

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
NUCLEAR ENERGY BILL**

[B 10—99]

(As agreed to by the Portfolio Committee on Minerals and Energy (National Assembly))

[B 10A—99]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WETSONTWERP OP KERNENERGIE**

[W 10—99]

(Soos goedgekeur deur die Portefeuljekomitee oor Minerale en Energie (Nasionale Vergadering))

AMENDMENTS AGREED TO

NUCLEAR ENERGY BILL
[B 10—99]

CLAUSE 1

1. On page 4, from line 55, to omit the definition of “nuclear installation” and to substitute:

“nuclear installation” means a nuclear installation as defined in section 1 of the National Nuclear Regulator Act, 1999;

2. On page 6, from line 60, to omit the definition of “site” and to substitute:

“site” means a site as defined in section 1 of the National Nuclear Regulator Act, 1999, for which a nuclear authorisation as defined in that Act is required;

CLAUSE 7

1. On page 10, in line 50, to omit “(if any)”.

NEW CLAUSE

1. That the following be a new Clause:

Transfer of shares by Minister

9. (1) Despite any provisions of a law to the contrary, the Minister may transfer so much of the State’s shares in a subsidiary company contemplated in section 13(1)(a)(i) as the Cabinet approves to such transferees in such manner and on such terms and conditions as the Cabinet approves.

(2) The proceeds of any transfer in terms of subsection (1) may be used wholly or partially for such purpose as the Cabinet approves, but all proceeds not so used within the period determined by the Cabinet must be paid into the National Revenue Fund.

CLAUSE 12

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Main functions of Corporation

12. The main functions of the Corporation are—

- (a) to undertake and promote research and development in the field of nuclear energy and radiation sciences and technology and, subject to the Safeguards Agreement, to make these generally available;

- (b) to process source material, special nuclear material and restricted material and to reprocess and enrich source material and nuclear material; and
- (c) to co-operate with any person or institution in matters falling within these functions subject to the approval of the Minister.

CLAUSE 15

- 1. On page 18, after line 48, to insert:
 - (4) The Minister may, for a director appointed in terms of section 15(2)(d) and (e), appoint a suitably qualified alternate director to act in the place of that director during his or her absence.

CLAUSE 21

- 1. On page 24, in line 12, after “must” to insert:
 - after consultation with the board

CLAUSE 24

- 1. On page 26, in lines 49 and 50, to omit “, provident or medical aid scheme or fund” and to substitute:
 - or provident fund or medical scheme

CLAUSE 26

Clause rejected.

NEW CLAUSE

- 1. That the following be a new Clause:

Accounting and auditing

26. The Corporation is deemed to be a listed entity as defined in section 1 of the Reporting by Public Entities Act, 1992 (Act No. 93 of 1992).

CLAUSE 27

Clause rejected.

CLAUSE 33

- 1. On page 36, after line 18, to insert:
 - (e) the Minister must consult with the South African Council for the Non-Proliferation of Weapons of Mass Destruction, established by section 4 of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), on any matter affecting the proliferation of weapons of mass destruction.

CLAUSE 34

1. On page 38, in line 43, after “may” to insert:

after consultation with the South African Council for the Non-Proliferation of Weapons of Mass Destruction on any matter affecting the proliferation of weapons of mass destruction

CLAUSE 35

1. On page 38, in line 54, after “having”, to insert:

consulted with the South African Council for the Non-Proliferation of Weapons of Mass Destruction on any matter affecting the proliferation of weapons of mass destruction and

CLAUSE 46

1. On page 56, in lines 17 and 18, to omit “licence in force under” and to substitute:

authorisation as defined in section 1 of

CLAUSE 54

1. On page 60, in line 5, after “fine”, to insert:

, but no term of imprisonment in excess of 12 months may be so specified
2. On page 60, in line 6, to omit “However, no term of imprisonment in excess of six months may be so specified.”.
3. On page 60, after line 13, to add:

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

CLAUSE 55

1. On page 60, after line 19, to insert:

(2) The Minister may assign any institutional obligation to the Corporation or any statutory or other body, which has the capacity to fulfil the Republic’s responsibilities with regard thereto.
2. On page 60, in line 20, after “(1)” to insert “or (2)”.
3. On page 60, in line 25, after “(1)” to insert “or (2)”.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of Act 87 of 1993

59. The Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), is amended as set out in the Schedule.

NEW SCHEDULE

1. That the following be a new Schedule:

SCHEDULE

AMENDMENT OF NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT, 1993

(Section 59)

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

Amendment of section 1 of Act 87 of 1993

1. Section 1 of the Non-Proliferation of Weapons of Mass Destruction Act, 1993, is hereby amended—
 - (a) by the deletion of the definition of “Atomic Energy Corporation”; and
 - (b) by the insertion after the definition of “sample” of the following definition:

“ ‘South African Nuclear Energy Corporation’ means the South African Nuclear Energy Corporation, Limited, established by section 3 of the Nuclear Energy Act, 1999;”

Amendment of section 4 of Act 87 of 1993

2. Section 4 of the Non-Proliferation of Weapons of Mass Destruction Act, 1993, is hereby amended by the substitution in paragraph (h) of subsection 2 for the words “Minister of Mineral and Energy Affairs” of the words “Minister of Minerals and Energy”.

Substitution of section 5 of Act 87 of 1993

3. The following section is hereby substituted for section 5 of the Non-Proliferation of Weapons of Mass Destruction Act:

“Objects of Council

5. The objects of the Council are, subject to the Import and Export Control Act, 1963 (Act No. 45 of 1963), the Armaments Development and Production Act, 1968 (Act No. 57 of 1968), and the Nuclear Energy Act, 1999, and in co-operation and consultation with Armscor and the Minister of Minerals and Energy (acting as the national authority with regard to the

implementation of the Safeguards Agreement between the Republic and the International Atomic Energy Agency for the application of the safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons), to control, register and inspect controlled goods, and to verify the import, export, re-export, transit and end-use of controlled goods.”.

Substitution for “Minister of State Expenditure” in Act 87 of 1993

4. The Non-Proliferation of Weapons of Mass Destruction Act, 1993, is hereby amended by the substitution for the words “Minister of State Expenditure”, wherever they occur, of the words “Minister of Finance”.

AMENDMENT REJECTED

CLAUSE 21

1. On page 24, in line 13, after “Corporation” to insert:
on recommendation of the Board