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GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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OFFICE OF THE PRESIDENCY

No. 1537. 23 December 1999

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

No. 47 of 1999: National Nuclear Regulator Act, 1999.

KANTOOR VAN DIE PRESIDENSIE

No. 1537. 23 Desember 1999

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

No. 47 van 1999: Wet op die Nasionale Kernreguleerder, 1999.

(English text signed by the Deputy President.)
(Assented to 20 December 1999.)

ACT

To provide for the establishment of a National Nuclear Regulator in order to regulate nuclear activities, for its objects and functions, for the manner in which it is to be managed and for its staff matters; to provide for safety standards and regulatory practices for protection of persons, property and the environment against nuclear damage; and to provide for matters connected therewith.

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

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(Goedgekeur op 20 Desember 1999.)

WET

Om voorsiening te maak vir die instelling van 'n Nasionale Kernreguleerder ten einde kernaktiwiteite te reguleer, vir sy oogmerke en werksaamhede, vir die wyse waarop dit bestuur moet word en vir sy personeelaangeleenthede; om voorsiening te maak vir veiligheidstandaarde en regulerende praktyke vir beskerming van persone, eiendom en die omgewing teen kernskade; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

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CHAPTER 1

INTERPRETATION

Definitions

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

(i) "action" means—

(a) the use, possession, production, storage, enrichment, processing, reprocessing, conveying or disposal of, or causing to be conveyed, radioactive material;

(b) any action, the performance of which may result in persons accumulating a radiation dose resulting from exposure to ionizing radiation; or

(c) any other action involving radioactive material;

(ii) "board" means the Board of Directors as referred to in section 8(1);

(iii) "certificate of exemption" means a certificate referred to in section 22(1);

(iv) "certificate of registration" means a certificate referred to in section 22(1);

(v) "chief executive officer" means the person appointed as such in terms of section 15(1);

(vi) "closure" means the completion of all operations after the emplacement of spent fuel or radioactive waste in a disposal facility;

(vii) "Council for Nuclear Safety" means the Council for Nuclear Safety contemplated in section 33 of the Nuclear Energy Act, 1993 (Act No. 131 of 1993);

(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;

(ix) "financial year", in relation to the Regulator, means the period contemplated in section 18;

(x) "inspector" means the person appointed as such in terms of section 41(1);

(xi) "ionizing radiation" means electromagnetic or corpuscular emission emitted from radioactive material and capable of producing ions, directly or indirectly while passing through matter;

(xii) "Minister" means the Minister of Minerals and Energy;

(xiii) "nuclear accident" means any occurrence or succession of occurrences having the same origin which—

(a) results in the release of radioactive material, or a radiation dose, which exceeds the safety standards contemplated in section 36; and

(b) is capable of causing nuclear damage;

(xiv) "nuclear authorisation" means a nuclear installation licence, nuclear vessel licence, certificate of registration or certificate of exemption;

(xv) "nuclear damage" means—

(a) any injury to or the death or any sickness or disease of a person; or

(b) other damage, including any damage to or any loss of use of property or damage to the environment,

which arises out of, or results from, or is attributable to, the ionizing radiation associated with a nuclear installation, nuclear vessel or action;

(xvi) "nuclear energy" means all the energy released by a nuclear fission or nuclear fusion process;

(xvii) "nuclear incident" means—

(a) any unintended event at a nuclear installation which causes off-site public exposure of the order of at least one tenth of the prescribed limits; or

(b) the spread of radioactive contamination on a site or exposure of a worker above the prescribed limits or a significant failure in safety provisions,

other than a nuclear accident;

(xviii) "nuclear installation" means—

(a) a facility, installation, plant or structure designed or adapted for or which may involve the carrying out of any process, other than the mining and

HOOFSTUK 1

UITLEG

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) "aangewese datum" die datum bedoel in artikel 56(2);

(ii) "aanleg" enige masjinerie, toerusting of toestel hetsy dit aan die grond vas is of nie;

(iii) "finansiële jaar", ten opsigte van die Reguleerder, die tydperk bedoel in artikel 18;

(iv) "handeling"—

(a) die gebruik, besit, vervaardiging, berging, verryking, verwerking, herverwerking, vervoer of wegdoening van, of die laat vervoer van radioaktiewe materiaal;

(b) enige handeling wat tot gevolg kan hê dat persone 'n stralingsdosis akkumuleer as gevolg van blootstelling aan ioniserende straling; of

(c) enige ander handeling wat radioaktiewe materiaal behels.

(v) "hierdie Wet" ook enige regulasie kragtens artikel 47 uitgevaardig;

(vi) "hoof- uitvoerende beampte" die persoon as sodanig aangestel ingevolge artikel 15(1);

(vii) "inspekteur" die persoon as sodanig aangestel ingevolge artikel 41(1);

(viii) "ioniserende straling" elektro-magnetiese of deeltjiestraling wat deur radioaktiewe materiaal uitgestraal word en wat in staat is om ione regstreeks of onregstreeks te produseer terwyl dit deur materie dring;

(ix) "kernenergie" al die energie wat deur 'n kernklowings- of kernversmeltingsproses vrygestel word;

(x) "kernherverwerkingsfasiliteit" 'n fasiliteit wat gebruik word om uit bronmateriaal of spesiale kernmateriaal wat aan straling blootgestel was, daardie bestanddele wat as gevolg van die straling transmutasies ondergaan het, of daardie bestanddele wat nie transmutasies ondergaan het nie en hergebruik kan word, uit te haal of af te skei;

(xi) "kerninstallasie"—

(a) 'n fasiliteit, installasie, aanleg of struktuur wat ontwerp of aangepas is vir, of wat die uitvoering behels van enige proses, behalwe die myn en verwerking van erts, in die kernbrandstofsiklus waarby radioaktiewe materiaal betrokke is, met inbegrip van maar nie beperk tot—

(i) 'n raffinerings- of omsettingsfasiliteit van uraan of torium;

(ii) 'n uraanverrykingsfasiliteit;

(iii) 'n kernbrandstof-vervaardigingsfasiliteit;

(iv) 'n kernreaktor, met inbegrip van 'n kernklowingsreaktor of enige ander fasiliteit wat bedoel is om kernversmelting teweeg te bring;

(v) 'n uitgediende kernbrandstof-opbergingsfasiliteit;

(vi) 'n uitgediende kernherverwerkingsfasiliteit;

(vii) 'n verrykte uraanverwerkingsaanleg en opbergingsfasiliteit; en

(viii) 'n fasiliteit wat spesifiek ontwerp is om enige radioaktiewe materiaal wat vir wegdoening as afvalstof bestem is, te behartig, te behandel, te bewerk, tydelik te berg of permanent mee weg te doen; of

(b) enige ander fasiliteit, installasie, aanleg of struktuur wat ingevolge artikel 2(3) as 'n kerninstallasie verklaar is.

(xii) "kerninstallasielisensie" 'n lisensie bedoel in artikel 21(1);

(xiii) "kernmagtiging" 'n kerninstallasielisensie, kernvaartuiglisensie, registrasiesertifikaat of vrystellingsertifikaat;

(xiv) "kernongeluk" enige gebeurtenis of reeks gebeurtenisse met dieselfde oorsprong wat—

(a) die vrylating van radioaktiewe materiaal tot gevolg het, of 'n stralingsdosis wat die veiligheidstandaarde beoog in artikel 36 oorskry; en

(b) kernskade kan veroorsaak;

(xv) "kernskade"—

(a) enige besering aan of die dood of enige siekte of kwaal van enige persoon; of

processing of ore, within the nuclear fuel cycle involving radioactive material, including, but not limited to—

(i) a uranium or thorium refinement or conversion facility;

(ii) a uranium enrichment facility;

(iii) a nuclear fuel fabrication facility;

(iv) a nuclear reactor, including a nuclear fission reactor or any other facility intended to create nuclear fusion;

(v) a spent nuclear fuel reprocessing facility;

(vi) a spent nuclear fuel storage facility;

(vii) an enriched uranium processing and storage facility; and

(viii) a facility specifically designed to handle, treat, condition, temporarily store or permanently dispose of any radioactive material which is intended to be disposed of as waste material; or

(b) any facility, installation, plant or structure declared to be a nuclear installation in terms of section 2(3);

(xix) "nuclear installation licence" means a licence referred to in section 21(1);

(xx) "nuclear reprocessing facility" means a facility operated to 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;

(xxi) "nuclear vessel licence" means a licence referred to in section 21(2);

(xxii) "period of responsibility", in relation to the holder of a nuclear authorisation, means the period beginning on the date of the grant of the relevant nuclear installation licence or certificate of registration or, in the case of a nuclear vessel, when it enters South Africa's territorial waters, and ending on whichever of the following dates is the earlier, namely—

(a) the date on which the Regulator gives notice in writing to the holder that in its opinion the risk of nuclear damage from—

(i) anything on the site, or at or in the nuclear installation, in question;

(ii) any act performed in regard to the nuclear installation or site in question;

(iii) any action described in section 2(1)*(c)*, as the case may be,

no longer exceeds the safety standards contemplated in section 36;

(b) the date on which a nuclear authorisation in respect of the nuclear installation, site or action in question is granted to some other person;

(c) in the case of a nuclear vessel, the date on which the nuclear vessel leaves South Africa's territorial waters;

(xxiii) "plant" means any machinery, equipment or device, whether it is attached to the ground or not;

(xxiv) "prescribed" means prescribed by regulation made in terms of section 47;

(xxv) "previous Act" means the Nuclear Energy Act, 1993 (Act No. 131 of 1993);

(xxvi) "radioactive material" means any substance consisting of, or containing, any radioactive nuclide, whether natural or artificial, including, but not limited to, radioactive waste and spent nuclear fuel;

(xxvii) "radioactive nuclide" means any unstable atomic nucleus which decays spontaneously with the accompanying emission of ionizing radiation;

(xxviii) "radioactivity" means the measure of a quantity of radioactive materials;

(xxix) "Regulator" means the National Nuclear Regulator established by section 3;

(xxx) "site" means a site on which—

(a) a nuclear installation is situated or is being constructed; or

(b) any action which is capable of causing nuclear damage, is carried out;

(xxxi) "specified date" means the date contemplated in section 56(2);

(xxxii) "this Act" includes any regulations made in terms of section 47.

Application of Act, and declaration of nuclear installation

2. (1) Subject to subsection (2), this Act applies to—

(a) the siting, design, construction, operation, decontamination, decommissioning and closure of any nuclear installation;

(*b*) ander skade, met inbegrip van enige skade aan of verlies van die gebruik van eiendom of skade aan die omgewing,

wat voortspruit uit, of die gevolg is of toe te skryf is aan die ioniserende straling wat verband hou met 'n kerninstallasie, kernvaartuig of handeling;

(xvi) "kernvaartuiglisensie" 'n lisensie bedoel in artikel 21(2);

(xvii) "kernvoorval"—

(*a*) enige onbedoelde gebeurtenis by 'n kerninstallasie wat publieke blootstelling van ten minste een tiende van die voorgeskrewe perke buite die terrein veroorsaak; of

(*b*) die verspreiding van radioaktiewe besmetting op 'n aanleg of blootstelling van 'n werker bo die voorgeskrewe perke of 'n beduidende tekortkoming in veiligheidsmaatreëls,

wat nie 'n kernongeluk is nie;

(xviii) "Minister" die Minister van Minerale en Energie;

(xix) "raad" die Raad van Direkteure bedoel in artikel 8(1);

(xx) "Raad vir Kernveiligheid" die Raad vir Kernveiligheid bedoel in artikel 33 van die Wet op Kernenergie, 1993 (Wet No. 131 van 1993);

(xxi) "radioaktiewe materiaal" enige stof bevattende of bestaande uit enige natuurlike of kunsmatige radioaktiewe nuklied insluitende, maar nie beperk tot, radioaktiewe afval en uitgediende kernbrandstof;

(xxii) "radioaktiwiteit" die meting van 'n hoeveelheid radioaktiewe materiaal;

(xxiii) "radioaktiewe nuklied" 'n onstabiele atoomkern wat spontaan verval met gepaardgaande uitstraling van ioniserende straling;

(xxiv) "registrasiesertifikaat" 'n sertifikaat in artikel 22(1) genoem;

(xxv) "Reguleerder" die Nasionale Kernreguleerder ingestel by artikel 3;

(xxvi) "sluiting" die voltooiing van alle werksaamhede na die plasing van gebruikte brandstof of radioaktiewe afval in 'n afvalsfasiliteit;

(xxvii) "terrein" beteken 'n terrein waarop—

(*a*) 'n kerninstallasie geleë is of opgerig word; of

(*b*) enige handeling wat in staat is om kernskade te veroorsaak, uitgevoer word;

(xxviii) "verantwoordelikheidstydperk", ten opsigte van die houer van 'n kernmagtiging, die tydperk wat 'n aanvang neem op die datum waarop die relevante kerninstallasielisensie of registrasiesertifikaat uitgereik word, of, in die geval van 'n kernvaartuig, wanneer dit die territoriale waters van Suid-Afrika binnevaar en wat eindig op welke van die volgende datums die vroegste is, naamlik—

(*a*) die datum waarop die Reguleerder skriftelik kennis gee aan die houer dat in sy of haar oordeel die risiko van kernskade verbonde aan—

(i) enigiets op die terrein of op of in die betrokke kerninstallasie;

(ii) enige handeling wat met betrekking tot die betrokke kerninstallasie of terrein verrig word;

(iii) enige handeling genoem in artikel (2)(1)(*c*), na gelang van die geval,

nie meer die veiligheidstandaarde bedoel in artikel 36 oorskry nie;

(*b*) die datum waarop 'n kernmagtiging ten opsigte van die betrokke kerninstallasie, terrein of handeling aan 'n ander persoon toegeken word;

(*c*) in die geval van 'n kernvaartuig, die datum waarop die kernvaartuig die territoriale waters van Suid-Afrika verlaat;

(xxix) "verryk" die verhoging van die verhouding van 'n isotoopbestanddeel van 'n element tot die oorblywende isotoopbestanddele van daardie element relatief tot die verhouding wat in die natuur voorkom, en het "verryking" 'n ooreenstemmende betekenis;

(xxx) "vorige Wet" die Wet op Kernenergie, 1993 (Wet No. 131 van 1993);

(xxxi) "voorgeskrewe" by regulasie kragtens artikel 47 uitgevaardig, voorgeskryf;

(xxxii) "vrystellingsertifikaat" 'n sertifikaat in artikel 22(1) genoem.

Toepassing van Wet, en verklaring tot kerninstallasie

2. (1) Behoudens subartikel (2) is hierdie Wet van toepassing op—

(*a*) die aanlê, ontwerp, oprigting, bedryf, ontsmetting, buitediensstelling en sluiting van enige kerninstallasie;

(b) vessels propelled by nuclear power or having radioactive material on board which is capable of causing nuclear damage; and

(c) any action which is capable of causing nuclear damage.

(2) This Act does not apply to—

(a) exposure to cosmic radiation or to potassium-40 in the body or any other radioactive material or actions not amenable to regulatory control as determined by the Minister, after consultation with the board and by notice in the *Gazette*;

(b) subject to section 41(4), any action where the radioactivity concentrations of individual radioactive nuclides, or the total radioactivity content, are below the exclusion levels provided for in the safety standards contemplated in section 36;

(c) Group IV hazardous substances as defined in section 1 of the Hazardous Substances Act, 1973 (Act No. 15 of 1973);

(d) exposure to ionizing radiation emitted from equipment, declared to be a Group III hazardous substance in terms of section 2(1)*(b)* of the Hazardous Substances Act, 1973.

(3) For the purposes of this Act, the Minister may, after consultation with the board and by notice in the *Gazette*, declare any facility, installation, plant or structure, including a mine or ore-processing facility, to be a nuclear installation.

CHAPTER 2

NATIONAL NUCLEAR REGULATOR

Establishment of National Nuclear Regulator

3. A juristic person to be known as the National Nuclear Regulator, comprising a board, a chief executive officer and staff, is hereby established.

Regulator successor to assets and liabilities of Council for Nuclear Safety

4. (1) On the specified date, all assets, rights, liabilities and obligations of the Council for Nuclear Safety pass to the Regulator.

(2) The Registrar of Deeds concerned must make such entries or endorsements as are necessary to give effect to subsection (1) in or on any relevant register, title deed or any other document in his or her office or submitted to him or her.

(3) No office fees or other moneys are payable in respect of such an entry or endorsement.

Objects of Regulator

5. The objects of the Regulator are to—

(a) provide for the protection of persons, property and the environment against nuclear damage through the establishment of safety standards and regulatory practices;

(b) exercise regulatory control related to safety over—

(i) the siting, design, construction, operation, manufacture of component parts, and decontamination, decommissioning and closure of nuclear installations; and

(ii) vessels propelled by nuclear power or having radioactive material on board which is capable of causing nuclear damage,

through the granting of nuclear authorisations;

(c) exercise regulatory control over other actions, to which this Act applies, through the granting of nuclear authorisations;

(d) provide assurance of compliance with the conditions of nuclear authorisations through the implementation of a system of compliance inspections;

(e) fulfil national obligations in respect of international legal instruments concerning nuclear safety; and

(f) ensure that provisions for nuclear emergency planning are in place.

(b) vaartuie wat deur kernkrag aangedryf word of wat radioaktiewe materiaal wat in staat is om kernskade te veroorsaak, aan boord het;

(c) enige handeling wat in staat is om kernskade te veroorsaak.

(2) Hierdie Wet is nie van toepassing nie op—

(a) blootstelling aan kosmiese bestraling of kalium-40 in die liggaam of enige ander radioaktiewe materiaal of handelinge wat nie onderworpe is aan beheer soos deur die Minister na oorlegpleging met die raad, en by kennisgewing in die *Staatskoerant* bepaal nie;

(b) behoudens artikel 41(4), enige handeling waar die radioaktiewe konsentrasies van individuele radioaktiewe nukliedes of die totale radioaktiewe inhoud laer is as die uitsluitingsvlakke waarvoor voorsiening gemaak word in die veiligheidstandaarde beoog in artikel 36;

(c) Groep IV gevaarhoudende stowwe soos omskryf in artikel 1 van die Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973);

(d) blootstelling aan ioniserende straling wat deur toerusting uitgestraal word, en wat ingevolge artikel 2(1)*(b)* van die Wet op Gevaarhoudende Stowwe, 1973, as 'n Groep III gevaarhoudende stof verklaar is.

(3) Die Minister kan, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant*, enige fasiliteit, installasie, aanleg of struktuur, insluitende 'n myn of 'n ertsverwerkingsfasiliteit, tot 'n kerninstallasie verklaar vir doeleindes van hierdie Wet.

HOOFSTUK 2

NASIONALE KERNREGULEERDER

Instelling van Nasionale Kernreguleerder

3. 'n Regspersoon genaamd die Nasionale Kernreguleerder, bestaande uit 'n raad, 'n hoof- uitvoerende beampte en personeel word hierby ingestel.

Reguleerder opvolger van bates en laste van Raad vir Kernveiligheid

4. (1) Op die aangewese datum gaan alle bates, regte, laste en verpligtinge van die Raad vir Kernveiligheid oor op die Reguleerder.

(2) Die betrokke Registrateur van Aktes moet die inskrywings en aantekeninge wat nodig is om gevolg te gee aan subartikel (1) in of op enige toepaslike register, titelbewys of enige ander dokument in sy of haar kantoor of aan hom of haar voorgelê, aanbring.

(3) Geen kantoorgelde of ander gelde is ten opsigte van so 'n inskrywing of aantekening betaalbaar nie.

Oogmerke van Reguleerder

5. Die oogmerke van die Reguleerder is om—

(a) deur die daarstelling van veiligheidstandaarde en regulerende praktyke voorsiening te maak vir die beskerming van persone, eiendom en die omgewing teen kernskade;

(b) regulerende beheer in verband met die veiligheid van—

(i) die aanlê, ontwerp, oprigting, bedryf, vervaardiging van onderdele, ontsmetting, buitediensstelling en sluiting van kerninstallasies; en

(ii) oor kernaangedrewe vaartuie of vaartuie wat radioaktiewe materiaal aan boord het wat kernskade kan veroorsaak,

deur die toestaan van kernmagtigings uit te oefen;

(c) regulerende beheer oor ander handelinge deur die toestaan van kernmagtigings uit te oefen;

(d) deur die implementering van 'n stelsel van inspeksies te verseker dat die voorwaardes van kernmagtigings nagekom word;

(e) nasionale verpligtinge ten opsigte van internasionale regsinstrumente rakende kernveiligheid na te kom; en

(f) toe te sien dat voorskrifte vir kernnoodbeplanning daargestel is.

Co-operative governance

6. (1) To give effect to the principles of co-operative government and intergovernmental relations contemplated in Chapter 3 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), all organs of state, as defined in section 239 of the Constitution, on which functions in respect of the monitoring and control of radioactive material or exposure to ionizing radiation are conferred by this Act or other legislation, must co-operate with one another in order to—

(*a*) ensure the effective monitoring and control of the nuclear hazard;
(*b*) co-ordinate the exercise of such functions;
(*c*) minimise the duplication of such functions and procedures regarding the exercise of such functions; and
(*d*) promote consistency in the exercise of such functions.

(2) The Regulator must conclude a co-operative agreement with every relevant organ of state to give effect to the co-operation contemplated in subsection (1).

(3) The Minister must, after consultation with the board and in consultation with the Ministers responsible for the relevant organs of state, make regulations regarding—

(*a*) time periods and procedures, including procedures for public participation and mechanisms for dispute resolution, in respect of the conclusion of co-operative agreements referred to in subsection (2);
(*b*) matters that must be provided for in co-operative agreements, including, but not limited to, provision for—
  (i) time periods for the implementation of co-operative agreements;
  (ii) the co-ordination of the functions referred to in subsection (1) in a manner that avoids unnecessary duplication and omissions regarding safety requirements and the issuing of conflicting instructions;
  (iii) measures to be taken in the event of non-compliance with a co-operative agreement;
  (iv) dispute resolution in respect of the interpretation or application of co-operative agreements referred to in subsection (2).

(4) The Minister must publish by notice in the *Gazette* every co-operative agreement concluded in terms of subsection (2).

Functions of Regulator

7. (1) The Regulator may, subject to this Act, for the purpose of achieving its objects—

(*a*) grant or amend nuclear authorisations;
(*b*) hire, purchase or otherwise acquire any movable and immovable property and proprietary right, and rent or dispose of property so acquired, but may not acquire or dispose of immovable property without the prior approval of the Minister, granted with the agreement of the Minister of Finance;
(*c*) 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 objects of the Regulator;
(*d*) collaborate with any educational, scientific or other body, a government or institution in connection with the provision of instruction for, or the training of, persons required by the Regulator;
(*e*) provide, on such conditions as the Regulator thinks fit, financial or other assistance in connection with the training of persons in so far as in the board's opinion it is necessary to ensure that a sufficient number of trained persons are available to enable the Regulator 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 action or condition which—
  (i) is capable of causing nuclear damage;
  (ii) the Minister refers to the Regulator; or
  (iii) the Regulator thinks necessary to advise the Minister on;

Koöperatiewe bestuur

6. (1) Om gevolg te gee aan die beginsels van koöperatiewe bestuur en tussen regeringsverhoudings soos bedoel in Hoofstuk 3 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), moet alle staatsorgane, soos omskryf in artikel 239 van die Grondwet, aan wie funksies ten opsigte van die monitering en beheer van radioaktiewe materiaal of blootstelling aan ioniserende straling ingevolge hierdie Wet of ander wetgewing opgedra is, met mekaar saamwerk ten einde—

- *(a)* toe te sien dat die kerngevaar effektief gemonitor en beheer word;
- *(b)* die uitoefening van sodanige funksies te koördineer;
- *(c)* die duplisering van sodanige funksies en prosedures met betrekking tot die uitvoering van sodanige funksies te verklein; en
- *(d)* konsekwentheid in die uitvoering van sodanige funksies te bevorder.

(2) Die Reguleerder moet 'n samewerkingsooreenkoms sluit met elke relevante staatsorgaan ten einde uitvoering te gee aan die samewerking beoog in subartikel (1).

(3) Die Minister moet, na oorlegpleging met die raad en in oorleg met die Ministers verantwoordelik vir die relevante staatsorgane, regulasies uitvaardig aangaande—

- *(a)* tydperke en prosedures, insluitende prosedures vir openbare deelname en meganismes vir die oplossing van geskille in verband met die sluiting van samewerkingsooreenkomste vermeld in subartikel (2);
- *(b)* aangeleenthede waarvoor in samewerkingsooreenkomste voorsiening gemaak moet word, maar nie beperk nie tot—
  - (i) tydperke vir die implementering van samewerkingsooreenkomste;
  - (ii) die koördinering van die funksies bedoel in subartikel (1) op 'n wyse wat onnodige duplisering en versuim rakende veiligheidvereistes om die uitreiking van botsende instruksies, vermy;
  - (iii) stappe wat geneem moet word in geval van nie-nakoming van 'n samewerkingsooreenkoms;
  - (iv) die beslegting van geskille ten opsigte van die uitleg of toepassing van samewerkingsooreenkomste vermeld in subartikel (2).

(4) Die Minister moet by kennisgewing in die *Staatskoerant*, elke samewerkingsooreenkoms ingevolge subartikel (2) aangegaan, publiseer.

Funksies van Reguleerder

7. (1) Die Reguleerder kan, behoudens hierdie Wet, ten einde sy oogmerke te bereik—

- *(a)* kernmagtigings toestaan of wysig;
- *(b)* enige roerende en onroerende eiendom en vermoënsreg huur, koop of andersins verkry en eiendom aldus verkry, verhuur of daaroor beskik, maar onroerende eiendom mag nie sonder die voorafgaande magtiging van die Minister, verleen met die instemming van die Minister van Finansies, verkry of oor beskik word nie;
- *(c)* met enige ander liggaam of instelling saamwerk of beheermaatreëls vir die insameling en verspreiding van wetenskaplike en tegniese inligting ten opsigte van enige aangeleentheid rakende kernenergie wat binne die bestek van die oogmerke van die Reguleerder val, instel;
- *(d)* met enige opvoedkundige, wetenskaplike of ander liggaam, 'n regering of instelling saamwerk ten opsigte van die voorsiening van onderrig aan of die opleiding van persone deur die Reguleerder benodig;
- *(e)* finansiële of ander bystand op die voorwaardes wat die Reguleerder goedvind verleen ten opsigte van die opleiding van persone wat na die mening van die raad nodig is om te verseker dat 'n voldoende aantal opgeleide persone beskikbaar is om die Reguleerder in staat te stel om sy werksaamhede uit te oefen;
- *(f)* homself verseker teen enige verlies, skade, risiko of aanspreeklikheid wat hy mag ly of oploop;
- *(g)* die Minister adviseer oor aangeleenthede wat verband hou met enige handeling of toestand wat—
  - (i) kernskade kan veroorsaak;
  - (ii) die Minister na die Reguleerder verwys; of
  - (iii) die Reguleerder meen nodig is om die Minister oor te adviseer;

(*h*) for purposes of this Act, act as the national competent authority in connection with the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Material;

(*i*) conclude contracts, enter into agreements or perform any act, whether in the Republic or elsewhere, whereby its objects are carried into effect or which is calculated, directly or indirectly, to enhance the value of the services which the Regulator renders towards the achievement of its objects or which may be prescribed;

(*j*) produce and submit to the Minister an annual public report on the health and safety related to workers, the public and the environment associated with all sites including, but not limited to, the prescribed contents.

(2) The Minister must table in Parliament the annual public report submitted to him or her in terms of subsection (1)*(j)* within 14 days after it is so submitted if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ordinary session.

(3) The functions of the Regulator must be performed by the chief executive officer, as directed by the board, except where otherwise specified in this Act.

Control and management of affairs of Regulator

8. (1) The Regulator is governed and controlled, in accordance with this Act, by a Board of Directors.

(2) The board—

(*a*) must ensure that the objects of the Regulator referred to in section 5 are carried out; and

(*b*) exercises general control over the performance of the Regulator's functions.

(3) The board represents the Regulator and all acts performed by the board or on its authority are the acts of the Regulator.

(4) The board consists of—

(*a*) the following directors appointed by the Minister:

(i) One representative of organised labour;

(ii) one representative of organised business;

(iii) one person representing communities, which may be affected by nuclear activities;

(iv) an official from the Department of Minerals and Energy;

(v) an official from the Department of Environmental Affairs and Tourism; and

(vi) not more than seven other directors; and

(*b*) the chief executive officer.

(5) The Minister must from among the directors of the board referred to in subsection (4)*(a)*(vi) appoint a chairperson and a deputy chairperson.

(6) A person may only be appointed as a director in terms of subsection (4)*(a)* if he or she is suitably qualified.

(7) For the purposes of appointing the directors of the board referred to in subsection (4)*(a)*(i), (ii), (iii) and (vi)—

(*a*) the Minister must through the media and by notice in the *Gazette* invite nominations of persons as candidates for the relevant positions on the board;

(*b*) a panel, appointed by the Minister, which may include representatives of the relevant committees of Parliament, must compile a shortlist of not more than 20 candidates from the persons so nominated;

(*c*) the Minister must, from the shortlist so compiled and from other persons nominated as contemplated in paragraph *(a)*, appoint persons to the relevant positions on the board; and

(*d*) the Minister may, for a director appointed in terms of subsection (4)*(a)*(i) to (v), appoint a suitably qualified alternate director to act in the place of that director during his or her absence.

(8) A person is disqualified from being appointed or remaining a director of the board if he or she—

(*a*) is not a South African citizen;

(*b*) is declared insolvent;

(h) vir doeleindes van hierdie Wet, as die nasionale bevoegde owerheidsliggaam in verband met die Regulasies vir die Veilige Vervoer van Radioaktiewe Materiaal van die Internasionale Atoomenergie-agentskap optree;

(i) kontrakte sluit, ooreenkomste aangaan of enige handeling verrig, hetsy in die Republiek of elders, waardeur uitvoering aan sy oogmerke gegee word of wat daarop bereken is om regstreeks of onregstreeks die waarde van die dienste wat die Reguleerder ter bereiking van sy oogmerke lewer, te verhoog of wat voorgeskryf word;

(j) 'n jaarlikse openbare verslag oor die gesondheid en veiligheid van werkers, die publiek en die omgewing verbonde aan alle terreine insluitende, maar nie beperk tot, die voorgeskrewe inhoud opstel en aan die Minister voorlê.

(2) Die Minister moet die jaarlikse openbare verslag aan hom voorgelê ingevolge subartikel (1)*(j)* in die Parlement ter tafel lê, binne 14 dae nadat dit voorgelê is indien die Parlement dan in sitting is, of indien die Parlement nie in sitting is nie, binne 14 dae na die aanvang van die volgende gewone sessie.

(3) Behalwe waar andersins in hierdie Wet bepaal, word die werksaamhede van die Reguleerder soos deur die raad voorgeskryf, deur die hoof- uitvoerende beampte verrig.

Beheer en bestuur van sake van Reguleerder

8. (1) Die Reguleerder word in ooreenstemming met hierdie Wet deur 'n Raad van Direkteure beheer en bestuur.

(2) Die raad—

(a) moet verseker dat die oogmerke van die Reguleerder vermeld in artikel 5 nagekom word; en

(b) oefen algemene beheer uit oor die verrigting van die werksaamhede van die Reguleerder.

(3) Die raad verteenwoordig die Reguleerder en alle handelinge deur of op gesag van die raad verrig, is die handelinge van die Reguleerder.

(4) Die raad bestaan uit—

(a) die volgende direkteure deur die Minister aangestel:

(i) Een verteenwoordiger van georganiseerde arbeid;

(ii) een verteenwoordiger van die georganiseerde sakegemeenskap;

(iii) een persoon wat gemeenskappe verteenwoordig wat deur kernbedrywighede geraak kan word;

(iv) 'n beampte van die Departement van Minerale en Energie;

(v) 'n beampte van die Departement van Omgewingsake en Toerisme; en

(vi) hoogstens sewe ander direkteure; en

(b) die hoof- uitvoerende beampte.

(5) Die Minister moet vanuit die direkteure van die raad bedoel in subartikel (4)*(a)*(vi) 'n voorsitter en 'n ondervoorsitter aanstel.

(6) 'n Persoon mag slegs ingevolge subartikel 4*(a)* as direkteur aangestel word indien hy of sy toepaslik gekwalifiseerd is.

(7) Vir die doeleindes van die aanstelling van die direkteure van die raad bedoel in subartikel (4)*(a)*(i), (ii), (iii) en (vi)—

(a) moet die Minister deur die media en by kennisgewing in die *Staatskoerant* nominasies van persone as kandidate vir die relevante posisies op die raad, uitnooi;

(b) moet 'n paneel, deur die Minister aangestel, wat verteenwoordigers van die tersaaklike komitees van die Parlement kan insluit, 'n kortlys met hoogstens 20 kandidate van die genomineerde persone opstel;

(c) moet die Minister vanuit die kortlys aldus opgestel en vanuit ander genomineerde persone in paragraaf *(a)* bedoel, persone op die Raad aanstel; en

(d) kan die Minister, vir 'n direkteur aangestel ingevolge subartikel (4)*(a)*(i) tot (v), 'n toepaslik gekwalifiseerde alternatiewe direkteur aanstel om in die plek van daardie direkteur in sy of haar afwesigheid waar te neem.

(8) 'n Persoon is onbevoeg om as 'n direkteur aangestel te word of aan te bly indien hy of sy—

(a) nie 'n Suid-Afrikaanse burger is nie;

(b) insolvent verklaar word;

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

(d) becomes a member of Parliament, a provincial legislature, a Municipal Council, the Cabinet or the Executive Council of a province;

(e) is a holder of a nuclear authorisation or an employee of such holder.

(9) A director of the board may not be present during, or take part in, the discussion of, or the making of a decision on, any matter before the board in which that director or his or her spouse, life partner, child, business partner or associate or employer, other than the State, has a direct or indirect financial interest.

(10) Upon appointment of a person as a director of the board he or she must submit to the Minister and the board a written statement in which he or she declares whether or not he or she has any interest contemplated in subsection (9).

(11) If any director acquires or contemplates acquiring an interest, which could possibly be an interest contemplated in subsection (9), he or she must immediately in writing declare that fact to the Minister and the board.

(12) *(a)* The chairperson of the board holds office for a period specified in the letter of appointment but not exceeding three years and may be reappointed upon expiry of that term of office.

(b) A director referred to in subsection (4)*(a)* holds office for a period specified in the letter of appointment but not exceeding three years and may be reappointed upon expiry of that term of office.

(13) *(a)* If a director dies or vacates office, the Minister may, subject to subsection (8), appoint another person as a director.

(b) The person so appointed serves for the unexpired portion of the predecessor's term of office.

(14) Despite the preceding provisions of this section—

(a) the persons who, immediately before the specified date, served as members of the council of the Council for Nuclear Safety in terms of the previous Act, must act as the directors of the Regulator's board from the specified date until the day immediately before the Regulator's board, constituted in accordance with subsection (4), meets for the first time; and

(b) the chairperson of that council must act as chairperson of that board for the period contemplated in paragraph *(a)* and must determine the times and places of its meetings.

Vacation of office of board members

9. (1) The Minister may at any time discharge a director of the board from office—

(a) if the director has repeatedly failed to perform his or her functions efficiently;

(b) if, because of any physical or mental illness or disability, the director has become incapable of performing his or her functions or performing them efficiently; or

(c) for misconduct.

(2) A director vacates office when—

(a) he or she is disqualified in terms of section 8(8);

(b) he or she is discharged in terms of subsection (1);

(c) he or she is absent from three consecutive meetings of the board without the chairperson's permission, unless the board has condoned the absence on good reasons advanced; or

(d) the person's resignation as director takes effect.

Meetings of board

10. (1) The first meeting of the board is held at the time and place determined by the Minister, and thereafter meetings are held at such times and places as the board determines.

(2) The chairperson or, in his or her absence, the deputy chairperson, may at any time call a special meeting of the board to be held at the time and place determined by the chairperson or deputy chairperson.

(3) All directors must be notified in writing of every meeting of the board.

(c) skuldig bevind word aan 'n misdryf en gevonnis word tot gevangenisstraf sonder die keuse van 'n boete;

(d) 'n lid word van die Parlement, 'n provinsiale wetgewer, 'n Munisipale Raad, die Kabinet of die Uitvoerende raad van 'n provinsie; en

(e) die houer is van 'n kernmagtiging of 'n werknemer van sodanige houer.

(9) 'n Direkteur van die Raad mag nie aanwesig wees, of deelneem aan die bespreking of die besluitneming rakende enige aangeleentheid voor die raad waarin daardie direkteur of sy of haar gade, lewensmaat, kind, besigheidsvennoot of genoot of werkgewer, behalwe die Staat 'n direkte of indirekte finansiële belang het.

(10) By die aanstelling van 'n persoon as direkteur van die raad moet hy of sy 'n skriftelike verklaring aan die Minister en die raad voorlê waarin hy of sy verklaar of hy of sy enige belang soos beoog in subartikel (9) het.

(11) Indien enige direkteur 'n belang bekom of beoog om 'n belang te bekom wat moontlik 'n belang soos beoog in subartikel (9) kan wees, moet hy of sy dit onmiddellik skriftelik aan die Minister en die raad verklaar.

(12) *(a)* Die voorsitter van die raad beklee die amp vir 'n tydperk in die aanstellingsbrief vermeld, maar hoogstens vir drie jaar en mag weer aangestel word by verstryking van daardie ampstermyn.

(b) 'n Direkteur in subartikel (4)*(a)* vermeld beklee dié amp vir 'n tydperk in die aanstellingsbrief vermeld, maar hoogstens drie jaar en mag weer aangestel word by verstryking van daardie ampstermyn.

(13) *(a)* Indien 'n direkteur te sterwe kom of die amp ontruim, kan die Minister, behoudens subartikel (8), 'n ander persoon as direkteur aanstel.

(b) Die persoon aldus aangestel dien vir die onverstreke gedeelte van die voorganger se ampstermyn.

(14) Ondanks die voorgaande bepalings van hierdie artikel—

(a) moet die persone wat onmiddellik voor die aangewese datum as lede van die raad van die Raad vir Kernveiligheid gedien het, optree as direkteure van die raad van die Reguleerder vanaf die aangewese datum tot die dag onmiddellik voorgaande aan die dag waarop die raad van die Reguleerder, saamgestel in ooreenstemming met subartikel (4), vir die eerste keer vergader; en

(b) die voorsitter van daardie raad moet as voorsitter van die raad optree vir die tydperk bedoel in paragraaf *(a)* en moet die tye en plekke van sy vergaderings bepaal.

Ampsontruiming deur raadslede

9. (1) Die Minister kan te eniger tyd 'n direkteur van die raad uit daardie amp ontslaan—

(a) indien die direkteur herhaaldelik versuim het om sy of haar werksaamhede na behore te verrig;

(b) indien die direkteur vanweë enige fisiese of geestelike siekte of gebrek onbevoeg geword het om sy of haar werksaamhede uit te voer of dit na behore uit te voer; of

(c) weens wangedrag.

(2) 'n Direkteur ontruim die amp wanneer—

(a) hy of sy ingevolge artikel 8(8) gediskwalifiseer word;

(b) hy of sy ingevolge subartikel (1) ontslaan word;

(c) hy of sy sonder verlof van die voorsitter van drie agtereenvolgende vergaderings van die raad afwesig is, tensy die raad by die aanvoer van gegronde redes die afwesigheid gekondoneer het; of

(d) die bedanking van so 'n persoon as direkteur in werking tree.

Vergaderings van raad

10. (1) Die eerste vergadering van die raad word op die tyd en plek gehou wat die Minister bepaal en daarna word vergaderings gehou op die tye en plekke wat die raad bepaal.

(2) Die voorsitter of, in sy of haar afwesigheid, die ondervoorsitter, kan te eniger tyd 'n spesiale vergadering van die raad belê wat gehou word op die tyd en plek deur die voorsitter of ondervoorsitter bepaal.

(3) Alle direkteure moet skriftelik van elke raadsvergadering in kennis gestel word.

(4) A majority of the directors forms a quorum at any meeting of the board.

(5) Subject to subsection (4), a decision of the majority of the directors present at a meeting of the board constitutes a decision of the board and, in the event of an equality of votes on any matter, the person chairing the relevant meeting has a casting vote in addition to a deliberative vote.

(6) No decision taken by the board or an act performed under its authority, is invalid merely by reason of—

(a) a vacancy on the board; or

(b) the fact that any person not entitled to do so, sat as a director at the time that decision was taken,

if that decision was taken or that act was authorised by the required majority of directors present at the meeting who were entitled to sit as directors.

(7) *(a)* If the chairperson is for any reason unable to act, or the office of chairperson is vacant, the deputy chairperson must act as chairperson.

(b) If both the chairperson and deputy chairperson are for any reason unable to act, or both the offices of chairperson and deputy chairperson are vacant, the board must designate any other director to act as chairperson.

Minutes of board meetings

11. (1) The board must cause minutes of its meetings to be kept and copies of the minutes to be circulated to its members.

(2) Such minutes, when signed at a next meeting by the person who chairs that meeting, are, in the absence of proof of error therein, regarded as a true and correct record of the proceedings and are *prima facie* evidence of those proceedings before a court of law, any tribunal or a commission of inquiry.

Committees of board

12. The board may—

(a) establish such committees as it considers necessary to assist it in the performance of its functions; and

(b) appoint as members of any such committee such persons, including directors of the board, staff of the Regulator, the holders of nuclear authorisations and employees of such holders, as the board considers appropriate.

Remuneration of directors and committee members

13. A director, or member of a committee, of the board, other than the chief executive officer or a person who is in the full-time employment of the Regulator or other organ of state, is appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister determines with the agreement of the Minister of Finance.

Delegation and assignment by board

14. (1) Subject to subsections (2), (3), (4) and (5), the board may, by resolution, delegate any power, and assign any duty, conferred or imposed on it by the operation of section 8(1) or (2) or conferred or imposed on it elsewhere by this Act, to its chairperson or a committee of the board.

(2) The board is not divested of any power or relieved of any function it so delegated or assigned.

(3) Such delegation or assignment—

(a) may be made subject to conditions determined by the board;

(b) may, subject to subsection (5), be given together with the power to subdelegate or further assign, subject to conditions determined by the board;

(c) must be communicated to the delegatee or assignee in writing.

(4) 'n Meerderheid van die direkteure vorm 'n kworum op enige raadsvergadering.

(5) Behoudens subartikel (4), maak 'n besluit van die meerderheid van die aanwesige direkteure by 'n vergadering 'n besluit van die raad uit en, by 'n staking van stemme oor enige aangeleentheid het die voorsitter wat by die betrokke vergadering voorsit, benewens 'n beraadslagende stem, 'n beslissende stem.

(6) Geen besluit van die raad of 'n handeling op sy gesag verrig is ongeldig bloot vanweë—

(a) 'n vakature in die raad; of

(b) die feit dat 'n persoon wat nie geregtig was om as direkteur sitting te neem nie, as 'n lid sitting geneem het toe die besluit geneem is,

indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van direkteure wat op die vergadering teenwoordig was en wat geregtig was om as direkteure sitting te neem.

(7) *(a)* Indien die voorsitter weens enige rede nie in staat is om op te tree nie, of die amp van voorsitter vakant is, moet die ondervoorsitter as voorsitter optree.

(b) Indien beide die voorsitter en ondervoorsitter weens enige rede nie in staat is om op te tree nie, of beide ampte van voorsitter en ondervoorsitter vakant is, moet die raad enige ander direkteur aanwys om as voorsitter op te tree.

Notules van raadsvergaderings

11. (1) Die raad moet toesien dat notules van sy vergaderings gehou word en dat afskrifte aan sy lede versprei word.

(2) Sodanige notules word, in die afwesigheid van bewys van foute daarin vervat, by ondertekening tydens 'n volgende vergadering deur die voorsitter van daardie vergadering geag 'n ware en getroue weergawe van die verrigtinge te wees, en is *prima facie* getuienis van daardie verrigtinge in 'n geregshof, tribunaal of kommissie van ondersoek.

Komitees van raad

12. Die raad kan—

(a) sodanige komitees oprig as wat dit nodig ag om dit by te staan in die uitvoering van sy werksaamhede; en

(b) persone as lede van sodanige komitees aanstel, insluitende direkteure van die raad, personeel van die Reguleerder, die houers van kernmagtigings en werknemers van sodanige houers, soos wat die raad toepaslik vind.

Vergoeding van direkteure en lede van komitee

13. 'n Direkteur of lid van 'n komitee van die raad, behalwe die hoof- uitvoerende beampte of 'n persoon wat voltyds in diens is van die Reguleerder of ander staatsorgaan, word aangestel op sodanige voorwaardes, insluitende voorwaardes wat verband hou met die betaling van vergoeding en toelaes, as wat die Minister bepaal met die toestemming van die Minister van Finansies.

Delegering en opdraging deur raad

14. (1) Behoudens subartikels (2), (3), (4) en (5) kan die raad, by wyse van 'n besluit, enige bevoegdheid delegeer en enige werksaamheid opdra aan sy voorsitter of 'n raadskomitee, wat by werking van artikel 8(1) of (2) aan hom verleen of opgedra is, of aan hom andersins by hierdie Wet verleen of opgedra is.

(2) Die raad word nie ontdoen van enige bevoegdheid of van enige werksaamheid ontneem deur dit te delegeer of op te dra nie.

(3) Sodanige delegering of opdraging—

(a) kan onderhewig wees aan voorwaardes deur die raad bepaal;

(b) kan, behoudens subartikel (5), verleen word met die bevoegdheid om te subdelegeer of verder op te dra onderworpe aan voorwaardes deur die raad bepaal;

(c) moet skriftelik aan die gedelegeerde of gemagtigde oorgedra word.

(4) The written communication in terms of subsection (3)*(c)*—

(a) must contain full particulars of the matters being delegated or assigned and of the conditions determined in terms of subsection (3)*(a)*; and

(b) if the power of subdelegation or further assignment is conferred, must state that fact and any conditions determined in terms of subsection (3)*(b)*.

(5) The board may, by resolution—

(a) amend or revoke a delegation or assignment made in terms of subsection (1);

(b) withdraw any decision, other than a decision which confers a right or entitlement on any third party, made by the delegatee or assignee with regard to a delegated or assigned matter, and decide the matter itself.

(6) The Minister may, by notice in the *Gazette*—

(a) prohibit the delegation by the board of any particular power or its assignment of any particular duty, whether generally or in the circumstances specified in the notice;

(b) limit the circumstances in which any particular power or duty of the board may be delegated, subdelegated, assigned or further assigned;

(c) prescribe conditions for the delegation of any particular power or assignment of any particular duty.

Chief executive officer of Regulator

15. (1) The Minister must, after consultation with the board, appoint a person with suitable qualifications as chief executive officer of the Regulator.

(2) A person is disqualified from being appointed or remaining a chief executive officer if subject to any of the disqualifications mentioned in section 8(8).

(3) A chief executive officer holds office for a period not exceeding three years as specified in the letter of appointment and may be reappointed upon expiry of that term of office.

(4) The Minister may at any time discharge the chief executive officer from office—

(a) if the chief executive officer has repeatedly failed to perform the duties of office efficiently;

(b) if, because of any physical or mental illness or disability, the chief executive officer has become incapable of performing the functions of that office or performing them efficiently; or

(c) for misconduct.

(5) *(a)* The person who, immediately before the specified date was the executive officer of the Council for Nuclear Safety by virtue of appointment to that office in terms of section 44 of the previous Act, must, from the specified date until the date on which the appointment of the Regulator's first chief executive officer in terms of subsection (1) of this section takes effect, act as the Regulator's chief executive officer.

(b) A person so acting is not precluded from being appointed as the Regulator's chief executive officer in terms of subsection (1).

(6) The chief executive officer must—

(a) ensure that the functions of the Regulator in terms of this Act are performed;

(b) report to the board on the proper functioning of the Regulator;

(c) issue a nuclear authorisation in accordance with this Act;

(d) complete a report on the activities of the Regulator for each financial year in accordance with the Reporting by Public Entities Act, 1992 (Act No. 93 of 1992), and submit the report to the board for approval;

(e) each financial year, after consultation with the board and with the approval of the Minister, publish and distribute a plan of action for the activities of the Regulator.

(7) The board must forward the report mentioned in subsection (6)*(d)*, as approved by it, to the Minister within three months of the end of the financial year concerned.

(8) The chief executive officer is the accounting officer of the board charged with the responsibility of accounting for all money received and payments made by, and the assets of, the Regulator.

(9) The chief executive officer must exercise all the powers and perform all the duties conferred or imposed on the accounting officer by—

(4) Die skriftelike mededeling ingevolge subartikel (3)*(c)*—

(a) moet volle besonderhede van die aangeleenthede wat gedelegeer of opgedra word en die voorwaardes bepaal ingevolge subartikel (3)*(a)* bevat; en

(b) indien die bevoegdheid om te subdelegeer of verder op te dra verleen is, moet daardie feit, asook voorwaardes ingevolge subartikel (3)*(b)* bepaal, vermeld word.

(5) Die raad kan, by besluit—

(a) 'n delegering of opdraging ingevolge subartikel (1) verleen wysig of herroep;

(b) enige besluit, anders as 'n besluit ten opsigte van 'n gedelegeerde of opgedraagde aangeleentheid deur die gedelegeerde of gemagtigde geneem wat 'n reg of aanspraak aan 'n derde party verleen, terugtrek en self oor die aangeleentheid besluit.

(6) Die Minister kan by kennisgewing in die *Staatskoerant*—

(a) die delegering deur die raad van enige besondere bevoegdheid of sy opdraging van enige besondere werksaamheid in die algemeen of in die omstandighede vermeld in die kennisgewing verbied;

(b) die omstandighede waaronder enige besondere bevoegdheid of werksaamheid van die raad gedelegeer, gesubdelegeer, opgedra of verder opgedra kan word, beperk;

(c) voorwaardes vir die delegering van enige besondere bevoegdheid of opdraging van enige besondere bevoegdheid voorskryf.

Hoof- uitvoerende beampte van Reguleerder

15. (1) Die Minister moet na oorlegpleging met die raad, 'n toepaslik gekwalifiseerde persoon as hoof- uitvoerende beampte van die Reguleerder aanstel.

(2) 'n Persoon is gediskwalifiseer om as hoof- uitvoerende beampte aangestel te word of aan te bly indien onderhewig aan enige van die diskwalifikasies in artikel 8(8)*(a)* tot *(e)* vermeld.

(3) 'n Hoof- uitvoerende beampte beklee die amp vir 'n tydperk van hoogstens drie jaar soos in die aanstellingsbrief uiteengesit en mag by verstryking van daardie ampstermyn heraangestel word.

(4) Die Minister kan te eniger tyd die hoof- uitvoerende beampte van daardie amp onthef—

(a) indien die hoof- uitvoerende beampte herhaaldelik versuim het om die ampspligte na behore uit te voer;

(b) indien die hoof- uitvoerende beampte vanweë enige liggaamlike of geestelike siekte of ongeskiktheid onbevoeg geword het om die werksaamhede van daardie amp te verrig of na behore te verrig; of

(c) weens wangedrag.

(5) *(a)* Die persoon wat onmiddellik voor die aangewese datum ingevolge artikel 44 van die vorige Wet aangestel was as uitvoerende beampte van die Raad vir Kernveiligheid, moet vanaf die aangewese datum tot die datum waarop die aanstelling van die eerste hoof- uitvoerende beampte van die Reguleerder van krag word, waarneem as die hoof- uitvoerende beampte van die Reguleerder.

(b) 'n Persoon wat aldus waarneem word nie verhinder om ingevolge subartikel (1) as hoof- uitvoerende beampte van die Reguleerder aangestel te word nie.

(6) Die hoof- uitvoerende beampte moet—

(a) verseker dat die werksaamhede van die Reguleerder ingevolge hierdie Wet verrig word;

(b) aan die raad verslag doen aangaande die behoorlike funksionering van die Reguleerder;

(c) 'n kernmagtiging in ooreenstemming met hierdie Wet uitreik;

(d) ooreenkomstig die Wet op Verslagdoening deur Publieke Entiteite, 1992 (Wet No. 93 van 1992), ten opsigte van die aktiwiteite van die Reguleerder 'n verslag vir elke finansiële jaar opstel en aan die raad voorlê vir goedkeuring;

(e) elke finansiële jaar, na oorleg met die raad en met die instemming van die Minister, 'n aksieplan van die aktiwiteite van die Reguleerder publiseer en versprei.

(7) Die raad moet die verslag vermeld in subartikel (6)*(d)*, soos deur hom goedgekeur, binne drie maande na die einde van die betrokke finansiële jaar aan die Minister deurstuur.

(8) Die hoof- uitvoerende beampte is die rekenpligtige beampte van die raad belas

(a) this Act, the Reporting by Public Entities Act, 1992, or any other law;
(b) the board.

(10) If the chief executive officer is for any reason unable to perform any of his or her functions, the chairperson of the board must appoint an employee of the Regulator to act as chief executive officer until the chief executive officer is able to resume those functions.

(11) An acting chief executive officer has all the powers and must perform all the duties of the chief executive officer.

Staff of Regulator

16. (1) Subject to the written directions of the board, the chief executive officer may appoint such staff for the Regulator as are necessary to perform the work arising from or connected with the Regulator's functions in terms of this Act.

(2) *(a)* The terms and conditions of service of the chief executive officer and other staff of the Regulator, including their remuneration, allowances, subsidies and other service benefits, are determined by the board.

(b) That remuneration and those allowances, subsidies and other service benefits must be determined in accordance with a system approved by the Minister with the agreement of the Minister of Finance.

(3) *(a)* The persons who, immediately before the specified date, were employees of the Council for Nuclear Safety appointed in terms of section 13(1) of the previous Act, or deemed by section 13(2) of that Act to have been so appointed, are, from that date, deemed to be employees of the Regulator who have been appointed in terms of subsection (1) of this section.

(b) The terms and conditions of service, allowances, subsidies and other service benefits that were applicable to those employees immediately before the specified date, continue, with effect from the specified date, to apply until re-determined by the board in terms of subsection (2).

(c) The terms and conditions of service, allowances, subsidies and other service benefits so re-determined, may not be less than those applicable before the re-determination.

(d) Those employees' respective periods of pensionable service with the Council for Nuclear Safety or its predecessor in terms of any law must be regarded as pensionable service for the purpose of membership of any pension fund or scheme of which they are members after the specified date.

(e) The leave which has been accumulated by each of those employees while in the service of the Council for Nuclear Safety must be regarded as if it were leave accumulated by such an employee in the service of the Regulator.

(4) Subject to subsection (5), the Regulator is regarded to be an associated institution for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963).

(5) The board may, with the approval of the Minister granted with the agreement of the Minister of Finance, establish, manage and administer any pension or provident fund or medical scheme for the benefit of the staff of the Regulator for the benefit of its employees or have such a scheme or fund managed or administered by any other body or person.

(6) Any pension or provident fund established by the Council for Nuclear Safety in terms of section 13(4)*(b)* of the previous Act is deemed to be a fund established in terms of subsection (5).

Funds of Regulator

17. (1) The funds of the Regulator consist of—
(a) money appropriated by Parliament;
(b) fees paid to the Regulator in terms of section 28; and
(c) donations or contributions received by the Regulator, with the approval of the Minister, from any source.

met die verantwoordelikheid om rekenskap van alle gelde ontvang en betalings gedoen en die bates van die Reguleerder te gee.

(9) Die hoof- uitvoerende beampte moet al die bevoegdhede uitoefen en al die pligte verrig wat deur—

(*a*) hierdie Wet, die Wet op Verslagdoening deur Publieke Entiteite, 1992, of enige ander wet;

(*b*) die raad,

aan die rekenpligtige beampte verleen of opgelê word.

(10) Indien die hoof- uitvoerende beampte weens enige rede nie in staat is om enige van sy of haar werksaamhede te verrig nie, moet die voorsitter van die raad 'n werknemer van die Reguleerder aanstel om as hoof- uitvoerende beampte waar te neem totdat die hoof- uitvoerende beampte in staat is om daardie werksaamhede te hervat.

(11) 'n Waarnemende hoof- uitvoerende beampte beskik oor al die bevoegdhede en moet al die werksaamhede van die hoof- uitvoerende beampte verrig.

Personeel van Reguleerder

16. (1) Die hoof- uitvoerende beampte kan, behoudens die skriftelike voorskrifte van die raad, die personeel aanstel wat nodig is om die werk voortspruitend uit of in verband met die werksaamhede van die Reguleerder ingevolge hierdie Wet te verrig.

(2) (*a*) Die bedinge en diensvoorwaardes van die hoof- uitvoerende beampte en ander personeel van die Reguleerder, insluitende hul vergoeding, toelaes, subsidies en ander diensvoordele, word deur die raad bepaal.

(*b*) Daardie vergoeding en sodanige toelaes, subsidies en ander diensvoorwaardes moet bepaal word ooreenkomstig 'n stelsel wat deur die Minister met die instemming van die Minister van Finansies goedgekeur word.

(3) (*a*) Die persone wat onmiddellik voor die aangewese datum ingevolge artikel 13(1) van die vorige Wet as werknemers van die Raad vir Kernveiligheid aangestel was, of ingevolge artikel 13 (2) van daardie Wet geag word aldus aangestel te gewees het, word vanaf daardie datum geag aangestel te wees as werknemers van die Reguleerder ingevolge subartikel (1) van hierdie artikel.

(*b*) Die bedinge en diensvoorwaardes, toelaes, subsidies en ander diensvoordele wat op daardie werknemers onmiddellik voor die aangewese datum van toepassing was gaan voort en geld vanaf die aangewese datum totdat dit ingevolge subartikel (2) deur die raad herbepaal word.

(*c*) Die bedinge en diensvoorwaardes, toelaes, subsidies en ander diensvoordele wat aldus herbepaal word mag nie minder wees as dit wat voor die herbepaling van toepassing was nie.

(*d*) Daardie werknemers se onderskeie periodes van pensioendraende diens by die Raad vir Kernveiligheid of sy voorganger ingevolge enige wet word beskou as pensioendraende diens vir doeleindes van lidmaatskap van enige pensioenfonds of -skema waarvan hulle na die aangewese datum lede is.

(*e*) Die verlof wat deur elk van die werknemers opgeloop is tydens hul diens by die Raad vir Kernveiligheid word geag verlof opgeloop deur sodanige werknemer in diens van die Reguleerder te wees.

(4) Behoudens subartikel (5) word die Reguleerder geag 'n geassosieerde inrigting vir doeleindes van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), te wees.

(5) Die raad mag, met die toestemming van die Minister, toegestaan met die instemming van die Minister van Finansies, enige pensioen-, voorsorgfonds of mediese skema ten behoewe van die Reguleerder se werknemers instel, bestuur en administreer of sodanige fonds of skema deur enige ander persoon of instansie laat bestuur en administreer.

(6) Enige pensioen of voorsorgfonds opgerig deur die Raad vir Kernveiligheid ingevolge artikel 13(4)(*b*) van die vorige Wet word geag 'n fonds te wees opgerig ingevolge subartikel (5).

Fondse van Reguleerder

17. (1) Die fondse van die Reguleerder bestaan uit—

(*a*) geld deur die Parlement bewillig;

(*b*) gelde betaal aan die Reguleerder ingevolge artikel 28; en

(*c*) bydraes of skenkings wat deur die Reguleerder met die goedkeuring van die Minister uit enige bron ontvang is.

(2) The Regulator must, within the constraints of its statement referred to in subsection (7), utilise its funds for the defrayal of the expenses incurred by it in the performance of its functions in terms of this Act.

(3) The chief executive officer must—

(a) open an account in the name of the Regulator with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and

(b) deposit therein all money received in terms of subsection (1).

(4) The chief executive officer may, on behalf of the Regulator, invest any money received in terms of subsection (1) which is not required for immediate use—

(a) with the approval of the Minister, with the Public Investment Commissioners referred to in section 2 of the Public Investment Commissioners Act, 1984 (Act No. 45 of 1984); or

(b) with such other institution as the board and the Minister, with the agreement of the Minister of Finance, determine.

(5) The Regulator may use interest derived from the investment contemplated in subsection (4) to defray expenses in connection with the performance of its functions in terms of this Act.

(6) The Regulator may, with the approval of the Minister, granted with the agreement of the Minister of Finance—

(a) authorise the establishment of such reserve funds as it considers necessary or expedient; and

(b) deposit such amounts therein,

as it considers necessary or expedient.

(7) The Regulator must in each financial year, at such time as determined by the Minister, submit a statement of its estimated income and expenditure for the following financial year to the Minister for his or her approval, granted with the agreement of the Minister of Finance.

(8) The Auditor-General must externally audit the Regulator.

Financial year of Regulator

18. The Regulator's financial year is from 1 April in any year to 31 March in the following year, but the first financial year is from the specified date to 31 March in the following year.

Judicial management and liquidation of Regulator

19. Despite the provisions of any other law, the Regulator may not be placed under judicial management or in liquidation except if authorised by an Act of Parliament adopted specially for that purpose.

CHAPTER 3

NUCLEAR AUTHORISATION

Restrictions on certain actions

20. (1) No person may site, construct, operate, decontaminate or decommission a nuclear installation, except under the authority of a nuclear installation licence.

(2) No vessel which is propelled by nuclear power or which has on board any radioactive material capable of causing nuclear damage may—

(a) anchor or sojourn in the territorial waters of the Republic; or

(b) enter any port of the Republic,

except under the authority of a nuclear vessel licence.

(3) No person may engage in any action described in section 2(1)*(c)* other than any action contemplated in subsection (1) or (2), except under the authority of a certificate of registration or a certificate of exemption.

(2) Die Reguleerder moet, binne die beperkings van sy staat in subartikel (7) bedoel, sy fondse vir die bestryding van die kostes wat opgeloop is in die uitoefening van sy werksaamhede ingevolge hierdie Wet aanwend.

(3) Die hoof- uitvoerende beampte moet—

(a) 'n bankrekening in die naam van die Reguleerder open by 'n instelling wat ingevolge die Bankwet, 1990 (Wet No. 94 van 1990), as bank geregistreer is; en

(b) daarin alle gelde wat ingevolge subartikel (1) ontvang is, deponeer.

(4) Die hoof- uitvoerende beampte kan ten behoewe van die Reguleerder gelde ontvang ingevolge subartikel (1) wat nie vir onmiddellike gebruik benodig word nie, belê—

(a) by die Openbare Beleggingskommissarisse bedoel in artikel 2 van die Wet op Openbare Beleggingskommissarisse, 1984 (Wet No. 45 van 1984), met die goedkeuring van die Minister; of

(b) by sodanige ander instelling as wat die raad en die Minister, met die instemming van die Minister van Finansies, bepaal.

(5) Die Reguleerder kan die rente wat verkry word uit die belegging beoog in subartikel (4) aanwend ter bestryding van uitgawes in verband met die verrigting van sy werksaamhede ingevolge hierdie Wet.

(6) Die Reguleerder mag met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies—

(a) die instelling van sodanige reserwe fondse magtig as wat hy nodig of dienstig ag; en

(b) daarin die bedrae stort wat hy nodig of dienstig ag.

(7) Die Reguleerder moet in elke finansiële jaar, op die tydstip deur die Minister bepaal, 'n staat van sy geraamde inkomste en uitgawes vir die volgende finansiële jaar aan die Minister voorlê vir sy of haar goedkeuring, verleen met die instemming van die Minister van Finansies.

(8) Die Ouditeur-generaal doen 'n eksterne oudit van die Reguleerder.

Finansiële jaar van Reguleerder

18. Die finansiële jaar van die Reguleerder strek vanaf 1 April in enige jaar tot 31 Maart die volgende jaar, maar die eerste finansiële jaar strek vanaf die aangewese datum tot 31 Maart die volgende jaar.

Geregtelike bestuur en likwidasie van Reguleerder

19. Ondanks die bepalings van enige ander wet mag die Reguleerder nie onder geregtelike bestuur of in likwidasie geplaas word nie, behalwe as dit deur 'n Wet van die Parlement, spesiaal vir daardie doeleindes verorden, gemagtig word.

HOOFSTUK 3

KERNMAGTIGING

Beperkings op sekere handelinge

20. (1) Geen persoon mag 'n kerninstallasie aanlê, oprig, bedryf, ontsmet of buite diens stel behalwe op gesag van 'n kerninstallasielisensie.

(2) Geen kernaangedrewe vaartuig of 'n vaartuig wat enige radioaktiewe materiaal wat kernskade kan veroorsaak aan boord het, mag—

(a) anker of vertoef binne die territoriale waters van die Republiek nie; of

(b) enige hawe in die Republiek binnegaan nie,

behalwe op gesag van 'n kernvaartuiglisensie.

(3) Geen persoon mag betrokke raak in enige handeling omskryf in artikel 2(1)*(c)* nie, anders as 'n handeling beoog in subartikels (1) en (2), behalwe op gesag van 'n registrasie- of vrystellingsertifikaat.

Application for nuclear installation or vessel licence

21. (1) Any person wishing to site, construct, operate, decontaminate or decommission a nuclear installation may apply in the prescribed format to the chief executive officer for a nuclear installation licence and must furnish such information as the board requires.

(2) Any person wishing to—

(a) anchor or sojourn in the territorial waters of the Republic; or

(b) enter any port in the Republic,

with a vessel which is propelled by nuclear power or which has on board any radioactive material capable of causing nuclear damage, may apply to the chief executive officer for a nuclear vessel licence and must furnish such information as the board requires.

(3) The chief executive officer must direct the applicant for a nuclear installation or vessel licence to—

(a) serve a copy of the application upon—

(i) every municipality affected by the application; and

(ii) such other body or person as the chief executive officer determines; and

(b) publish a copy of the application in the *Gazette* and two newspapers circulating in the area of every such municipality.

(4) *(a)* Any person who may be directly affected by the granting of a nuclear installation or vessel licence pursuant to an application in terms of subsection (1) or (2), may make representations to the board, relating to health, safety and environmental issues connected with the application, within 30 days of the date of publication in the *Gazette* contemplated in subsection (3)*(b)*.

(b) If the board is of the opinion that further public debate is necessary, it may arrange for such hearings on health, safety and environmental issues as it determines.

(5) Subject to the board's approval, the chief executive officer may—

(a) refuse an application for a nuclear installation or vessel licence and must provide the applicant in writing with the reasons for the refusal; or

(b) grant an application for a nuclear installation licence or nuclear vessel licence subject to such conditions as may be determined in terms of section 23.

Application for certificate of registration or exemption for certain actions

22. (1) Any person wishing to engage in any action described in section 2(1)*(c)* may apply in the prescribed format to the chief executive officer for a certificate of registration or a certificate of exemption and must furnish such information as the board requires.

(2) The chief executive officer may direct that the applicant for a certificate of registration—

(a) serve a copy of the application upon—

(i) every municipality affected by the application; and

(ii) such other body or person as the chief executive officer determines; and

(b) publish a copy of the application in the *Gazette* and two newspapers circulating in the area of every such municipality.

(3) The chief executive officer may, with the approval of the board—

(a) refuse to grant an application for a certificate of exemption or a certificate of registration made in terms of subsection (1) and must provide the applicant in writing with the reasons for the refusal; or

(b) issue—

(i) a certificate of registration subject to such conditions as may be determined in terms of section 23; or

(ii) a certificate of exemption if satisfied that the action in question complies with the exemption criteria specified in the safety standards contemplated in section 36.

Aansoek om kerninstallasie- of kernvaartuiglisensie

21. (1) Enige persoon wat 'n kerninstallasie wil aanlê, oprig, bedryf, ontsmet of buite diens stel, kan om 'n kerninstallasielisensie by die hoof- uitvoerende beampte aansoek doen op die voorgeskrewe wyse en moet sodanige inligting as wat die raad verlang, verskaf.

(2) Enige persoon wat begerig is om—

(a) te anker of te vertoef in die territoriale waters van die Republiek; of

(b) enige hawe in die Republiek binne te gaan;

met 'n kernaangedrewe vaartuig of 'n vaartuig wat radioaktiewe materiaal wat kernskade kan veroorsaak aan boord het, kan by die hoof- uitvoerende beampte aansoek doen vir 'n kernvaartuiglisensie en moet sodanige inligting as wat die raad verlang, verskaf.

(3) Die hoof- uitvoerende beampte moet die aansoeker om 'n kerninstallasie- of kernvaartuiglisensie aansê om—

(a) 'n afskrif van die aansoek beteken op—

(i) elke munisipaliteit wat geraak word deur die aansoek; en

(ii) sodanige ander liggaam of persoon as wat die hoof-uitvoerende beampte bepaal; en

(b) 'n afskrif van die aansoek in die *Staatskoerant* en twee koerante in omloop in die gebied van elke sodanige munisipaliteit, publiseer.

(4) *(a)* Enige persoon wat direk deur die toestaan van 'n kerninstallasie- of kernvaartuiglisensie ooreenkomstig 'n aansoek ingevolge subartikel (1) of (2), geraak word, kan binne 30 dae vanaf die datum van publikasie in die *Staatskoerant* beoog in subartikel (3)*(b)* vertoë met betrekking tot gesondheids-, veiligheids-, of omgewingsaangeleenthede wat met die aansoek verband hou aan die raad rig.

(b) Indien die raad van mening is dat verdere openbare debat nodig is, kan hy reëlings tref vir verhore ten opsigte van gesondheids-, veiligheids- en omgewingsaangeleenthede soos wat hy bepaal.

(5) Behoudens die goedkeuring van die raad kan die hoof- uitvoerende beampte—

(a) die toestaan van 'n kerninstallasie- of kernvaartuiglisensie weier en moet die aansoeker skriftelik van die redes vir sodanige weiering voorsien; of

(b) 'n aansoek om 'n kerninstallasie- of kernvaartuiglisensie toestaan onderworpe aan sodanige voorwaardes as wat ingevolge artikel 23 bepaal mag word.

Aansoek om registrasiesertifikaat of vrystellingsertifikaat vir sekere handelinge

22. (1) Enige persoon wat betrokke wil raak by enige handeling omskryf in artikel 2(1)*(c)*, kan by die hoof- uitvoerende beampte om 'n registrasie- of vrystellingsertifikaat op die voorgeskrewe wyse aansoek doen en moet die inligting verskaf wat die raad verlang.

(2) Die hoof- uitvoerende beampte kan bepaal dat die aansoeker om 'n registrasiesertifikaat—

(a) 'n afskrif van die aansoek beteken op—

(i) elke munisipaliteit wat deur die aansoek geraak word; en

(ii) sodanige ander liggaam of persoon as wat die hoof- uitvoerende beampte bepaal; en

(b) 'n afskrif van die aansoek in die *Staatskoerant* en twee koerante in omloop in die gebied van elke sodanige munisipaliteit publiseer.

(3) Die hoof- uitvoerende beampte kan, met die goedkeuring van die raad—

(a) die toestaan van 'n aansoek om 'n vrystelling- of registrasiesertifikaat ingevolge subartikel (1) weier en moet die aansoeker skriftelik van die redes vir die weiering voorsien; of

(b) (i) 'n registrasiesertifikaat uitreik onderworpe aan sulke voorwaardes as wat ingevolge artikel 23 bepaal mag word; of

(ii) 'n vrystellingsertifikaat uitreik indien van mening dat die betrokke handeling voldoen aan die vrystellingsvlakke bedoel in artikel 36.

Conditions relating to nuclear installation licence, nuclear vessel licence or certificate of registration

23. (1) The chief executive officer may establish standard conditions applicable to one or more categories of certificates of registration.

(2) The chief executive officer may, subject to subsection (3), impose any condition in a nuclear installation or vessel licence or certificate of registration which—

(a) is necessary to ensure the protection of persons, property and the environment against nuclear damage; or

(b) provides for the rehabilitation of the site.

(3) The chief executive officer—

(a) may, subject to paragraph *(c)*, amend any condition in a nuclear installation or vessel licence or certificate of registration;

(b) must notify the person in writing to whom the nuclear installation or vessel licence or certificate of registration was issued of such amendment and the reasons therefor; and

(c) must submit to the board any amendments made to a nuclear authorisation as contemplated in paragraph *(a)* for ratification at the first meeting of the board following the amendments.

Special conditions relating to nuclear vessel licence

24. (1) The chief executive officer may include in a nuclear vessel licence—

(a) conditions relating to—

(i) liability for nuclear damage which may determine, limit or preclude liability, despite any provisions to the contrary in any other law; or

(ii) security for nuclear damage and the manner of providing the security, as determined by the Minister;

(b) any other conditions as the chief executive officer considers necessary to ensure compliance with the safety standards contemplated in section 36;

(c) if the vessel in question is 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 is registered.

(2) Any provision included in an agreement referred to in subsection (1)*(c)* which could be included in terms of subsection (1)*(a)* or *(b)* as a condition of a nuclear vessel licence, is considered to be a condition of that licence, even if it is not expressly embodied in the relevant licence as a condition thereof.

(3) Subject to the terms of any agreement referred to in subsection (1)*(c)*, the chief executive officer may amend or repeal any condition imposed in terms of this section.

(4) A nuclear vessel licence is valid for such period as is determined by the chief executive officer, and may from time to time be renewed for any further period.

(5) The holder of a nuclear vessel licence is not, solely because of the expiry of that licence, relieved of liability for nuclear damage resulting from anything which occurred or which was done or omitted during the currency of that licence.

(6) The chief executive officer must exercise the powers conferred by this section on behalf of the board and subject to the Minister's directions.

Voorwaardes betreffende kerninstallasielisensie, kernvaartuiglisensie of registrasiesertifikaat

23. (1) Die hoof- uitvoerende beampte kan standaardvoorwaardes ten opsigte van een of meer kategorieë registrasiesertifikate instel.

(2) Die hoof- uitvoerende beampte kan, behoudens subartikel (3), enige voorwaarde oplê in 'n kerninstallasie- of kernvaartuiglisensie of registrasiesertifikaat wat—

(a) nodig is om die beskerming van persone, eiendom en die omgewing teen kernskade te verseker; of

(b) voorsiening maak vir die rehabilitasie van die terrein.

(3) Die hoof- uitvoerende beampte—

(a) kan, behoudens paragraaf *(c)*, enige voorwaarde in 'n kerninstallasie- of kernvaartuiglisensie of registrasiesertifikaat wysig;

(b) moet die persoon aan wie die kerninstallasie- of kernvaartuiglisensie of registrasiesertifikaat toegestaan is, skriftelik van sodanige wysiging en die redes daarvoor in kennis stel; en

(c) moet enige wysigings aan 'n kernmagtiging beoog in paragraaf *(a)* vir bekragtiging tydens die eerste vergadering van die raad na die aanbring van die wysigings aan die raad voorlê.

Spesiale voorwaardes betreffende kernvaartuiglisensie

24. (1) Die hoof- uitvoerende beampte kan in 'n kernvaartuiglisensie insluit—

(a) voorwaardes met betrekking tot—

(i) aanspreeklikheid vir kernskade wat ondanks bepalings tot die teendeel in enige ander wet bepaal, beperk of uitsluit; of

(ii) waarborge vir kernskade en die wyse soos deur die Minister bepaal, waarop die waarborg verskaf moet word;

(b) enige ander voorwaardes wat die hoof- uitvoerende beampte nodig ag om nakoming van die veiligheidstandaarde bedoel in artikel 36, te verseker;

(c) indien die betrokke vaartuig buite die Republiek geregistreer is, die toepaslike bedinge van enige ooreenkoms tussen die Regering van die Republiek en die regering van die land waarin die vaartuig geregistreer is.

(2) Enige bepaling ingesluit in 'n ooreenkoms bedoel in subartikel (1)*(c)* wat ingevolge subartikel (1)*(a)* of *(b)* as 'n voorwaarde vir 'n kernvaartuiglisensie ingesluit kan word, word geag 'n voorwaarde van daardie lisensie te wees, selfs al is dit nie uitdruklik in die betrokke lisensie as 'n voorwaarde daarvoor vervat nie.

(3) Die hoof- uitvoerende beampte kan, behoudens die bedinge van enige ooreenkoms beoog in subartikel (1)*(c)*, enige voorwaarde ingevolge hierdie Wet opgelê, wysig of intrek.

(4) 'n Kernvaartuiglisensie is geldig vir die tydperk wat deur die hoof- uitvoerende beampte bepaal word en kan van tyd tot tyd vir enige verdere tydperk hernu word.

(5) Die houer van 'n kernvaartuiglisensie is nie bloot omdat daardie lisensie verval het, vrygestel van aanspreeklikheid vir kernskade wat voortspruit uit enigiets wat gebeur het of gedoen is of nagelaat is gedurende die geldigheidsduur van daardie lisensie nie.

(6) Die hoof- uitvoerende beampte verrig die bevoegdhede deur hierdie artikel verleen namens die raad en onderhewig aan die voorskrifte van die Minister.

Prohibition on transfer of nuclear authorisation

25. A nuclear authorisation is not transferable.

Responsibilities of holders of nuclear authorisations

26. (1) The holder of a nuclear authorisation must, at all times, display copies of that authorisation at such places and in such languages and form as determined by the chief executive officer to ensure public access to the conditions specified in the authorisation.

(2) The holder of a nuclear authorisation must implement an inspection programme to ensure compliance with all conditions of the nuclear authorisation.

(3) The holder of a nuclear authorisation must provide any information or monthly return as required by the chief executive officer.

(4) The holder of a nuclear installation licence must establish a public safety information forum as prescribed in order to inform the persons living in the municipal area in respect of which an emergency plan has been established in terms of section 38(1) on nuclear safety and radiation safety matters.

Revocation and surrender of nuclear authorisation

27. (1) The chief executive officer may, with the approval of the board, revoke a nuclear authorisation.

(2) The holder of a nuclear authorisation may surrender that authorisation.

(3) If a nuclear authorisation has been revoked or surrendered in terms of subsection (1) or (2), the holder of the nuclear authorisation concerned must—

(a) if so directed by the chief executive officer, deliver to the person appointed by the chief executive officer, or account for, such nuclear authorisation; and

(b) for the duration of his or her period of responsibility, display, or cause to be displayed, on the relevant site or the vessel in respect of which a nuclear authorisation has been granted, such notices as directed by the chief executive officer.

(4) On revocation or surrendering of a nuclear authorisation, or at any time during the period of responsibility of the holder of that authorisation, the chief executive officer, in writing, may give any direction to the person liable for nuclear damage in terms of section 30, which the chief executive officer believes is necessary to prevent nuclear damage which—

(a) may be caused by anything which is being done, may be done or was done; or

(b) is or was present,

at or in the relevant nuclear installation or site.

Fees for nuclear authorisation

28. The Minister may, on the recommendation of the board and in consultation with the Minister of Finance and by notice in the *Gazette*, determine the fees payable to the Regulator in respect of—

(a) any application for the granting of a nuclear authorisation;

(b) an annual nuclear authorisation fee.

CHAPTER 4

FINANCIAL SECURITY AND LIABILITY

Financial security by holder of nuclear installation licence

29. (1) The Minister must, on the recommendation of the board and by notice in the *Gazette*, categorise the various nuclear installations in the Republic, based on the potential consequences of a nuclear accident.

(2) The Minister must, on the recommendation of the board and in consultation with the Minister of Finance and by notice in the *Gazette*, determine—

(a) the level of financial security to be provided by holders of nuclear installation licences in respect of each of those categories; and

(b) the manner in which that financial security is to be provided,

Verbod op oordra van kernmagtiging

25. 'n Kernmagtiging is nie oordraagbaar nie.

Verantwoordelikhede van houers van kernmagtigings

26. (1) Die houer van 'n kernmagtiging moet te alle tye afskrifte van daardie magtiging vertoon op die plekke en in die tale en vorm wat die hoof- uitvoerende beampte bepaal ten einde te verseker dat die publiek toegang het tot die voorwaardes gespesifiseer in die magtiging.

(2) Die houer van 'n kernmagtiging moet 'n inspeksieprogram implementeer om die nakoming van al die voorwaardes van die kernmagtiging te verseker.

(3) Die houer van 'n kernmagtiging moet enige inligting of maandelikse opgawe wat die hoof- uitvoerende beampte vereis, verskaf.

(4) Die houer van 'n kerninstallasielisensie moet 'n openbare veiligheidsinligtingsforum instel soos voorgeskryf ten einde die publiek woonagtig in die munisipale gebied ten opsigte waarvan 'n noodplan ingevolge artikel 38 ingestel is rakende kernveiligheid en stralingsveiligheidsaangeleenthede in te lig.

Herroeping en afstanddoening van kernmagtiging

27. (1) Die hoof- uitvoerende beampte mag met die goedkeuring van die raad 'n kernmagtiging herroep.

(2) Die houer van 'n kernmagtiging kan daarvan afstand doen.

(3) Indien 'n kernmagtiging ingevolge subartikel (1) of (2) herroep of afstand van gedoen is, moet die houer van die betrokke kernmagtiging—

(a) indien deur die hoof- uitvoerende beampte daartoe gelas, aan die persoon deur die hoof- uitvoerende beampte aangestel, sodanige kernmagtiging oorhandig of daarvan rekenskap gee; en

(b) vir die duur van sy of haar verantwoordelikheidstydperk sodanige kennisgewings wat deur die hoof- uitvoerende beampte voorgeskryf is, vertoon of toesien dat dit vertoon word op die betrokke terrein of die vaartuig ten opsigte waarvan 'n kernmagtiging toegestaan is.

(4) By herroeping of afstanddoening van 'n kernmagtiging, of te eniger tyd gedurende die verantwoordelikheidstydperk van die houer van daardie magtiging, kan die hoof- uitvoerende beampte skriftelik enige opdrag gee aan die persoon wat ingevolge artikel 26(1) vir kernskade aanspreeklik is, welke opdrag die hoof- uitvoerende beampte glo nodig is om kernskade te verhoed wat—

(a) veroorsaak word deur enigiets wat gedoen word, gedoen kan word of gedoen was; of

(b) teenwoordig is of was,

op of in die betrokke kerninstallasie of terrein.

Gelde vir kernmagtiging

28. Die Minister kan op aanbeveling van die raad en in oorleg met die Minister van Finansies en by kennisgewing in die *Staatskoerant* die gelde bepaal betaalbaar aan die Reguleerder ten opsigte van—

(a) enige aansoek om die toestaan van 'n kernmagtiging;

(b) 'n jaarlikse kernmagtigingsfooi.

HOOFSTUK 4

FINANSIËLE SEKERHEID EN AANSPREEKLIKHEID

Finansiële sekerheid deur houer van kerninstallasielisensie

29. (1) Die Minister moet, op aanbeveling van die raad en by kennisgewing in die *Staatskoerant*, die verskeie kerninstallasies in die Republiek kategoriseer, gebaseer op potensiële gevolge van 'n kernongeluk.

(2) Die Minister moet, op aanbeveling van die raad en in oorleg met die Minister van Finansies en by kennisgewing in die *Staatskoerant*—

(a) die vlak van finansiële sekerheid bepaal wat deur houers van kerninstallasielisensies ten opsigte van elk van daardie kategorieë verskaf moet word; en

(b) die wyse bepaal waarop daardie finansiële sekerheid verskaf moet word,

in order for the holder of a nuclear installation licence to fulfil any liability which may be incurred in terms of section 30.

(3) Despite subsection (2), the Minister may, after consultation with the board, for so long as the holder of a nuclear installation licence may be liable for nuclear damage—

(a) increase or decrease the level of financial security to be provided by that holder as determined in terms of subsection (2);

(b) if financial security has not been required in terms of subsection (2) require that holder to provide financial security;

(c) discharge that holder from the requirement to provide financial security;

(d) amend the manner in which that holder must provide financial security.

(4) If—

(a) nuclear damage occurs and compensation is claimed as a result thereof; or

(b) the Minister is satisfied that such compensation is likely to be so claimed,

the Minister may require the holder of the nuclear installation licence in question to give additional financial security in respect of those claims or possible claims, to an amount which the Minister, after consultation with the board, determines.

(5) The holder of a nuclear installation licence must annually provide proof to the Regulator that any claim for compensation to an amount contemplated in section 30(2), can be met.

Strict liability of holder of nuclear installation licence for nuclear damage

30. (1) Subject to subsections (2), (3), (5) and (6), only a holder of a nuclear installation licence is, whether or not there is intent or negligence on the part of the holder, liable for all nuclear damage caused by or resulting from the relevant nuclear installation during the holder's period of responsibility—

(a) by anything being present or which is done at or in the nuclear installation or by any radioactive material or material contaminated with radioactivity which has been discharged or released, in any form, from the nuclear installation; or

(b) by any radioactive material or material contaminated with radioactivity which is subject to the nuclear installation licence, while in the possession or under the control of the holder of that licence during the conveyance thereof from the nuclear installation, to any other place in the Republic or in the territorial waters of the Republic from or to any place in or outside the Republic.

(2) The liability for nuclear damage by any holder of a nuclear installation licence is limited, for each nuclear accident, to the amounts determined in terms of section 29(2).

(3) The liability contemplated in subsection (1)*(b)* ends upon the relevant material coming—

(a) onto another site in respect of which a nuclear installation licence has been granted; or

(b) onto a site or into the possession or the control of any person authorised in terms of section 3A of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), where such material is a Group IV hazardous substance as defined in section 1 of that Act.

(4) For the purposes of subsection (1) radioactive material or material contaminated with radioactivity which is being conveyed on behalf of the holder of a nuclear installation licence is regarded to be in the possession or under the control of the holder of that licence.

(5) Nothing in this section precludes a person from claiming a benefit in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), but such person may not benefit both in terms of this Act and the Compensation for Occupational Injuries and Diseases Act, 1993.

(6) The holder of a nuclear installation licence is not liable to any person for any nuclear damage—

(a) to the extent to which such nuclear damage is attributable to the presence of that person or any property of that person at or in the nuclear installation or on the site in respect of which the nuclear installation licence has been granted, without the permission of the holder of that licence or of a person acting on behalf of that holder; or

ten einde die houer van 'n kerninstallasielisensie in staat te stel om enige verpligting wat ingevolge artikel 30 opgeloop mag word, na te kom.

(3) Ondanks subartikel (2), kan die Minister, na oorlegpleging met die raad, vir solank as wat die houer van 'n kerninstallasielisensie vir kernskade aanspreeklik mag wees—

(a) die vlak van finansiële sekerheid soos bepaal ingevolge subartikel (2) wat deur daardie houer verskaf moet word, verhoog of verlaag;

(b) indien finansiële sekerheid nie ingevolge subartikel (2) vereis is nie, vereis dat die houer finansiële sekerheid verskaf;

(c) daardie houer kwytskeld van die vereiste om finansiële sekerheid te verskaf;

(d) die wyse waarop daardie houer finansiële sekerheid moet verskaf, wysig.

(4) Indien—

(a) kernskade plaasvind en vergoeding as gevolg daarvan geëis word; of

(b) die Minister tevrede is dat sodanige vergoeding waarskynlik geëis sal word,

kan die Minister van die betrokke houer van die kerninstallasielisensie vereis om aanvullende finansiële sekerheid ten opsigte van daardie eise of moontlike eise te verskaf in die bedrag wat die Minister na oorlegpleging met die raad bepaal.

(5) Die houer van 'n kerninstallasielisensie moet jaarliks bewys aan die Reguleerder voorlê dat enige eis om vergoeding tot en met die bedrag bedoel in artikel 30(2) vereffen kan word.

Middellike aanspreeklikheid van houer van kerninstallasielisensie vir kernskade

30. (1) Behoudens subartikels (2), (3), (5) en (6) is slegs 'n houer van 'n kerninstallasielisensie, hetsy daar opset of nalatigheid aan die kant van die houer is, aanspreeklikheid vir alle kernskade veroorsaak deur of voortspruitend uit die kerninstallasie gedurende die houer se verantwoordelikheidstydperk—

(a) deur enigiets teenwoordig of wat by of in die kerninstallasie gedoen word, of deur enige radioaktiewe materiaal of materiaal wat met radioaktiwiteit besmet is en wat in enige vorm uit die kerninstallasie losgelaat of weggevoer word; of

(b) deur enige radioaktiewe materiaal of materiaal wat met radioaktiwiteit besmet is en wat onderworpe is aan die kerninstallasielisensie terwyl dit in die besit of onder beheer van die houer van daardie lisensie is tydens die vervoer daarvan, vanaf die kerninstallasie na enige ander plek in die Republiek of in die territoriale waters van die Republiek of vanaf of na enige plek binne of buite die Republiek.

(2) Die aanspreeklikheid vir kernskade deur enige houer van 'n kerninstallasielisensie is ten opsigte van elke kernongeluk beperk tot die bedrae bepaal ingevolge artikel 29(2).

(3) Die aanspreeklikheid bedoel in subartikel (1)*(b)* word beëindig wanneer die betrokke materiaal—

(a) op 'n ander terrein ten opsigte waarvan 'n kerninstallasielisensie uitgereik is, aankom; of

(b) op 'n terrein of in die besit of beheer van 'n persoon wat ingevolge artikel 3A van die Wet op Gevaarhoudende Stowwe, 1973, gemagtig is, aankom.

(4) Vir die doeleindes van subartikel (1) word radioaktiewe materiaal of materiaal wat met radioaktiwiteit besmet is wat ten behoewe van die houer van 'n kerninstallasielisensie vervoer word, geag in die besit en onder die beheer van die houer van daardie lisensie te wees.

(5) Niks in hierdie artikel verhoed enige persoon om aanspraak te maak op 'n voordeel ingevolge die Wet op Vergoeding vir Beroepsbeserings en -siektes, 1993 (Wet No. 130 van 1993), maar sodanige persoon mag nie voordeel ontvang ingevolge beide hierdie Wet en die Wet op Vergoeding vir Beroepsbeserings en -siektes, 1993, nie.

(6) Die houer van 'n kerninstallasielisensie is nie vir enige kernskade teenoor enige persoon aanspreeklik nie—

(a) in die mate waartoe sodanige kernskade toeskryfbaar is aan die teenwoordigheid van daardie persoon of enige eiendom van daardie persoon op of in 'n kerninstallasie of op die terrein of naby die radioaktiewe materiaal ten opsigte waarvan die kerninstallasielisensie verleen is, sonder die toestemming van die houer van daardie lisensie of 'n persoon wat namens daardie houer optree; of

(*b*) if that person intentionally caused, or intentionally contributed to, such damage.

(7) The holder of a nuclear installation licence retains any contractual right of recourse or contribution which the holder has against any person in respect of any nuclear damage for which that holder is liable in terms of subsection (1).

(8) Any person who, without a nuclear installation licence, carries out an action for which such a licence is required, is, whether or not there is intent or negligence on the part of that person, liable for all nuclear damage.

(9) Nothing in this section affects any right, which any person has in terms of any contract of employment, to benefits more favourable than those to which that person may be entitled in terms of this section.

Special provisions for liability for nuclear damage caused by vessels

31. If the chief executive officer has not determined any conditions for liability for nuclear damage as contemplated in section 24(1)*(a)*(i) for a holder of a nuclear vessel licence granted in respect of a vessel, the provisions of section 30 apply with the changes required by the context.

Liability of holder of certificate of registration for nuclear damage

32. (1) The liability of a holder of a certificate of registration, for any nuclear damage caused by or resulting from any action carried out by virtue of that certificate during his or her period of responsibility, must be determined in accordance with—

(*a*) the common law; or

(*b*) the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993),

as the case may be.

Claims for compensation in excess of maximum liability

33. (1) If—

(*a*) the total amount of claims for compensation against a holder of a nuclear installation licence; or

(*b*) the total amount of claims for compensation against such holder plus the estimated amount of claims for compensation likely to be required to be paid,

exceeds, or is likely to exceed, the amount for which that holder has given security in terms of section 29, the holder must immediately notify the board and the Minister thereof in writing.

(2) Such notice must include—

(*a*) particulars of the total number and amount of all such claims received; and

(*b*) an estimate of the number and amount of any other claims which may have to be satisfied.

(3) If on receipt of that notice, the Minister is satisfied that the total amount of claims for compensation against a holder of a nuclear installation licence that is unpaid, and of such claims as are likely to be made thereafter, will exceed the amount of security given by that holder in terms of section 29 in respect of such claims, the Minister must—

(*a*) table in Parliament a report on the nuclear damage in question, which recommends that Parliament appropriate funds for rendering financial assistance to the holder to the amount by which the claims exceed or are likely to exceed the security which is available; and

(*b*) by notice in the *Gazette* suspend the obligation to pay the claims in respect of that nuclear damage until Parliament has decided about the recommendation.

(4) The liability of a person who has provided or must provide financial security as contemplated in section 29, is not affected by any appropriation in terms of subsection (3)*(b)*.

(*b*) as daardie persoon opsetlik die oorsaak van die skade is of opsetlik daartoe bygedra het.

(7) Die houer van 'n kerninstallasielisensie behou enige kontraktuele verhaalsreg of reg op 'n bydrae wat die houer het teen enige persoon ten opsigte van enige skade waarvoor die houer ingevolge subartikel (1) aanspreeklik is.

(8) Enige persoon wat sonder 'n kerninstallasielisensie 'n handeling verrig waarvoor 'n lisensie vereis word, is, hetsy daar opset of nalatigheid aan die kant van daardie persoon is, is aanspreeklik vir alle kernskade.

(9) Niks in hierdie artikel raak enige reg wat enige persoon ingevolge enige dienskontrak het op voordele wat meer voordelig is as dit waarop daardie persoon ingevolge hierdie artikel geregtig mag wees nie.

Spesiale bepalings vir aanspreeklikheid vir kernskade deur vaartuie veroorsaak

31. Indien die hoof- uitvoerende beampte nie enige voorwaardes vir aanspreeklikheid vir kernskade bedoel in artikel 24(1)*(a)*(i) vir die houer van 'n kernvaartuiglisensie bepaal het nie, geld die bepalings van artikel 30 met die veranderinge deur die konteks vereis.

Aanspreeklikheid van houer van registrasiesertifikaat vir kernskade

32. Die aanspreeklikheid van 'n houer van 'n registrasiesertifikaat vir enige kernskade wat veroorsaak is of voortspruit uit enige handeling wat ooreenkomstig daardie sertifikaat verrig is gedurende sy of haar verantwoordelikheidstydperk, moet bepaal word ooreenkomstig—

(*a*) gemenereg; of

(*b*) die Wet op Vergoeding vir Beroepsbeserings en -siektes, 1993 (Wet No. 130 van 1993),

na gelang van die geval.

Vergoedingseise wat maksimum aanspreeklikheid oorskry

33. (1) Indien—

(*a*) die totale bedrag van eise om skadevergoeding teen die houer van 'n kerninstallasielisensie; of

(*b*) die totale bedrag van eise om skadevergoeding teen sodanige houer en die geskatte bedrag van skadevergoeding wat waarskynlik betaal sal moet word,

die bedrag oorskry of waarskynlik die bedrag waarvoor daardie houer ingevolge artikel 29 sekerheid verskaf het, sal oorskry, moet die houer onverwyld skriftelik die raad en die Minister daarvan in kennis stel.

(2) Sodanige kennisgewing moet—

(*a*) besonderhede van die totale getal en bedrag van alle sodanige eise wat ontvang is; en

(*b*) 'n skatting van die getal en bedrag van enige ander eise waaraan moontlik voldoen sal moet word.

(3) Indien die Minister by ontvangs van daardie kennisgewing tevrede is dat die totale bedrag van eise om skadevergoeding teen die betrokke houer wat nog nie betaal is nie, en van sodanige eise wat waarkynlik daarna ingestel sal word, die bedrag van sekerheid ten opsigte van sodanige eise deur daardie houer ingevolge artikel 29 verskaf sal oorskry, moet die Minister—

(*a*) 'n verslag oor die betrokke kernskade in die Parlement ter tafel lê waarin aanbeveel word dat die Parlement geld bewillig om finansiële hulp aan die houer te verleen tot die bedrag waarvan die eise die beskikbare sekerheid oorskry of waarskynlik sal oorskry; en

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

(4) Die aanspreeklikheid van 'n persoon wat finansiële sekerheid bedoel in artikel 29 verskaf het of moet verskaf, word nie deur enige bewilliging beoog in subartikel (3)*(b)* geraak nie.

(5) If Parliament has by resolution decided that funds to an amount specified in the report by the Minister be appropriated, no payment of any such claim for compensation arising out of the nuclear damage concerned may be made after the passing of such resolution without the approval of the Minister or an order of court.

(6) The giving of additional security by a holder of a nuclear installation licence in terms of section 29(4) does not affect the application of this section.

Prescription of actions

34. (1) Despite anything to the contrary in any other law, an action for compensation in terms of section 30, 31 or 32 may, subject to subsection (2), not be instituted after the expiration of a period of 30 years from—

(a) the date of the occurrence which gave rise to the right to claim that compensation; or

(b) the date of the last event in the course of that occurrence or succession of occurrences, if 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 that right.

(2) If the claimant concerned became aware, or by exercising reasonable care could have become aware, of—

(a) the identity of the holder of the nuclear authorisation concerned; and

(b) the facts from which the right to claim compensation arose,

during the period of 30 years contemplated in subsection (1), an action for compensation in terms of section 30, 31 or 32 may not be instituted after the expiration of a period of two years from the date on which he or she so became aware or could have become aware.

(3) The running of the period of two years referred to in subsection (2) is suspended from the date negotiations regarding a settlement by or on behalf of the claimant and the relevant holder of the nuclear authorisation are commenced in writing until the date any party notifies the other party that the negotiations are terminated.

Compensation for injuries of Regulator's employees

35. (1) If a person who is employed in any capacity by or on behalf of the Regulator, while so performing services, suffers a personal injury or contracts a disease attributable to ionizing radiation from any radioactive material, or to the flammable, explosive, poisonous or special properties of radioactive material, or to the ionizing radiation produced by any apparatus, and in respect of which no liability can be established in terms of section 30, 31 or 32, the Regulator must, subject to subsection (2)—

(a) defray all reasonable expenses incurred by or on behalf of such person in respect of any medical treatment, including, but not limited to, 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) Nothing in this section precludes an employee of the Regulator from claiming a benefit in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), but such employee may not benefit both in terms of this Act and the Compensation for Occupational Injuries and Diseases Act, 1993.

(3) Nothing in this section affects any right, which any person has in terms of any contract of employment, to benefits more favourable than those to which that person may be entitled in terms of this section.

(5) Indien die Parlement by resolusie besluit het dat fondse tot die bedrag wat in die verslag van die Minister uiteengesit is, bewillig word, mag geen betaling van enige sodanige eis om skadevergoeding wat uit die betrokke kernskade voortspruit, na aanname van die besluit gedoen word sonder die goedkeuring van die Minister of 'n hofbevel nie.

(6) Die verskaffing van bykomende sekerheid deur 'n houer van 'n kerninstallasielisensie ingevolge artikel 29(4) raak nie die toepassing van hierdie artikel nie.

Verjaring van handelinge

34. (1) Ondanks enigiets tot die teendeel in enige ander wet, kan 'n aksie vir skadevergoeding ingevolge artikel 30, 31 of 32, behoudens subartikel (2), nie ingestel word nie na verloop van 'n tydperk van 30 jaar vanaf—

(*a*) die datum van die gebeurtenis wat aanleiding gegee het tot die reg om daardie vergoeding te eis; of

(*b*) die datum waarop die laaste voorval in die loop van daardie gebeurtenis of reeks gebeurtenisse plaasgevind het in 'n geval waar daardie reg ontstaan het uit 'n voortdurende gebeurtenis of 'n reeks gebeurtenisse wat almal toe te skryf is aan 'n besondere voorval of die uitvoering van 'n besondere handeling.

(2) Indien die betrokke eiser bewus geword het of deur die uitoefening van redelike sorg bewus kon geword het van—

(*a*) die identiteit van die houer van die betrokke kernmagtiging; en

(*b*) die feite waaruit die reg om skadevergoeding te eis,

gedurende die 30 jaar bedoel in subartikel (1) ontstaan het, kan 'n eis om skadevergoeding ingevolge artikel 30, 31 of 32 nie ingestel word nie na verstryking van 'n tydperk van twee jaar vanaf die datum waarop hy of sy aldus bewus geword het of bewus kon geword het.

(3) Die loop van die tydperk van twee jaar beoog in subartikel (2) word opgeskort vanaf die datum waarop onderhandelinge aangaande 'n skikking deur of ten behoewe van 'n eis en die betrokke houer van die kernmagtiging skriftelik 'n aanvang geneem het tot die datum waarop enige party die ander party in kennis stel dat die onderhandelinge beëindig word.

Vergoeding vir beserings van werknemers van Reguleerder

35. (1) Indien die persoon wat in enige hoedanigheid by of ten behoewe van die reguleerder in diens is, terwyl sodanige dienste verrig word, 'n persoonlike besering opdoen of 'n siekte wat toegeskryf kan word aan die ioniserende straling van enige radioaktiewe materiaal of aan die ontvlambare, ontplofbare, giftige of spesiale eienskappe van radioaktiewe materiaal, of aan die ioniserende straling deur enige appraat veroorsaak en ten opsigte waarvan geen aanspreeklikheid ingevolge artikel 30, 31 of 32 bepaal kan word nie, moet die Reguleerder, behoudens subartikel (2)—

(*a*) alle redelike uitgawes opgeloop deur of ten behoewe van sodanige persoon ten opsigte van mediese behandeling, insluitende, maar nie beperk nie tot, die verskaffing en onderhoud van enige kunsmatige ledemaat of ander toestel wat deur sodanige besering of siekte genoodsaak word, betaal; en

(*b*) skadevergoeding ten opsigte van gestremdheid of dood deur sodanige besering of siekte veroorsaak, betaal.

(2) Niks in hierdie artikel verhoed 'n werknemer van die Reguleerder om 'n voordeel ingevolge die Wet op Vergoeding vir Beroepsbeserings en -siektes, 1993 (Wet No. 130 van 1993) te eis nie, maar sodanige werknemer mag nie voordele ingevolge beide hierdie Wet en die Wet op Vergoeding vir Beroepsbeserings en -siektes, 1993, ontvang nie.

(3) Niks in hierdie artikel raak enige reg wat enige persoon ingevolge enige dienskontrak het op voordele wat meer voordelig is as dit waarop daardie persoon ingevolge hierdie artikel geregtig mag wees nie.

CHAPTER 5

SAFETY AND EMERGENCY MEASURES

Safety standards and regulatory practices

36. (1) The Minister must, on the recommendation of the board, make regulations regarding safety standards and regulatory practices.

(2) Before any regulations are made in terms of subsection (1), the Minister must, by notice in the *Gazette*, invite the public to comment on the proposed regulations and consider that comment.

Duties regarding nuclear accidents and incidents

37. (1) If a nuclear accident occurs in connection with a nuclear installation, nuclear vessel or action, the holder of the nuclear authorisation in question must immediately report it to the Regulator and to any other person described in that nuclear authorisation.

(2) When the occurrence of a nuclear accident is so reported to the Regulator, it must—

(a) immediately investigate such accident and its causes, circumstances and effects;

(b) in such manner as it thinks 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 safety standards and regulatory practices contemplated in section 36;

(c) direct the holder of the nuclear authorisation in question to obtain the names, addresses and identification numbers of all persons who were during that period within that area; and

(d) if, of the opinion that it has not been informed of all persons who could have been present during that period within that area, publish by notice in the *Gazette* and in two publications of the daily newspapers in circulation in that area, the fact that a nuclear accident has occurred during that period within that area.

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

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

(4) The right of any person to claim compensation from a holder of a nuclear authorisation in terms of section 30 is not prejudiced by—

(a) the defining of any area or period in terms of subsection (2)*(b)*; or

(b) the failure to record the name of any person in terms of subsection (3).

(5) If a nuclear incident occurs on a site, the holder of the nuclear authorisation in question must report it to the Regulator within the period stipulated in that authorisation.

Emergency planning

38. (1) Where the possibility exists that a nuclear accident affecting the public may occur, the Regulator must direct the relevant holder of a nuclear authorisation, other than a holder of a certificate of exemption, to—

(a) enter into an agreement with the relevant municipalities and provincial authorities to establish an emergency plan within a period determined by the Regulator;

(b) cover the costs for the establishment, implementation and management of such emergency plan insofar as it relates to the relevant nuclear installation or any action contemplated in section 2(1)*(c)*; and

HOOFSTUK 5

VEILIGHEIDS- EN NOODMAATREËLS

Veiligheidstandaarde en regulerende praktyke

36. (1) Die Minister moet, op aanbeveling van die raad, regulasies rakende veiligheidstandaarde en regulerende praktyke uitvaardig.

(2) Alvorens enige regulasies ingevolge subartikel (1) uitgevaardig word, moet die Minister, by kennisgewing in die *Staatskoerant*, kommentaar uitnooi op die voorgestelde regulasies en daardie kommentaar oorweeg.

Pligte rakende kernongelukke en -voorvalle

37. (1) Indien 'n kernongeluk in verband met 'n kerninstallasie, kernvaartuig of handeling plaasvind, moet die houer van die betrokke kernmagtiging dit onverwyld by die Reguleerder en enige ander persoon in daardie kernmagtiging vermeld, aanmeld.

(2) Wanneer die plaasvind van 'n kernongeluk aldus aan die Reguleerder aangemeld word, moet hy—

- *(a)* onverwyld sodanige ongeluk en die oorsake, omstandighede en gevolge daarvan ondersoek;
- *(b)* op sodanige wyse as wat hy goedvind, besonderhede opteken van die tydperk waartydens en die gebied waarin, na sy oordeel, die risiko van kernskade verbonde aan die ongeluk die veiligheidstandaarde en regulerende praktyke beoog in artikel 36 oorskry;
- *(c)* die houer van die betrokke kernmagtiging gelas om die name, addresse en identifikasienommers van alle persone wat tydens daardie tydperk binne daardie gebied was, te bekom; en
- *(d)* indien hy van mening is dat hy nie op hoogte gestel is van al die persone wat gedurende daardie tydperk in daardie gebied aanwesig kon gewees het nie, by kennisgewing in die *Staatskoerant* en twee publikasies wat daagliks in daardie gebied in omloop is, die feit dat 'n kernongeluk gedurende daardie tydperk in daardie gebied plaasgevind het, bekend maak.

(3) *(a)* Die Reguleerder moet op die voorgeskrewe wyse rekord hou van die name van alle persone wat volgens sy inligting te eniger tyd gedurende die omskrewe tydperk in die omskrewe gebied was en van daardie besonderhede aangaande hulle wat voorgeskryf mag wees.

(b) Vir die doeleindes van die bewys van eise om skadevergoeding weens kernskade is enige sodanige rekord by die blote oorlegging daarvan deur iemand in 'n geregshof as getuienis toelaatbaar en is dit *prima facie*-bewys van die aanwesigheid van die betrokke persoon in die betrokke gebied gedurende die omskrewe tydperk.

(4) Die reg van enige persoon om ingevolge artikel 30 skadevergoeding van die houer van 'n kernmagtiging te eis word nie benadeel nie deur—

- *(a)* die omskrywing van enige gebied of tydperk ingevolge subartikel (2)*(b)*; of
- *(b)* die versuim om die naam van enige persoon ingevolge subartikel (3) op te teken.

(5) Indien 'n kernvoorval op 'n terrein plaasvind, moet die houer van die betrokke kernmagtiging dit binne die tydperk in daardie magtiging vermeld aan die Reguleerder rapporteer.

Noodbeplanning

38. (1) Waar die moontlikheid bestaan dat 'n kernongeluk, wat die publiek raak, mag plaasvind, moet die Reguleerder die betrokke houer van 'n kernmagtiging, anders as 'n houer van 'n vrystellingsertifikaat, gelas om—

- *(a)* 'n ooreenkoms te sluit met die betrokke munisipaliteite en provinsiale owerhede om 'n noodplan binne 'n tydperk deur die Reguleerder bepaal in te stel;
- *(b)* die koste van die instelling, implementering en bestuur van sodanige noodplan te dra, insoverre dit verband hou met die betrokke kerninstallasie of enige handeling bedoel in artikel 2(1)*(c)*; en

(c) submit such emergency plan for its approval.

(2) The Regulator must ensure that such emergency plan is effective for the protection of persons should a nuclear accident occur.

(3) When a nuclear accident occurs, the holder of a nuclear authorisation, other than a holder of a certificate of exemption, in question must implement the emergency plan as approved by the Regulator.

(4) The Minister may, on recommendation of the board and in consultation with the relevant municipalities, make regulations on the development surrounding any nuclear installation to ensure the effective implementation of any applicable emergency plan.

Record of nuclear installations

39. (1) The Regulator must keep—

(a) a record of the particulars;

(b) a map showing the location; and

(c) where applicable, diagrams showing the position and limits,

of nuclear installations in respect of which a nuclear installation licence has been granted.

(2) If the Regulator believes that a risk of nuclear damage—

(a) arising from anything done or being done; or

(b) which has been or is present,

at or in any nuclear installation in respect of which a nuclear installation licence is no longer in force, is within safety standards contemplated in section 36, it may remove the particulars in connection therewith from that record.

Record of nuclear accidents and incidents and access thereto

40. The Regulator must—

(a) keep and maintain a record of the details of every nuclear accident and nuclear incident;

(b) store that record safely;

(c) retain that record for 40 years from the date of the nuclear accident or nuclear incident; and

(d) on the request of any person, make that record available to that person.

Appointment and powers of inspectors

41. (1) The chief executive officer must, with the approval of the board and subject to section 16(2), appoint such number of suitably qualified inspectors to enforce compliance with the objects of the Regulator referred to in section 5.

(2) The chief executive officer must issue to every person appointed under subsection (1) a certificate to the effect that such person has been so appointed and restricting such person to the actions in respect of which he or she may exercise the powers and perform the duties conferred or imposed on an inspector in terms of this Act.

(3) When exercising his or her powers or performing his or her duties in terms of this Act, the inspector must on request by any interested person produce that certificate.

(4) Subject to the restrictions in the certificate contemplated in subsection (2), an inspector may—

(a) at all reasonable times enter—

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

(ii) any place which the inspector on reasonable grounds suspects to be a site on which there is a nuclear installation;

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

(c) sodanige noodplan vir die goedkeuring daarvan voor te lê.

(2) Die Reguleerder moet toesien dat sodanige noodplan doeltreffend is vir die beskerming van persone, sou 'n kernongeluk plaasvind.

(3) Wanneer 'n kernongeluk plaasvind, moet die houer van 'n kernmagtiging, uitgesluit 'n houer van 'n vrystellingsertifikaat, die noodplan soos deur die Reguleerder goedgekeur, toepas.

(4) Die Minister kan, op aanbeveling van die Raad en na oorlegpleging met die betrokke munisipaliteite, regulasies rakende die ontwikkeling van die gebied rondom enige kerninstallasie uitvaardig ten einde die doeltreffende toepassing van enige toepaslike noodplan te verseker.

Rekord van kerninstallasies

39. (1) Die Reguleerder moet—

(a) 'n rekord van die besonderhede;

(b) 'n kaart wat die ligging aandui; en

(c) waar van toepassing, diagramme wat die posisie en grense aantoon,

van kerninstallasies ten opsigte waarvan 'n kerninstallasielisensie uigereik is, hou.

(2) Indien die Reguleerder meen dat 'n risiko van kernskade—

(a) voortspruitend uit enigiets wat gedoen is of gedoen word; of

(b) wat teenwoordig is of was,

by of in enige kerninstallasie ten opsigte waarvan 'n kerninstallasielisensie nie meer van krag is nie, binne die veiligheidstandaarde beoog in artikel 36, kan hy die besonderhede in verband daarmee uit daardie rekord verwyder.

Rekord van kernongelukke en -voorvalle en toegang daartoe

40. Die Reguleerder moet—

(a) 'n rekord van die besonderhede van elke kernongeluk en kernvoorval hou en in stand hou;

(b) daardie rekord veilig bewaar;

(c) daardie rekord vir 40 jaar vanaf die datum van die kernongeluk of kernvoorval behou; en

(d) op versoek van enige persoon, daardie rekord aan daardie persoon beskikbaar maak.

Aanstelling en bevoegdhede van inspekteurs

41. (1) Die hoof- uitvoerende beampte moet met die goedkeuring van die raad en behoudens artikel 16(2) sodanige getal behoorlik gekwalifiseerde inspekteurs as wat nodig is, aanstel om nakoming van die oogmerke van die Reguleerder vermeld in artikel 5 te verseker.

(2) Die hoof- uitvoerende beampte moet aan elke persoon wat kragtens subartikel (1) aangestel is 'n sertifikaat uitreik met die strekking dat daardie persoon aldus aangestel is en beperk is tot die handelinge ten opsigte waarvan hy of sy die bevoegdhede het en die pligte kan uitvoer wat ingevolge hierdie Wet aan 'n inspekteur verleen of opgedra word.

(3) By die uitoefening van sy of haar bevoegdhede en die verrigting van sy of haar werksaamhede ingevolge hierdie Wet, moet die inspekteur op versoek van enige belanghebbende daardie sertifikaat toon.

(4) Behoudens die beperkings vervat in die sertifikaat bedoel in subartikel (2), kan 'n inspekteur—

(a) te alle redelike tye—

(i) enige kerninstallasie of -aanleg ten opsigte waarvan 'n aansoek om 'n kerninstallasielisensie gedoen is of waarvoor so 'n lisensie toegestaan is, betree;

(ii) enige plek wat die inspekteur op redelike gronde vermoed 'n aanleg is waarop daar 'n kerninstallasie is, betree;

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

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

(v) any place where the inspector on reasonable grounds suspects that radioactive material is kept or present or any action prohibited in terms of section 20 is being carried out;

(b) carry out inspections and use any applicable equipment during such inspections at any of the nuclear installations, sites or places referred to in paragraph *(a)* and conduct such investigations as are necessary for the purpose of monitoring or enforcing compliance with this Act;

(c) if necessary for the purposes of monitoring or enforcing compliance with this Act, direct in writing the holder of or the applicant for a nuclear authorisation, or any other person having any power or duty in connection with or on the relevant nuclear installation, site or place referred to in paragraph *(a)*, to—

(i) allow the inspector to take away for investigation the articles or objects pointed out by the inspector;

(ii) allow the inspecting of the documents specified by the inspector, and to make copies thereof;

(iii) furnish to the inspector information which is under his or her control;

(d) after signing for any object or document, or copies thereof, remove it for investigation;

(e) if any action contemplated in section 20, or any condition associated with such action, does not comply with the requirements laid down in the nuclear authorisation, or with the safety standards contemplated in section 32, direct any person in control of the action—

(i) to discontinue such action or immediately rectify such condition; or

(ii) to rehabilitate the relevant site or other place to a condition that complies with the requirements laid down in the nuclear authorisation or with the safety standards contemplated in section 36;

(f) if any action contemplated in section 2(2)*(b)*, or any condition associated with such action, does not comply with the exemption criteria specified in the safety standards contemplated in section 36, direct the person in control of the action—

(i) to discontinue such action or immediately rectify such condition;

(ii) to rehabilitate the site or other place to a condition that complies with the exemption criteria provided for in the safety standards contemplated in section 36; or

(iii) to apply for a certificate of registration;

(g) require any person who causes any site or other place to be contaminated with radioactive material to rehabilitate the site or place to a condition that complies with the safety standards contemplated in section 36;

(h) be accompanied by such persons as the inspector considers necessary—

(i) to assist the inspector in the exercise of his or her powers in terms of this subsection;

(ii) to exercise such powers, and perform such duties, of the inspector as he or she determines;

(i) exercise any other powers and perform any other duties conferred or imposed by this Act.

(5) An inspector authorised thereto in writing by the Regulator has, in respect of any vessel and subject to the terms of any agreement referred to in section 24(1)*(c)*, has the same powers conferred upon an inspector in respect of nuclear installations, sites and other places contemplated in this section.

(iv) enige plek waar radioaktiewe materiaal gehou word of teenwoordig is en ten opsigte waarvan 'n aansoek om 'n kernmagtiging gedoen is of 'n kernmagtiging toegestaan is, betree;

(v) enige plek betree waar die inspekteur op redelike gronde vermoed radioaktiewe materiaal gehou word of teenwoordig is of enige handeling wat ingevolge artikel 20 verbied is, plaasvind;

(b) inspeksies uitvoer en enige toepaslike toerusting gedurende sodanige inspeksies op enige van die kerninstallasies, -aanlegte of plekke vermeld in paragraaf *(a)* gebruik en sodanige ondersoeke as wat nodig is vir doeleindes van monitering of die afdwinging van hierdie Wet instel;

(c) indien dit nodig is vir die doeleindes van monitering of afdwinging van die nakoming van hierdie Wet, die houer van of die aansoeker vir 'n kernmagtiging, of enige ander persoon wat enige bevoegdheid of plig het in verband met of op die betrokke kerninstallasie, -aanleg of plek in paragraaf *(a)* genoem, skriftelik gelas om—

(i) die inspekteur toe te laat om daardie artikels of voorwerpe wat deur die inspekteur uitgewys is vir inspeksie te verwyder;

(ii) die inspeksie van die dokumente deur die inspekteur uitgewys en die maak van afskrifte daarvan toe te laat;

(iii) inligting wat onder sy of haar beheer is aan die inspekteur te verskaf;

(d) nadat vir enige voorwerp of dokument of afskrifte daarvan geteken is, dit vir inspeksie verwyder;

(e) indien enige handeling beoog in artikel 20, of enige toestand wat met sodanige handeling verband hou, nie voldoen aan die vereistes in die kernmagtiging gestel nie, of met die veiligheidstandaarde bedoel in artikel 36 nie, enige persoon in beheer van die handeling opdrag gee om—

(i) die betrokke handeling te staak en die betrokke toestand onverwyld reg te stel; of

(ii) die betrokke terrein of ander plek te rehabiliteer tot 'n toestand wat voldoen aan die vereistes gestel in die kernmagtiging of veiligheidstandaarde bedoel in artikel 36;

(f) indien enige handeling bedoel in artikel 2(2)*(b)*, of enige toestand wat met die betrokke handeling verband hou, nie voldoen aan die vrystellingskriteria vermeld in die veiligheidstandaarde beoog in artikel 36 nie, die persoon in beheer van die handeling gelas om—

(i) die betrokke handeling te staak en die betrokke toestand onerwyld reg te stel;

(ii) die betrokke terrein of ander plek te rehabiliteer tot 'n toestand wat voldoen aan die vrystellingskriteria waarvoor in die veiligheidstandaarde bedoel in artikel 36 voorsiening gemaak word; of

(iii) aansoek te doen vir 'n registrasiesertifikaat;

(g) vereis dat enige persoon wat veroorsaak dat enige terrein of ander plek met radioaktiewe materiaal besmet word, die terrein of plek rehabiliteer tot 'n toestand wat voldoen aan die veiligheidstandaarde bedoel in artikel 36;

(h) vergesel word van sodanige persone as wat die inspekteur nodig ag—

(i) om die inspekteur in die uitvoering van sy of haar bevoegdhede ingevolge hierdie subartikel by te staan;

(ii) om sodanige bevoegdhede uit te voer en pligte van die inspekteur te verrig as wat hy of sy bepaal;

(i) enige ander bevoegdhede uitoefen en enige ander werksaamhede verrig wat deur hierdie Wet verleen of opgedra is.

(5) 'n Inspekteur skriftelik daartoe gemagtig deur die Reguleerder het, ten opsigte van enige vaartuig, en behoudens die bedinge van 'n ooreenkoms bedoel in artikel 24(1)*(c)*, dieselfde bevoegdhede wat aan 'n inspekteur ten opsigte van kerninstallasies, -aanlegte en ander plekke in hierdie artikel bedoel, verleen is.

Regulator's powers regarding security of property and premises

42. (1) The Regulator may make or cause to be made such arrangements as it considers necessary for the proper protection or security of property which belongs to, or is under the control of the Regulator or is on any premises on which activities of the Regulator are performed.

(2) No unauthorised person may enter any premises which—

(a) are under the control of the Regulator; and

(b) the Regulator has identified as premises where information relating to the safety and security of or on a nuclear installation is kept.

CHAPTER 6

APPEALS

Appeal to chief executive officer against inspector's decision

43. (1) Any person adversely affected by any action or decision of an inspector may appeal to the chief executive officer against that action or decision.

(2) Such appeal must—

(a) be lodged within 60 days from the date of the action or the date on which the decision was made known, as the case may be, or such later date as the chief executive officer permits; and

(b) set out the grounds of appeal.

(3) After considering the grounds of appeal and the inspector's reasons for the action or decision, the chief executive officer must as soon as practicable—

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

(b) substitute any other decision for the decision.

Appeal to board against chief executive officer's decision

44. (1) Any person adversely affected by a decision of the chief executive officer, either in terms of section 43(3) or in the exercise of any power in terms of this Act, may appeal against that decision to the board.

(2) Such appeal must—

(a) be lodged within 60 days from the date on which that decision was made known by the chief executive officer or such later date as the board permits; and

(b) must set out the grounds for the appeal.

(3) After considering the grounds of appeal and the chief executive officer's reasons for the decision, the board must as soon as practicable—

(a) confirm, set aside or vary the decision; or

(b) substitute any other decision for the decision of the chief executive officer.

Appeal to Minister against board's decision

45. (1) Any person adversely affected by a decision of the board, either in terms of section 44(3) or in the exercise of any power in terms of this Act, may appeal against that decision to the Minister.

(2) Such appeal must—

(a) be lodged within 60 days from the date on which the decision was made known by the board or such later date as the Minister permits; and

(b) set out the grounds for the appeal.

(3) After considering the grounds of appeal and the board's reasons for the decision, the Minister must as soon as practicable—

(a) confirm, set aside or vary the decision; or

(b) substitute any other decision for the decision of the board.

Bevoegdhede van Reguleerder ten opsigte van veiligheid van eiendom en persele

42. (1) Die Reguleerder kan die maatreëls tref of laat tref wat dit nodig ag vir die behoorlike beskerming of beveiliging van enige eiendom wat behoort aan of onder beheer van die Reguleerder is of op enige perseel is waarop werksaamhede van die Reguleerder verrig word.

(2) Geen ongemagtigde persoon mag enige perseel wat—

(a) onder beheer van die Reguleerder is; en

(b) die Reguleerder geïdentifiseer het as 'n perseel waar inligting in verband met die veiligheid en sekerheid van of op 'n kerninstallasie gehou word nie,

binnegaan nie.

HOOFSTUK 6

APPÈLLE

Appèl na hoof- uitvoerende beampte teen beslissing van inspekteur

43. (1) Enige persoon wat nadelig geraak word deur enige optrede of beslissing van 'n inspekteur kan teen daardie optrede of beslissing na die hoof- uitvoerende beampte appelleer.

(2) Sodanige appèl moet—

(a) binne 60 dae vanaf die datum van die optrede of die datum waarop die beslissing bekend gemaak is, na gelang van die geval, aangeteken word of op sodanige later datum as wat die hoof- uitvoerende beampte toelaat; en

(b) die gronde van appèl uiteensit.

(3) Na oorweging van die gronde van appèl en die redes vir die optrede of beslissing van die inspekteur, moet die hoof- uitvoerende beampte so gou doenlik—

(a) die optrede of beslissing bevestig, ter syde stel of wysig; of

(b) die beslissing met enige ander beslissing vervang.

Appèl na raad teen beslissing van hoof- uitvoerende beampte

44. (1) Enige persoon wat nadelig geraak word deur 'n beslissing van die hoof- uitvoerende beampte, hetsy ingevolge artikel 43(3), of in die uitvoering van enige bevoegdheid ingevolge hierdie Wet, kan teen daardie beslissing na die raad appelleer.

(2) Sodanige appèl moet—

(a) binne 60 dae vanaf die datum waarop die beslissing deur die hoof- uitvoerende beampte bekend gemaak is aangeteken word of op sodanige later datum as wat die raad toelaat; en

(b) die gronde van appèl uiteensit.

(3) Na oorweging van die gronde van appèl en die redes vir die beslissing van die hoof- uitvoerende beampte, moet die raad so gou doenlik—

(a) die beslissing bevestig, ter syde stel of wysig; of

(b) die beslissing van die hoof- uitvoerende beampte met enige ander beslissing vervang.

Appèl na Minister teen beslissing van raad

45. (1) Enige persoon wat nadelig geraak word deur 'n beslissing van die raad, hetsy ingevolge artikel 44(3) of in die uitvoering van enige bevoegdheid ingevolge hierdie Wet, kan teen daardie beslissing na die Minister appelleer.

(2) Sodanige appèl moet—

(a) binne 60 dae vanaf die datum waarop die beslissing deur die raad bekend gemaak is aangeteken word of op sodanige later datum as wat die Minister toelaat; en

(b) die gronde van appèl uiteensit.

(3) Na oorweging van die gronde van appèl en die redes vir die beslissing van die raad, moet die Minister so gou doenlik—

(a) die beslissing bevestig, ter syde stel of wysig; of

(b) die beslissing van die raad met enige ander beslissing vervang.

Appeal to High Court against Minister's decision

46. (1) Any person adversely affected by a decision of the Minister, either in terms of section 45(3) or in the exercise of any power in terms of this Act, may appeal against that decision to the High Court.

(2) Such appeal must—

(a) be lodged within 60 days from the date on which the decision was made known by the Minister or such later date as the High Court permits; and

(b) set out the grounds for the appeal.

(3) The appeal must be proceeded with as if it were an appeal from a Magistrate's Court to a High Court.

CHAPTER 7

GENERAL

Regulations

47. (1) The Minister may, after consultation with the board and by notice in the *Gazette*, make regulations as to any matter—

(a) required or permitted to be prescribed in terms of this Act;

(b) necessary for the effective administration of this Act.

(2) Any regulation made in terms of subsection (1) may provide that—

(a) the contravention of or failure to comply therewith, is an offence; and

(b) a person convicted of that offence is punishable with a prescribed fine or a term of imprisonment not longer than the period so prescribed.

(3) Before any regulations are made in terms of subsection (1), the Minister must, by notice in the *Gazette*, invite comment on the proposed regulations and consider that comment.

(4) Despite the repeal of the previous Act, the regulations made under section 77 of the previous Act and in force immediately before the specified date, in so far as they relate to matters which are required or permitted to be prescribed as contemplated in subsection (1)*(a)* or *(b)*, are regarded to have been made in terms of subsection (1).

Delegations and assignment by Minister

48. (1) Subject to subsection (2), the Minister may delegate any power and assign any duty conferred or imposed upon the Minister in terms of this Act to the Director-General: Minerals and Energy.

(2) Any power or duty conferred or imposed upon the Minister in terms of section 2, Chapter 2 and sections 28, 29, 33, 36, 38(4), 45 and 47 may not be delegated or assigned in terms of subsection (1).

(3) A delegation or assignment under subsection (1) must be in writing and may be subject to any conditions or limitations determined by the Minister.

(4) The Minister is not divested of any power nor relieved of any power or duty delegated or assigned in terms of subsection (1).

(5) The Minister may at any time—

(a) amend or revoke a delegation or assignment made in terms of subsection (1);

(b) subject to subsection (5), withdraw any decision made by the delegatee or assignee with regard to a delegated or assigned matter, and decide the matter himself or herself.

(6) A decision made by a delegatee or assignee may not be withdrawn in terms of subsection 5*(b)* where it confers a right or entitlement on any third party.

Appèl na Hoë Hof teen besluit van Minister

46. (1) Enige persoon wat nadelig geraak word deur 'n beslissing van die Minister, hetsy ingevolge artikel 45(3) of in die uitvoering van enige bevoegdheid ingevolge hierdie Wet, kan teen daardie beslissing na die Hoë Hof appelleer.

(2) Sodanige appèl moet—

(a) binne 60 dae vanaf die datum waarop die beslissing deur die Minister bekend gemaak is aangeteken word of op sodanige later datum as wat die Hoë Hof toelaat; en

(b) die gronde van die appèl uiteensit.

(3) Die appèl moet hanteer word asof dit 'n appèl vanaf die Landdroshof na die Hoë Hof is.

HOOFSTUK 7

ALGEMEEN

Regulasies

47. (1) Die Minister kan, na oorleg met die raad en by kennisgewing in die *Staatskoerant* regulasies uitvaardig betreffende enige aangeleentheid—

(a) wat kragtens hierdie Wet voorgeskryf moet of kan word;

(b) wat nodig is vir die doeltreffende administrasie van hierdie Wet.

(2) 'n Regulasie ingevolge subartikel (1) uitgevaardig kan bepaal dat—

(a) die oortreding daarvan of 'n versuim om daaraan te voldoen 'n misdryf is; en

(b) 'n persoon wat skuldig bevind word aan daardie misdryf strafbaar is met 'n voorgeskrewe boete of 'n termyn van gevangenisstraf wat nie langer mag wees as die termyn wat aldus voorgeskryf is nie.

(3) Die Minister moet, alvorens enige regulasie ingevolge subartikel (1) uitgevaardig word, by kennisgewing in die *Staatskoerant* kommentaar ten opsigte van die voorgestelde regulasies uitnooi en daardie kommentaar oorweeg.

(4) Ondanks die herroeping van die vorige Wet, word die regulasies kragtens artikel 77 van die vorige Wet uitgevaardig en wat onmiddellik voor die aangewese datum van krag was, geag kragtens subartikel (1) gemaak te gewees het in soverre dit betrekking het op aangeleenthede wat vereis of toegelaat word soos beoog in subartikel (1)*(a)* of *(b)*.

Delegering en opdraging deur Minister

48. (1) Die Minister kan, behoudens subartikel (2), enige bevoegdheid en enige werksaamheid wat ingevolge hierdie Wet aan die Minister verleen of opgedra is, delegeer of opdra aan die Direkteur-generaal: Minerale en Energie.

(2) Enige bevoegdheid of werksaamheid wat ingevolge artikel 2, Hoofstuk 2 en artikels, 28, 29, 33, 36, 38(4), 45 en 47 aan die Minister verleen of opgedra is, mag nie ingevolge subartikel (1) gedelegeer of opgedra word nie.

(3) 'n Delegering of opdraging kragtens subartikel (1) moet skriftelik wees en kan onderworpe wees aan enige voorwaardes of beperkings wat die Minister bepaal.

(4) Die Minister word nie ontneem van enige bevoegdheid of vrygestel van enige werksaamheid of plig wat ingevolge subartikel (1) gedelegeer of opgedra is nie.

(5) Die Minister kan te eniger tyd—

(a) 'n delegering of opdraging ingevolge subartikel (1) wysig of ophef;

(b) behoudens subartikel (5) enige beslissing wat deur die gedelegeerde of gemagtigde geneem is ten opsigte van 'n gedelegeerde of opgedraagde aangeleentheid terugtrek en self oor die aangeleentheid besluit.

(6) 'n Besluit deur 'n gedelegeerde of gemagtigde persoon geneem ingevolge subartikel (5)*(b)* kan egter nie teruggetrek word waar dit 'n reg of 'n aanspraak aan 'n derde party verleen nie.

Disagreement between Minister and board

49. (1) If the Minister rejects a recommendation of the board contemplated in section 28, 29(1) or (2), 36(1) or 38(4), the Minister and the board must endeavour to resolve their disagreement.

(2) If the Minister and the board fail to resolve their disagreement, the Minister makes the final decision, in consultation with the relevant Minister.

Exemption from duties and fees

50. The Regulator is exempt from the payment of any duty or fee which, were it not for the provisions of this section, would have been payable by it to the State in terms of any law, except the Customs and Excise Act, 1964 (Act No. 91 of 1964), and the Value Added Tax Act, 1991 (Act No. 105 of 1991), in respect of any act or transaction or any document connected with that act or transaction.

Disclosure of information

51. (1) In this section "information" includes anything purporting to be information or containing or providing information.

(2) Subject to subsection (4) and any national legislation contemplated in section 32(2) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)—

(a) no person may disclose to any other person or publish any information which relates to any nuclear installation or site or vessel or action described in section 2(1)*(c)* in respect of which a nuclear authorisation has been issued or is to be issued and not yet public knowledge if the disclosure of that information is likely to jeopardise the physical security arrangements in respect of such installation, site, vessel or action as required by the Regulator for the protection of persons or the security of the Republic;

(b) no person may be in possession of any documents if not authorised and such possession is likely to jeopardise the physical security arrangements in respect of such installation, site, vessel or action as required by the Regulator for the protection of persons or the security of the Republic;

(c) no person may receive any information knowing or having reasonable grounds to believe that it has been disclosed to him or her in contravention of the provisions of paragraph *(a)* or *(b)*;

(d) a person must take reasonable steps to safeguard information which he or she has in his or her possession or under his or her control and which he or she is in terms of paragraph *(a)* or *(b)* prohibited from disclosing to any person, or publishing, or so conduct himself or herself as not to endanger the secrecy thereof.

(3) No member of the board or a committee of the board or an employee of the Regulator may disclose any information obtained by him or her in the performance of his or her functions in terms of this Act except—

(a) to the extent to which it may be necessary for the proper administration of this Act;

(b) for the purposes of the administration of justice; or

(c) at the request of any person entitled thereto.

(4) Despite the provisions of any other law, no person is civilly or criminally liable or may be dismissed, disciplined, prejudiced or harassed on account of having disclosed any information if—

(a) the person in good faith reasonably believed at the time of the disclosure that he or she was disclosing evidence of a health or safety risk or a failure to comply with a duty imposed by this Act; and

Geskil tussen Minister en raad

49. (1) Indien die Minister 'n aanbeveling van die raad bedoel in artikel 28, 29(1) of (2), 36(1) of 38(4) verwerp, moet die Minister en die raad poog om hul geskil te besleg.

(2) Indien die Minister en die raad nie daarin slaag om hul geskil te besleg nie, neem die Minister die finale besluit, in oorleg met die betrokke Minister.

Vrystelling van regte en gelde

50. Die Reguleerder is vrygestel van die betaling van enige regte of geld wat, as dit nie vir die bepalings van hierdie artikel was nie, ingevolge 'n bepaling van enige wet, behalwe die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964), en die Wet op Belasting op Toegevoegde Waarde, 1991 (Wet No. 105 van 1991), aan die Staat betaalbaar sou gewees het ten opsigte van 'n handeling of transaksie, of enige dokument wat met daardie handeling of transaksie in verband staan.

Bekendmaking van inligting

51. (1) In hierdie artikel sluit "inligting" ook enigiets in wat voorgee om inligting te wees, of wat inligting bevat of dit verskaf.

(2) Behoudens subartikel (4) en enige nasionale wetgewing bedoel in artikel 32(2) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996)—

(a) mag geen persoon enige inligting wat betrekking het op 'n kerninstallasie of terrein of vaartuig of handeling omskryf in artikel 2(1)*(c)* ten opsigte waarvan 'n kernmagtiging uitgereik is of uitgereik staan te word en nog nie algemene kennis is nie, aan enigiemand anders openbaar of dit publiseer nie, indien die openbaarmaking van die betrokke inligting waarskynlik die veiligheidsmaatreëls in verband met die betrokke kerninstallasie, terrein, vaartuig of handeling soos deur die Reguleerder vir die beskerming van persone of die veiligheid van die Republiek vereis word, in gevaar kan stel;

(b) mag geen persoon in besit wees van enige dokumente indien hy of sy nie magtiging daarvoor het nie en sodanige besit waarskynlik die veiligheidsmaatreëls in verband met die betrokke kerninstallasie, terrein, vaartuig of handeling soos deur die Reguleerder vir die beskerming van persone of die veiligheid van die Republiek vereis word, in gevaar kan stel;

(c) mag geen persoon inligting ontvang terwyl hy of sy weet of redelike gronde het om te vermoed dat die inligting in stryd met die bepalings van paragraaf *(a)* of *(b)* aan hom of haar geopenbaar is;

(d) moet 'n persoon redelike stappe doen om die inligting te beveilig wat hy of sy in sy of haar besit of onder sy of haar beheer het en wat hy of sy ingevolge paragraaf *(a)* of *(b)* verbied word om aan enigiemand bekend te maak of te publiseer of hom of haarself so te gedra dat die geheimhouding daarvan nie in gevaar gestel word nie.

(3) Geen lid van die raad of 'n komitee van die raad of 'n werknemer van die Reguleerder mag enige inligting wat deur hom of haar in die uitvoering van sy of haar funksies ingevolge hierdie Wet verkry is, openbaar nie behalwe—

(a) vir soverre dit nodig mag wees vir die behoorlike administrasie van hierdie Wet;

(b) vir doeleindes van die regsadministrasie; of

(c) op versoek van enige persoon wat daarop geregtig is.

(4) Ondanks die bepalings van enige ander wet, kan geen persoon sivielregtelik of strafregtelik aanspreeklik gehou word of ontslaan, gedissiplineer, benadeel of geteister word nie omdat hy of sy enige inligting openbaar gemaak het nie, indien—

(a) die persoon te goeder trou en redelikerwys ten tyde van die openbaarmaking geglo het dat hy of sy inligting oor 'n gesondheids- of veiligheidsrisiko of nie-nakoming van 'n verpligting opgelê deur hierdie Wet, openbaar gemaak het; en

(b) the disclosure was made in accordance with subsection (5).

(5) Subsection (4) applies only if the person concerned—

(a) disclosed the information concerned to—

(i) a committee of Parliament or a provincial legislature;

(ii) the Public Protector;

(iii) the Human Rights Commission;

(iv) the Auditor-General;

(v) the National Director of or a Director of Public Prosecutions;

(vi) the Minister;

(vii) the Regulator; or

(viii) more than one of the bodies or persons referred to in subparagraphs (i) to (vii); or

(b) disclosed the information concerned to one or more news medium and on clear and convincing grounds (of which he or she bears the burden of proof) believed at the time of the disclosure—

(i) that disclosure was necessary to avert an imminent and serious threat to the health or safety of an individual or the public, to ensure that the health or safety risk or the failure to comply with a duty imposed by the Act was properly and timeously investigated or to protect himself or herself against serious or irreparable harm from reprisals; or

(ii) giving due weight to the importance of open, accountable and participatory administration, that the public interest in disclosure of the information clearly outweighed any need for non-disclosure; or

(c) disclosed the information concerned substantially in accordance with any applicable external or internal procedure (other than the procedures contemplated in paragraph *(a)* or *(b)*); or

(d) disclosed information which, before the time of the disclosure of the information, had become available to the public, whether in the Republic or elsewhere.

Offences and penalties

52. (1) Any person who—

(a) contravenes or fails to comply with section 20 or a condition imposed on him or her in terms of section 23;

(b) as a master of a vessel referred to in section 20(2) contravenes or fails to comply with a condition imposed on him or her in terms of section 24;

(c) fails to comply with a directive contemplated in section 41(4);

(d) fails to pay any fee contemplated in section 28;

(e) hinders an inspector in the exercise of his or her powers or the performance of his or her duties in terms of this Act, or fails to comply with any order given to him or her by an inspector in terms of this Act;

(f) contravenes section 42(1) or (2); or

(g) contravenes or fails to comply with section 51,

is guilty of an offence.

(2) Any person who contravenes or fails to comply with any provision of this Act or any condition, notice, order, instruction, directive, prohibition, authorisation, permission, exemption, certificate or document determined, given, issued, promulgated or granted in terms of this Act is, if any such contravention or failure is not declared an offence in terms of subsection (1), is guilty of an offence.

(3) Any person convicted of an offence in terms of subsection (1) or (2) is liable on conviction—

(a) in the case of an offence referred to in subsection (1)*(a)*, *(b)*, *(c)*, *(d)*, or *(f)* or (2) to a fine or to imprisonment for a period not exceeding 10 years;

(b) in the case of an offence referred to in subsection (1) *(e)*, to a fine or to imprisonment for a period not exceeding five years; or

(c) in the case of an offence referred to in subsection (1)*(g)*, to a fine or to imprisonment for a period not exceeding three years.

(b) die openbaarmaking ooreenkomstig subartikel (5) gemaak is.

(5) Subartikel (4) is slegs van toepassing indien die betrokke persoon—

(a) die betrokke inligting openbaar gemaak het aan—

(i) 'n komitee van die Parlement of 'n provinsiale wetgewer;

(ii) die Openbare Beskermer;

(iii) die Menseregtekommissie;

(iv) die Ouditeur-generaal;

(v) die Nasionale Direkteur of 'n Direkteur van Openbare Vervolgings;

(vi) die Minister;

(vii) die Reguleerder; of

(viii) meer as een van die liggame of persone bedoel in subparagrawe (i) tot (vii); of

(b) die betrokke inligting openbaar gemaak het aan een of meer nuusmedia en op duidelike en oortuigende gronde (waarvan hy of sy bewys het) ten tyde van die openbaarmaking geglo het—

(i) dat die openbaarmaking nodig was om 'n dreigende en ernstige bedreiging vir die gesondheid en veiligheid van 'n indiwidu of die publiek af te weer, om te verseker dat die gesondheids- of veiligheidsrisiko of die nie-nakoming van 'n verpligting opgelê deur die Wet behoorlik en tydig ondersoek is of homself of haarself teen ernstige of onherstelbare skade van vergelding te beskerm; of

(ii) met behoorlike inagneming van die belangrikheid van 'n oop, aanspreeklike en deelnemende administrasie, dat die openbare belang in openbaarmaking van die inligting duidelik enige behoefte vir nie-openbaarmaking oortref; of

(c) die betrokke inligting wesenlik openbaar gemaak het ooreenkomstig enige toepaslike eksterne of interne prosedure (anders as die prosedure beoog in paragraaf *(a)* of *(b)*); of

(d) inligting openbaar maak wat, voor die tyd van openbaarmaking van die inligting, vir die publiek beskikbaar geword het, ongeag of dit in die Republiek of elders is.

Misdrywe en strawwe

52. (1) Iemand wat—

(a) artikel 20 of 'n voorwaarde wat hom of haar kragtens artikel 23 opgelê is, oortree of versuim om daaraan te voldoen;

(b) as gesagvoerder van 'n vaartuig bedoel in artikel 20(2) 'n voorwaarde wat hom of haar kragtens artikel 24 opgelê is, oortree of versuim om daaraan te voldoen;

(c) versuim om te voldoen aan 'n opdrag in artikel 41(4) beoog;

(d) versuim om enige gelde in artikel 28 beoog te betaal;

(e) 'n inspekteur in die verrigting van sy of haar bevoegdhede of in die uitvoering van sy of haar pligte ingevolge hierdie Wet hinder of versuim om te voldoen aan 'n opdrag deur 'n inspekteur ingevolge hierdie Wet aan hom of haar gegee;

(f) artikel 42(1) of (2) oortree; of

(g) artikel 51 oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig.

(2) Iemand wat 'n bepaling van hierdie Wet, of enige voorwaarde, kennisgewing, bevel, instruksie, opdrag, verbod, magtiging, toestemming, vrystelling, sertifikaat of dokument by of kragtens hierdie Wet bepaal, gegee, uitgereik, uitgevaardig of verleen, oortree of versuim om daaraan te voldoen, indien so 'n oortreding of versuim nie ingevolge subartikel (1) tot 'n misdryf verklaar word nie, is aan 'n misdryf skuldig.

(3) Iemand wat skuldig bevind is aan 'n misdryf ingevolge subartikel (1) of (2) is by skuldigbevinding strafbaar—

(a) in die geval van 'n misdryf in subartikel (1)*(a)*, *(b)*, *(c)*, *(d)* of *(f)* of (2) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar;

(b) in die geval van 'n misdryf in subartikel (1)*(e)* bedoel, met 'n boete of met gevangenisstraf van hoogstens vyf jaar; of

(c) in die geval van 'n misdryf in subartikel (1)*(g)* bedoel, met 'n boete of met gevangenisstraf van hoogstens drie jaar.

Reproduction of documents by Regulator

53. (1) The Regulator may—

(a) reproduce or cause to be reproduced documents in its possession or under its control by—
  (i) microfilming;
  (ii) electronic means; or
  (iii) any other process which in its opinion reproduces such a document in a durable and accurate manner; and

(b) keep or cause to be kept the reproduction instead of the original document in question.

(2) For the purposes of this Act—

(a) any reproduction referred to in subsection (1) is regarded to be the relevant original document; and

(b) a copy obtained by means of that reproduction and certified by the chief executive officer or an officer authorised by the chief executive officer as a true copy,

is *prima facie* evidence of the contents of the original document in any court of law, any tribunal or a commission of inquiry.

Partial repeal of Act 131 of 1993, and savings

54. (1) The following provisions of the Nuclear Energy Act, 1993 (Act No. 131 of 1993), are hereby repealed:

(a) Chapters V and VI;

(b) section 1, in so far as it relates to anything in any of these Chapters; and

(c) the provisions of Chapter VII, in so far as they relate to the Council for Nuclear Safety.

(2) On the specified date anything done before such date in terms of any provision of the previous Act repealed by subsection (1), and which could be done in terms of this Act, is regarded to have been done in terms of this Act, except where otherwise provided in this Act.

Legal succession to Council for Nuclear Safety

55. (1) The Regulator is substituted for the Council for Nuclear Safety in any contract or agreement entered into by the latter before the specified date, if the contract or agreement—

(a) relates to any matter which, on the specified date, falls within the Regulator's competence in terms of this Act; and

(b) has not yet expired or any obligation thereunder has not been fulfilled, whichever is applicable.

(2) From the specified date, the Regulator—

(a) is responsible for all projects and work which had been commenced by the Council for Nuclear Safety before that date in terms of the previous Act—
  (i) with regard to matters which, on the specified date, fall within the Regulator's functions in terms of this Act; and
  (ii) which, on the specified date, have not been completed; and

(b) is competent to continue with any project and work and to carry out those projects and that work or to have them carried out subject to—
  (i) the provisions of this Act; and
  (ii) any contract or agreement, contemplated in subsection (1), relating to the execution of the projects or the performance of the work by the other contracting party.

Reproduksie van dokumente deur Reguleerder

53. (1) Die Reguleerder kan—

(a) dokumente in sy besit of onder sy beheer reproduseer of laat reproduseer deur—

(i) mikroverfilming;

(ii) elektroniese prosesse; of

(iii) enige ander proses wat na sy mening sodanige stuk op 'n duursame en akkurate wyse reproduseer; en

(b) die reproduksie in plaas van die betrokke oorspronklike stuk hou of laat hou.

(2) Vir die doeleindes van hierdie Wet—

(a) word enige reproduksie bedoel in subartikel (1) geag die betrokke oorspronklike stuk te wees; en

(b) is 'n afskrif wat by wyse van daardie reproduksie verkry is en deur die hoof-uitvoerende beampte of 'n beampte deur die hoof- uitvoerende beampte gemagtig, gesertifiseer is as 'n ware afskrif,

prima facie-getuienis van die inhoud van die oorspronklike stuk in enige geregshof, tribunaal of kommissie van ondersoek.

Gedeeltelike herroeping van Wet 131 van 1993, en voorbehoude

54. (1) Die volgende bepalings van die Wet op Kernenergie, 1993 (Wet No. 131 van 1993), word hierby herroep:

(a) Hoofstukke V en VI;

(b) artikel 1, in soverre dit betrekking het op enigiets in enige van hierdie Hoofstukke; en

(c) die bepalings van Hoofstuk VII in soverre dit betrekking het op die Raad vir Kernveiligheid.

(2) Op die aangewese datum word enigiets wat voor sodanige datum ingevolge enige bepaling van die vorige Wet gedoen is en wat ingevolge hierdie Wet gedoen kan word, geag ingevolge hierdie Wet gedoen te gewees het, behalwe waar hierdie Wet andersins bepaal.

Regsopvolging van Raad vir Kernveiligheid

55. (1) Die Raad vir Kernveiligheid word deur die Reguleerder vervang in enige kontrak of ooreenkoms wat eersgenoemde aangegaan het voor die aangewese datum indien die kontrak of ooreenkoms—

(a) betrekking het op enige aangeleentheid wat op die aangewese datum binne die bevoegdhede van die Reguleerder ingevolge hierdie Wet val; en

(b) nog nie verval het nie of 'n verpligting daaronder nog nie nagekom is nie, na gelang van die geval.

(2) Vanaf die aangewese datum is die Reguleerder—

(a) verantwoordelik vir alle projekte en werk wat voor daardie datum ingevolge die vorige Wet deur die Raad vir Kernveiligheid aangegaan is—

(i) wat betrekking het op aangeleenthede wat op die aangewese datum binne die bevoegdheid van die Reguleerder val ingevolge hierdie Wet; en

(ii) wat op die aangewese datum nog nie voltooi is nie; en

(b) bevoeg om voort te gaan met enige projek en werk en dit uit te voer of te laat uitvoer behoudens—

(i) die bepalings van hierdie Wet; en

(ii) enige kontrak of ooreenkoms beoog in subartikel (1) wat betrekking het op die uitvoering van die projekte of die verrigting van die werk deur die ander kontrakterende party.

(3) *(a)* The Regulator is substituted for the Council for Nuclear Safety as a party in any legal proceedings instituted by or against the Council for Nuclear Safety before the specified date and still pending on that date, where the legal proceedings are founded on a cause of action relating to or arising from the exercise or performance of any power or duty of the Council for Nuclear Safety in terms of or purportedly in terms of the previous Act or from its business or operations thereunder, if, on the specified date, the Regulator would have been competent in terms of this Act, to exercise or perform such a power or duty or to conduct any business or operations of a nature substantially the same as those relevant in the proceedings.

(b) Any legal proceedings founded on a cause of action which arose before the specified date, which relates to or arises from the exercise or performance of any power or duty of the Council for Nuclear Safety in terms of the previous Act or from its business and operations thereunder and which is brought after the specified date, must be instituted by or against the Regulator if, on the specified date, the Regulator would have been competent, in terms of this Act, to exercise or perform such a power or duty or to conduct any business or operation of a nature substantially the same as those relevant in the proceedings.

(4) *(a)* The State, as represented by the Minister, is substituted for the Council for Nuclear Safety in—

(i) any contract or agreement entered into by the Council for Nuclear Safety before the specified date and still pending on that date, in any case where subsection (1) does not apply; and

(ii) any legal proceedings instituted by or against the Council for Nuclear Safety before the specified date and still pending on that date, where the legal proceedings are founded on a cause of action relating to or arising from the exercise or performance of any power or duty or the conducting of any business or operations of the Council for Nuclear Safety, in any case where subsection (3)*(a)* does not apply;

(b) Any legal proceedings founded on such a cause of action that arose before the specified date and which are brought after the specified date, must be instituted by or against the State, as represented by the Minister, in any case where subsection (3)*(b)* does not apply.

(c) (i) The Minister is responsible, from the specified date, for all projects and work commenced by the Council for Nuclear Safety before the specified date but not yet completed by that date, in any case where subsection (2)*(a)* does not apply.

(ii) The Minister is competent to continue with and carry out those projects and that work, subject to the provisions of this Act and any agreement referred to in subsection (2)*(b)*.

Short title and commencement

56. (1) This Act is called the National Nuclear Regulator Act, 1999.

(2) This Act takes effect on the date of commencement of the Nuclear Energy Act, 1999, as contemplated in section 61 of that Act.

(3) *(a)* Die Raad vir Kernveiligheid word deur die Reguleerder vervang as 'n party in enige regsgeding wat deur of teen die Raad vir Kernveiligheid ingestel is voor die aangewese datum en wat op daardie datum hangende is waar die regsgeding op 'n skuldoorsaak gegrond is wat betrekking het of voortspruit uit die uitoefening of verrigting van enige bevoegdheid of plig van die Raad vir Kernveiligheid ingevolge of na bewering ingevolge die vorige Wet of uit sy besigheid of handeling daarkragtens indien, op die aangewese datum, die Reguleerder ingevolge hierdie Wet bevoeg sou gewees het om sodanige bevoegdheid of plig uit te oefen of te verrig of enige besigheid of handeling te verrig wat wesenlik dieselfde is as daardie wat in die geding ter sprake is.

(b) Enige regsgeding wat gegrond is op 'n skuldoorsaak wat voor die aangewese datum ontstaan het en betrekking het of ontstaan het uit die uitoefening of verrigting van enige bevoegdheid of plig van die Raad vir Kernveiligheid ingevolge die vorige Wet of van sy besigheid en handelinge daarkragtens en wat na die aangewese datum ingestel word, moet ingestel word deur of teen die Reguleerder, indien die Reguleerder op die aangewese datum bevoeg sou gewees het om ingevolge hierdie Wet so 'n bevoegdheid of plig uit te voer of te verrig of enige besigheid of handeling te verrig wat wesenlik dieselfde is as daardie wat in die geding ter sprake is.

(4) *(a)* Die Raad vir Kernveiligheid word deur die Staat, soos verteenwoordig deur die Minister, vervang in—

(i) enige kontrak of ooreenkoms wat deur die Raad vir Kernveiligheid voor die aangewese datum aangegaan is en wat op daardie datum hangende is in enige geval waar subartikel (1) nie van toepassing is nie; en

(ii) enige regsgeding deur of teen die Raad vir Kernveiligheid voor die aangewese datum ingestel en wat op daardie datum hangende is waar die regsgeding gegrond is op 'n skuldoorsaak wat betrekking het op of voortspruit uit die uitoefening of verrigting van enige bevoegdheid of plig of die bedryf van enige besigheid of handeling van die Raad vir Kernveiligheid in enige geval waar subartikel (3)*(a)* nie van toepassing is nie.

(b) Enige regsgeding wat op so 'n skuldoorsaak wat voor die aangewese datum ontstaan het, gegrond is en wat na die aangewese datum ingestel word, moet deur of teen die Staat, soos verteenwoordig deur die Minister, ingestel word in enige geval waar subartikel (3)*(b)* nie van toepassing is nie.

(c) (i) Die Minister is vanaf die aangewese datum aanspreeklik vir alle projekte en werk deur die Raad vir Kernveiligheid voor die aangewese datum aangegaan maar wat nog nie teen daardie datum voltooi is nie, in welke geval subartikel (2)*(a)* nie van toepassing is nie.

(ii) Die Minister is bevoeg om daardie projekte voort te sit en daardie werk te verrig behoudens die bepalings van hierdie Wet en enige ooreenkoms bedoel in subartikel (2)*(b)*.

Kort titel en inwerkingtreding

56. (1) Hierdie Wet heet die Wet op die Nasionale Kernreguleerder, 1999.

(2) Hierdie Wet tree in werking op die datum van inwerkingtreding van die Wet op Kernenergie, 1999, soos beoog in artikel 61 van daardie Wet.

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