submit a statement of the CNS's estimated income and expenditure during the following financial year to the Minister for his approval, granted with the concurrence of the Minister of State Expenditure.

(7) The council shall comply with the provisions of the Reporting by Public Entities Act, 1992 (Act No. 93 of 1992).

Accounting

49. (1) The executive officer shall be the accounting officer of the CNS charged with the responsibility of accounting for all money received and payments made by the CNS.

(2) The accounting officer shall exercise all the powers and perform all the functions granted or entrusted to him by this Act, the Reporting by Public Entities Act, 1992 (Act No. 93 of 1992), or any other law or by the council or the Minister.

(3) The financial year of the CNS shall end on 31 March in each year.

(4) The external auditing of the CNS shall be conducted by the Auditor-General.

CHAPTER VI

Licensing of nuclear activities

Functions of CNS regarding nuclear licences

50. (1) Whenever the CNS receives an application for a nuclear licence in accordance with the provisions of this Act, it shall consider all relevant aspects of the application and may direct the applicant to furnish it with such information as the CNS may require to assist it in reaching a decision on the granting of a nuclear licence or not, and the conditions subject to which such licence ought to be granted.

(2) In the event of an application for a nuclear licence being refused, the CNS shall inform the applicant of its decision in writing and shall state the reasons for its decision.

Licences in respect of nuclear installations and activities involving radioactive material

51. (1) No person shall, except under the authority of a nuclear licence granted to such person by the CNS on application—

(a) construct or use a nuclear installation; or

(b) notwithstanding any other provision contained in this Act, except section 3, in any manner use, possess, produce, store, enrich, process, reprocess, cause to be conveyed, dispose of or carry out any other activity involving radioactive material and which is capable of causing nuclear damage or discard radioactive waste or store irradiated nuclear fuel or engage in any activity the performance of which may result in persons accumulating a radiation dose resulting from radioactive material, unless—

(i) the specific activity and the total activity of the radioactive material, or the radiation dose which persons may accumulate, is below the levels determined under section 2(e), and the CNS has declared in writing that in its opinion the risk of nuclear damage associated with the performance of the activity in question will not exceed limits laid down by the CNS for the safeguarding of persons; or

instellings wat die Minister met die instemming van die Minister van Staatsbesteding bepaal, belê.

(b) Die RKV kan rente op sodanige beleggings aanwend ter bestryding van uitgawes in verband met die verrigting van sy werksaamhede.

5 (5) Die raad kan met die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding, die instelling van reserwefondse en die storting van die bedrae daarin wat hy nodig of wenslik ag, magtig.

(6) Die raad moet in elke boekjaar, op die tydstip wat die Minister bepaal, 'n staat van die RKV se geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar aan die Minister voorlê vir sy goedkeuring, wat met die instemming van die Minister van Staatsbesteding verleen word.

(7) Die raad moet voldoen aan die bepalings van die Wet op Verslagdoening deur Openbare Entiteite, 1992 (Wet No. 93 van 1992).

Rekenpligtigheid

15 49. (1) Die uitvoerende beampte is die rekenpligtige beampte van die RKV en is belas met die rekenpligtige verantwoordelikheid vir alle geld ontvang en betalings gedoen deur die RKV.

(2) Die rekenpligtige beampte oefen al die bevoegdhede uit en verrig al die werksaamhede wat by hierdie Wet, die Wet op Verslagdoening deur Openbare Entiteite, 1992 (Wet No. 93 van 1992), of enige ander wet of deur die raad of deur die Minister aan hom verleen of opgedra word.

(3) Die boekjaar van die RKV eindig op 31 Maart in elke jaar.

(4) Die eksterne ouditering van die RKV word uitgevoer deur die Ouditeur-generaal.

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HOOFSTUK VI

Lisensiëring van kernbedrywighede

Werksaamhede van RKV betreffende kernlisensies

50 50. (1) Wanneer die RKV 'n aansoek om 'n kernlisensie ooreenkomstig die bepalings van hierdie Wet ontvang, moet hy alle tersaaklike aspekte met betrekking tot die aansoek oorweeg en kan hy die aansoeker gelas om die RKV van die inligting te voorsien wat die RKV vereis ten einde die RKV in staat te stel om 'n besluit te neem betreffende die verlening van 'n kernlisensie al dan nie, en die voorwaardes onderworpe waaraan dit verleen behoort te word.

(2) Indien 'n aansoek om 'n kernlisensie afgewys word, moet die RKV die aansoeker skriftelik van sy besluit verwittig met 'n opgawe van die redes vir sy besluit.

Lisensies ten opsigte van kerninstallasies en bedrywighede waarby radioaktiewe materiaal betrokke is

40 51. (1) Niemand mag, behalwe op gesag van 'n kernlisensie wat deur die RKV aan sodanige persoon op sy aansoek verleen is—

(a) 'n kerninstallasie oprig of gebruik nie; of

45 (b) niesteenstaande enige ander bepaling van hierdie Wet, behalwe artikel 3, op enige wyse radioaktiewe materiaal gebruik, besit, produseer, opberg, verryk, verwerk, herverwerk of laat vervoer of daarvoor beskik of enige ander bedrywigheid waarby radioaktiewe materiaal betrokke is en wat kernskade kan veroorsaak, verrig of radioaktiewe afval wegdoen of bestraalde kernbrandstof opberg of enige bedrywigheid verrig nie waarvan die uitvoering tot gevolg kan hê dat persone vanweë radioaktiewe materiaal 'n stralingsdosis opbou, tensy—

50 (i) die spesifieke en die totale aktiwiteit van die radioaktiewe materiaal, of die stralingsdosis wat persone kan opbou, laer is as die vlakke wat kragtens artikel 2(e) bepaal is, en die RKV skriftelik verklaar het dat na sy oordeel die risiko van kernskade verbonde aan die verrigting van die betrokke bedrywigheid nie die perke sal oorskry wat die RKV bepaal het vir die beveiliging van persone nie; of

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(ii) in the opinion of the CNS, the objects of this Act regarding the regulation of and control over any act or activity performed or carried out as contemplated in this section by such person in respect of any site or radioactive material, are effectively achieved by the provisions of any law which applies in respect of such control, and the CNS has so declared in writing. 5

(2) The CNS may at any time withdraw a declaration contemplated in subsection (1)(b)(i) or (1)(b)(ii) and shall, within a period of 30 days after such withdrawal, notify the person in respect of whom the declaration has been made of such withdrawal in the manner it may deem fit. 10

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

Licensing of certain vessels 15

52. (1) No vessel propelled by nuclear energy or which has on board any nuclear installation or any radioactive material, except where such radioactive material is in transit to or from a nuclear installation or site in the Republic in respect of which a nuclear licence has been granted by the CNS, 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 CNS. 20

(2) A nuclear licence referred to in subsection (1) shall be valid for such period as is determined by the CNS, and may from time to time be renewed or extended for such further period as the CNS may determine. 25

(3) The licensee under any nuclear licence referred to in subsection (1) will not solely because of the expiry of such a nuclear licence be relieved of liability for anything which occurred or which was done or omitted during the currency of the nuclear licence.

(4) The provisions of sections 62 and 63 shall *mutatis mutandis* apply to— 30

(a) any nuclear accident which occurs on, or in connection with, a vessel referred to in subsection (1) while it is in the territorial waters of the Republic or a port within the Republic; and

(b) any claims for compensation arising out of such an accident in excess of the security or other provision contemplated in section 55(2)(b). 35

(5) An inspector authorized thereto in writing by the CNS shall in respect of any such vessel, and subject to the terms of any agreement referred to in section 55(1)(c), have the powers conferred upon him by section 67 in respect of sites and places contemplated in the said section.

(6) 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 to any provision of an agreement referred to in section 55(1)(c), any harbour authority may waive compliance with any regulation made for the control and management of harbours under any Act of Parliament. 40

(7) The CNS shall exercise the powers conferred upon it by this section subject to such directions as the Minister may determine from time to time. 45

Non-transferability of nuclear licences

53. A nuclear licence shall not be granted to any person other than a juristic person, and shall not be transferable.

General conditions in respect of certain nuclear licences 50

54. (1) (a) A nuclear licence referred to in section 51(1) shall be subject to such conditions as the CNS may deem necessary or desirable for the purpose of the safeguarding of persons against nuclear damage and which, subject to subsection (2), the CNS may impose when granting such nuclear licence or in its discretion at any time thereafter. 55

(ii) na die oordeel van die RKV die oogmerke van hierdie Wet betreffende die regulering van en beheer oor enige handeling of bedrywigheid wat deur dié persoon ten opsigte van enige terrein of radioaktiewe materiaal verrig of uitgevoer word, afdoende deur die bepalinge van die een of ander wet wat ten opsigte van sodanige beheer van toepassing is, bereik word, en die RKV aldus skriftelik verklaar het.

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

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

Lisensiëring van sekere vaartuie

52. (1) Geen vaartuig wat deur kernenergie voortgedryf word of wat 'n kerninstallasie of enige radioaktiewe materiaal aan boord het, behalwe waar sodanige materiaal onderweg is na of van 'n kerninstallasie of terrein in die Republiek ten opsigte waarvan 'n kernlisensie deur die RKV verleen is, 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 RKV verleen is.

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

(3) 'n Gelisensieerde kragtens enige kernlisensie in subartikel (1) bedoel, word nie slegs vanweë die verstryking van so 'n kernlisensie van aanspreeklikheid onthef vir enigiets wat gedurende die geldigheidsduur van die kernlisensie gebeur het of gedoen of nagelaat is nie.

(4) Die bepalinge van artikels 62 en 63 is *mutatis mutandis* van toepassing op—

(a) 'n kernongeluk wat op, of in verband met, 'n vaartuig in subartikel (1) bedoel, plaasvind terwyl dit in die territoriale waters van die Republiek of in 'n hawe in die Republiek is; en

(b) eise om skadevergoeding wat uit so 'n ongeluk voortspruit en wat die sekerheid of ander voorsiening in artikel 55(2)(b) beoog, oorskry.

(5) 'n Inspekteur wat skriftelik deur die RKV daartoe gemagtig is, het ten opsigte van sodanige vaartuig, en behoudens die bepalinge van 'n ooreenkoms in artikel 55(1)(c) bedoel, die bevoegdhede wat by artikel 67 ten opsigte van terreine en plekke beoog in genoemde artikel, aan hom verleen word.

(6) Enige hawe-owerheid kan, vir sover dit nodig is ten einde aan 'n voorwaarde van 'n kernlisensie in subartikel (1) bedoel of aan 'n bepaling van 'n ooreenkoms in artikel 55(1)(c) bedoel, gevolg te gee, afsien van die nakoming van enige regulasie wat uitgevaardig is kragtens 'n Wet van die Parlement vir die beheer en bestuur van hawens, of die toepassing daarvan wysig.

(7) Die RKV moet die bevoegdhede wat by hierdie artikel aan hom verleen word, uitoefen onderworpe aan die voorskrifte wat die Minister van tyd tot tyd bepaal.

50 Onoordraagbaarheid van kernlisensies

53. 'n Kernlisensie mag nie aan iemand anders as 'n regspersoon uitgereik word nie, en is nie oordraagbaar nie.

Algemene voorwaardes ten opsigte van sekere kernlisensies

54. (1) (a) 'n Kernlisensie bedoel in artikel 51(1) is onderworpe aan die voorwaardes wat die RKV vir die doeleindes van die beveiliging van persone teen kernskade nodig of wenslik ag, en wat die RKV by die verlening van sodanige kernlisensie of na goedgekeurde te eniger tyd daarna, behoudens subartikel (2), kan opleë.

(b) The CNS may at any time amend any condition contemplated in paragraph (a) imposed by it.

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

- (a) the accounting for and control of radioactive material; 5
- (b) the maintenance of an efficient system for detecting and recording the presence and intensity of any ionizing radiations from time to time emitted by anything at or in the nuclear installation in question or the site in question where any activity is performed, or by anything which is conveyed, removed or discharged therefrom; 10
- (c) the design, siting, construction, installation, operation, modification and maintenance of any nuclear installation to be constructed or used;
- (d) preparations for dealing with, and measures to be taken on, the occurrence of any nuclear accident or other emergency at or in the nuclear installation in question, or on the site in question or in connection with the radioactive material in question; 15
- (e) the storage, handling, treatment, conveyance and disposal of radioactive material, the storage of irradiated nuclear fuel or the discarding of radioactive waste. 20

Conditions relating to licensing of vessels 20

55. (1) A nuclear licence granted under section 52(1) shall be subject to—

- (a) such conditions relating to liability for nuclear damage, security therefor and the manner of dealing with such security, as the Minister may determine from time to time with the concurrence of the Minister of Finance; 25
- (b) such conditions as the CNS may deem necessary or desirable for the purposes of the safeguarding of persons against nuclear damage, and which, subject to subsection (2), it may 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. 30

(2) Conditions imposed under subsection (1)(a) may include provisions—

- (a) determining, limiting or precluding the liability of the licensee concerned, notwithstanding provisions to the 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 on, 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; 35
- (b) requiring the licensee concerned from time to time 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); 40
- (c) relating to the manner and circumstances in which any such security or other provision shall be made available in order to satisfy any claim against such licensee in respect of such nuclear damage; 45
- (d) determining any period or periods within which an action against such licensee for compensation in respect of such nuclear damage may be commenced. 50

(3) An agreement referred to in subsection (1)(c) may include any provision that may be determined, prescribed or imposed under subsection (1)(a) or (b) as a condition of a nuclear licence, 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. 55

(b) Die RKV kan 'n voorwaarde in paragraaf (a) bedoel en wat deur hom opgelê is, te eniger tyd wysig.

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

- 5 (a) die rekenskap vir en beheer van radioaktiewe materiaal;
- (b) die instandhouding van 'n doeltreffende stelsel vir die opsporing en aantekening van die aanwesigheid en intensiteit van enige ioniserende straling wat van tyd tot tyd uitgestraal word deur enigiets by of in die
- 10 betrokke kerninstallasie of op die betrokke terrein waar 'n bedrywigheid verrig word, of deur enigiets wat daarvandaan vervoer, weggedra of vrygelaat word;
- (c) die ontwerp, plasing, oprigting, installering, bedryf, verandering en instandhouding van 'n kerninstallasie wat opgerig of gebruik gaan word;
- 15 (d) voorbereidings vir optrede in verband met, en maatreëls wat getref moet word by, die plaasvind van 'n kernongeluk of ander noodtoestand by of in die betrokke kerninstallasie of op die betrokke terrein of in verband met die betrokke radioaktiewe materiaal;
- (e) die opberging, hantering, behandeling en vervoer van en beskikking
- 20 oor radioaktiewe materiaal, die opberging van bestraalde kernbrandstof of die wegdoening van radioaktiewe afval.

Voorwaardes betreffende lisensiëring van vaartuie

55. (1) 'n Kernlisensie wat kragtens artikel 52(1) verleen word, is onderworpe aan—

- 25 (a) die voorwaardes betreffende aanspreeklikheid vir kernskade, sekerheid daarvoor en die wyse waarop met sodanige sekerheid gehandel moet word, wat die Minister met die instemming van die Minister van Finansies van tyd tot tyd bepaal;
- (b) die voorwaardes wat die RKV vir die doeleindes van die beveiliging
- 30 van persone teen kernskade nodig of wenslik ag, en wat hy by die verlening van die kernlisensie, of na goeë dunde te eniger tyd daarna, behoudens subartikel (2) kan oplê;
- (c) in die geval van 'n vaartuig wat buite die Republiek geregistreer is, die toepaslike bepalinge van enige ooreenkoms tussen die Regering van die
- 35 Republiek en die regering van die land waarin die betrokke vaartuig geregistreer is.

(2) Voorwaardes wat kragtens subartikel (1)(a) opgelê word, kan bepalinge insluit wat—

- 40 (a) ondanks andersluidende bepalinge van die een of ander wet of reëls van die gemene reg, die aanspreeklikheid van die betrokke gelisensieerde vir kernskade wat veroorsaak word (hetsy met of sonder skuld aan die kant van daardie gelisensieerde) deur enigiets wat op die betrokke vaartuig is, of wat daarop gedoen word of daarop ontstaan, terwyl dit in die territoriale waters van die Republiek of in 'n hawe binne die
- 45 Republiek is, bepaal, beperk of uitsluit;
- (b) van die betrokke gelisensieerde vereis dat hy van tyd tot tyd ten genoeg van die Minister sekerheid stel of op 'n ander wyse voorsiening maak vir die nakoming van verpligings wat so 'n gelisensieerde kan oploep ten opsigte van kernskade beoog in paragraaf (a);
- 50 (c) betrekking het op die wyse waarop en die omstandighede waaronder sodanige sekerheid of ander voorsiening beskikbaar gestel moet word ten einde aan 'n eis teen bedoelde gelisensieerde ten opsigte van sodanige kernskade te voldoen;
- (d) 'n tydperk of tydperke bepaal waarin 'n aksie om skadevergoeding ten
- 55 opsigte van sodanige kernskade teen bedoelde gelisensieerde ingestel kan word.

(3) 'n Ooreenkoms in subartikel (1)(c) bedoel, kan enige bepaling insluit wat kragtens subartikel (1)(a) of (b) as 'n voorwaarde van 'n kernlisensie bepaal, voorgeskryf of opgelê kan word, en so 'n bepaling wat aldus ingesluit is, word,

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

Fees

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56. (1) Any person who applies for the granting of any nuclear licence shall, within the period specified by the CNS, pay such fees in respect of the application as the CNS may specify.

(2) Any person to whom a nuclear licence has been granted shall in respect of—

(a) an annual licence fee; 10

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

(c) any subsequent imposition of conditions contemplated in section 54(1)(a) or 55(1)(b); and

(d) any amendment of conditions contemplated in section 54(1)(b) or 55(4), 15 pay, within the period specified by the CNS, such fees as the CNS may from time to time determine.

(3) The CNS may charge fees in respect of services rendered by it.

Display of copies of regulations and conditions by licensees

57. (1) A licensee shall at all times while 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 CNS 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 nuclear licence is subject under the provisions of this Act. 25

(2) Such copy of the wording of any regulation or condition shall be in bold print and worded, in addition to the official languages of the Republic, in such other languages determined in each individual case by the CNS, 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. 30

Representations in connection with nuclear licences, and inspection of certain documents

58. (1) (a) The CNS may direct any person applying for a nuclear licence to serve upon any local authority, or upon any other person specified by it, a notice of his application, giving such particulars in respect of the proposed site or nuclear installation or the radioactive material or vessel in question as may be specified in the directive, and to publish such notice in the *Gazette*. 35

(b) A notice contemplated in paragraph (a) shall provide for a period of not less than three months within which representations may be made to the CNS in regard to the application. 40

(c) If the CNS has given such a directive it shall not grant the nuclear licence before the period so provided for has elapsed and, if representations were made to it within the said period in terms of the said notice, before it has considered such representations. 45

(2) As long as any nuclear licence referred to in section 51(1)(a) is in force, all persons having duties at or in the nuclear installation or on the site or in connection with the radioactive material in question, shall have the right, either individually or through an association or body recognized by the CNS for the purposes of this subsection as representative of such persons, to make representations to the CNS regarding the exercise of its powers under section 54(1)(a) and (b). 50

(4) Behoudens die bepalings van 'n ooreenkoms in subartikel (1)(c) bedoel, kan die RKV te eniger tyd 'n voorwaarde wat hy kragtens subartikel (1)(b) opgelê het, wysig of intrek, en moet die RKV binne 30 dae die betrokke gelisensieerde skriftelik van die wysiging of intrekking in kennis stel.

5 **Gelde**

56. (1) Iemand wat aansoek doen om die verlening van 'n kernlisensie moet, binne die tydperk wat die RKV bepaal, ten opsigte van die aansoek die gelde betaal wat die RKV bepaal.

- (2) Iemand aan wie 'n kernlisensie verleen is, moet, ten opsigte van—
- 10 (a) jaarlikse lisensiegeld;
- (b) enige latere hernuwing of verlenging van die lisensie wat aan hom verleen is;
- (c) enige latere oplegging van voorwaardes beoog in artikel 54(1)(a) of 55(1)(b); en
- 15 (d) enige wysiging van voorwaardes beoog in artikel 54(1)(b) of 55(4), die gelde wat die RKV van tyd tot tyd bepaal, binne die tydperk deur die RKV bepaal, betaal.

(3) Die RKV kan gelde hef ten opsigte van dienste wat hy lewer.

Vertoon van afskrifte van regulasies en voorwaardes deur gelisensieerdes

- 20 **57.** (1) 'n Gelisensieerde moet te alle tye solank die kernlisensie wat aan hom verleen is van krag is, op 'n geskikte plek, of, indien die RKV vir die doeleindes van hierdie subartikel 'n plek aangewys het, op so 'n aangewese plek, op die betrokke terrein, of by of in die betrokke kerninstallasie, of by of op die betrokke vaartuig, 'n afskrif van die bewoording van enige regulasie of
- 25 voorwaarde waaraan die betrokke kernlisensie kragtens die bepalings van hierdie Wet onderworpe is, opplak of op enige ander wyse vertoon, en aldus opgeplak of vertoon laat bly.

- (2) Sodanige afskrif van die bewoording van enige regulasie of voorwaarde moet in vet druk wees en, benewens in die amptelike tale van die Republiek, in
- 30 die ander tale wat die RKV ten opsigte van elke afsonderlike geval bepaal het, bewoord wees, ten einde maklik gelees en verstaan te word deur alle persone wat op die betrokke terrein, of by of in die betrokke kerninstallasie, of by of op die betrokke vaartuig, aanwesig is of werksaamhede verrig.

Vertoë in verband met kernlisensies, en insae in sekere stukke

- 35 **58.** (1) (a) Die RKV kan enige persoon wat om 'n kernlisensie aansoek doen, gelas om aan 'n plaaslike bestuur, of aan iemand anders wat die RKV bepaal, 'n kennisgewing van sy aansoek te bestel, waarin aangedui word dié besonderhede ten opsigte van die voorgestelde terrein of kerninstallasie of van die betrokke radioaktiewe materiaal of vaartuig wat in die lasgewing bepaal word, en om
- 40 sodanige kennisgewing in die *Staatskoerant* te publiseer.

(b) 'n Kennisgewing beoog in paragraaf (a) moet 'n tydperk van minstens drie maande toelaat waarin vertoë tot die RKV gerig kan word met betrekking tot die aansoek.

- (c) Indien die RKV so 'n lasgewing uitgereik het, mag hy nie die kernlisensie
- 45 verleen voordat die tydperk wat aldus toegelaat is, verstryk het nie en, indien vertoë ingevolge genoemde kennisgewing tot hom gerig is binne genoemde tydperk, voordat hy sodanige vertoë oorweeg het nie.

- (2) Solank 'n kernlisensie bedoel in artikel 51(1)(a) van krag is, het almal wat pligte by of in die betrokke kerninstallasie of op die betrokke terrein of met
- 50 betrekking tot die betrokke radioaktiewe materiaal moet uitvoer, die reg om, óf afsonderlik óf deur bemiddeling van 'n vereniging of liggaam wat deur die RKV vir die doeleindes van hierdie subartikel as verteenwoordigend van sodanige persone erken word, vertoë tot die RKV te rig met betrekking tot die uitoefening van sy bevoegdhede kragtens artikel 54(1)(a) en (b).

(3) (a) The CNS shall keep record of the particulars of any site or nuclear installation and of all acts and activities in respect of which it has granted a nuclear licence referred to in section 51(1), together with a map or maps showing, where applicable, the position and limits of every site or nuclear installation in question.

(b) The CNS shall make arrangements for copies of such record 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 CNS, the 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 of which no nuclear licence is any longer in force, is within limits laid down by the CNS for the safeguarding of persons, particulars in connection therewith may be removed from the record referred to in paragraph (a).

Security by certain licensees in respect of liability for nuclear damage

59. (1) The CNS shall not grant a nuclear licence 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 61 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, the manner in which and the amount for which security required by him in terms of subsection (1) 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, require such licensee—

(a) although he has provided security in terms of subsection (1), to give additional security or to give security in another manner; or

(b) to give security, although security was not previously required in terms of subsection (1),

and the Minister may with the concurrence of the Minister of Finance—

(i) reduce the amount of security given;

(ii) refund to the licensee the amount given as security; or

(iii) discharge the licensee from security given in any other 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 additional security with respect to such accident or with respect to nuclear accidents which may occur subsequent to the giving of such additional security and 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, as a result of 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).

Revocation and surrender of nuclear licences

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

(2) If a nuclear licence has been revoked by the CNS or surrendered in terms of subsection (1), the licensee concerned shall, if so directed by the CNS, deliver up or account for such nuclear licence to such person as the CNS may direct, and in the case of a licensee to whom a nuclear licence referred to in section 51(1) has been granted, such licensee shall during the remainder of his period of responsibility display, and cause to be so kept displayed, on the relevant site, if any, notices indicating the limits thereof in such positions as may be directed by the CNS.

(3) (a) Die RKV moet rekord hou van die besonderhede van elke terrein of kerninstallasie en van alle handeling en bedrywighede ten opsigte waarvan 'n kernlisensie bedoel in artikel 51(1) deur hom verleen is, saam met 'n kaart of kaarte wat, waar toepaslik, die ligging en grens van elke betrokke terrein of kerninstallasie aantoon.

(b) Die RKV moet reëlins tref dat afskrifte van sodanige rekord en elke sodanige kaart vir insae deur die publiek beskikbaar is, en moet, op die tye en op die wyse wat hy gepas ag, kennis van sodanige reëlins aan die publiek gee.

(c) Indien, na die oordeel van die RKV, die risiko dat kernskade kan voortspruit uit enigiets wat gedoen is of word of wat aanwesig was of is by of in 'n kerninstallasie, of op 'n terrein ten opsigte waarvan geen kernlisensie meer van krag is nie, binne die perke is wat die RKV bepaal het vir die beveiliging van persone, kan besonderhede in verband daarmee uit die rekord in paragraaf (a) bedoel, geskrap word.

15 **Sekerheidstelling deur sekere gelisensieerdes ten opsigte van aanspreeklikheid vir kernskade**

59. (1) Die RKV mag nie 'n kernlisensie aan iemand verleen nie tensy so iemand, indien die Minister dit vereis, sekerheid ten genoeg van die Minister gestel het vir die nakoming van enige verpligtings wat hy teenoor iemand ingevolge artikel 61 mag oploop indien sodanige kernlisensie aan hom verleen word.

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

25 (3) Die Minister kan, met die instemming van die Minister van Finansies, van tyd tot tyd, hetsy gedurende of na verstryking van die verantwoordelikheidstydperk van 'n gelisensieerde, eis dat die gelisensieerde—

(a) alhoewel hy sekerheid ingevolge subartikel (1) gestel het, bykomende sekerheid stel of op 'n ander wyse sekerheid stel; of

30 (b) sekerheid stel, al was sekerheid nie voorheen ingevolge subartikel (1) vereis nie,

en die Minister kan met die instemming van die Minister van Finansies—

(i) die bedrag waarvoor sekerheid gestel is, verminder;

35 (ii) die bedrag wat as sekerheid gestel is, aan die gelisensieerde terugbetaal; of

(iii) die gelisensieerde van sekerheid wat op enige ander wyse gestel is, onthef.

(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 sekerheid gestel het bykomende sekerheid stel met betrekking tot daardie ongeluk of met betrekking tot kernongelukke wat ná sodanige bykomende sekerheidstelling mag plaasvind en skade veroorsaak waarvoor hy ingevolge hierdie Wet aanspreeklik is, vir sover, na die oordeel van die Minister, 45 die bestaande sekerheid wat die gelisensieerde gestel het as gevolg van 'n eis om skadevergoeding wat aldus ingestel is of ingestel mag word, verminder is of verminder mag word, of ontoereikend geword het, of mag word.

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

50 **Intrekking en afgee van kernlisensies**

60. (1) 'n Kernlisensie kan te eniger tyd deur die RKV ingetrek of deur 'n gelisensieerde prysgegee word.

(2) Indien 'n kernlisensie ingevolge subartikel (1) deur die RKV ingetrek is of prysgegee is, moet die betrokke gelisensieerde, indien die RKV dit gelas, 55 sodanige kernlisensie oorhandig of daarvan rekenskap gee aan iemand wat die RKV aanwys, en in die geval van 'n gelisensieerde aan wie 'n kernlisensie bedoel in artikel 51(1) verleen is, moet sodanige gelisensieerde gedurende die res van sy verantwoordelikheidstydperk, op die betrokke terrein, indien daar is, kennisgewings wat die grense daarvan aantoon, vertoon op die plekke wat die RKV 60 gelas, en aldus vertoon laat bly.

(3) The CNS 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 51(1)(a) 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 relevant nuclear installation or on the relevant site, or for giving warning of any risk thereof.

Liability of certain licensees in respect of nuclear damage

61. (1) Any licensee shall, subject to the provisions of this Act, be liable for any nuclear damage caused during his period of responsibility—

- (a) in the case of a nuclear licence relating to any nuclear installation, by anything being present or which is being done at or in the nuclear installation in question, or by any radioactive material which has been discharged or released (in whatever form) from such nuclear installation;
- (b) in the case of a nuclear licence other than a nuclear licence relating to any particular nuclear installation, by—
 - (i) any radioactive material, or as a result of the performance or carrying out of any act or activity in connection with any radioactive material, in the possession or under the control of the licensee; or
 - (ii) any radioactive waste which has been discharged or released (in whatever form) from such site; or
 - (iii) the accumulation of a radiation dose arising from the performance of any activity contemplated in section 51(1)(b)(i);
- (c) by any radioactive material (in whatever form) while in the possession or under the control of the licensee, in the course of the conveyance thereof—
 - (i) from or to any nuclear installation or site or any other place in the Republic; or
 - (ii) in the territorial waters of the Republic from or to any place in the Republic to or from any place outside the Republic.

(2) For the purposes of subsection (1) radioactive material which is being conveyed on behalf of, or in terms of a contract with, a licensee shall be deemed to be under the control of such licensee while being so conveyed.

(3) Subject to the provisions of subsection (4), 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).

(4) Notwithstanding the provisions of subsections (1) and (3)—

- (a) a licensee shall not be liable to any person for any nuclear damage—
 - (i) to the extent to which such nuclear 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 radioactive material, in respect of which the nuclear licence in question has been granted, without the permission of the licensee or of a person acting on behalf of the licensee; or
 - (ii) if such person 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

- (3) Die RKV kan by sodanige intrekking of prysgee van 'n kernlisensie, of van tyd tot tyd daarna, in die geval van 'n gelisensieerde aan wie 'n kernlisensie bedoel in artikel 51(1)(a) verleen is, totdat die betrokke gelisensieerde se verantwoordelikheidstydperk verstryk het, aan die gelisensieerde die ander opdragte gee wat hy goedvind om die veroorsaking van kernskade deur enigiets wat in of by die betrokke kerninstallasie of op die betrokke terrein gedoen is of gedoen word of aanwesig was of is, te voorkom, of om teen die gevaar daarvan te waarsku.

Aanspreeklikheid van sekere gelisensieerdes ten opsigte van kernskade

61. (1) 'n Gelisensieerde is behoudens die bepalings van hierdie Wet aanspreeklik vir alle kernskade wat gedurende sy verantwoordelikheidstydperk veroorsaak word—
- (a) in die geval van 'n kernlisensie wat betrekking het op 'n kerninstallasie, deur enigiets wat by of in die betrokke kerninstallasie is of gedoen word, of deur enige radioaktiewe materiaal (in watter vorm ook al) wat vanaf dié kerninstallasie weggevoer of vrygelaat word;
 - (b) in die geval van 'n kernlisensie wat nie betrekking het op 'n bepaalde kerninstallasie nie, deur—
 - (i) enige radioaktiewe materiaal, of as gevolg van die uitvoering van enige handeling of die verrigting van enige bedrywigheid in verband met radioaktiewe materiaal, in die betrokke gelisensieerde se besit of onder sy beheer;
 - (ii) enige radioaktiewe afval wat (in watter vorm ook al) vanaf dié terrein weggevoer of vrygelaat is; of
 - (iii) die opbou van 'n stralingsdosis voortspruitend uit die verrigting van enige bedrywigheid beoog in artikel 51(1)(b)(i);
 - (c) deur enige radioaktiewe materiaal (in watter vorm ook al) terwyl dit in die besit of onder die beheer van die gelisensieerde is in die loop van die vervoer daarvan—
 - (i) vanaf of na enige kerninstallasie of terrein of enige ander plek in die Republiek; of
 - (ii) in die territoriale waters van die Republiek vanaf of na enige plek in die Republiek na of vanaf enige plek buite die Republiek.
- (2) By die toepassing van subartikel (1) word radioaktiewe materiaal wat ten behoeve van, of ingevolge 'n kontrak met, 'n gelisensieerde vervoer word, geag onder die beheer van daardie gelisensieerde te wees terwyl dit aldus vervoer word.
- (3) Behoudens die bepalings van subartikel (4) 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 skadevergoeding wat die gelisensieerde uit hoofde van die bepalings van subartikel (1) moet betaal nie.
- (4) Ondanks die bepalings van subartikels (1) en (3)—
- (a) is 'n gelisensieerde nie teenoor iemand aanspreeklik nie vir kernskade—
 - (i) 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 naby die radioaktiewe materiaal, ten opsigte waarvan die betrokke kernlisensie verleen is, sonder die toestemming van die gelisensieerde of van iemand wat namens die gelisensieerde optree; of
 - (ii) indien so iemand sodanige skade opsetlik veroorsaak het of opsetlik tot die oorsaak daarvan bygedra het;
 - (b) word die gelisensieerde vir die doeleindes van die verhaal op of bydraes deur iemand wat die skade waarvoor die gelisensieerde ingevolge subartikel (1) aanspreeklik is, 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 verhaalsreg of bydrae wat hy ingevolge

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).

Duties in case of nuclear accidents

62. (1) If a nuclear accident occurs in connection with radioactive material or a nuclear installation or a site in respect of which a nuclear licence has been granted, the licensee in question shall forthwith report it to the CNS and to such other persons, if any, as may be prescribed in relation to accidents of the kind in question. 5

(2) If the CNS 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 and its causes, circumstances and effects, and, upon receipt of such report, the CNS shall in such manner as it may deem fit define particulars of the period during which and the area within which, in its opinion, the risk of nuclear damage connected with the accident exceeds the limits laid down by the CNS for the safeguarding of persons: Provided that if the CNS is of the opinion that it has not been informed of all persons who could have been present during any such period within any such area, the CNS shall define particulars of such period and area by notice in the *Gazette*. 10 15

(3) (a) The CNS 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. 20

(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. 25

(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 61. 30

Claims for compensation in excess of security

63. (1) If the aggregate amount of any claims for compensation against a licensee referred to in section 61 by virtue of the provisions of the said section, or if the amount of any such claims which has already been paid by the licensee together with the estimated amount still likely to be required to be paid, exceeds, or is likely to exceed, the amount for which he has given security in terms of section 59 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 paid, together with an estimate of the number and amount of any other such claims which may have to be satisfied. 35 40

(2) If, upon receipt of a notice in terms of subsection (1) or any other information, the Minister is satisfied—

(a) that the aggregate amount of claims for compensation against a licensee by virtue of the provisions of section 61 that are unpaid and of such claims as are likely to be made thereafter, will exceed the amount of security given by such licensee in terms of section 59 in respect of the nuclear accident in question and available in respect of such claims; and 45

(b) that the licensee is unable to settle such claims, the Minister shall—

(i) table in Parliament a report on the nuclear accident in question in such form as he may consider appropriate, and in which is recommended that Parliament appropriate money for rendering financial assistance in 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 61 shall in no respect be affected by any such appropriation; 50 55 and

'n kontrak teenoor iemand het ten opsigte van enige skade waarvoor hy ingevolge subartikel (1) aanspreeklik is.

Pligte in geval van kernongelukke

62. (1) Indien 'n kernongeluk plaasvind in verband met radioaktiewe materiaal of 'n kerninstallasie of 'n terrein met betrekking waartoe 'n kernlisensie verleen is, moet die betrokke gelisensieerde dit onverwyld aanmeld by die RKV en by die ander persone wat met betrekking tot die betrokke soort ongeluk voorgeskryf is, indien daar is.

(2) Indien die RKV 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, omstandighede en uitwerking daarvan, en na ontvangs van so 'n verslag moet die RKV op die wyse wat hy goedgevind besonderhede omskryf van die tydperk waartydens en gebied waarin, na sy oordeel, die risiko van kernskade verbonde aan die ongeluk die perke oorskry wat die RKV bepaal het vir die beveiliging van persone: Met dien verstande dat indien die RKV van oordeel is dat hy nie op die hoogte gestel is van al die persone wat gedurende so 'n tydperk in so 'n gebied aanwesig kon gewees het nie, die RKV besonderhede van bedoelde tydperk en gebied by kennisgewing in die *Staatskoerant* moet omskryf.

(3) (a) Die RKV moet op die voorgeskrewe wyse aantekeninge hou van die name van al die persone wat, volgens sy inligting, te eniger tyd gedurende die omskrewe tydperk in die omskrewe gebied 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 oorlegging daarvan in 'n gereghof deur iemand, as getuienis toelaatbaar, en is sodanige aantekeninge *prima facie*-bewys van die aanwesigheid van die betrokke persone gedurende die omskrewe tydperk in die omskrewe gebied.

(4) Nóg die omskrywing van 'n gebied of tydperk ingevolge subartikel (2) nóg die versuim om 'n aantekening van die naam van iemand ingevolge subartikel (3) te hou, benadeel die reg van iemand om skadevergoeding van 'n gelisensieerde uit hoofde van die bepalinge van artikel 61 te eis.

Eise om skadevergoeding wat sekerheid oorskry

63. (1) Indien die totale bedrag van eise om skadevergoeding teen 'n gelisensieerde bedoel in artikel 61 uit hoofde van die bepalinge van genoemde artikel, of die bedrag van sodanige eise wat reeds deur die gelisensieerde betaal is tesame met die geskatte bedrag wat waarskynlik nog betaal sal moet word, die bedrag oorskry of waarskynlik sal oorskry waarvoor hy ingevolge artikel 59 sekerheid gestel het ten opsigte van die betrokke kernongeluk, moet hy die Minister onverwyld skriftelik daarvan in kennis stel met verstrekking van besonderhede van die totale getal en die bedrag van alle sodanige eise wat ontvang en waaraan voldoen is, tesame met 'n skatting van die getal en bedrag van enige ander sodanige eise waaraan waarskynlik voldoen sal moet word.

(2) Indien die Minister na ontvangs van 'n kennisgewing ingevolge subartikel (1) of enige ander inligting oortuig is—

(a) dat die totale bedrag van die eise om skadevergoeding teen 'n gelisensieerde uit hoofde van die bepalinge van artikel 61 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 59 gestel het ten opsigte van die betrokke kernongeluk en wat ten opsigte van sodanige eise beskikbaar is; en

(b) dat die gelisensieerde nie in staat is om sodanige eise te betaal nie, moet die Minister—

(i) 'n verslag oor die betrokke kernongeluk in die Parlement ter Tafel lê in die vorm wat hy geskik ag, en waarin aanbeveel word dat die Parlement geld bewillig vir die verlening van geldelike hulp tot die bedrag 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 gelisensieerde se aanspreeklikheid beoog in artikel 61 raak nie; en

- (ii) by notice in the *Gazette* suspend the obligation to pay such claims in respect of the nuclear accident in question until Parliament has decided about the recommendation.
- (3) If Parliament 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 nuclear accident shall be made after the passing of such resolution without the approval of the Minister or an order of court. 5
- (4) The giving of additional security by a licensee in terms of section 59(4) shall not affect the application of the provisions of this section. 10

Prescription of actions

- 64.** Notwithstanding anything to the contrary in any other law contained—
- (a) no action for compensation by virtue of the provisions of section 61 may be commenced after the expiration of a period of 30 years from—
 - (i) the date of the occurrence which gave rise to the right to claim such compensation; or 15
 - (ii) in a case where a continuing occurrence or a succession of occurrences all attributable to a particular event 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 became aware or could have become aware, or after the expiration of such period of 30 years, whichever occurs first; and 20
 - (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 that a claimant may only once claim such suspension during such period of prescription of two years. 25 30 35

Appeal to Minister

- 65.** (1) Any person aggrieved by—
- (a) the refusal by the CNS to grant him a nuclear licence; 40
 - (b) the withdrawal of a declaration which has been made in respect of him in terms of section 51(1);
 - (c) the conditions imposed upon him by the CNS in terms of section 54 or 55; or
 - (d) the revocation of a nuclear licence granted to him by the CNS, may within 60 days after he has been notified of the decision referred to in paragraph (a), (b), (c) or (d), as the case may be, in the prescribed manner appeal against such decision to the Minister. 45
- (2) The implementation of a decision of the CNS shall not, pending the outcome of an appeal under subsection (1), be suspended. 50
- (3) Whenever an appeal under subsection (1) is lodged with the Minister, the CNS shall at the request of the Minister submit to the Minister in writing the reasons for the decision against which the appeal is lodged. 55
- (4) The Minister shall, after he has considered the grounds of the appeal, the reasons for the decision and any other information at his disposal—
- (a) confirm the decision of the CNS;
 - (b) set aside such decision;
 - (c) vary such decision; or

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

(3) Indien die Parlement 'n besluit aangeneem het dat geld tot die bedrag wat in die besluit bepaal word, aldus bewillig word, mag geen betaling van enige eis om skadevergoeding wat uit die betrokke kernongeluk voortspruit na die aanname van die besluit geskied sonder die goedkeuring van die Minister of 'n hofbevel nie.

(4) Die stel van bykomende sekerheid deur 'n gelisensieerde ingevolge artikel 59(4) raak nie die toepassing van die bepalings van hierdie artikel nie.

10 Verjaring van aksies

64. Ondanks andersluidende bepalings van die een of ander wet—

(a) kan geen aksie om skadevergoeding uit hoofde van die bepalings van artikel 61 ingestel word nie na verstryking van 'n tydperk van 30 jaar vanaf—

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

(ii) in 'n geval waar bedoelde reg ontstaan uit 'n voortdurende gebeurtenis of reeks gebeurtenisse wat almal toe te skryf is aan 'n besondere voorval of die uitvoering van 'n besondere werksaam-

20 heid, 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 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 ingestel mag word nie na verstryking van 'n tydperk van twee jaar vanaf die datum waarop hy aldus bewus geword het of bewus kon geword het, of na verstryking van genoemde tydperk van 30 jaar, watter ook al eerste geskied; en

25 (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 verstande voorts dat 'n eiser hom slegs een maal gedurende so 'n verjaringstydperk van twee jaar op

40 so 'n opskorting kan beroep.

Appel na Minister

65. (1) Enigiemand wat hom veronreg voel deur—

(a) die weiering deur die RKV om 'n kernlisensie aan hom te verleen;

45 (b) die intrekking van 'n verklaring wat ten opsigte van hom ingevolge artikel 51(1) gedoen is;

(c) die voorwaardes wat hom deur die RKV ingevolge artikel 54 of 55 opgelê is; of

(d) die intrekking van 'n kernlisensie deur die RKV aan hom verleen, kan binne 60 dae nadat hy van die besluit bedoel in paragraaf (a), (b), (c) of (d),

50 na gelang van die geval, in kennis gestel is, op die voorgeskrewe wyse na die Minister teen so 'n besluit appelleer.

(2) Die implementering van 'n besluit van die RKV word nie opgeskort nie terwyl die uitslag van 'n appel kragtens subartikel (1) nog hangende is.

55 (3) Wanneer 'n appel kragtens subartikel (1) by die Minister aangeteken is, moet die RKV op versoek van die Minister sy redes vir die besluit waarteen geappelleer word skriftelik aan die Minister voorlê.

(4) Die Minister moet na oorweging van die gronde van 'n appel, die redes vir die besluit en enige ander inligting tot sy beskikking—

(a) die besluit van die RKV bekragtig;

60 (b) die besluit tersyde stel;

(c) die besluit wysig; of

(d) substitute for such decision any other decision which in the opinion of the Minister ought to have been taken.

(5) The decision of the Minister on an appeal shall for all purposes be deemed to be a decision of the CNS.

Appeal to Supreme Court against decision of Minister

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66. (1) Any person aggrieved by—

(a) any decision of the Minister in terms of section 65; or

(b) any condition imposed by the Minister in terms of section 55, may within 60 days after he has been notified of the Minister's decision in the prescribed manner appeal against such decision to the Supreme Court of South Africa. 10

(2) A decision of the Minister contemplated in section 65 shall be deemed to be judgment in civil proceedings in the magistrate's court of the district in which the head office of the CNS is situated.

(3) The implementation of a decision of the Minister shall not, pending the outcome of an appeal under subsection (1), be suspended. 15

(4) The Supreme Court may—

(a) confirm, set aside or amend the decision of the Minister; or

(b) remit the matter to the Minister for further consideration; and

(c) give an order as to costs as the court may deem fit. 20

(5) The judgment of the Supreme Court under subsection (4) shall have the effect of a judgment in civil proceedings.

(6) The decision of the Supreme Court contemplated in subsection (4)(a) shall for all purposes be deemed to be a decision of the CNS.

Inspectors

25

67. (1) The CNS may, subject to the provisions of section 45, appoint such number of inspectors as it may consider necessary or expedient for the purposes of giving effect to the provisions of this Chapter.

(2) The CNS shall issue to every person appointed under subsection (1) a certificate to the effect that he has so been appointed, and in the exercise of his powers and the performance of his functions that person shall on demand of any interested person produce such certificate. 30

(3) Any inspector may—

(a) at all reasonable times enter—

(i) any nuclear installation or site in respect of which an application for a nuclear licence has been made to the CNS, or in respect of which such a nuclear licence has been granted; 35

(ii) with the written authority of the CNS any place which the CNS on reasonable grounds suspects to be a site on which there is a nuclear installation; 40

(iii) any place where parts of a nuclear installation are present or manufactured;

(iv) any place where radioactive material is kept or is present, and in respect of which an application for a nuclear licence has been made to the CNS, or in respect of which such a nuclear licence has been granted; 45

(v) with the written authority of the CNS any place where the CNS on reasonable grounds suspects that radioactive material is kept or is present,

with such equipment, and carry out thereon such inspections and conduct such investigations, as the inspector may consider necessary or expedient: Provided that before carrying out any such inspection or 50

conducting any such investigation, the inspector shall consult with the appropriate persons having duties upon the site or place in question to determine whether the carrying out of any such inspection or the 55

conducting of any such 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 inspection or investigation would or would not be likely to have any such effect, the inspector shall refer the matter to the 60 council, which shall decide thereon;

(d) die besluit deur dié ander besluit vervang wat na die oordeel van die Minister geneem moes gewees het.

(5) Die Minister se beslissing oor 'n appèl word vir alle doeleindes geag 'n beslissing van die RKV te wees.

5 Appèl na Hooggeregshof teen beslissing van Minister

66. (1) Iemand wat hom veronreg voel deur—

(a) 'n beslissing van die Minister ingevolge artikel 65; of

(b) 'n voorwaarde deur die Minister ingevolge artikel 55 opgelê, kan binne 60 dae nadat hy van die Minister se besluit in kennis gestel is, op die voorgeskrewe wyse na die Hooggeregshof teen so 'n besluit appelleer.

(2) 'n Besluit van die Minister beoog in artikel 65 word geag 'n uitspraak te wees in 'n siviele geding in die landdroshof van die distrik waarin die hoofkantoor van die RKV geleë is.

(3) Die implementering van 'n besluit van die Minister word nie opgeskort nie terwyl die uitslag van 'n appèl kragtens subartikel (1) nog hangende is.

(4) Die Hooggeregshof kan—

(a) die besluit van die Minister bekragtig, tersyde stel of wysig; of

(b) die aangeleentheid na die RKV terugverwys vir verdere oorweging; en

(c) na goeddunke 'n kostebevel gee.

(5) Die uitspraak van die Hooggeregshof kragtens subartikel (4) het die uitwerking van 'n uitspraak in 'n siviele geding.

(6) 'n Beslissing van die Hooggeregshof beoog in subartikel (4)(a) word vir alle doeleindes geag 'n beslissing van die RKV te wees.

Inspekteurs

67. (1) Die RKV kan, behoudens die bepalings van artikel 45, die getal inspekteurs wat hy nodig of dienstig ag, aanstel om uitvoering aan die bepalings van hierdie Hoofstuk te gee.

(2) Die RKV moet aan elke persoon wat kragtens subartikel (1) aangestel is, 'n sertifikaat verstrek ten effekte dat hy aldus aangestel is, en by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede moet daardie persoon die sertifikaat op aanvraag van 'n belanghebbende toon.

(3) 'n Inspekteur kan—

(a) te alle redelike tye—

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

(ii) met die skriftelike magtiging van die RKV enige plek wat, na die RKV op redelike gronde vermoed, 'n terrein is waarop daar 'n kerninstallasie is, betree;

(iii) enige plek waar onderdeel van 'n kerninstallasie teenwoordig is, of vervaardig word, betree;

(iv) enige plek waar radioaktiewe materiaal gehou word of teenwoordig is, en ten opsigte waarvan 'n aansoek om 'n kernlisensie by die RKV gedoen is of ten opsigte waarvan sodanige kernlisensie verleen is, betree;

(v) met die skriftelike magtiging van die RKV enige plek waar, na die RKV op redelike gronde vermoed, radioaktiewe materiaal gehou word of teenwoordig is, betree,

met dié toerusting, en daarop dié inspeksies doen en dié ondersoeke instel, wat die inspekteur nodig of dienstig ag: Met dien verstande dat 'n inspekteur, alvorens hy enige sodanige inspeksie doen of ondersoek instel, oorleg moet pleeg met gepaste persone wat pligte op die betrokke terrein of plek moet uitvoer, ten einde te bepaal of die doen van so 'n inspeksie of die instel van so 'n ondersoek vir enigiemand se gesondheid waarskynlik nadelig sal wees of 'n besering aan enige persoon of skade aan enige eiendom sal veroorsaak: Met dien verstande voorts dat in die geval van 'n meningsverskil oor die vraag of die beoogde inspeksie of ondersoek waarskynlik so 'n uitwerking sal hê of nie, die inspekteur die vraag na die raad moet verwys, wat daaroor besluit;

- (b) direct 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 investigation the articles or objects pointed out by the inspector or to inspect the documents specified by the inspector, and to make copies thereof or to take them away for investigation, or direct such applicant, licensee or person, or any other person, to give the inspector information which he may possess and which in the opinion of the inspector is necessary for the purposes of any provision of this Act; 5
- (c) if any activity or condition associated with a nuclear installation, a site or any radioactive material, whether such activity or condition is relevant to any criminal contravention under this Act or not, in the opinion of the CNS does not comply with the requirements it has laid down for the safeguarding of the persons in respect of the relevant nuclear installation, site or radioactive material, with the approval of the CNS, in writing direct— 15
- (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 place be put in a condition that complies with such requirements for the safeguarding of the public as agreed between the licensee concerned, or other person involved, and the CNS, or, in any other case, as determined by the inspector on the authority of the CNS; 20
- (d) with the approval of the CNS, take with him such persons as he may deem necessary to assist him in the exercise of his powers under this subsection, and to perform the functions and carry out the duties determined by him; 25
- (e) exercise or carry out any other prescribed powers and duties.
- (4) (a) Any person affected by any decision of an inspector taken under any provision of this section which has not been so taken with the express approval of the CNS, may, within 30 days after the decision has been made known to him, lodge an appeal to the CNS in the prescribed manner. 30
- (b) The CNS may in respect of such an appeal confirm, amend or annul the decision of the inspector.
- (5) The CNS 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 (3)(a), to pay, within the period specified by the CNS, such fees to the CNS as the CNS may from time to time determine in connection with inspections and investigations in terms of this section. 35

CHAPTER VII

40

General provisions

Furnishing of reasons by Minister

68. When the Minister 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 exercise or his proposed exercise of such power be not disclosed, he need not disclose those reasons to any person affected or to be affected thereby. 45

Prohibition of disclosure of information in connection with nuclear installations and sites

69. (1) No person shall, subject to the provisions of subsection (2)—

- (a) without the written consent of the executive officer, make known, transmit or otherwise disclose to any other person or publish, whether in or outside the Republic, any information in his possession or under his control (howsoever obtained) in regard to any nuclear installation or site in respect of which a nuclear licence has been issued or is to be issued, and which in the opinion of the executive officer may jeopardize the 55

- (b) gelas dat die betrokke gelisensieerde of aansoeker, of enigiemand anders wat pligte uitvoer in verband met of op die betrokke terrein of plek in paragraaf (a) bedoel, die inspekteur moet toelaat om die artikels of voorwerpe wat die inspekteur aandui vir ondersoek te verwyder, of om insae te hê in die stukke wat die inspekteur aandui en 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 na die oordeel van die inspekteur vir die doeleindes van 'n bepaling van hierdie Wet nodig is, aan die inspekteur verstrek;
- (c) indien enige bedrywigheid of toestand wat met 'n kerninstallasie, 'n terrein of enige radioaktiewe materiaal verband hou, en hetsy so 'n bedrywigheid of toestand ter sake is by enige strafregtelike oortreding ingevolge hierdie Wet of nie, na die oordeel van die RKV nie voldoen nie aan die vereistes wat hy vir die beveiliging van die persone met betrekking tot die betrokke kerninstallasie, terrein of radioaktiewe materiaal bepaal het, met die goedkeuring van die RKV skriftelik gelas—
- (i) dat 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 voldoen aan die vereistes vir beveiliging van die publiek waaroor tussen die betrokke gelisensieerde, of ander persoon wat betrokke is, en die RKV ooreengekom is, of, in enige ander geval, wat deur die inspekteur op gesag van die RKV bepaal word;
- (d) met die toestemming van die RKV, soveel persone as wat hy nodig ag, saam met hom kan neem om hom met die uitoefening van sy bevoegdhede kragtens hierdie subartikel behulpsaam te wees en om die werksaamhede te verrig en pligte uit te voer, wat hy bepaal;
- (e) enige ander voorgeskrewe bevoegdhede en pligte uitoefen of uitvoer.
- (4) (a) Iemand wat geraak word deur 'n besluit wat deur 'n inspekteur kragtens 'n bepaling van hierdie artikel geneem is en wat nie aldus met die uitdruklike goedkeuring van die RKV geneem is nie, kan binne 30 dae nadat die besluit tot sy kennis gekom het, by die RKV op die voorgeskrewe wyse appelleer.
- (b) Die RKV kan ten opsigte van so 'n appèl die besluit van die inspekteur bekragtig, wysig of intrek.
- (5) Die RKV 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 (3)(a), binne die tydperk deur die RKV bepaal die gelde wat die RKV van tyd tot tyd bepaal in verband met inspeksies gedoen en ondersoeke ingevolge hierdie artikel, aan die RKV betaal.

HOOFSTUK VII

Algemene Bepalings

45 Verstrekking van redes deur Minister

68. Wanneer die Minister 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 vir sy uitoefening, of sy voorgenome uitoefening, van daardie bevoegdheid nie openbaar gemaak word nie, hoef hy daardie redes aan niemand wat daardeur geraak word of gaan word, te openbaar nie.

Verbod op openbaarmaking van inligting in verband met kerninstallasies en terreine

69. (1) Niemand mag, behoudens die bepalinge van subartikel (2)—
- (a) sonder die skriftelike toestemming van die uitvoerende beampte enige inligting in sy besit of onder sy beheer (hoe ook al verkry) in verband met enige kerninstallasie of terrein ten opsigte waarvan 'n kernlisensie uitgereik is of uitgereik gaan word en wat na die mening van die uitvoerende beampte die sekerheidsmaatreëls ten opsigte van sodanige

security arrangements in respect of such nuclear installation or site as required by the CNS for the purposes of the safeguarding of persons, and the executive officer shall not grant such consent without the concurrence of the licensee or future licensee of the nuclear installation or site in question;

(b) receive any information knowing or having reasonable grounds to believe that it has been communicated, transmitted or made known to him in contravention of the provisions of paragraph (a); or

(c) fail to take reasonable steps to safeguard information which he has in his possession or under his control and which he is under paragraph (a) prohibited from making known, transmitting or otherwise disclosing to any person, or publishing, or so conduct himself as to endanger the secrecy thereof.

(2) The provisions of subsection (1) shall not apply in respect of the disclosure of information by any person in so far as it is necessary for the purposes of the performance of his functions in terms of this Act or for the purposes of legal proceedings under this Act or when it is required of him by a court or in terms of this Act.

(3) For the purposes of this section "information" shall include anything purporting to be information or containing or providing information.

Consent of CNS not recognition of accuracy of information

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

Powers of AEC and CNS in connection with security of property and premises

71. (1) The AEC or the CNS 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 AEC or a subsidiary company or the CNS, or is on any place on which activities of the AEC or a subsidiary company or the CNS are performed.

(2) Any person authorized thereto in writing by the chief executive officer or executive officer, as the case may be, 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 is in the possession of a person referred to in paragraph (a) or on or in such vehicle and which—

(i) belongs to the AEC or a subsidiary company or the CNS or is under the control of the AEC or a subsidiary company or the CNS; or

(ii) constitutes in his opinion a threat to the security of the property of the AEC or a subsidiary company or the CNS or the security of a property under the control of the AEC or a subsidiary company or the CNS,

but excluding an object which is in the possession of such person for the purposes of the performance of the functions of the AEC or a subsidiary company or the CNS; and

(c) arrest or cause to be arrested a person in possession of an object referred to in paragraph (b)(ii).

Compensation in respect of injuries suffered by persons employed by CNS

72. (1) If a person who is employed in any capacity by or on behalf of the CNS, while so performing services suffers a personal injury or contracts a disease attributable to ionizing radiation from any radioactive material, or to the

- kerninstallasie of terrein wat deur die RKV vir die doeleindes van die beveiliging van persone vereis word, mag benadeel, aan enigiemand, hetsy binne of buite die Republiek, meedeel, versend of andersins bekend maak of dit publiseer nie, hetsy binne of buite die Republiek, en die uitvoerende beampte verleen nie sodanige toestemming sonder die instemming van die gelisensieerde of toekomstige gelisensieerde van die betrokke kerninstallasie of terrein nie;
- (b) inligting ontvang nie terwyl hy weet of redelike gronde het om te vermoed dat die inligting in stryd met die bepalings van paragraaf (a) aan hom meegedeel, versend of bekend gemaak word; of
- (c) versuim om redelike stappe te doen om inligting wat hy in sy besit of onder sy beheer het en wat hy ingevolge paragraaf (a) verbied word om aan enigiemand mee te deel, te versend of andersins bekend te maak of te publiseer, te beveilig, of hom so gedra dat geheimhouding daarvan in gevaar gestel word nie.
- (2) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte van die bekendmaking van inligting deur iemand vir sover dit nodig is vir die verrigting van sy werksaamhede ingevolge hierdie Wet of vir die doeleindes van geregtelike verrigtinge kragtens hierdie Wet of wanneer dit van hom vereis word deur 'n hof of ingevolge hierdie Wet.
- (3) Vir die doeleindes van hierdie artikel beteken "inligting" ook enigiets wat bedoel is om inligting te wees, of wat inligting bevat of verskaf.

Toestemming van RKV nie erkenning van juistheid van inligting nie

70. Die skriftelike toestemming van die RKV wat met betrekking tot aangeleenthede bedoel in artikel 69 gegee is, is nie 'n erkenning deur die RKV 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 instelling wat die inligting bekend gemaak, meegedeel of gepubliseer het.

30 Bevoegdhede van AEK en RKV in verband met beveiliging van goed en persele

71. (1) Die AEK of die RKV 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 AEK of 'n filiaalmaatskappy of die RKV, of wat op 'n plek is waarop bedrywighede van die AEK of 'n filiaalmaatskappy of die RKV verrig word.
- (2) Iemand wat skriftelik deur die hoof- uitvoerende beampte of uitvoerende beampte, na gelang van die geval, daartoe gemagtig is, kan—
- (a) 'n persoon of voertuig wat op 'n plek is in subartikel (1) bedoel, deursoek, 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 in besit is van 'n persoon in paragraaf (a) bedoel of op of in 'n bedoelde voertuig is en wat—
- (i) aan die AEK of 'n filiaalmaatskappy of die RKV behoort of onder die beheer van die AEK of 'n filiaalmaatskappy of die RKV is; of
- (ii) na sy mening 'n bedreiging inhou vir die veiligheid van die goed van die AEK of 'n filiaalmaatskappy of die RKV of vir die veiligheid van goed wat onder die beheer van die AEK of 'n filiaalmaatskappy of die RKV is,
- maar nie ook 'n voorwerp wat vir die doeleindes van die verrigting van die werksaamhede van die AEK of 'n filiaalmaatskappy of die RKV in besit van so 'n persoon is nie; en
- (c) 'n persoon in besit van 'n voorwerp in paragraaf (b)(ii) bedoel, in hegtenis neem of in hegtenis laat neem.

Skadeloosstelling ten opsigte van beserings opgedoen deur persone in diens van RKV

72. (1) Indien iemand wat in enige hoedanigheid deur of ten behoeve van die RKV in diens geneem is, terwyl hy aldus diens verrig 'n persoonlike besering of siekte opdoen wat toe te skryf is aan die ioniserende straling van enige

flammable, explosive, poisonous or special properties of radioactive material, or to the ionizing radiation produced by any apparatus or arising from the production or application of radioactive material or any apparatus, and in respect of which no liability can be established in terms of section 61, the CNS shall, subject to subsection (2)—

- (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) 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 (Act No. 30 of 1941), his right under the said Act shall *ipso facto* lapse.
- (b) Nothing contained in this section 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.

Recovery of losses and damage from persons in employment of AEC or subsidiary company or CNS

73. (1) If any person who is or was in the employment of the AEC or a subsidiary company or the CNS, as the case may be, causes loss or damage to the AEC or the subsidiary company or the CNS in that he—
- (a) failed to collect the money due to the AEC or the subsidiary company or the CNS, as the case may be, while being responsible for the collection of such money;
 - (b) is or was responsible for an irregular payment of money of the AEC or the subsidiary company or the CNS, or for a payment of such money not supported by a proper voucher;
 - (c) is or was responsible for a fruitless expenditure of money of the AEC or the subsidiary company or the CNS owing to an omission to carry out his duties;
 - (d) is or was responsible for a deficiency in, or the destruction of, or damage to, the money, stamps, face value documents and forms having a potential value, securities, equipment and stores or other property of the AEC or the subsidiary company or the CNS;
 - (e) is or was responsible for a claim against the AEC or the subsidiary company or the CNS due to an omission to carry out his duties,
- the accounting officer referred to in section 19 in the case of the AEC or a subsidiary company, or the accounting officer referred to in section 49 in the case of the CNS, shall determine the amount of such loss or damage, and may order by notice in writing the said person to pay to the AEC or the relevant subsidiary company or the CNS, as the case may be, within 30 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 employment of the AEC or a subsidiary company or the CNS 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 amount may, subject to the provisions of subsections (4), (5) and (6), be deducted by the AEC or the subsidiary company in question or the CNS, as the case may be, from his monthly salary: Provided that such a deduction shall not in any month exceed one fourth of his monthly salary.
- (3) If a person who was in the employment of the AEC or a subsidiary company or the CNS 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 relevant accounting officer may, subject to the provisions of subsections (3), (4)

radioaktiewe materiaal, of aan die ontvlabare, ontplofbare, giftige of spesiale eienskappe van radioaktiewe materiaal, of aan die ioniserende straling wat deur enige apparaat voortgebring word of wat ontstaan as gevolg van die produksie of aanwending van radioaktiewe materiaal of enige apparaat, en ten opsigte
5 waarvan daar geen aanspreeklikheid ingevolge die bepalings van artikel 61 bewys kan word nie, moet die RKV, behoudens subartikel (2)—

(a) al die redelike uitgawes betaal wat deur of ten behoeve van so iemand aangegaan is ten opsigte van geneeskundige, snykundige, tandheelkundige of hospitaalbehandeling, deskundige verpleegdienste of die verskaffing en instandhouding van 'n kunsmatige liggaamsdeel of ander
10 toestel wat deur sodanige besering of siekte genoodsaak is; en

(b) skadeloosstelling betaal ten opsigte van arbeidsongeskiktheid of dood wat deur sodanige besering of siekte veroorsaak is.

(2) (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 (Wet No. 30 van 1941), geregtig sou wees, vervel sy reg kragtens genoemde wet
15 *ipso facto*.

(b) Geen bepaling van hierdie artikel raak 'n reg van enigiemand kragtens sy dienskontrak of 'n bepaling van die een of ander wet op voordele wat gunstiger
20 is as dié waarop hy kragtens hierdie artikel geregtig is nie: Met dien verstande dat niemand voordele kragtens hierdie artikel sowel as kragtens bedoelde kontrak of bepaling kan eis nie.

25 Verhaal van verliese en skade op persone in diens van AEK of filiaalmaatskappy of RKV

73. (1) Indien iemand wat in diens van die AEK of 'n filiaalmaatskappy of die RKV is of was, die AEK of die filiaalmaatskappy of die RKV, na gelang van die geval, verlies of skade berokken het deurdat hy—

(a) versuim het om die geld verskuldig aan die AEK of die filiaalmaatskappy of die RKV in te vorder terwyl dit sy plig was om sodanige
30 geld in te vorder;

(b) vir 'n onreëlmatige uitbetaling van die AEK of die filiaalmaatskappy of die RKV 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 AEK of die filiaalmaatskappy of die RKV se geld verantwoordelik is of was;

(d) vir 'n tekort in, of 'n vernietiging of die beskadiging van, die AEK of die filiaalmaatskappy of die RKV se geld, seëls, sigwaardestukke en vorms wat 'n potensiele waarde het, sekuriteite, toerusting, voorrade
40 of ander eiendom verantwoordelik is of was;

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

moet die rekenpligtige beampte in artikel 19 bedoel in die geval van die AEK of 'n filiaalmaatskappy, of die rekenpligtige beampte in artikel 49 bedoel in die geval van die RKV, 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 30 dae vanaf die datum van die kennisgewing aan die AEK of die betrokke filiaalmaatskappy of die RKV,
50 na gelang van die geval, terug te betaal.

(2) Indien iemand wat in diens van die AEK of 'n filiaalmaatskappy of die RKV 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, kan die bedrag, behoudens die bepalings van subartikels (4), (5) en (6), deur die AEK of die betrokke filiaalmaatskappy of die RKV, na gelang van die geval, van sy maandelikse salaris afgetrek word: 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 AEK of 'n filiaalmaatskappy of die RKV was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim
60 om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, kan die betrokke rekenpligtige beampte, behoudens die bepalings van subar-

and (5), recover such amount on behalf of the AEC or the subsidiary company in question or the CNS, as the case may be, from such person by legal process.

(4) If any person who has been ordered to pay an amount under subsection (1), offers, within the period stipulated in the notice in question, to pay the amount in instalments, the accounting officer concerned may allow payment in such instalments as he may consider reasonable. 5

(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 or the council, as the case may be, stating the grounds for his appeal, and the Board of Directors or such council may, after such further investigation as it may deem necessary, dismiss the appeal or order that the appellant be exempt either wholly or partly from the payment of such amount, as the Board of Directors or the council may consider fair and reasonable. 10

(6) Any person who has been ordered in terms of subsection (1) to pay an amount may, instead of appealing to the Board of Directors or the council 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 thereupon, if it is not convinced on the merits of the case by the accounting officer concerned that the order was rightly made or that the amount is correct, make an order setting aside such order or reducing that amount, as the case may be. 20

(7) If an amount is reduced under subsection (5) or (6), the amount so reduced shall *mutatis mutandis* be recovered in terms of the provisions of subsections (1), (2), (3) and (4).

Discoveries, inventions and improvements by employees of AEC and other persons 25

74. (1) Subject to the provisions of subsections (4) and (5), the rights in all discoveries, inventions and improvements made by employees of the AEC in the course of their work as employees of the AEC, shall vest in the AEC, and the chief executive officer may make such discoveries, inventions or improvements available for use in the public interest, subject to such conditions and the payment of such fees and royalties as he may determine. 30

(2) The chief executive officer may in respect of any such discovery, invention or improvement the rights of which are vested in the AEC, pay out of its funds to the employee concerned such bonus or such other financial benefit as the Board of Directors may determine. 35

(3) (a) The chief executive officer may apply on behalf of the AEC for a patent for any invention or improvement referred to in subsection (1), and the AEC shall for the purposes of the Patents Act, 1978 (Act No. 57 of 1978), be regarded as the cessionary of the inventor.

(b) The chief executive officer may direct the registrar of patents to keep secret any such invention and the manner in which it is to be applied. 40

(4) The rights in any discovery, invention or improvement made by employees of the AEC in the course of work done on behalf of or for the benefit of another person or institution, shall vest in the AEC, unless otherwise agreed upon between the AEC and the person or institution concerned. 45

(5) The rights in any discovery, invention or improvement made in the course of work or during a special investigation done or carried out by any other person or institution on behalf of or for the benefit of the AEC shall vest in the AEC, or in the other person or institution, or jointly in the AEC and the other person or institution, as agreed upon in writing beforehand by the parties, and the party or parties in whom the rights in the invention or improvement are vested, may apply for a patent for such invention or improvement. 50

tikels (4), (5) en (6), die bedrag deur middel van geregtelike proses ten behoeve van die AEK of die betrokke filiaalmaatskappy of die RKV, na gelang van die geval, 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 die betrokke 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 na die Raad van Direkteure of die raad, na gelang van die geval, appelleer met verstrekking van die gronde vir sy appél, en die Raad van Direkteure of die raad kan, na die verdere ondersoek wat hy nodig ag, die appél van die hand wys of gelas dat die appellant geheel en al of ten dele, na gelang van wat die Raad van Direkteure of die raad billik 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) na die Raad van Direkteure of die raad te appelleer, binne 'n tydperk van 30 dae vanaf 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 daarna, indien hy nie op die meriete van die saak deur die betrokke rekenpligtige beampte 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.

Ontdekkings, uitvindings en verbeterings deur werknemers van AEK en ander persone

74. (1) Behoudens die bepalinge van subartikels (4) en (5) berus die regte op alle ontdekkings, uitvindings en verbeterings gedoen deur werknemers van die AEK in die loop van hulle werk as werknemers van die AEK, by die AEK, en kan die hoof- uitvoerende beampte bedoelde ontdekkings, uitvindings of verbeterings vir gebruik in die openbare belang beskikbaar stel op die voorwaardes en teen betaling van die gelde en tantièmes wat hy mag bepaal.

(2) Die hoof- uitvoerende beampte kan ten opsigte van so 'n ontdekking, uitvinding of verbetering waarvan die regte aldus by die AEK berus, uit die fondse van die AEK aan die betrokke werknemer die bonus betaal of ander geldelike voordeel toeken wat hy met die instemming van die Raad van Direkteure mag bepaal.

(3) (a) Die hoof- uitvoerende beampte kan namens die AEK aansoek doen om 'n patent vir 'n uitvinding of verbetering in subartikel (1) bedoel, en die AEK word by die toepassing van die Wet op Patente, 1978 (Wet No. 57 van 1978), as die sessionaris van die uitvinder beskou.

(b) Die hoof- uitvoerende beampte kan die registrateur van patente gelas om die uitvinding en die wyse waarop dit toegepas word, geheim te hou.

(4) Die regte op 'n ontdekking, uitvinding of verbetering gedoen deur werknemers van die AEK in die loop van werk wat namens of ten behoeve van 'n ander persoon of instelling gedoen is, berus by die AEK, tensy anders ooreengekom tussen die AEK en die betrokke persoon of instelling.

(5) Die regte op 'n ontdekking, uitvinding of verbetering wat gedoen is in die loop van werk of tydens 'n spesiale ondersoek wat deur 'n ander persoon of instelling namens of ten behoeve van die AEK gedoen of ingestel word, berus by die AEK, of by die ander persoon of instelling, of gesamentlik by die AEK en die ander persoon of instelling, soos vooraf skriftelik deur die partye ooreengekom, en die party of partye by wie die regte op die uitvinding of verbetering berus, kan om 'n patent vir sodanige uitvinding of verbetering aansoek doen.

Proceedings in camera

75. In the case of—

- (a) civil proceedings; or
- (b) arbitration proceedings in terms of the Arbitration Act, 1965 (Act No. 42 of 1965),

in connection with any dispute arising out of this Act, the court or the arbitration tribunal, as the case may be, may, if it deems it necessary in the national interest, direct that the proceedings concerned be held *in camera* or that the public be excluded from attendance.

Application of and exemption from certain laws

76. (1) Subject to the provisions of subsection (2), the provisions of the Companies Act, 1973 (Act No. 61 of 1973), shall not apply in respect of the AEC or the CNS.

(2) The Minister may, by notice in the *Gazette*, apply to the AEC any provision of the Companies Act, 1973, or of another law not contrary to the provisions of this Act, with the amendments, adjustments and exceptions stated in the notice.

(3) In the same manner the Minister may exempt the AEC from the provisions of the laws referred to in the notice, to the extent so stated.

Regulations

77. (1) The Minister may make regulations as to—

- (a) any matter required or permitted to be prescribed under this Act; and
- (b) in general, all matters in respect of which he may deem it necessary or expedient to make regulations to achieve the objects of this Act.

(2) 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 or to imprisonment not exceeding ten years, or to both a fine and such imprisonment.

Liquidation of AEC and CNS

78. The AEC or the CNS shall not be liquidated except by or in terms of an Act of Parliament.

Reproduction of documents of AEC and CNS

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

(2) Any reproduction referred to in subsection (1) shall for the 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 or the executive officer, or an officer authorized by the chief executive officer or the executive officer, as a true copy, shall be conclusive evidence in any court of law of the contents of the original document in question.

Exemption from duties and fees

80. The AEC and the CNS 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 (except the Customs and Excise Act, 1964 (Act No. 91 of 1964), or the Value-Added Tax Act, 1991 (Act No. 105 of 1991)), have been payable to the State by the AEC or the CNS in respect of any act or transaction or in respect of any document connected with any act or transaction.

Verrigtinge in camera

75. In die geval van—

- (a) siviele verrigtinge; of
 - (b) arbitrasieverrigtinge ingevolge die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965),
- in verband met 'n geskil voortspruitend uit hierdie Wet, kan die hof of die arbitrasiehof, na gelang van die geval, indien hy dit in die landsbelang nodig ag, gelas dat die betrokke verrigtinge *in camera* gehou word of dat die publiek van bywoning daarvan uitgesluit word.

10 Toepassing en vrystelling van sekere wette

76. (1) Behoudens die bepalings van subartikel (2) is die bepalings van die Maatskappywet, 1973 (Wet No. 61 van 1973), nie ten opsigte van die AEK of die RKV van toepassing nie.

- (2) Die Minister kan by kennisgewing in die *Staatskoerant* enige bepaling van die Maatskappywet, 1973, of van 'n ander wet wat nie strydig met die bepalings van hierdie Wet is nie, op die AEK toepas met die wysigings, aanpassings en uitsonderings wat in die kennisgewing vermeld word.

- (3) Die Minister kan op dergelike wyse die AEK vrystel van die bepalings van wette wat in die kennisgewing vermeld word, en wel in die mate wat aldus vermeld word.

Regulasies

77. (1) Die Minister kan regulasies uitvaardig betreffende—

- (a) enige aangeleentheid wat kragtens hierdie Wet voorgeskryf moet of kan word; en
 - (b) oor die algemeen, alle aangeleenthede ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.
- (2) 'n Regulasie kragtens subartikel (1) uitgevaardig, kan bepaal 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 of met gevangenisstraf van hoogstens tien jaar, of met sowel 'n boete as daardie gevangenisstraf.

Likwidasie van AEK en RKV

78. Die AEK of die RKV word nie gelikwadeer nie behalwe deur of kragtens 'n Wet van die Parlement.

35 Reproduksie van stukke van AEK en RKV

79. (1) Die AEK of die RKV 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 duursaam en noukeurig reproduseer, en kan die reproduksie in plaas van die betrokke oorspronklike stuk bewaar of laat bewaar.

- (2) 'n Reproduksie bedoel in subartikel (1) word by die toepassing van hierdie Wet 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 of die uitvoerende beampte of 'n beampte wat deur die hoof- uitvoerende beampte of die uitvoerende beampte gemagtig is, as 'n juiste afdruk gesertifiseer is, is in enige gereghof afdoende bewys van die inhoud van die betrokke oorspronklike stuk.

Vrystelling van regte en gelde

80. Die AEK en die RKV is vrygestel van die betaling van regte of gelde wat, as dit nie vir die bepalings van hierdie artikel was nie, ingevolge 'n bepaling van die een of ander wet (behalwe die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), of die Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 105 van 1991)), deur die AEK of RKV aan die Staat betaalbaar sou gewees het ten opsigte van 'n handeling of transaksie, of ten opsigte van 'n stuk wat met 'n handeling of transaksie in verband staan.

Disclosure of information

81. (1) Subject to the provisions of subsection (2), no employee of the AEC, a subsidiary company or the CNS or any person who is or was in any other way involved in the activities of the AEC or the CNS, or any other person, who has obtained information of the activities of the AEC or the CNS which is not yet public knowledge, may, except with the written authorization of the chief executive officer or the executive officer, as the case may be, make known, transmit or otherwise disclose to any person any such information so acquired. 5

(2) The provisions of subsection (1) shall not prohibit the disclosure or publication of information by any person referred to in subsection (1)— 10

(a) in so far as it is necessary for the purposes of the performance of his functions in terms of this Act or in so far as it is required of him by or under any other law; or

(b) to the Auditor-General.

(3) For the purposes of this section "information" shall include anything purporting to be information or containing or providing information. 15

Offences and penalties

82. (1) Any person who—

(a) (i) contravenes or fails to comply with any provision of section 20(3) or 31(1); 20

(ii) after the serving on him of any notice contemplated in section 23(1), without reasonable cause refuses to furnish the AEC with the return mentioned in such notice to the AEC in accordance with the instructions of such notice, or who deliberately or negligently furnishes an inaccurate return; 25

(b) hinders an authorized person referred to in section 24(1) or an inspector referred to in section 67 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 such authorized person or inspector under any provision of this Act; 30

(c) (i) contravenes or fails to comply with a provision of section 69;

(ii) contravenes or fails to comply with a provision of section 81;

(iii) in a place envisaged in section 71(1) is in possession of an object contemplated in section 71(2)(b)(ii) without lawful reason;

(d) (i) contravenes or fails to comply with a provision of section 21, 22 or 26 or of a condition imposed on him under section 21(2), 22(2) or 26(2); 35

(ii) contravenes a provision of section 25, or refuses or fails to comply with a direction contemplated in section 60;

(e) (i) contravenes or fails to comply with a provision of section 51 or of a condition imposed on him in terms of section 54; 40

(ii) as a master of any vessel referred to in section 52(1) contravenes or fails to comply with any provision of that section or a condition imposed on him under section 55,

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 or to imprisonment for a period not exceeding five years; 45

(bb) in the case of an offence referred to in paragraph (b), to a fine or to imprisonment for a period not exceeding three years;

(cc) in the case of an offence referred to in paragraph (c), to a fine or to imprisonment for a period not exceeding seven years; 50

(dd) in the case of an offence referred to in paragraph (d), to a fine or to imprisonment for a period not exceeding 10 years;

(ee) in the case of an offence referred to in paragraph (e), to a fine or to imprisonment for a period not exceeding 10 years; or

(ff) in the case of any conviction of an offence in terms of any provision of this Act for which no penalty is expressly determined, to a fine or to imprisonment for a period not exceeding six months. 55

Bekendmaking van inligting

81. (1) Behoudens die bepalinge van subartikel (2), mag geen werknemer van die AEK, 'n filiaalmaatskappy of die RKV, of iemand wat op enige ander wyse by die AEK of RKV se werksaamhede betrokke is of was, of enigiemand anders, wat 5 inligting oor die bedrywighede van die AEK of die RKV verkry het wat nog nie algemeen bekend is nie, enige sodanige inligting aan enigiemand meedeel, versend of andersins bekendmaak nie, behalwe met die skriftelike magtiging van die hoofuitvoerende beamppte of die uitvoerende beamppte, na gelang van die geval.

(2) Die bepalinge van subartikel (1) belet nie die bekendmaking of publikasie 10 van inligting deur iemand in subartikel (1) bedoel—

(a) vir sover dit nodig is vir doeleindes van die verrigting van sy werksaamhede ingevolge hierdie Wet of vir sover dit by of kragtens enige ander wet van hom vereis word nie; of

(b) aan die Ouditeur-generaal nie.

15 (3) Vir die doeleindes van hierdie artikel beteken “inligting” ook enigiets wat bedoel is om inligting te wees, of wat inligting bevat of dit verskaf.

Misdrywe en strawwe

82. (1) Iemand wat—

20 (a) (i) 'n bepaling van artikel 20(3) of 31(1) oortree of versuim om daaraan te voldoen;

(ii) na die bestelling aan hom van 'n kennisgewing in artikel 23(1) bedoel, sonder redelike gronde weier of versuim om die opgawe wat in die kennisgewing vermeld word, ooreenkomstig die voor- skrifte van die kennisgewing aan die AEK te verstrek, of wat 25 opsetlik of nalatig 'n onjuiste opgawe verstrek;

(b) 'n gemagtigde persoon bedoel in artikel 24(1) of inspekteur bedoel in artikel 67 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 te voldoen wat deur bedoelde gemagtigde persoon of 30 inspekteur kragtens 'n bepaling van hierdie Wet aan hom gegee is;

(c) (i) 'n bepaling van artikel 69 oortree of versuim om daaraan te voldoen;

(ii) 'n bepaling van artikel 81 oortree of versuim om daaraan te voldoen;

35 (iii) op 'n plek in artikel 71(1) bedoel sonder wettige rede in besit is van 'n voorwerp in artikel 71(2)(b)(ii) beoog;

(d) (i) 'n bepaling van artikel 21, 22 of 26 of van 'n voorwaarde wat hom kragtens artikel 21(2), 22(2) of 26(2) opgelê is, oortree of versuim om daaraan te voldoen;

40 (ii) 'n bepaling van artikel 25 oortree of weier of versuim om aan 'n lasgewing of opdrag in artikel 60 bedoel, te voldoen;

(e) (i) 'n bepaling van artikel 51 of van 'n voorwaarde wat hom kragtens artikel 54 opgelê is, oortree of versuim om daaraan te voldoen;

45 (ii) die gesagvoerder is van 'n vaartuig bedoel in artikel 52(1) en 'n bepaling van dié artikel of 'n voorwaarde wat hom kragtens artikel 55 opgelê is, oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(aa) in die geval van 'n misdryf in paragraaf (a) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar;

50 (bb) in die geval van 'n misdryf in paragraaf (b) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar;

(cc) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar;

55 (dd) in die geval van 'n misdryf in paragraaf (d) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar;

(ee) in die geval van 'n misdryf in paragraaf (e) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar; of

60 (ff) in die geval van 'n skuldigbevinding aan 'n misdryf ingevolge 'n bepaling van hierdie Wet waarvoor geen uitdruklike straf bepaal is nie, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(2) Any person who is guilty of an offence by virtue of a contravention of section 21 or 26, shall be deemed to have committed such offence in the Republic, and may be charged in any appropriate court in the Republic designated by the Minister or his assignee.

(3) Any person who contravenes or fails to comply with a provision of this Act or any condition, notice, order, instruction, prohibition, authorization, permission, exemption, certificate or document determined, given, issued, promulgated or granted by or under this Act by the Minister, the council, the Board of Directors, the executive officer or the chief executive officer shall, if any such contravention or failure is not declared an offence elsewhere, be guilty of an offence.

Provisos

83. (1) On the fixed date anything done before such date in terms of the provisions of the Nuclear Energy Act, 1982, and which can be done in terms of the provisions of this Act, shall be deemed to have been done in terms of the latter provisions.

(2) If any matter has not been completed on the fixed date by the Atomic Energy Corporation of South Africa, Limited, established by section 2 of the Nuclear Energy Act, 1982, or the Council for Nuclear Safety established by section 24 of the said Act, or by a committee thereof, the AEC or the CNS may continue with the completion of that matter in accordance with the stipulations of this Act, and anything done by the former corporation or council in connection with that matter, shall be deemed to have been done by the AEC or CNS, as the case may be, in terms of this Act.

(3) A regulation or notice issued in terms of the Nuclear Energy Act, 1982, and which could be issued under this Act shall remain in force until it is replaced by a regulation or notice issued under this Act.

(4) The person who occupied the post of chief executive officer of the Atomic Energy Corporation of South Africa, Limited, immediately before the fixed date, shall from that date be deemed to have been appointed in terms of section 11 of this Act, and he shall be deemed to have been appointed according to such conditions of service and with such remuneration as were applicable to him immediately before the above-mentioned date.

(5) The persons who, before the fixed date, were appointed as members of the management board by the board of directors referred to in section 8(9) and who served as such at that date, shall be deemed to have been appointed in terms of section 12 of this Act.

Amendment of section 1 of Act 15 of 1973, as amended by section 1 of Act 16 of 1976, section 1 of Act 31 of 1981 and section 1 of Act 53 of 1992

84. Section 1 of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), is hereby amended by the substitution for the definition of "Group IV hazardous substance" of the following definition:

"'Group IV hazardous substance' means **[fabricated radio-isotopes contemplated in the definition of 'nuclear-hazard material' in section 1 of the Nuclear Energy Act, 1982 (Act No. 92 of 1982), which are] radioactive material which is outside a nuclear installation as defined in the [said Act] Nuclear Energy Act, 1993, and is not a material which forms part of or is used or intended to be used in the nuclear fuel cycle, and—**

(a) **[have] has** an activity concentration of more than 100 becquerels per gram and a total activity of more than 4 000 becquerels; or

(b) **[have] has** an activity concentration of 100 becquerels or less per gram or a total activity of 4 000 becquerels or less and which the Minister has by notice in the *Gazette* declared to be a Group IV hazardous substance, and which **[are] is** used or intended to be used for medical, scientific, agricultural, commercial or industrial purposes, and any radioactive waste arising from such radioactive material;".

(2) Iemand wat aan 'n misdryf skuldig is weens 'n oortreding van artikel 21 of 26, word geag die misdryf in die Republiek te gepleeg het, en kan in enige gepaste hof in die Republiek deur die Minister of sy gemagtigde aangewys, aangekla word.

- 5 (3) Iemand wat 'n bepaling van hierdie Wet, of enige voorwaarde, kennisgewing, bevel, opdrag, verbod, magtiging, toestemming, vrystelling, sertifikaat of dokument by of kragtens hierdie Wet bepaal, gegee, uitgereik, uitgevaardig of verleen deur die Minister, die raad, die Raad van Direkteure, die uitvoerende beampte of die hoof- uitvoerende beampte oortree of versuim om daaraan te
- 10 voldoen, is, indien so 'n oortreding of versuim nie elders tot 'n misdryf verklaar word nie, aan 'n misdryf skuldig.

Voorbehoudsbepalings

83. (1) Op die vasgestelde datum word enigiets wat voor dié datum ingevolge die bepaling van die Wet op Kernenergie, 1982, gedoen is en wat ingevolge die
- 15 bepaling van hierdie Wet gedoen kan word, geag ingevolge laasgenoemde bepaling gedoen te wees.

- (2) Indien 'n aangeleentheid nie op die vasgestelde datum deur die Atoomenergiekorporasie van Suid-Afrika, Beperk, ingestel by artikel 2 van die Wet op Kernenergie, 1982, of die Raad vir Kernveiligheid ingestel by artikel 24 van die
- 20 genoemde Wet, of 'n komitee daarvan afgehandel is nie, kan die AEK of die RKV voortgaan met die afhandeling van daardie aangeleentheid ooreenkomstig die voorskrifte van hierdie Wet, en enigiets deur eersgenoemde korporasie of raad in verband met daardie aangeleentheid gedoen, word geag deur die AEK of RKV, na gelang van die geval, ingevolge hierdie Wet gedoen te wees.

- 25 (3) 'n Regulasie of kennisgewing wat kragtens die Wet op Kernenergie, 1982, uitgevaardig is en kragtens hierdie Wet uitgevaardig sou kon word, bly van krag totdat dit deur 'n regulasie of kennisgewing wat kragtens hierdie Wet uitgevaardig is, vervang word.

- (4) Die persoon wat onmiddellik voor die vasgestelde datum die pos van hoof- uitvoerende beampte van die Atoomenergiekorporasie van Suid-Afrika, Beperk beklee het, word vanaf genoemde datum geag ingevolge artikel 1 van hierdie
- 30 Wet aangestel te wees, en hy word geag aangestel te wees op die diensvoorwaardes en met die besoldiging wat onmiddellik voor genoemde datum op hom van toepassing was.

- 35 (5) Die persone wat voor die vasgestelde datum deur die Raad van Direkteure bedoel in artikel 8(9) as lede van die bestuursraad aangestel was en op daardie datum as sodanig gedien het, word geag kragtens artikel 12 van hierdie Wet aangestel te wees.

- 40 **Wysiging van artikel 1 van Wet 15 van 1973, soos gewysig deur artikel 1 van Wet 16 van 1976, artikel 1 van Wet 31 van 1981 en artikel 1 van Wet 53 van 1992**

84. Artikel 1 van die Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973), word hierby gewysig deur die omskrywing van "Groep IV-gevaarhoudende stof" deur die volgende omskrywing te vervang:

- 45 " 'Groep IV-gevaarhoudende stof' [gefabriseerde radio-isotope soos beoog in die omskrywing van 'kernegevaarlike materiaal' in artikel 1 van die Wet op Kernenergie, 1982 (Wet No. 92 van 1982)] radioaktiewe materiaal wat buite 'n kerninstallasie, soos omskryf in [genoemde] die Wet op Kernenergie, 1993 is en wat nie 'n materiaal is nie wat deel uitmaak van of wat aangewend word of bestem is om aangewend te word in die kernbrand-
- 50 stofsiklus, en—

- (a) 'n aktiwiteitskonsentrasie van meer as 100 becquerels per gram en 'n totale aktiwiteit van meer as 4 000 becquerels het; of
- (b) 'n aktiwiteitskonsentrasie van 100 becquerels of minder per gram of 'n totale aktiwiteit van 4 000 becquerels of minder het en wat die Minister
- 55 by kennisgewing in die Staatskoerant tot 'n Groep IV-gevaarhoudende stof verklaar het,
- en wat aangewend word of bestem is om aangewend te word vir geneeskundige, wetenskaplike, landboukundige, kommersiële of industriële doeleindes, en enige radioaktiewe afval voortspruitend uit sodanige radio-
- 60 aktiewe materiaal;".

Herroeping van wette

85. Die wette in die Bylae genoem, word hierby herroep.

Kort titel en inwerkingtreding

86. Hierdie Wet heet die Wet op Kernenergie, 1993, en tree in werking op 'n
5 datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Schedule**LAWS REPEALED (SECTION 85)**

No. and year of law	Short title
Act No. 92 of 1982	Nuclear Energy Act
Act No. 21 of 1985	Nuclear Energy Amendment Act
Act No. 43 of 1987	Nuclear Energy Amendment Act
Act No. 56 of 1988	Nuclear Energy Amendment Act
Act No. 20 of 1991	Nuclear Energy Amendment Act

BYLAE

WETTE HERROEP (ARTIKEL 85)

No. en jaar van wet	Kort titel
Wet No. 92 van 1982	Wet op Kernenergie
Wet No. 21 van 1985	Wysigingswet op Kernenergie
Wet No. 43 van 1987	Wysigingswet op Kernenergie
Wet No. 56 van 1988	Wysigingswet op Kernenergie
Wet No. 20 van 1991	Wysigingswet op Kernenergie