

OFFICE OF THE PRESIDENT

No. 1514. 4 October 1995

**NO. 50 OF 1995: NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION
AMENDMENT ACT, 1995.**

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

GENERAL EXPLANATORY NOTE:

Words in *bold italics* indicate omissions from existing enactments.

Words in *italics* indicate insertions in existing enactments.

ACT

To amend the Non-Proliferation of Weapons of Mass Destruction Act, 1993, so as to make provision for the appointment of a vice-chairperson to the South African Council for the Non-Proliferation of Weapons of Mass Destruction; to make further provision for the delegation of certain powers and duties; and to delete an obsolete provision; and to provide for matters connected therewith.

(English text signed by the President.) (Assented to 28 September 1995.)

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

Amendment of section 4 of Act 87 of 1993

1. Section 4 of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (hereinafter referred to as the principal Act), is hereby amended-

(a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) a *chairman chairperson and vice-chairperson*, who, in the opinion of the Minister, shall be *a person persons* with applicable knowledge or experience with regard to matters connected with the objects of the Council"; and

(b) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

"(a) the ****chairman**** <<chairperson or vice-chairperson>>, by the appointment of another person as *chairman chairperson or vice-chairperson*; and".

Amendment of section 9 of Act 87 of 1993

2. Section 9 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) If *the chairperson is absent from a meeting of the Council, the vice-chairperson shall preside at that meeting, and if both the chairman is chairperson and vice-chairperson are absent from a meeting of the Council, the members present shall elect one of their members to preside at that meeting.*"

Substitution of section 18 of Act 87 of 1993

3. The following section is hereby substituted for section 18 of the principal Act:

"Appeal

18. (1) Any person aggrieved at any decision of the Council *or its delegate* under this Act may appeal to the Minister, who may confirm, amend or set aside the decision of the Council *or its delegate*.

(2) A decision of the Council *or its delegate* to suspend or revoke a permit shall not be suspended pending the result of an appeal under subsection (1) against that decision.

(3) A decision by the Minister with regard to an appeal shall for all purposes be deemed to be a decision of the Council *or its delegate*."

Substitution of section 19 of Act 87 of 1993

4. The following section is hereby substituted for section 19 of the principal Act:

"Revision by court of law

19. (1) Notwithstanding the provisions of section 18, any person whose interests are affected by a decision of the Council *or its delegate* may, within 30 days after he *or she* became aware of such decision, request the Council *or its delegate* in writing to furnish in writing reasons for that decision within 30 days after receiving such a request.

(2) Within 30 days after having been furnished with reasons in terms of subsection (1), or after the expiration of the period within which reasons should have been furnished by the Council *or its delegate*, the person concerned may apply to a division of the Supreme Court having jurisdiction, to review the decision."

Amendment of section 20 of Act 87 of 1993

5. Section 20 of the principal Act is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) The Minister may, subject to such conditions as he *or she* may impose in writing, delegate or assign to the **chairman** *chairperson or vice-chairperson* of the Council, a member of the Council, a member of any committee established under section 10, or any officer or employee of the Department, any power or duty conferred or imposed upon the Minister by or under this Act.";

(b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

"The **chairman** *chairperson* of the Council may, subject to such conditions as he *or she* may determine, in writing delegate or assign to *the vice-chairperson or any member of the Council or any officer or employee designated in terms of section 4(7)* any power or duty-";

(c) by the insertion after subsection (3) of the following subsections:

"(3A) *The vice-chairperson of the Council may, subject to such conditions as he or she may determine, in*

writing delegate or assign to any member of the Council or any officer or employee designated in terms of section 4(7) any power or duty-

(a) conferred or imposed upon him or her by this Act; or

(b) delegated or assigned to him or her under subsection (1) or (3), unless the Minister or the chairperson of the Council, as the case may be, has in his or her delegation or assignment determined otherwise.

(3B) The Council may, subject to such conditions as it may determine, in writing delegate or assign to any member of the Council, a committee established under section 10 or any officer or employee designated in terms of section 4(7) any power or duty conferred or imposed upon it by this Act.

(3C) A committee established under section 10 may, subject to such conditions as it may determine, in writing delegate or assign to any officer or employee designated in terms of section 4(7) any power or duty-

(a) conferred or imposed upon it by this Act; or

(b) delegated or assigned to it under subsection (3B), unless the Council has in its delegation or assignment determined otherwise."; and

(d) by the substitution for subsection (4) of the following subsection:

*"(4) The Minister, Director-General, **and chairman** chairperson and vice-chairperson of the Council, Council and any committee established under section 10 shall not be divested of any power or exempted from any duty delegated or assigned by him, her or it, and may amend or set aside any decision taken by a person in the exercise or performance of such power or duty delegated or assigned to him, her or it."*

Repeal of section 28 of Act 87 of 1993

6. Section 28 of the principal Act is hereby repealed.

Substitution of word

7. The principal Act is hereby amended by the substitution for the word "chairman", wherever it occurs, of the word "chairperson".

Short title

8. This Act shall be called the Non-Proliferation of Weapons of Mass Destruction Amendment Act, 1995.