

Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 714

Cape Town Kaapstad

20 December 2024

No. 51804

THE PRESIDENCY

No. 5723 20 December 2024

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

Act No.26 of 2024: National Nuclear Regulator Amendment Act, 2024

DIE PRESIDENSIE

No. 5723 20 Desember 2024

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

No. 26 van 2024: Wysigingswet op die Nasionale Kernreguleerder, 2024





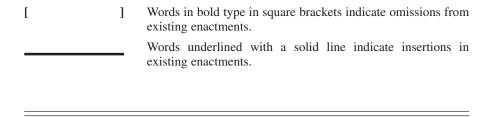


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National Nuclear Regulator Amendment Act, 2024

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GENERAL EXPLANATORY NOTE:



(English text signed by the President) (Assented to 10 December 2024)

ACT

To amend the National Nuclear Regulator Act, 1999, so as to substitute certain definitions and insert new definitions; to authorise the Regulator to perform additional regulatory functions; to provide for the decontamination, decommissioning and closing of national defence force facilities, equipment, machinery and scrap for civilian use; to provide for financial provision for costs associated with safe rehabilitation or decommissioning of facilities; to provide for additional powers of inspectors; to provide for administrative fines; to provide for the establishment of the National Dose Register; to provide for a centralised database of radiation workers; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 47 of 1999

- **1.** Section 1 of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999) (hereinafter referred to as the "principal Act"), is hereby amended—
 - (a) by the deletion of the definition of "action";
 - (b) by the insertion before the definition of "board" of the following definitions:
 - " 'activity' means-
 - (a) the use, possession, production, storage, enrichment, processing, reprocessing, or disposal of radioactive material;
 - (b) the import and export of radioactive material for industrial use, research, medical treatment and diagnosis;
 - (c) the transporting, or causing to be transported, of radioactive material;
 - (d) manufacturing of design packages intended for storage or transport of radioactive material;
 - (e) the site evaluation, design, manufacturing, construction, commissioning, operation and decommissioning of facilities;
 - (f) radioactive waste management activities and site rehabilitation; and
 - (g) any other activity involving radioactive material;

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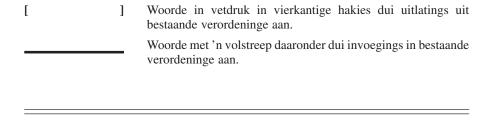
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Wysigingswet op die Nasionale Kernreguleerder, 2024

No. 26 van 2024

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ALGEMENE VERDUIDELIKENDE NOTA:



(Engelse teks deur die President geteken) (Goedgekeur op 10 Desember 2024)

WET

Tot wysiging van die Wet op die Nasionale Kernreguleerder, 1999, ten einde sekere woordomskrywings te vervang en nuwe woordomskrywings in te voeg; die Reguleerder te magtig om bykomende regulerende werksaamhede te verrig; voorsiening te maak vir die ontsmetting, buitediensstelling en sluiting van nasionale weermagfasiliteite, toerusting, masjinerie en skroot vir burgerlike gebruik; voorsiening te maak vir finansiële voorsiening vir kostes wat met die veilige rehabilitasie of buitediensstelling van fasiliteite gepaard gaan; om voorsiening te maak vir bykomende bevoegdhede van inspekteurs; voorsiening te maak vir administratiewe boetes; voorsiening te maak vir die stigting van die Nasionale Dosisregister; voorsiening te maak vir 'n gesentraliseerde databasis van radiasie-werkers; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

D^{AAR WORD} BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 47 van 1999

- **1.** Artikel 1 van die Wet op die Nasionale Kernreguleerder, 1999 (Wet No. 47 van 1999) (hierna die "Hoofwet" genoem), word hierby gewysig—
 - (a) deur die omskrywing van "aksie" te skrap;
 - (b) deur die volgende omskrywings na die omskrywing van "aanleg" in te voeg: "administratiewe boete 'n boete deur die Reguleerder opgelê

soos in artikel 47 beoog;

'aktiwiteit'—

(a) die gebruik, besit, produksie, berging, verryking, verwerking, herverwerking van of wegdoening met radioaktiewe materiaal;

- (b) die invoer en uitvoer van radioaktiewe materiaal vir nywerheidsgebruik, navorsing, mediese behandeling en diagnose;
- (c) die vervoer, of laat vervoer, van radioaktiewe materiaal;
- (d) vervaardiging van ontwerppakkette wat bedoel is vir berging of vervoer van radioaktiewe materiaal;
- (e) die terreinevaluering, ontwerp, vervaardiging, konstruksie, ingebruikneming, bedryf en buitediensstelling van fasiliteite;
- (f) radioaktiewe afvalbestuuraktiwiteite en terreinrehabilitasie; en
- (g) enige ander aktiwiteit wat radioaktiewe materiaal behels;

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National Nuclear Regulator Amendment Act, 2024

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	'administrative fine' means a fine imposed by the Regulator as contemplated under section 47; 'aircrew' means flight crew, cabin crew and any person employed by the	
	aircraft operator to perform a function on board the aircraft while it is in flight; 'authorisation' means a written permission in the form of—	5
	(a) a nuclear licence;(b) a nuclear site licence;(c) a nuclear vessel licence;	
	(d) a certificate of registration;(e) a certificate of exemption;	10
	(f) an authorisation to manufacture; or(g) any other written permission granted by the Regulator;'authorisation holder' means the holder of an authorisation, granted by	
	the Regulator; 'authorisation to manufacture' means a written permission to manufacture component parts important to nuclear or radiation safety;";	15
(c)	by the insertion after the definition of "chief executive officer" of the following definition: "clearance' means the removal of regulatory control over radioactive	20
(d)	material or radioactive objects within authorised activities and facilities;"; by the substitution for the definition of "closure" of the following definition:	
(e)	"'closure' means the completion of all technical and administrative operations after the [emplacement] disposal of [spent fuel or] radioactive waste in a disposal facility;"; by the insertion after the definition of "closure" of the following definitions:	25
	"'Compensation for Occupational Injuries and Diseases Act' means Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993); 'cosmic radiation' means radiation that originates in outer space, and which is compared of substantia radiation and respect to the compensation of the com	30
	which is composed of subatomic particles and rays of energy such as gamma rays and X-rays; 'decommissioning' means all processes and actions, including decontamination and dismantling, leading to the release or partial release of a facility other than that part of a disposal facility in which radioactive	35
	waste has been disposed from regulatory control; 'discharges' means planned and controlled releases into the environment, as a legitimate practice, within limits authorised by the Regulator, of liquid or gaseous radioactive material that originates from regulated facilities during normal operation; 'disposal' means the emplacement of radioactive waste in a disposal facility without the intention of retrieval;	40
(f)	'dose' means a measure of the energy deposited by radiation in a target;"; by the deletion of the definition of "Council for Nuclear Safety";	45
(g)	by the insertion after the definition of "enrich" of the following definitions: "'exemption' means the determination by the Regulator that a source, facility or activity is not subject to some or all aspects of regulatory	
	control, on the basis that the exposure (including potential exposure) due to the source, facility or activity is too small to warrant the application of those aspects, or that this is the optimum option for protection irrespective of the actual level of the doses or risks; 'facility' means nuclear facility, radiation facility, facilities where mining and processing of radioactive ores are carried out, radioactive waste management facility, and any other places where radioactive	50
	material is produced, processed, used, handled, stored or disposed of, on such a scale that protection and safety is required;";	

(h) by the substitution for the definition of "ionizing radiation" of the following

definition:

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- **'bron'** enigiets wat stralingsblootstelling kan veroorsaak, met inbegrip van uitlating van ioniserende straling, of deur radioaktiewe stowwe of materiaal vry te laat, en wat as 'n enkele entiteit hanteer kan word vir die doel van veiligheid en beskerming;
- **'buitediensstelling'** alle prosesse en aksies, met inbegrip van ontsmetting en aftakeling, wat lei tot die ontheffing of gedeeltelike ontheffing van 'n fasiliteit waarin radioaktiewe afval geplaas is, van regulatoriese beheer;
- 'dosis' 'n maat van die energie wat deur straling in 'n teiken toegedien word:
- **'fasiliteit'** kernfasiliteit, stralingsfasiliteit, fasiliteite waar radioaktiewe erts ontgin en verwerk word, radioaktiewe afvalbestuurfasiliteit, en enige ander plekke waar radioaktiewe materiaal vervaardig, verwerk, gebruik, hanteer, geberg of mee weggedoen word, op so 'n skaal dat beskerming en veiligheid nodig is;";
- (c) deur die omskrywing van "ioniserende straling" deur die volgende omskrywing te vervang:
 - "'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 20 dring] straling wat in staat is om ioonpare in biologiese materiaal te produseer;";
- (d) deur die omskrywing van "kernenergie" te skrap;
- (e) deur die volgende omskrywing na die omskrywing van "kernenergie" in te voeg:
 - "'kernfasiliteit' enige fasiliteit binne die kernbrandstofsiklus, anders as die myn en verwerking van erts, met inbegrip van, maar nie beperk nie tot 'n—
 - (a) kernkragstasie;
 - (b) navorsingsreaktor;
 - (c) brandstofvervaardigingstasie;
 - (d) kernherverwerkingsfasiliteit;
 - (e) uraan-, torium-, plutonium-raffinerings- of omsettingsfasiliteit;
 - (f) uraanverrykingsfasiliteit;
 - (g) kernreaktor, met inbegrip van 'n kernklowingsreaktor of enige ander fasiliteit wat bedoel is om kernversmelting te skep;
 - (h) bergingsfasiliteit vir gebruikte kernbrandstof;
 - (i) bergingsfasiliteit vir verwerking van verrykte uraan;
 - (j) fasiliteit wat spesifiek ontwerp is om enige radioaktiewe materiaal wat bedoel is om mee weggedoen te word as afvalmateriaal, te hanteer, te behandel, te kondisioneer, tydelik te berg of permanent weg te doen, behalwe 'n fasiliteit wat slegs radioaktiewe afval hanteer wat regstreeks uit die myn en verwerking van erts voortspruit; of
 - (k) enige fasiliteit, installasie, stasie of struktuur wat ingevolge artikel 45 2(3) tot 'n kernfasiliteit verklaar is;";
- (f) deur die omskrywing van "kerninstallasie" te skrap;
- (g) deur die omskrywing van "kerninstallasielisensie" deur die volgende omskrywing te vervang:
 - "'[kerninstallasielisensie] kernlisensie' 'n lisensie bedoel in artikel 50 21(1);";
- (h) deur die omskrywings van "kernherverwerkingsfasiliteit" en "kernmagtiging" te skrap;

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"'ionizing radiation' means [electromagnetic or corpuscular emis
sion emitted from radioactive material and capable of producing
ions, directly or indirectly while passing through matter] radiation
capable of producing ion pairs in biological materials;";

- (i) by the substitution for the definition of "Minister" of the following definition: "'Minister' means the Minister [of Minerals] responsible for Mineral Resources and Energy;";
- (j) by the insertion after the definition of "Minister" of the following definition:
 "National Dose Register' means centralised radiation dose record system that contains the dose records of individuals who are monitored for occupational exposures to ionizing radiation;";
- (k) by the deletion of the definition of "nuclear authorisation";
- (1) by the substitution for the definition of "nuclear damage" of the following definition:

"'nuclear damage' means—

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- (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;
- (c) economic loss arising from loss or damage referred to in (a) or (b) above:
- (d) the cost of measures of reinstatement of impaired environment, unless such impairment is insignificant, if such measures are actually taken or to be taken;
- (e) loss of income, deriving from an economic interest in any use or enjoyment of the environment, incurred as a result of a significant impairment of that environment;
- (f) the costs of preventive measures, and further loss or damage caused by such measures;
- (g) any other economic loss, other than any loss caused by the impairment of the environment,

which arises out of, or results from, or is attributable to, the ionizing radiation associated with a nuclear [installation] <u>facility</u>, nuclear vessel or [action] activity;";

- (m) by the deletion of the definitions of "nuclear energy" and "nuclear incident";
- (n) by the insertion after the definition of "nuclear damage" of the following 35 definition:

"'nuclear facility' means any facility within the nuclear fuel cycle, other than the mining and processing of ore, including but not limited to a—

(a) nuclear power plant;

- (b) research reactor;
- (c) fuel fabrication plant;
- (d) nuclear reprocessing facility;
- (e) uranium, thorium, or plutonium refinement or conversion facility;
- (f) uranium enrichment facility;
- (g) nuclear reactor, including a nuclear fission reactor or any other facility intended to create nuclear fusion;
- (h) spent nuclear fuel storage facility;
- (i) storage facility for enriched uranium processing;
- (j) 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, other than a facility which only handles radioactive waste resulting directly from the mining and processing of ore; or
- (k) any facility, installation, plant or structure declared to be a nuclear | 55 facility in terms of section 2(3);";
- (o) by the deletion of the definition of "nuclear installation";
- (p) by the substitution of the definition of "nuclear installation licence" of the following definition:

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- (i)deur die volgende omskrywings na die omskrywing van "kernmagtiging" in
 - "'kernmateriaal' plutonium-239, uraan-233, of uraan verryk in die isotope uraan-233 of uraan-235, of enige ander materiaal wat ingevolge die Wet op Kernenergie, 1999 (Wet No. 46 van 1999), verklaar is kernmateriaal te wees;

'kern- of stralingsnoodgeval' 'n situasie wat nie deel van die roetine is nie, wat straling behels, wat 'n onmiddellike reaksie noodsaak, om potensiële kernskade te voorkom of te versag;

'kern- of stralingsongeluk' enige onopsetlike gebeurtenis, met inbegrip van maar nie beperk nie tot, bedryfsfoute, toerusting wat onklaar raak, ongemagtigde of kwaadwillige handelinge, waarvan die veiligheidsbelang die vlakke oorskry wat in die veiligheids- en verwante sekuriteitstandaarde in artikel 36 beoog, voorgeskryf is;

'kern- of stralingsvoorval' enige onopsetlike gebeurtenis, met inbegrip van maar nie beperk nie tot, bedryfsfoute, toerusting wat onklaar raak, afsitvoorvalle, ongelukvoorlopers, noue ontkomings, ander teenspoed, ongemagtigde handelinge of kwaadwillige handelinge, waarvan die veiligheidsbelang die vlakke oorskry wat in die veiligheids- en verwante sekuriteitstandaarde in artikel 36 beoog, voorgeskryf is;";

deur die omskrywing van "kernskade" deur die volgende omskrywing te vervang:

"'kernskade'-

- (a) enige besering van of die dood of enige siekte of kwaal van enige persoon: [of]
- ander skade, met inbegrip van enige skade aan of verlies van die gebruik van eiendom of skade aan die omgewing;
- ekonomiese verlies voortspruitend uit verlies of skade in (a) of (b)
- die koste van maatreëls om beskadigde omgewing te herstel, tensy sodanige verswakking gering is, indien sodanige maatreëls werklik ingestel word of ingestel gaan word;
- verlies aan inkomste, voortspruitend uit 'n ekonomiese belang by enige gebruik of genot van die omgewing, gely weens 'n beduidende verswakking van daardie omgewing;
- die koste van voorkomende maatreëls, en verdere verlies of skade wat deur sodanige maatreëls veroorsaak is;
- enige ander ekonomiese verlies, anders as enige verlies wat deur die verswakking van die omgewing veroorsaak is,

wat voortspruit uit, of die gevolg is of toe te skryf is aan die ioniserende 40 straling wat verband hou met 'n [kerninstallasie] kernfasiliteit, kernvaartuig of [handeling] aktiwiteit;":

- (k) deur die volgende omskrywing na die omskrywing van "kernskade" in te voeg:

 "'kernterreinlisensie' 'n lisensie in artikel 21(2) beoog;";
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- deur die omskrywing van "kernvoorval" te skrap;
- (m) deur die volgende omskrywing na die omskrywing van "kernvoorval" in te
 - "'kosmiese straling' straling wat in die buitenste ruimte ontstaan en wat uit subatomiese deeltjies en energiestrale soos gammastrale en X-strale

'magtiging' skriftelike toestemming in die vorm van-

- 'n kernlisensie; (a)
- (b) 'n kernterreinlisensie;
- (c) 'n kernvaartuiglisensie;
- (d)'n registrasiesertifikaat;
- 'n vrystellingsertifikaat;
- 'n magtiging om te vervaardig; of
- (g) enige ander skriftelike magtiging deur die Reguleerder toegestaan; 'magtiging om te vervaardig' 'n skriftelike toestemming om onderdele te vervaardig wat belangrik vir kern- of stralingsveiligheid is;

'magtigingshouer' die houer van 'n magtiging deur die Reguleerder toegestaan;";

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- "'nuclear [installation] licence' means a licence referred to in section 21(1);";
- (q) by the insertion after the definition of "nuclear licence" of the following definitions:
 - "'nuclear material' means plutonium-239, uranium-233, or uranium enriched in the isotopes uranium-233 or uranium-235, or any other material determined to be nuclear material in terms of the Nuclear Energy Act, 1999 (Act No. 46 of 1999);

'nuclear or radiation accident' means any unintended event, including but not limited to, operating errors, equipment failures, unauthorised acts or malicious acts, the safety significance of which exceeds the levels prescribed in the safety and related security standards contemplated in section 36;

'nuclear or radiation incident' means any unintended event, including but not limited to, operating errors, equipment failures, initiating events, accident precursors, near misses, other mishaps, unauthorised acts or malicious acts, the safety significance of which exceeds the levels prescribed in the safety and related security standards contemplated in section 36;

'nuclear or radiation emergency' means a non-routine situation, involving radiation, which necessitates the taking of prompt response actions, to prevent or mitigate potential nuclear damage;

'nuclear site licence' means a licence referred to in section 21(2);";

- (r) by the deletion of the definition of "nuclear reprocessing facility";
- (s) by the substitution for the definition of "period of responsibility" of the 25 following definition:

"'period of responsibility" means the period beginning on the date of coming into force of the relevant authorisation and ending on the date on which the Regulator gives notice in writing to the holder of authorisation informing that they are relieved of further responsibility;";

(t) by the insertion after the definition of "plant" of the following definition:

- "'pre-construction activities' means the preparation of a site for the construction of a nuclear facility including initial earthworks and site levelling, preparation of construction roads, borrow areas, security infrastructure, dewatering, building of diaphragm wall and excavation 35 and clearance to bedrock;";
- (u) by the insertion after the definition of "prescribed" of the following definitions:

" 'Public Finance Management Act' means Public Finance Management Act, 1999 (Act No.1 of 1999);

'radiation' means ionizing radiation;";

(v) by the substitution for the definition of "radioactive material" of the following definition:

"'radioactive material' means any substance consisting of, or containing[,] any [radioactive nuclide] radionuclide, whether natural or 45 artificial [, including, but not limited to, radioactive waste and spent nuclear fuel];";

- (w) by the deletion of the definition of "radioactive nuclide";
- (x) by the insertion after the definition of "radioactive material" of the following definitions:

"'radionuclide' means any unstable atomic nucleus which decays spontaneously with the accompanying emission of ionizing radiation;

'radioactive waste' means material that contains or is contaminated with radioactive material at a concentration or activities greater than the prescribed clearance level and for which no further use is foreseen;";

- (y) by the substitution for the definition of "radioactivity" of the following definition:
 - "'radioactivity' means the [measure of a quantity of radioactive materials] phenomenon whereby atoms undergo spontaneous random disintegration, usually accompanied by the emission of radiation;";
- (z) by the substitution for the definition of "site" of the following definition:

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- (n) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
 - "'Minister' die Minister [van Minerale] verantwoordelik vir Minerale Hulpbronne en Energie;";
- (o) deur die volgende omskrywings na die omskrywing van "Minister" in te voeg:

"'Nasionale Dosisregister' gesentraliseerde stralingsdosisrekordstelsel wat die dosisrekords bevat van individue wat vir beroepsblootstellings aan ioniserende straling gemonitor word;

'ontheffing' die verwydering van regulatoriese beheer oor radioaktiewe materiaal of radioaktiewe voorwerpe binne gemagtigde aktiwiteite en fasiliteite;

'ontladings' beplande en beheerde ontladings in die omgewing in, as 'n wettige praktyk, binne beperkings wat deur die Reguleerder gemagtig is, van vloeistof of gasagtige radioaktiewe materiaal wat tydens normale bedryf vanaf gereguleerde fasiliteite kom;";

- (p) deur die omskrywing van "Raad vir Kernveiligheid" te skrap;
- (q) deur die volgende omskrywing na die omskrywing van "Raad vir Kernveiligheid" in te voeg:

"'radioaktiewe afval' materiaal wat radioaktiewe materiaal bevat of 20 daarmee besmet is teen 'n konsentrasie of aktiwiteite wat meer is as die voorgeskrewe klaringsvlak, waarvoor geen verdere gebruik in die vooruitsig gestel word nie;";

(r) deur die omskrywing van "radioaktiewe materiaal" deur die volgende omskrywing te vervang:

> ""radioaktiewe materiaal' enige stof bevattende of bestaande uit enige natuurlike of kunsmatige [radioaktiewe nuklied insluitende, maar nie beperk tot, radioaktiewe afval en uitgediende kernbrandstof] radionuklied;";

- (s) deur die omskrywing van "radioaktiewe nuklied" te skrap; 30
- (t) deur die omskrywing van "radioaktiwiteit" deur die volgende omskrywing te vervang:

"'radioaktiwiteit' die [meting van 'n hoeveelheid radioaktiewe materiaal] verskynsel waar atome spontane lukrake disintegrasie ondergaan, gewoonlik vergesel van die uitlating van straling;";

(u) deur die volgende omskrywing na die omskrywing van "radioaktiwiteit" in te voeg:

"'radionuklied' enige onstabiele atomiese nukleus wat spontaan ontbind met die gepaardgaande uitlating van ioniserende straling;";

(v) deur die omskrywing van "sluiting" deur die volgende omskrywing te 40 vervang:

"'sluiting' die voltooiing van alle <u>tegniese en administratiewe</u> werksaamhede na [die plasing van gebruikte brandstof of] wegdoening met radioaktiewe afval in 'n afvalsfasiliteit;";

- (w) deur die volgende omskrywing na die omskrywing van "sluiting" in te voeg: 45"'straling' ioniserende straling;";
- (x) deur die omskrywing van "terrein" deur die volgende omskrywing te vervang:

"'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] 'n omskrewe geografiese gebied wat 'n gemagtigde of voorgestelde fasiliteit, aktiwiteit of bron huisves waaroor die magtigingshouer of -aansoeker regstreeks gesag uitoefen;";

- (y) deur die volgende omskrywing na die omskrywing van "terrein" in te voeg:
 "terreinevaluasie' die analise van daardie faktore wat kern- of stralingsveiligheid en sekuriteit van 'n fasiliteit of aktiwiteit op daardie terrein kan raak;";
- (z) deur die omskrywing van "verantwoordelikheidstydperk" deur die volgende 60 omskrywing te vervang:

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- (a) a nuclear installation is situated or is being constructed; or
- (b) any action which is capable of causing nuclear damage, is carried out] a defined geographical area that contains an authorised or proposed facility, activity or source over which the authorisation holder or applicant exercises direct authority;"; and

(za) by the insertion after the definition of "site" of the following definitions:

"'site evaluation' means the analysing of those factors that could affect nuclear or radiation safety and security of a facility or activity on that site;

'source' means anything that may cause radiation exposure including emission of ionizing radiation, or by releasing radioactive substances or material, and which can be treated as a single entity for protection and <u>safety purposes;</u>".

Amendment of section 2 of Act 47 of 1999

2. Section 2 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

"Application of Act and declaration of nuclear [installation] <u>facility</u>;

- (b) by the substitution for subsection (1) of the following subsection:
 - "(1) Subject to subsection (2), this Act applies to—
 - (a) the [siting] site evaluation, design, manufacturing of component parts, construction, operation, extended shutdown, decontamination, decommissioning and closure of any nuclear [installation] facility;
 - (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.]
 - (c) radiation sources including devices in which they are incorporated;
 - (d) the decontamination, decommissioning and closure of any of the Republic's National Defence Force facilities, equipment, machinery or scrap, including remediation or rehabilitation of land, which is designated for release for civilian use;
 - (e) exposure of aircrew to cosmic radiation; and
 - (f) any other activities involving radiation conducted in the Republic 35 which are capable of causing nuclear damage.";
- (c) by the substitution in subsection (2) for paragraphs (a) and (b) of the following paragraphs:
 - "(a) exposure to cosmic radiation <u>at ground level</u> or to potassium-40 in the body or any other radioactive material or [actions] <u>activities</u> not amenable to regulatory control as determined by the Minister, [after consultation with], on recommendation by the board and by notice in the *Gazette*;

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- "'verantwoordelikheidstydperk' die tydperk wat begin op die datum waarop die tersaaklike magtiging van krag word en wat eindig op die datum waarop die Reguleerder skriftelik aan die magtigingshouer kennis gee dat hulle van verdere verantwoordelikheid onthef is;";
- (za) deur die volgende omskrywing na die omskrywing van "verryk" in te voeg:

 "'vlugpersoneel' vlugpersoneel, kajuitpersoneel en enige persoon deur
 die lugvaartuigoperateur in diens geneem om 'n werksaamheid aan
 boord van die lugvaartuig te verrig terwyl dit vlieg;";
- (zb) deur die volgende omskrywings na die omskrywing van "voorgeskrewe" in te voeg:

"'vooroprigtingsaktiwiteite' die voorbereiding van 'n terrein vir die oprigting van 'n kernfasiliteit, met inbegrip van aanvanklike grondwerke en terreingelykmaking, voorbereiding van oprigtingspaaie, steelgebiede, sekuriteitsinfrastruktuur, ontwatering, bou van 'n diafragmamuur en uitgrawings en skoonmaak tot op die rotsbodem;

'vrystelling' die bepaling deur die Reguleerder dat 'n bron, fasiliteit of handeling nie onderhewig is aan sekere of alle aspekte van regulatoriese beheer nie, op grond daarvan dat die blootstelling (ook potensiële blootstelling) weens die bron, fasiliteit of handeling, te gering is om die toepassing van daardie aspekte te regverdig, of dat dit die optimum opsie vir beskerming is, ongeag die werklike vlak van die dosisse of risiko's;";

- (zc) deur die volgende omskrywings na die omskrywing van "vrystellingsertifikaat" in te voeg:
 - **"'wegdoening'** die plasing van radioaktiewe afval in 'n 25 wegdoensingsfasiliteit sonder die voorneme om dit terug te kry;

'Wet op Openbare Finansiële Bestuur' die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);

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

Wysiging van artikel 2 van Wet 47 van 1999

- 2. Artikel 2 van die Hoofwet word hierby gewysig—
 - (a) deur die opskrif deur die volgende opskrif te vervang:
 - "Toepassing van Wet, en verklaring tot [kerninstallasie] 35 kernfasiliteit";
 - (b) deur subartikel (1) deur die volgende subartikel te vervang:
 - "(1) Behoudens subartikel (2) is hierdie Wet van toepassing op—
 - (a) die [aanlê] terreinevaluasie, ontwerp, vervaardiging van onderdele, oprigting, bedryf, verlengde sluiting, ontsmetting, buitediens-stelling en sluiting van enige [kerninstallasie] kernfasiliteit;
 - (b) vaartuie wat deur kernkrag aangedryf word of wat radioaktiewe materiaal wat in staat is om kernskade te veroorsaak, aan boord het; **[en**
 - (c) enige handeling wat in staat is om kernskade te veroorsaak.] 45
 - $\underline{(c)}$ stralingsbronne, met inbegrip van kerntoestelle waarvan hulle deel uitmaak;
 - (d) die ontsmetting, buitediensstelling en sluiting van enige van die Republiek se Nasionale Weermagfasiliteite, toerusting, masjinerie of skroot, met inbegrip van versagting of rehabilitasie van grond, wat aangewys is vir vrystelling vir burgerlike gebruik;
 - (e) blootstelling van vlugpersoneel aan kosmiese straling; en
 - (f) enige ander aktiwiteite wat straling behels wat in die Republiek uitgevoer word, wat in staat is om kernskade te veroorsaak.";
 - (c) deur in subartikel (2) paragrawe (a) en (b) deur die volgende paragrawe te 55 vervang:
 - "(a) blootstelling aan kosmiese bestraling op grondvlak of kalium-40 in die liggaam of enige ander radioaktiewe materiaal of [handelinge] aktiwiteite wat nie onderworpe is aan beheer soos deur die Minister [na oorlegpleging met] op aanbeveling van die raad, en by 60 kennisgewing in die Staatskoerant bepaal nie;

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(b)	subject to section 41(4), any [action] activity where the radioactiv-
	ity 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;";

- (d) by the deletion of paragraphs (c) and (d);
- (e) by the insertion after paragraph (d) of the following paragraph:
 - "(e) naval vessels of a foreign state that are invited into the Republic through diplomatic channels; and
 - nuclear security matters undertaken in accordance with sections 33, 34 and 35 of the Nuclear Energy Act, 1999 (Act No. 46 of 1999)."; 10
- (f) by the substitution for subsection (3) of the following subsection:

"(3) For the purposes of this Act, the Minister may, [after consultation with] on the recommendation of the board and by the notice in Gazette, declare any facility, [installation,] plant or structure, including 15 a mine or ore-processing facility, to be a nuclear [installation] facility.".

Substitution of section 3 of Act 47 of 1999

- **3.** The following section is hereby substituted for section 3 of the principal Act:
 - "(1) A juristic person known as the National Nuclear Regulator is hereby established, comprising of a board, a chief executive officer and staff.
 - (2) The Regulator is a schedule 3A public entity in terms of the Public Finance Management Act.".

Amendment of section 5 of Act 47 of 1999

- **4.** Section 5 of the principal Act is hereby amended—
 - (a) by the substitution for paragraphs (a) and (b) of the following paragraphs: "(a) provide for the protection of persons, property and the environment against [nuclear damage] the harmful effects of radiation associated with facilities and activities through the establishment of safety and related security standards and regulatory practices;
 - (b) exercise regulatory control related to safety [over
 - 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 35 nuclear damage,] and related security over activities contemplated in section 2(1) of this Act,

through the granting of [nuclear] authorisations;";

- (b) by the deletion of paragraph (c);
- (c) by the substitution for paragraphs (d), (e) and (f) of the following paragraphs: 40
 - "(d) [provide assurance of] enforce 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 and radiation safety; [and]
 - ensure that [provisions] requirements for nuclear and radiation emergency [planning] preparedness and response are in place[.]; and"; and
- (d) by the insertion after paragraph (f) of the following paragraph:
 - "(g) disseminate objective scientific, technical, and regulatory information concerning the activities of the Regulator and the effects on the environment and on the health and safety of persons, property and the environment from facilities and activities using radiation and nuclear technology.".

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- (b) behoudens artikel 41(4), enige [handeling] aktiwiteit 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;";
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- (d) deur paragrawe (c) en (d) te skrap;
- (e) deur die volgende paragraaf na paragraaf (d) in te voeg:
 - "(e) vlootvaartuie van 'n vreemde staat wat deur diplomatieke kanale na die Republiek genooi is; en
 - (f) kernveiligheidsaangeleenthede wat ooreenkomstig artikels 33, 34 | 10 en 35 van die Wet op Kernenergie, 1999 (Wet No. 46 van 1999), onderneem word."; en
- (f) deur subartikel (3) deur die volgende subartikel te vervang:
 - "(3) Die Minister kan, [na oorlegpleging met] op aanbeveling van die raad, by kennisgewing in die *Staatskoerant*, enige fasiliteit, [installasie,] 15 aanleg of struktuur, insluitende 'n myn of 'n ertsverwerkingsfasiliteit, tot 'n [kerninstallasie] kernfasiliteit verklaar vir doeleindes van hierdie Wet.".

Vervanging van artikel 3 van Wet 47 van 1999

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

"(1) 'n Regspersoon wat bekend staan as die Nasionale Kernreguleerder,
bestaande uit 'n raad, hoof- uitvoerende beampte en personeel, word hierby gestig.

(2) Die Reguleerder is 'n bylae 3A openbare instelling ingevolge die Wet op
Openbare Finansiële Bestuur.".

Wysiging van artikel 5 van Wet 47 van 1999

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- 4. Artikel 5 van die Hoofwet word hierby gewysig—
 - (a) deur paragraaf (a) en (b) deur die volgende paragrawe te vervang:
 - "(a) deur die daarstelling van [veiligheidstandaarde] veiligheids- en verwante sekuriteitstandaarde en regulerende praktyke voorsiening te maak vir die beskerming van persone, eiendom en die omgewing 30 teen [kernskade] die skadelike uitwerking van straling wat met fasiliteite en aktiwiteite gepaard gaan;";
 - (b) regulerende beheer in verband met die veiligheid [van-
 - die aanlê ontwerp, oprigting, bedryf, vervaardiging van onderdele, ontsmetting, buitediensstelling en sluiting 35 van kerninstallasies; en
 - (ii) oor kernaangedrewe vaartuie of vaartuie wat radioaktiewe materiaal aan boord het wat kernskade kan veroorsaak,] en verwante sekuriteit van aktiwiteite beoog in artikel 2(1) van hierdie Wet,

deur die toestaan van [kernmagtigings] magtigings uit te oefen;";

- (b) deur paragraaf (c) te skrap;
- (c) deur paragrawe (d), (e) en (f) deur die volgende paragrawe te vervang:
 - "(d) [deur die implementering van 'n stelsel van inspeksies te verseker dat] nakoming van die voorwaardes van kernmagtigings 45 [nagekom word] af te dwing;
 - (e) nasionale verpligtinge ten opsigte van internasionale regsinstrumente rakende kernveiligheid na te kom; [en]
 - (f) toe te sien dat [voorskrifte] vereistes vir [kernnoodbeplanning]
 kern- en stralingsnoodgereedheid en -reaksie daargestel is[.]; en"; 5
- (d) deur die volgende paragraaf na paragraaf (f) in te voeg:
 - "(g) objektiewe wetenskaplike, tegniese en regulatoriese inligting met betrekking tot die aktiwiteite van die Reguleerder en die uitwerking op die omgewing en op die gesondheid en veiligheid van persone, eiendom en die omgewing te versprei vanaf fasiliteite en aktiwiteite wat stralings- en kerntegnologie gebruik."

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Amendment of section 6 of Act 47 of 1999

- **5.** Section 6 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:
 - "(a) ensure the effective monitoring and control of the nuclear or radiation hazard;".

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Amendment of section 7 of Act 47 of 1999

- **6.** Section 7 of the principal Act is hereby amended—
 - (a) by the substitution in subsection (1) for paragraphs (a), (b), (c), (d) and (e) of the following paragraphs:
 - "(a) grant [or], amend, refuse, suspend or revoke [nuclear] authori- 10 sations, subject to the provisions of this Act;
 - (b) hire, purchase or otherwise acquire any movable and immovable property [and] or 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 15 with the agreement of the Minister of Finance] subject to the provisions of the Public Finance Management Act;
 - (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 20 [nuclear energy falling within the objects of the Regulator] radiation safety and related security as contemplated in section 2 of this Act;
 - (d) collaborate with any educational, scientific or other body [, a government] or institution in connection with the provision of 25 instruction for, or the training of, persons required by the Regulator;
 - (e) provide, on such conditions as the Regulator [thinks] deems 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 30 the Regulator to perform its functions;";
 - (b) by the substitution in subsection (1) for paragraphs (g), (h), (i) and (j) of the following paragraphs:
 - "(g) advise the Minister on matters associated with any [action] facility, activity or condition which—
 - (i) is capable of causing nuclear damage;
 - (ii) the Minister refers to the Regulator; or
 - (iii) the Regulator [thinks] deems necessary to advise the Minister on;
 - (h) [for purposes of this Act,] act as the national competent authority 40 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 45 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 [.] and the reporting requirements in terms of the Public Finance Management Act;";
 - (c) by the insertion in subsection (1) after paragraph (j) of the following paragraphs:
 - "(k) issue directives, notices, guidance and position papers necessary for the implementation of this Act;

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Wysiging van artikel 6 van Wet 47 van 1999

- **5.** Artikel 6 van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf (*a*) deur die volgende paragraaf te vervang:
 - "(a) toe te sien dat die [kerngevaar] kern- of stralingsgevaar effektief gemonitor en beheer word;".

Wysiging van artikel 7 van Wet 47 van 1999

- **6.** Artikel 7 van die Hoofwet word hierby gewysig—
 - (a) deur in subartikel (1) paragrawe (a), (b), (c), (d) en (e) deur die volgende paragrawe te vervang:
 - "(a) [kernmagtigings] magtigings toestaan [of], wysig, weier, opskort 10 of intrek, behoudens die bepalings van hierdie Wet;
 - (b) enige roerende en onroerende eiendom [en] of 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 15 instemming van die Minister van Finansies, verkry of oor beskik word nie] behoudens die bepalings van die Wet op Openbare Finansiële Bestuur;
 - (c) met enige ander liggaam of instelling saamwerk of beheermaatreëls vir die insameling en verspreiding van wetenskaplike en tegniese 20 inligting ten opsigte van enige aangeleentheid rakende [kernenergie wat binne die bestek van die oogmerke van die Reguleerder val] stralingsveiligheid en verwante sekuriteit soos beoog in artikel 2 van hierdie Wet, instel;
 - (d) met enige opvoedkundige, wetenskaplike of ander liggaam[, 'n 25 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;";
 - (b) deur in subartikel (1) paragrawe (g), (h), (i) en (j) deur die volgende paragrawe te vervang:
 - "(g) die Minister adviseer oor aangeleenthede wat verband hou met enige [handeling] fasiliteit, aktiwiteit 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 40 adviseer:
 - (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 50 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[.] en die verslagdoeningsvereistes 55 ingevolge die Wet op Openbare Finansiële Bestuur;";
 - (c) deur in subartikel (1) na paragraaf (j) die volgende paragrawe in te voeg:

 "(k) riglyne, kennisgewings, leidings- en situasieskrifte uitreik wat vir
 die inwerkingstelling van hierdie Wet nodig is;

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(l)	inspect, monitor, assess the activities of applicants for authorisa-
	tions and authorisation holders for the purpose of verifying
	compliance with the provisions of this Act, applicable to regulations
	and the conditions of authorisations:

- (m) implement enforcement measures in the event of non-compliance or violation of the provisions of this Act, applicable regulations and the conditions of authorisations;
- (n) recommend regulations prescribing safety and related security standards as well as regulatory practices as contemplated in section 2(1) of this Act;
- (o) establish and maintain a national register of persons authorised to carry out activities under this Act;
- (p) establish and maintain a national dose register;
- (q) establish and maintain a national register of radiation sources;
- (r) conduct relevant research, establish and maintain nuclear safety and security research programmes for regulatory development to provide the Regulator with scientific, technical and other advice and information, as contemplated in section 2(1) of this Act; and
- (s) make such arrangements as the Regulator may consider appropriate for relevant social, economic and environmental information to be collected from a holder of an authorisation and make such information available to the Department for the purpose of undertaking impact assessment for the implementation of the Act.";
- (d) by the substitution for subsection (2) of the following subsection:"(2) The Minister must table in Parliament the annual public report 25 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]."; and

(e) by the deletion of subsection (3).

Amendment of section 8 of Act 47 of 1999

- 7. Section 8 of the principal Act is hereby amended—
 - (a) by the substitution for subsection (1) of the following subsection:
 - "(1) The Regulator is governed and controlled, in accordance with this Act, by a [Board of Directors] board.";
 - (b) by the substitution in subsection (4)(a) for subparagraphs (iv), (v) and (vi) of the following subparagraphs:
 - "(iv) an official from the [Department of Minerals] department responsible for Mineral Resources and Energy;
 - (v) an official from the [Department of Environmental Affairs 40 and Tourism] department responsible for the Environment; and
 - (vi) not more than seven other directors; [and]";
 - (c) by the substitution in subsection (4) for paragraph (b) of the following paragraph:

"(b) the chief executive officer [.]; and";

- (d) by the insertion in subsection (4) after paragraph (b) of the following paragraph:
 - "(c) the chief financial officer.";
- (e) by the substitution in subsection (7) for paragraphs (b), (c) and (d) of the 50 following paragraphs:
 - "(b) a relevant portfolio committee of the National Assembly must compile a short-list of not more than 20 candidates from persons nominated;
 - (c) in addition to persons contemplated in subsection 4(a)(iv) and (v), the Minister must, from the short-list so compiled [and from other persons nominated as contemplated in paragraph (a)], appoint persons to the relevant positions on the board; and

- (1) aansoekers om magtigings en magtigingshouers se aktiwiteite inspekteer, monitor en assesseer, met die doel om nakoming van die bepalings van hierdie Wet, van toepassing op regulasies en die voorwaardes van magtigings, te verifieer;
- (m) afdwingingsmaatreëls instel in die geval van nie-nakoming of oortreding van die bepalings van hierdie Wet, toepaslike regulasies en die voorwaardes van magtigings;
- (n) regulasies aanbeveel wat veiligheid en verwante sekuriteitstandaarde voorskryf, asook regulatoriese praktyke soos beoog in artikel 2(1) van hierdie Wet;
- 'n nasionale register instel en in stand hou van persone wat gemagtig is om aktiwiteite kragtens hierdie Wet uit te voer;
- 'n nasionale dosisregister instel en in stand hou;
- (q) 'n nasionale register van stralingsbronne instel en in stand hou;
- (r) relevante navorsing doen, kernveiligheid en sekuriteitnavorsingsprogramme vir regulatoriese ontwikkeling instel en in stand hou om die Reguleerder van wetenskaplike, tegniese en ander advies en inligting te voorsien, soos beoog in artikel 2(1) van hierdie Wet; en
- sodanige reëlings tref as wat die Reguleerder gepas ag vir die insameling van tersaaklike sosiale, ekonomiese omgewingsinligting vanaf 'n houer van 'n magtiging en die beskikbaarstelling van sodanige inligting aan die Departement met die doel om impakbeoordeling vir die inwerkingstelling van die Wet te onderneem.";

(d) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Die Minister moet die jaarlikse openbare verslag aan hom of haar 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 30 van die volgende gewone sessie]."; en

(e) deur subartikel (3) te skrap.

Wysiging van artikel 8 van Wet 47 van 1999

- 7. Artikel 8 van die Hoofwet word hierby gewysig—
 - (a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die Reguleerder word in ooreenstemming met hierdie Wet deur 'n [Raad van Direkteure] raad beheer en bestuur.";

- (b) deur in subartikel (4)(a) subparagrawe (iv), (v) en (vi) deur die volgende subparagrawe te vervang:
 - 'n beampte van die [Departement van Minerale] 40 departement verantwoordelik vir Minerale Hulpbronne en
 - (v) 'n beampte van die [Departement van Omgewingsake en Toerisme] departement verantwoordelik vir die Omgewing;
 - (vi) hoogstens sewe ander direkteure; [en]";
- deur in subartikel (4) paragraaf (b) deur die volgende paragraaf te vervang: "(b) die hoof- uitvoerende beampte[.]; en";
- deur die volgende paragraaf na paragraaf (\overline{b}) in subartikel (4) in te voeg: "(c) die hoof- finansiële beampte.";
- deur in subartikel (7) paragrawe (b), (c) en (d) deur die volgende paragrawe te
 - "(b) 'n tersaaklike portefeuljekomitee van die Nasionale Vergadering moet 'n kortlys van hoogstens 20 kandidate vanuit die benoemde persone saamstel:
 - benewens die persone beoog in subartikel 4(a)(iv) en (v), moet die Minister vanuit die kortlys aldus opgestel [en vanuit ander genomineerde persone in paragraaf (a) bedoel], persone op die Raad aanstel; en

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- (d) the Minister [may,] must 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.":
- (f) by the substitution in subsection (8) for paragraph (e) of the following paragraph:
 - "(e) is [a holder of a nuclear] an authorisation holder or an employee of such holder.";
- (g) by the substitution for subsection (12) of the following subsection:
 - "(12)(a) The chairperson of the board holds office for a period 10 specified in the letter of appointment but not exceeding [three] five years and may be re-appointed 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] five years and may be re-appointed upon expiry of that term of office.";
- (h) by the deletion of subsection (13)(b);
- by the deletion of subsection (14); and
- (j) by the insertion after subsection 14 of the following subsections:
 - "(15) The Board is the accounting authority of the Regulator. (16) The members of the board must, when viewed collectively-
 - (a) be persons who are suited to serve on the board by virtue of their qualifications, expertise and experience in the fields of nuclear science, technology and engineering, finance, risk, corporate governance, law and strategic leadership;
 - (b) be persons who are committed to fairness and accountability on the part of those holding public office; and
 - be persons who are committed to the objects and principles as enunciated in the Charter and Code of Conduct of the Regulator.".

Amendment of section 9 of Act 47 of 1999

8. Section 9 of the principal Act is hereby amended by the substitution for the heading 30 of the following heading:

"Vacation of office [of board members] by director".

Amendment of section 12 of Act 47 of 1999

- 9. Section 12 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:
 - "(b) appoint as members of any such committee such persons, including directors of the board, staff of the Regulator, [the holders of nuclear authorisations] authorisation holders and employees of such holders, as the board considers appropriate.".

Amendment of section 14 of Act 47 of 1999

- 10. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
 - "(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, 45 to its chairperson, [or a] committee of the board, director of the board or chief executive officer.'

Amendment of section 15 of Act 47 of 1999

the Regulator.";

- 11. Section 15 of the principal Act is hereby amended—
 - (a) by the substitution for subsections (1) of the following subsection: 50 "(1) The Minister must, [after consultation with] on recommendation of the board, from a list of not less than three persons so nominated, appoint a person with suitable qualifications as chief executive officer of
 - (b) by the substitution for subsections (3) and (4) of the following subsections:

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- (d) [kan] moet 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.";
- (f) deur in subartikel (8) paragraaf (e) deur die volgende paragraaf te vervang: "(e) [die houer is van] 'n [kernmagtiging] magtigingshouer of 'n werknemer van sodanige houer is.";
- (g) deur subartikel (12) deur die volgende subartikel te vervang:

"(12)(a) Die voorsitter van die raad beklee die amp vir 'n tydperk in die aanstellingsbrief vermeld, maar hoogstens vir [drie] vyf jaar en mag 10 weer aangestel word by verstryking van daardie ampstermyn.

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

- (h) deur subartikel (13)(b) te skrap;
- (i) deur subartikel (14) te skrap; en
- (j) deur die volgende subartikels na subartikel 14 in te voeg:

"(15) Die Raad is die rekenpligtige gesag van die Reguleerder.

(16) Die lede van die raad moet, wanneer gesamentlik beskou-

- (a) persone wees wat geskik is om op die raad te dien uit hoofde van hul kwalifikasies, kundigheid en ervaring in die velde van kernwetenskap, tegnologie en ingenieurswese, finansies, risiko, korporatiewe beheer, regte en strategiese leierskap;
- (b) persone wees wat verbind is tot billikheid en aanspreeklikheid aan die kant van diegene wat openbare ampte beklee; en
- (c) persone wees wat toegewyd is tot die oogmerke en beginsels soos in die Handves en Gedragskode van die Reguleerder uitgedruk.".

Wysiging van artikel 9 van Wet 47 van 1999

8. Artikel 9 van die Hoofwet word hierby gewysig deur die opskrif deur die volgende opskrif te vervang:

"Ampsontruiming deur [raadslede] direkteur".

Wysiging van artikel 12 van Wet 47 van 1999

- **9.** Artikel 12 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:
 - "(b) persone as lede van sodanige komitees aanstel, insluitende direkteure van die raad, personeel van die Reguleerder, [die houers van kernmagtigings] magtigingshouers en werknemers van sodanige houers, soos wat die raad toepaslik vind.".

Wysiging van artikel 14 van Wet 47 van 1999

- **10.** Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (1) deur die 40 volgende subartikel te vervang:
 - "(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, direkteur van die raad of hoof- uitvoerende beampte, wat by werking van artikel 8(1) of (2) aan hom verleen of opgedra is, of aan hom andersins 45 by hierdie Wet verleen of opgedra is.".

Wysiging van artikel 15 van Wet 47 van 1999

- 11. Artikel 15 van die Hoofwet word hierby gewysig-
 - (a) deur subartikel (1) deur die volgende subartikel te vervang:
 - "(1) Die Minister moet [na oorlegpleging met] op aanbeveling van die raad, vanaf 'n lys van hoogstens drie aldus benoemde persone, 'n toepaslik gekwalifiseerde persoon as hoof- uitvoerende beampte van die Reguleerder aanstel.";
 - (b) deur subartikels (3) en (4) deur die volgende subartikels te vervang:

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 "(3) A chief executive officer holds office for a period not exceeding [three] five years as specified in the letter of appointment and may be re-appointed upon expiry of that term of office. (4) The Minister may, after consultation with the board and at any time [discharge] remove the chief executive officer from office—"; (c) by the deletion of subsection (5); (d) by the deletion of subsection (6)(c); (e) by the substitution in subsection (6) for paragraph (d) of the following 	5
paragraph: "(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),] Public Finance	
Management Act and submit the report to the board for approval;"; (f) by substitution in subsection (9) for paragraph (a) of the following paragraph: "(a) this Act, the [Reporting by Public Entities Act, 1992,] Public Finance Management Act, or any other law;";	1.7
 (g) by the substitution in subsection (10) for the following subsection: "(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] a staff member of the Regulator to act as chief executive officer until the chief executive officer is able to resume those functions."; and (h) by the deletion of subsection (11). 	20
Amendment of section 16 of Act 47 of 1999	
12. Section 16 of the principal Act is hereby amended by the deletion of subsections (3), (4) and (6).	25
Amendment of section 17 of Act 47 of 1999	
 13. Section 17 of the principal Act is hereby amended— (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph: "(b) fees paid to the Regulator in terms of section 28[;] and fines levied in terms of section 52;"; and (b) by the deletion of subsection (7). 	30
Substitution of section 18 of Act 47 of 1999	
14. The following section is hereby substituted for section 18 of the principal Act: "18. The Regulator's financial year is in accordance with the Public Finance Management Act".	35
Amendment of heading of Chapter 3 of Act 47 of 1999	
15. The following heading is hereby substituted for the heading of Chapter 3 of the Principal Act: "AUTHORISATIONS".	40
Amendment of section 20 of Act 47 of 1999	
16. Section 20 of the principal Act is hereby amended—	
 (a) by the substitution for the heading of the following heading: "Restrictions on certain [actions] activities"; (b) by the substitution for subsections (1), (2) and (3) of the following 	45
subsections: "(1) No person may site, construct, operate, decontaminate or decommission a nuclear facility, except under the authority of a nuclear licence. (2) No person may perform any pre-construction activities without	50
prior written permission of the Regulator.	

	"(3) 'n Hoof- uitvoerende beampte beklee die amp vir 'n tydperk van hoogstens [drie] <u>vyf</u> jaar soos in die aanstellingsbrief uiteengesit en mag by verstryking van daardie ampstermyn heraangestel word.	
	(4) Die Minister kan, na oorleg met die raad en te eniger tyd die hoof- uitvoerende beampte van daardie amp onthef—";	5
(c)	deur subartikel (5) te skrap;	J
(d)	deur subartikel $(6)(c)$ te skrap;	
(e)	deur in subartikel (6) paragraaf (d) deur die volgende paragraaf te vervang: "(d) ooreenkomstig die [Wet op Verslagdoening deur Publieke Entiteite, 1992 (Wet No. 93 van 1992)] Wet op Openbare Finansiële Bestuur, ten opsigte van die aktiwiteite van die Reguleerder 'n verslag vir elke finansiële jaar opstel en aan die raad	10
(f)	voorlê vir goedkeuring;"; deur in subartikel (9) paragraaf (a) deur die volgende paragraaf te vervang: "(a) hierdie Wet, die [Wet op Verslagdoening deur Publieke Entiteite, 1992] Wet op Openbare Finansiële Bestuur, of enige ander wet;";	15
	deur subartikel (10) deur die volgende subartikel te vervang: "(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] 'n personeellid 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."; en	20
(n)	deur subartikel (11) te skrap.	
Wysigin	g van artikel 16 van Wet 47 van 1999	25
12. Ar te skrap.	tikel 16 van die Hoofwet word hierby gewysig deur subartikels (3), (4) en (6)	
Wysigin	g van artikel 17 van Wet 47 van 1999	
(a)	tikel 17 van die Hoofwet word hierby gewysig— deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang: "gelde betaal aan die Reguleerder ingevolge artikel 28 en boetes ingevolge artikel 52 opgelê;"; en deur subartikel (7) te skrap.	30
Vervang	ing van artikel 18 van Wet 47 van 1999	
14. Ar	tikel 18 van die Hoofwet word hierby deur die volgende artikel vervang: "18. Die finansiële jaar van die Reguleerder is ooreenkomstig die Wet op Openbare Finansiële Bestuur".	35
Wysigin	g van opskrif van Hoofstuk 3 van Wet 47 van 1999	
15. Di opskrif v	te opskrif van Hoofstuk 3 van die Hoofwet word hierby deur die volgende ervang: "MAGTIGINGS".	40
Wysigin	g van artikel 20 van Wet 47 van 1999	
(a)	"Beperkings op sekere [handelinge] aktiwiteite"; deur subartikels (1), (2) en (3) deur die volgende subartikels te vervang: "(1) Geen persoon mag 'n kernfasiliteit aanlê, oprig, bedryf, ontsmet of buite diens stel behalwe op gesag van 'n kernlisensie nie.	45
	(2) Geen persoon mag enige vooroprigtingsaktiwiteite sonder vooraf skriftelike toestemming van die Reguleerder verrig nie.	50

- (3) No person may manufacture or cause to be manufactured component parts relating to nuclear and radiation safety as prescribed in the regulations except under the authority of an authorisation to manufacture or a nuclear licence."; and
- (c) by the insertion after subsection (3) of the following subsections:
 - "(4) No vessel, which is propelled by nuclear power or which has on board any fissile material or uranium hexafluoride may-
 - (a) anchor or sojourn in the territorial waters of the Republic; or
 - (b) enter or leave any port of the Republic,
 - except under the authority of a nuclear vessel licence issued by the Regulator.
 - (5) No vessel which has on board any radioactive material capable of causing nuclear damage, other than that listed in subsection 20(4) may—
 - (a) anchor or sojourn in the territorial waters of the Republic; or
 - (b) enter or leave any port of the Republic,
 - except under the authority of a certificate of registration.
 - (6) Notwithstanding the provisions of subsection (4) or (5), an authorisation holder, with a condition or conditions permitting such holder to transport radioactive materials, may cause such materials to be transported by a vessel under the authority of such authorisation without a nuclear vessel licence or a certificate of registration.
 - (7) No person may carry out any activity contemplated in section 2(1) except under an authorisation issued by the Regulator.
 - (8) No radioactively contaminated facility, equipment, machinery, scrap or land belonging to or in the control of the Republic's Defence Force may be released for civilian use, without the prior written permission of the Regulator.
 - (9) No person may undertake any technical service prescribed except under the authority of an authorisation issued by the Regulator.".

Substitution of section 21 of Act 47 of 1999

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17. The following section is hereby substituted for section 21 of the principal Act:

"Application for nuclear licence, nuclear site licence, nuclear vessel licence or regulatory evaluation of design

- **21.** (1) Any person wishing to construct, operate, decontaminate, or decommission a nuclear facility must apply in the prescribed form and manner to the chief executive officer for a nuclear licence and must furnish such information as the board requires.
- (2) Any person wishing to obtain regulatory approval of site evaluation must apply in the prescribed form and manner to the chief executive officer for a nuclear site licence and must furnish such information as the board requires.
- (3) Any person wishing to obtain regulatory evaluation of a design of a nuclear facility must apply in the prescribed form and manner to the chief executive officer and must furnish such information as the board requires.
- (4) Any person, other than persons mentioned in section 20(5) and (6), 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 fissile material or uranium hexafluoride, must apply to the chief executive officer for a nuclear vessel licence and must furnish such information as the board requires.

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- (3) Geen persoon mag onderdele met betrekking tot kern- en stralingsveiligheid soos in die regulasies voorgeskryf, vervaardig of laat vervaardig behalwe op gesag van 'n magtiging om te vervaardig of 'n kernlisensie nie."; en
- (c) deur die volgende subartikels na subartikel (3) in te voeg:
 - "(4) Geen vaartuig wat deur kernkrag aangedryf word of wat enige kloofbare materiaal of uraanheksafluoried aan boord het, mag-
 - (a) in die territoriale waters van die Republiek anker gooi of vertoef
 - enige hawe van die Republiek binnegaan of verlaat nie, 10 behalwe onder die gesag van 'n kernvaartuiglisensie uitgereik deur die Reguleerder.
 - (5) Geen vaartuig met enige radioaktiewe materiaal aan boord wat in staat is om kernskade te veroorsaak, behalwe dié wat in subartikel 20(4) gelys word, mag-
 - (a) in die territoriale waters van die Republiek anker gooi of vertoef nie: of
 - (b) enige hawe van die Republiek binnegaan of verlaat nie, behalwe op gesag van 'n registrasiesertifikaat.
 - (6) Ongeag die bepalings van subartikel (4) of (5), kan 'n magtigingshouer, met 'n voorwaarde of voorwaardes wat sodanige houer toelaat om radioaktiewe materiaal te vervoer, sodanige materiaal laat vervoer op 'n vaartuig op gesag van sodanige magtiging sonder 'n kernvaartuiglisensie of 'n registrasiesertifikaat.
 - (7) Geen persoon mag enige aktiwiteit beoog in artikel 2(1) uitvoer nie, behalwe kragtens 'n magtiging deur die Reguleerder uitgereik.
 - (8) Geen fasiliteit, toerusting, masjinerie, skroot of grond wat behoort aan of in beheer is van die Republiek se Weermag wat met radioaktiwiteit besmet is, mag vir burgerlike gebruik vrygestel word sonder die vooraf skriftelike toestemming van die Reguleerder nie.
 - (9) Niemand mag enige voorgeskrewe tegniese diens onderneem nie, behalwe op gesag van 'n magtiging wat deur die Reguleerder uitgereik is.".

Vervanging van artikel 21 van Wet 47 van 1999

17. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

"Aansoek om kernlisensie, kernterreinlisensie, kernvaartuiglisensie of regulatoriese evaluasie van ontwerp

- 21. (1) Enige persoon wat 'n kernfasiliteit wil oprig, bedryf, ontsmet of uit diens stel, moet op die voorgeskrewe vorm en wyse by die hoofuitvoerende beampte aansoek doen om 'n kernlisensie en moet die 40 inligting verskaf wat die raad vereis.
- (2) Enige persoon wat regulatoriese goedkeuring vanaf terreinevaluering wil verkry, moet op die voorgeskrewe vorm en wyse by die hoof- uitvoerende beampte aansoek doen om 'n kernterreinlisensie en moet sodanige inligting verskaf wat die raad vereis.
- (3) Enige persoon wat regulatoriese evaluering van 'n ontwerp van 'n kernfasiliteit wil verkry, moet op die voorgeskrewe vorm en wyse by die hoof- uitvoerende beampte aansoek doen en moet die inligting verskaf wat die raad vereis.
- (4) Enige persoon, behalwe persone genoem in artikel 20(5) en (6), wat-
- (a) in die territoriale waters van die Republiek anker gooi of vertoef; of
- (b) enige hawe in die Republiek binnegaan, met 'n vaartuig wat deur kernkrag aangedryf word of wat enige kloofbare materiaal of uraanheksafluoried aan boord het, moet by die hoof- uitvoerende beampte aansoek doen om 'n kernvaartuiglisensie en moet die inligting verskaf wat die raad vereis.

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(5) The chief executive officer must direct the applicant for a nuclear
licence, nuclear site licence or nuclear vessel licence to—

(a) serve a copy of the application upon—

with the reasons for the refusal; or

- (i) every municipality affected by the application; and
- (ii) such other person as the chief executive officer may determine; and
- (b) publish a copy of the application in the Gazette and two newspapers circulating in the area of every such municipality within 30 days.
- (6)(a) A person who may be affected by the granting of a nuclear licence, nuclear site licence or nuclear vessel licence pursuant to an application in terms of subsection (1), (2) or (4), may make written representations to the board, relating to protection of persons, property, and the environment against nuclear or radiological damage connected with the application, within 90 days of the date of publication in the Gazette contemplated in subsection (5)(b).
- (b) If the board is of the opinion that further public representation is necessary, it must arrange for hearings relating to protection of persons, property and the environment against nuclear or radiological damage.
- (7) Subject to the board's approval, the chief executive officer may-(a) refuse an application for a nuclear licence, nuclear site licence or nuclear vessel licence and must provide the applicant in writing
- grant an application for a nuclear licence, nuclear site licence or nuclear vessel licence subject to such conditions as may be determined in terms of section 23.
- (8) In consideration of an application under section 20(1), the chief executive officer may conduct an examination in respect of the applicant
- (9) An authorisation under this section shall be valid for the period stipulated in the conditions of authorisation.
- (10) The authorisation may be renewed on the application in the prescribed form and manner before the prescribed time.".

Amendment of section 22 of Act 47 of 1999

- **18.** Section 22 of the principal Act is hereby amended—
 - (a) by the substitution for the heading of the following heading: "Application for certificate of registration, [or] exemption, [for
 - certain actions] authorisation to design or authorisation to manufacture";
 - (b) by the substitution for subsections (1) and (3) of the following subsections:
 - "(1) Any person wishing to engage in any [action described in 40 **section 2(1)(c) may**] activity, not contemplated in section 21(1), (2), (3)or (4), must apply in the prescribed [format] form and manner to the chief executive officer for a certificate of registration [or a], certificate of exemption, authorisation to design or authorisation to manufacture and must furnish such information as the board requires.
 - (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, authorisation to design or authorisation to manufacture 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, authorisation to design or authorisation to manufacture subject to such conditions as may be determined in terms of section 23; or

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- (5) Die hoof- uitvoerende beampte moet die aansoeker om 'n kernlisensie, kernterreinlisensie of kernvaartuiglisensie gelas om—
- (a) 'n afskrif van die aansoek te beteken aan—
 - (i) elke munisipaliteit wat deur die aansoek geraak word; en
 - (ii) sodanige ander persoon wat die hoof- uitvoerende beampte benaal: en
- (b) binne 30 dae 'n afskrif van die aansoek in die Staatskoerant en twee koerante wat in die gebied van elke sodanige munisipaliteit in omloop is, publiseer.
- (6)(a) Iemand wat deur die toestaan van 'n kernlisensie, kernterreinlisensie of kernvaartuiglisensie kragtens 'n aansoek ingevolge subartikel (1), (2) of (4), geraak kan word, kan skriftelike vertoë aan die raad rig, met betrekking tot die beskerming van persone, eiendom en die omgewing teen kern- of radiologiese skade wat met die aansoek verband hou, binne 90 dae vanaf die datum van publikasie in die *Staatskoerant* in subartikel (5)(b) beoog.
- (b) Indien die raad van mening is dat verdere openbare verteenwoordiging nodig is, moet hy reël vir verhore met betrekking tot die beskerming van persone, eiendom en die omgewing teen kern- of radiologiese skade.
- (7) Onderhewig aan die raad se goedkeuring, kan die hoofuitvoerende beampte—
- (a) 'n aansoek om 'n kernlisensie, kernterreinlisensie of kernvaartuiglisensie weier en moet die aansoeker skriftelik van die redes vir die weiering voorsien; of
- (b) 'n aansoek om 'n kernlisensie, kernterreinlisensie of kernvaartuiglisensie toestaan, onderworpe aan die voorwaardes wat ingevolge artikel 23 bepaal word.
- (8) By die oorweging van 'n aansoek kragtens artikel 20(1), kan die hoof- uitvoerende beampte 'n ondersoek ten opsigte van die betrokke aansoeker doen.
- (9) 'n Magtiging kragtens hierdie artikel is geldig vir die tydperk wat in die magtigingsvoorwaardes aangedui word.
- (10) Die magtiging kan op die aansoek in die voorgeskrewe vorm en wyse voor die voorgeskrewe tyd hernu word.".

Wysiging van artikel 22 van Wet 47 van 1999

- 18. Artikel 22 van die Hoofwet word hierby gewysig—
 - (a) deur die opskrif deur die volgende opskrif te vervang:
 - "Aansoek om registrasiesertifikaat [of], vrystellingsertifikaat [vir sekere handelinge], ontwerpmagtiging of vervaardigingsmagti- 40 ging";
 - (b) deur subartikel (1) en (3) deur die volgende subartikels te vervang:
 - "(1) Enige persoon wat betrokke wil raak by enige [handeling omskryf in artikel 2(1)(c)] aktiwiteit, wat nie in artikel 2(1), (2), (3) of (4) beoog word nie, kan by die hoof- uitvoerende beampte [om 'n registrasie- of vrystellingsertifikaat] op die voorgeskrewe vorm en wyse om 'n registrasiesertifikaat, vrystellingsertifikaat, ontwerpmagtiging of vervaardigingsmagtiging aansoek doen en moet die inligting verskaf wat die raad verlang.
 - (3) Die hoof- uitvoerende beampte kan, met die goedkeuring van die 50 raad—
 - (a) die toestaan van 'n aansoek om 'n [vrystelling- of registrasiesertifikaat] vrystellingsertifikaat, registrasiesertifikaat, ontwerpmagtiging of vervaardigingsmagtiging ingevolge subartikel (1) weier en moet die aansoeker skriftelik van die redes vir 55 die weiering voorsien; of
 - (b) (i) 'n registrasiesertifikaat, ontwerpmagtiging of vervaardigingsmagtiging uitreik onderworpe aan sulke voorwaardes as wat ingevolge artikel 23 bepaal mag word; of

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- (ii) a certificate of exemption if satisfied that the [action] activity in question complies with the exemption criteria specified in the safety standard contemplated in section 36."; and
- (c) by the insertion of subsections (4) and (5):
- "(4) In consideration of an application under subsection (1), the chief executive officer may conduct an examination in respect of the applicant.
- (5) An authorisation under this section shall be valid for the period as prescribed in the conditions of authorisation and such authorisation may be renewed on application within the prescribed time or such later time as the board may allow, in the prescribed form and manner.".

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Substitution of section 23 of Act 47 of 1999

19. The following section is hereby substituted for section 23 of the principal Act:

"Conditions relating to [nuclear installation licence, nuclear vessel licence or certificate of registration] authorisation

- **23.** (1) The chief executive officer may establish standard conditions 15 applicable to one or more categories of **[certificates of registration]** authorisations.
- (2) The chief executive officer may, subject to subsection (3), impose any condition in [a nuclear installation or vessel licence or certificate of registration] an authorisation which—

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- (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 25 installation or vessel licence or certificate of registration] an authorisation;
- (b) must notify the person in writing to whom the [nuclear installation or vessel licence or certificate of registration] authorisation was issued of such amendment, timeframe within which such amendments come into operation and the reasons therefore which must be based on objective evidence; and
- (c) must submit to the board any amendments made to [a nuclear] an authorisation as contemplated in paragraph (a) for ratification at the first meeting of the board following the amendments.".

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Amendment of section 24 of Act 47 of 1999

- 20. Section 24 of the principal Act is hereby amended—
 - (a) by the substitution for subsection (2) of the following subsection:
 - "(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 40 condition of a nuclear vessel licence, is considered to be a condition of that licence or approval, even if it is not expressly embodied in the relevant licence as a condition thereof."; and
 - (b) by the substitution for subsection (6) of the following subsection:
 - "(6) The chief executive officer must exercise the powers conferred by 45 this section on behalf of the board and subject to the Minister's directions in terms of subsection (1)(a)(ii)."

Substitution of section 25 of Act 47 of 1999

21. The following section is hereby substituted for section 25 of the principal Act:

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- (ii) 'n vrystellingsertifikaat uitreik indien van mening dat die betrokke [handeling] aktiwiteit voldoen aan die vrystellingsvlakke bedoel in artikel 36."; en
- (c) deur subartikels (4) en (5) in te voeg:
 - "(4) By die oorweging van 'n aansoek kragtens subartikel (1), kan die hoof- uitvoerende beampte 'n ondersoek ten opsigte van die aansoeker doen.
 - (5) 'n Magtiging kragtens hierdie artikel is geldig vir die tydperk in die magtigingsvoorwaardes voorgeskryf en sodanige magtiging kan by aansoek binne die voorgeskrewe tydperk of sodanige latere tyd wat die 10 raad kan toelaat, op die voorgeskrewe vorm en wyse hernu word.".

Vervanging van artikel 23 van Wet 47 van 1999

19. Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:

"Voorwaardes betreffende [kerninstallasielisensie, kernvaartuiglisensie of registrasiesertifikaat] <u>magtiging</u>

- **23.** (1) Die hoof- uitvoerende beampte kan standaardvoorwaardes ten opsigte van een of meer kategorieë [**registrasiesertifikate**] <u>magtigings</u> instel.
- (2) Die hoof- uitvoerende beampte kan, behoudens subartikel (3), enige voorwaarde oplê in 'n [kerninstallasie- of kernvaartuiglisensie 20 of registrasiesertifikaat] magtiging 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 [kern-installasie- of kernvaartuiglisensie of registrasiesertifikaat] magtiging wysig;
- (b) moet die persoon aan wie die [kerninstallasie- of kernvaartuiglisensie of registrasiesertifikaat] magtiging toegestaan is, 30
 skriftelik van sodanige wysiging, tydsraamwerk waarbinne
 sodanige wysigings in werking tree en die redes daarvoor wat op
 objektiewe bewyse gebaseer moet wees, in kennis stel; en
- (c) moet enige wysigings aan 'n [kernmagtiging] magtiging beoog in paragraaf (a) vir bekragtiging tydens die eerste vergadering van die 35 raad na die aanbring van die wysigings aan die raad voorlê.".

Wysiging van artikel 24 van Wet 47 van 1999

- 20. Artikel 24 van die Hoofwet word hierby gewysig-
 - (a) deur subartikel (2) deur die volgende subartikel te vervang:
 - "(2) Enige bepaling ingesluit in 'n ooreenkoms bedoel in subartikel 40 (1)(c) wat ingevolge subartikels (1)(a) of (b) as 'n voorwaarde vir 'n kernvaartuiglisensie ingesluit kan word, word geag 'n voorwaarde van daardie lisensie of goedkeuring te wees, selfs al is dit nie uitdruklik in die betrokke lisensie as 'n voorwaarde daarvoor vervat nie."; en
 - (b) deur subartikel (6) deur die volgende subartikel te vervang:
 - "(6) Die hoof- uitvoerende beampte verrig die bevoegdhede deur hierdie artikel verleen namens die raad en onderhewig aan die voorskrifte van die Minister $\underline{ingevolge}$ subartikel $(1)(a)(\underline{ii})$."

Vervanging van artikel 25 van Wet 47 van 1999

21. Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:

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"Transfer of authorisation

- **25.** (1) An authorisation holder may not transfer authorisation for regulated activities to another person or entity without the written permission of the chief executive officer subject to approval by the board.
- (2) A person or entity to whom the responsibility for previously authorised activities is to be transferred must apply to the Regulator as prescribed.".

Substitution of section 26 of Act 47 of 1999

22. The following section is hereby substituted for section 26 of the principal Act:

"Responsibilities of authorisation holders

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26. (1) An authorisation holder must—

- (a) 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;
- (b) establish and maintain the competencies as prescribed;
- (c) provide training and information to staff;
- (d) establish procedures and arrangements to maintain safety and security under all conditions, as contemplated in section 2(1) of this Act:
- (e) verify appropriateness of design and the adequacy of the quality of activities and facilities and of their associated equipment;
- ensure the safe and secure control of all radioactive material that is used, produced, stored or transported;
- (g) ensure the safe and secure control of all radioactive waste that is generated;
- (h) implement a self-inspection programme to ensure compliance with all conditions of the authorisation; and
- (i) provide information as required by the chief executive officer.
- (2) An authorisation holder of a nuclear licence must establish a public safety information forum as prescribed in order to inform the persons living in the municipal area(s) in respect of which an emergency plan has been established in terms of section 38(1) on nuclear safety and radiation safety matters.
- (3) The responsibility for ensuring safety and security of any facility or activity involving ionizing radiation rests with the authorisation holder.".

Insertion of section 26A in Act 47 of 1999

23. The following section is hereby inserted after section 26 of the principal Act:

"Financial responsibilities of applicants for and holders of authori- 40 sations

- **26A.** (1) An applicant for, or an authorisation holder for construction, operation of a nuclear facility or undertaking an activity shall ensure that adequate financial resources will be available, and shall provide such financial resources, when needed to cover costs associated with safe rehabilitation, or decommissioning, including the management of resulting waste.
- (2) The financial resources to be made available for rehabilitation, or decommissioning activities shall be—
- (a) commensurate with an activity or facility specific cost estimate;
- (b) changed if the cost estimate increases or decreases; and

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"Oordrag van magtiging

- **25.** (1) 'n Magtigingshouer mag nie magtiging vir gereguleerde aktiwiteite na 'n ander persoon of entiteit oordra sonder die skriftelike toestemming van die hoof- uitvoerende beampte onderworpe aan goedkeuring deur die raad nie.
- (2) 'n Persoon of entiteit aan wie die verantwoordelikheid vir voorheen gemagtigde aktiwiteite oorgedra staan te word, moet by die Reguleerder aansoek doen soos voorgeskryf.".

Vervanging van artikel 26 van Wet 47 van 1999

22. Artikel 26 van die Hoofwet word hierby deur die volgende artikel vervang:

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"Verantwoordelikhede van magtigingshouers

26. (1) 'n Magtigingshouer moet—

- (a) te alle tye afskrifte van daardie magtiging vertoon op sodanige plekke en in sodanige tale en vorm soos bepaal deur die hoof-uitvoerende beampte om publieke toegang te verseker tot die voorwaardes wat in die magtiging gespesifiseer is;
- (b) die voorgeskrewe vaardighede vestig en in stand hou;
- (c) opleiding en inligting aan personeel verskaf;
- (d) prosedures en reëlings vestig om veiligheid en sekuriteit onder alle toestande te handhaaf, soos beoog in artikel 2(1) van hierdie Wet;
- (e) die toepaslikheid van ontwerp en die toereikendheid van die kwaliteit van aktiwiteite en fasiliteite en van hul gepaardgaande toerusting verifieer;
- (f) die veilige en beveiligde beheer verseker van alle radioaktiewe materiaal wat gebruik, vervaardig, geberg of vervoer word;
- (g) die veilige en beveiligde beheer verseker van alle radioaktiewe afval wat gegenereer word;
- (h) 'n selfinspeksieprogram implementeer om voldoening aan alle voorwaardes van die magtiging te verseker; en
- (i) inligting verskaf soos deur die hoof- uitvoerende beampte vereis.
- (2) 'n Magtigingshouer van 'n kernlisensie moet 'n openbare veiligheidsinligtingsforum instel soos voorgeskryf ten einde die persone in te lig wat in die munisipale gebied(e) woon ten opsigte waarvan 'n noodplan ingevolge artikel 38(1) oor aangeleenthede van kern- en stralingsveiligheid ingestel is.
- (3) Die verantwoordelikheid vir die versekering van veiligheid en sekuriteit van enige fasiliteit of aktiwiteit wat ioniserende straling behels, berus by die magtigingshouers.".

Invoeging van artikel 26A in Wet 47 van 1999

23. Die volgende artikel word hierby na artikel 26 van die Hoofwet ingevoeg:

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"Finansiële verantwoordelikhede van aansoekers om magtigings en magtigingshouers

- **26A.** (1) 'n Aansoeker om, of 'n magtigingshouer vir die oprigting, bedryf van 'n kernfasiliteit of onderneming van 'n aktiwiteit, moet verseker dat voldoende finansiële hulpbronne beskikbaar sal wees, en moet sodanige finansiële hulpbronne verskaf, wanneer nodig om koste verbonde aan veilige rehabilitasie, of buitediensstelling, insluitend die bestuur van afval wat daaruit voortvloei, te dek.
- (2) Die finansiële hulpbronne wat vir rehabilitasie- of buitediensstellingsaktiwiteite beskikbaar gestel moet word—
- (a) moet in ooreenstemming met 'n aktiwiteit- of fasiliteitspesifieke kosteberaming wees;
- (b) moet verander indien die kosteberaming toeneem of daal; en

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- (c) reviewed as part of the periodic review of the rehabilitation, or decommissioning plan.
- (3) For existing activities and facilities for which financial resources for rehabilitation, or decommissioning are not available, provisions for adequate financial resources shall be required within a set time frame as may be determined by the Regulator or prior to authorisation renewal or extension, whichever is applicable.".

Substitution of section 27 of Act 47 of 1999

24. The following section is hereby substituted for section 27 of the principal Act:

"Suspension, modification, revocation or surrender of an 10 authorisation

- **27.** (1) An authorisation issued pursuant to the provisions of this Act may be suspended, modified, or revoked by the Regulator—
- (a) in the event of a violation of its conditions;
- (b) when the conditions under which it was authorised are no longer met; or
- (c) in any circumstance where the Regulator determines that continued activity under the authorisation would pose an unacceptable risk to the safety or security of persons, property and the environment.
 - (2) An authorisation holder may surrender that authorisation.
- (3) If an authorisation has been revoked or surrendered the authorisation holder 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 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 authorisation has been granted, such notices as directed by the chief executive officer.
- (4) On revocation or surrendering of an authorisation, or at any time during the period of responsibility of the authorisation holder, 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 facility or site.
- (5) The Regulator shall make publicly available a statement providing information on the procedures and requirements for suspension, modification, renewal, revocation or surrender of authorisations.".

Substitution of section 28 of Act 47 of 1999

25. The following section is hereby substituted for section 28 of the principal Act:

"Fees for [nuclear authorisation] authorisations

- **28.** The Minister may, on the recommendation of the board [and], in 45 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 $[a nuclear] \underline{an}$ authorisation;
- (b) an annual [nuclear] authorisation fee[.]; and
- (c) any work the Regulator may be required to undertake pursuant to the receipt of a notification in terms of subsections 20(1), 20(2) and 20(3).".

- (c) moet hersien word as deel van die periodieke hersiening van die rehabilitasie- of buitediensstellingsplan.
- (3) Vir bestaande aktiwiteite en fasiliteite waarvoor finansiële hulpbronne vir rehabilitasie, of buitediensstelling, nie beskikbaar is nie, sal voorsiening vir voldoende finansiële hulpbronne vereis word binne 'n vasgestelde tydsbestek soos deur die Reguleerder bepaal kan word of voor hernuwing of verlenging van magtiging, wat ook al van toepassing

Vervanging van artikel 27 van Wet 47 van 1999

24. Artikel 27 van die Hoofwet word hierby deur die volgende artikel vervang: 10

"Opskorting, wysiging, herroeping of afstanddoening van 'n magtiging

27. (1) 'n Magtiging uitgereik ingevolge die bepalings van hierdie Wet kan deur die Reguleerder opgeskort, gewysig of herroep word—

- (a) in die geval van 'n oortreding van die voorwaardes daarvan;
- 15 (b) wanneer nie meer aan die voorwaardes waarkragtens dit gemagtig is, voldoen word nie; of
- (c) onder enige omstandighede waar die Reguleerder bepaal dat voortgesette aktiwiteite onder die magtiging 'n onaanvaarbare risiko vir die veiligheid of sekuriteit van persone, eiendom en die omgewing sal inhou.
 - (2) 'n Magtigingshouer kan afstand doen van daardie magtiging.
- (3) Indien 'n magtiging ingetrek of teruggegee is, moet die betrokke magtigingshouer-
- (a) indien aldus deur die hoof- uitvoerende beampte gelas, lewer aan die persoon wat deur die hoof- uitvoerende beampte aangestel is, of rekenskap gee van sodanige magtiging; en
- (b) vir die duur van sy of haar verantwoordelikheidstydperk, vertoon, of laat vertoon, op die betrokke terrein of die vaartuig ten opsigte waarvan magtiging verleen is, sodanige kennisgewings soos deur die hoof- uitvoerende beampte beveel.
- (4) By herroeping of afstanddoening van 'n magtiging, of te eniger tyd gedurende die verantwoordelikheidstydperk van die magtigingshouer, kan die hoof- uitvoerende beampte skriftelik enige opdrag gee aan die persoon wat aanspreeklik is vir kernskade ingevolge artikel 30, wat die hoof- uitvoerende beampte glo nodig is om kernskade te voorkom wat-
- (a) veroorsaak kan word deur enigiets wat gedoen word, gedoen kan word of gedoen is; of
- (b) teenwoordig is of was,
- by of in die betrokke kernfasiliteit of terrein.

(5) Die Reguleerder moet 'n verklaring publiek beskikbaar maak wat inligting verskaf oor die prosedures en vereistes vir opskorting, wysiging, hernuwing, herroeping of afstanddoening van magtigings.".

Vervanging van artikel 28 van Wet 47 van 1999

25. Artikel 28 van die Hoofwet word hierby deur artikel 28 vervang:

"Gelde vir [kernmagtiging] magtigings

- 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] magtiging; 50
- (b) 'n jaarlikse [kernmagtigingsfooi] magtigingsfooi; en
- enige werk wat die Reguleerder vereis kan word om te doen ingevolge die ontvangs van 'n kennisgewing ingevolge subartikels 20(1), 20(2) en 20(3).".

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Substitution of section 30 of Act 47 of 1999

26. The following section is hereby substituted for section 30 of the principal Act:

"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]** <u>facility</u> during the holders period of responsibility—
- (a) by anything being present or which is done at or in the nuclear 10 [installation] facility or by any radioactive material or material contaminated with radioactivity which has been discharged or released, in any form, from the nuclear [installation] facility; 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] facility, 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 20 **[installation]** licence is limited, for each nuclear <u>or radiation</u> 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 onto another site in respect of which a nuclear licence has been granted.
- (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 30 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 a 35 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] facility or on the site in respect of which the nuclear [installation] licence has been granted, without the 40 permission of the holder of that licence or of a person acting on behalf of that holder; or
- (b) if that person intentionally caused, or intentionally contributed to, such damage.
- (7) The holder of a nuclear **[installation]** licence retains any 45 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]** activity, for which such a licence is required, is, whether 50 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 55 this section.".

Vervanging van artikel 30 van Wet 47 van 1999

26. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:

"Middellike aanspreeklikheid van houer van [kerninstallasielisensie] kernlisensie vir kernskade

- **30.** (1) Behoudens subartikels (2), (3), (5) en (6) is slegs 'n houer van 'n **[kerninstallasielisensie]** <u>kernlisensie</u>, hetsy daar opset of nalatigheid aan die kant van die houer is, **[aanspreeklikheid]** <u>aanspreeklik</u> vir alle kernskade veroorsaak deur of voortspruitend uit die **[kerninstallasie]** kernfasiliteit gedurende die houer se verantwoordelikheidstydperk—
- (a) deur enigiets teenwoordig of wat by of in die [kerninstallasie] 10 kernfasiliteit gedoen word, of deur enige radioaktiewe materiaal of materiaal wat met radioaktiewiteit besmet is en wat in enige vorm uit die [kerninstallasie] kernfasiliteit losgelaat of weggevoer word; of
- (b) deur enige radioaktiewe materiaal of materiaal wat met radioaktiwiteit besmet is en wat onderworpe is aan die 15 [kerninstallasielisensie] kernlisensie terwyl dit in die besit of onder beheer van die houer van daardie lisensie is tydens die vervoer daarvan, vanaf die [kerninstallasie] kernfasiliteit 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. 20
- (2) Die aanspreeklikheid vir kernskade deur enige houer van 'n **[kerninstallasielisensie]** <u>kernlisensie</u> is ten opsigte van elke kernongeluk <u>of stralingsongeluk</u> beperk tot die bedrae bepaal ingevolge artikel 29(2).
- (3) Die aanspreeklikheid beoog in subartikel (1)(b) eindig wanneer die 25 tersaaklike materiaal op 'n ander terrein waarvoor 'n kernlisensie toegestaan 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] kernlisensie vervoer word, geag 30 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 35 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**] <u>kernlisensie</u> is nie vir enige kernskade teenoor enige persoon aanspreeklik nie—
- (a) in die mate waartoe sodanige kernskade toeskryfbaar is aan die 40 teenwoordigheid van daardie persoon of enige eiendom van daardie persoon op of in 'n [kerninstallasie] kernfasiliteit of op die terrein ten opsigte waarvan die [kerninstallasielisensie] kernlisensie verleen is, sonder die toestemming van die houer van daardie lisensie of 'n persoon wat namens daardie houer optree; of 45
- (b) as daardie persoon opsetlik die oorsaak van die skade is of opsetlik daartoe bygedra het.
- (7) Die houer van 'n **[kerninstallasielisensie**] <u>kernlisensie</u> 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 50 subartikel (1) aanspreeklik is.
- (8) Enige persoon wat sonder 'n [kerninstallasielisensie] kernlisensie 'n [handeling] aktiwiteit verrig waarvoor 'n lisensie vereis word, is, hetsy daar opset of nalatigheid aan die kant van daardie persoon is, [is] al dan nie, 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.".

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Substitution of section 32 of Act 47 of 1999

27. The following section is hereby substituted for section 32 of the principal Act:

"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] activity 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.".

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Amendment of section 33 of Act 47 of 1999

- 28. Section 33 of the principal Act is hereby amended—
 - (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

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

(b) by the substitution for subsection (3) of the following subsection:

"(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—"; and

(d) by the substitution for subsection (6) of the following subsection:

"(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.".

Amendment of section 34 of Act 47 of 1999

- 29. Section 34 of the principal Act is hereby amended—
 - (a) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

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

(b) by the substitution for subsection (3) of the following subsection:

"(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 holder are commenced in writing until the date any party notifies the other party that the negotiations are terminated."; and

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

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"(4) A claimant may amend the claim to take into account any aggravation of the damage, even after the expiration of the prescription period, provided that a final judgment has not been entered.".

Amendment of section 35 of Act 47 of 1999

30. Section 35 of the principal Act is hereby amended—

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(a) by the substitution for the heading of the following heading:

"Compensation for injuries of [Regulator's employees] Regulator staff"; and

- (b) by the substitution for subsection (2) of the following subsection:
 - "(2) Nothing in this section precludes [an employee] a staff member 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] staff member may not benefit both in terms

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Vervanging van artikel 32 van Wet 47 van 1999

27. Artikel 32 van die Hoofwet word hierby deur die volgende artikel vervang:

"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]** aktiwiteit 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 10 (Wet No. 130 van 1993)],

na gelang van die geval.".

Wysiging van artikel 33 van Wet 47 van 1999

- 28. Artikel 33 van die Hoofwet word hierby gewysig-
 - (a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:
 "(a) die totale bedrag van eise om skadevergoeding teen die houer van 'n [kerninstallasielisensie] kernlisensie; of";
 - (b) deur subartikel (3) deur die volgende subartikel te vervang:"(3) Indien die Minister by ontvangs van daardi
 - "(3) Indien die Minister by ontvangs van daardie kennisgewing tevrede is dat die totale bedrag van eise om skadevergoeding teen die 20 betrokke houer van 'n [kerninstallsielisensie] kernlisensie wat nog nie betaal is nie, en van sodanige eise wat waarskynlik 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—"; en 25
 - (d) deur subartikel (6) deur die volgende subartikel te vervang: "(6) Die verskaffing van bykomende sekerheid deur 'n houer van 'n [kerninstallasielisensie] kernlisensie ingevolge artikel 29(4) raak nie die toepassing van hierdie artikel nie.".

Wysiging van artikel 34 van Wet 47 van 1999

- **29.** Artikel 34 van die Hoofwet word hierby gewysig—
 - (a) deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang: "(a) die identiteit van [die houer van] die betrokke [kernmagtiging] magtigingshouer; en";
 - (b) deur subartikel (3) deur die volgende subartikel te vervang:
 - "(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] magtigingshouer skriftelik 'n aanvang geneem het tot die datum waarop enige party die ander party in kennis stel dat die 40 onderhandelinge beëindig word."; en
 - (c) deur die volgende subartikel na subartikel (3) in te voeg:
 - "(4) 'n Eiser kan die eis wysig om enige verergering van die skade in ag te neem, selfs na die verstryking van die verjaringstydperk, met dien verstande dat 'n finale vonnis nie aangegaan is nie.".

Wysiging van artikel 35 van Wet 47 van 1999

- 30. Artikel 35 van die Hoofwet word hierby gewysig—
 - (a) deur die opskrif deur die volgende opskrif te vervang:
 - "Vergoeding vir beserings van [werknemers] <u>personeel</u> van Reguleerder"; en
 - (b) deur subartikel (2) deur die volgende subartikel te vervang:
 - "(2) Niks in hierdie artikel verhoed 'n [werknemer] personeellid 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] personeellid mag nie voordele ingevolge 55

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of this Act and the Compensation for Occupational Injuries and Diseases Act[, 1993].".

Amendment of section 36 of Act 47 of 1999

- 31. Section 36 of the principal Act is hereby amended—
 - (a) by the substitution for the heading of the following heading:
 - "Regulatory practices, safety, and related security standards"; and
 - (b) by the substitution for subsection (1) of the following subsection: "(1) The Minister must, on the recommendation of the board, make

regulations regarding [safety standards and] regulatory practices, safety, and related security standards.".

Amendment of section 37 of Act 47 of 1999

- **32.** Section 37 of the principal Act is hereby amended—
 - (a) by the substitution for the heading of the following heading:
 - "Duties regarding nuclear or radiation accidents and incidents";
 - (b) by the substitution for subsection (1) of the following subsection:
 - "(1) If a nuclear or radiation accident occurs in connection with a [nuclear installation] facility, nuclear vessel or [action] an activity, the [holder of the nuclear] authorisation holder in question must immediately report it to the Regulator and to any other person described in that [nuclear] authorisation.";
 - (c) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
 - '(2) When the occurrence of a nuclear or radiation accident is so reported to the Regulator, it must-";
 - (d) by the substitution in subsection (2) for paragraphs (b) and (c) of the following 25 paragraphs:
 - "(b) in such manner as it [thinks] deems fit, define particulars of the period during which and the area within which, in its objective assessment, the risk of nuclear damage connected with the accident exceeds the safety standards and regulatory practices contemplated 30 in section 36:
 - (c) direct the [holder of the nuclear] authorisation holder in question to obtain the names, addresses and identification numbers of all persons who were during that period within that area; and";
 - by the substitution in subsection (4) for the words preceding paragraph (a) of 35 the following words:
 - "(4) The right of any person to claim compensation from [a holder of a nuclear] the authorisation holder in terms of section 30 is not prejudiced by—";
 - by the substitution for subsection (5) of the following subsection:
 - "(5) If a nuclear or radiation incident occurs on a site, the [holder of the nuclear] authorisation holder in question must report it to the Regulator within the period stipulated in that authorisation."; and
 - (g) by the insertion after subsection (5) of the following subsection:
 - "(6) The Regulator must act as an adviser to emergency response 45 organisations and Government organs, other than an authorisation holder in terms of the Act, in case of a nuclear or radiological emergency.".

Amendment of section 38 of Act 47 of 1999

- 33. Section 38 of the principal Act is hereby amended—
 - (a) by the substitution for the heading of the following heading:

"Emergency [planning] preparedness and emergency response";

- (b) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 - "(1) Where the possibility exists that a nuclear or radiation accident or nuclear or radiation incident affecting the public may occur, the 55 Regulator must direct the relevant [holder of a nuclear] authorisation holder, other than a holder of a certificate of exemption, to—";

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beide hierdie Wet en die Wet op Vergoeding vir Beroepsbeserings en -siektes[, 1993,] ontvang nie.".

Wysiging van artikel 36 van Wet 47 van 1999

- 31. Artikel 36 van die Hoofwet word hierby gewysig-
 - (a) deur die opskrif deur die volgende opskrif te vervang:

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"Regulerende praktyke, veiligheid-, en verwante sekuriteitstandaarde"; en

- (b) deur subartikel (1) deur die volgende subartikel te vervang::
 - "(1) Die Minister moet, op aanbeveling van die raad, regulasies rakende [veiligheidstandaarde en] regulerende praktyke, veiligheid- en 10 verwante sekuriteitstandaarde uitvaardig.".

Wysiging van artikel 37 van Wet 47 van 1999

- 32. Artikel 37 van die Hoofwet word hierby gewysig—
 - (a) deur die opskrif deur die volgende opskrif te vervang:
 - "Pligte rakende [kernongelukke] kern- of stralingsongelukke en 15 -voorvalle";
 - (b) deur subartikel (1) deur die volgende subartikel te vervang:
 - "(1) Indien 'n [kernongeluk] kern- of stralingsongeluk in verband met 'n [kerninstallasie] kernfasiliteit, kernvaartuig of [handeling] 'n aktiwiteit plaasvind, moet die [houer van die] betrokke [kernmagtiging] magtigingshouer dit onverwyld by die Reguleerder en enige ander persoon in daardie kernmagtiging vermeld, aanmeld.";
 - (c) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 - "(2) Wanneer die plaasvind van 'n [kernongeluk] kern- of 25 stralingsongeluk aldus aan die Reguleerder aangemeld word, moet
 - (*d*) deur in subartikel (2) paragraaf (c) deur die volgende paragraaf te vervang:
 - "(c) die [houer van die] betrokke [kernmagtiging] magtigingshouer gelas om die name, adresse en identifikasienommers van alle persone wat tydens daardie tydperk binne daardie gebied was, te bekom: en":
 - (e) deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 - "(4) Die reg van enige persoon om ingevolge artikel 30 35 skadevergoeding van [die houer van 'n kernmagtiging] die magtigingshouer te eis, word nie benadeel nie deur-";
 - deur subartikel (5) deur die volgende subartikel te vervang:
 - "(5) Indien 'n [kernvoorval] kern- of stralingsvoorval op 'n terrein plaasvind, moet die [houer van die] betrokke [kernmagtiging] 40 magtigingshouer dit binne die tydperk in daardie magtiging vermeld aan die Reguleerder rapporteer."; en
 - (g) deur die volgende subartikel na subartikel (5) in te voeg:
 - "(6) Die Reguleerder moet as 'n raadgewer optree vir noodreaksieorganisasies en Staatsorgane, anders as 'n magtigingshouer 45 ingevolge die Wet, in geval van 'n kern- of radiologiese noodgeval.".

Wysiging van artikel 38 van Wet 47 van 1999

- 33. Artikel 38 van die Hoofwet word hierby gewysig—
 - (a) deur die opskrif deur die volgende opskrif te vervang:
 - '[Noodbeplanning] Noodgereedheid en noodreaksie";
 - deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 - "(1) Waar die moontlikheid bestaan dat 'n [kernongeluk] kern- of stralingsongeluk of kern- of stralingvoorval, wat die publiek raak, mag plaasvind, moet die Reguleerder die betrokke [houer van 'n 55 **kernmagtiging**] magtigingshouer, anders as 'n houer van vrystellingsertifikaat, gelas om-";

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- (c) by the substitution in subsection (1) for paragraph (b) of the following paragraph:
 - "(b) cover the costs for the establishment, implementation and management of such emergency plan insofar as it relates to the relevant nuclear [installation] <u>facility</u> or any [action] <u>activity</u> contemplated in section 2(1) [(c)]; and";
- (d) by the substitution for subsection (2) of the following subsection:
 - "(2) The Regulator must ensure that such emergency plan is effective for the protection of persons should a nuclear <u>or radiation</u> accident <u>or nuclear or radiation incident occur."</u>;
- (e) by the substitution for subsections (3) and (4) of the following subsections:
 - "(3) When a nuclear <u>or radiation</u> accident <u>or nuclear or radiation</u> <u>incident</u> occurs, **[the holder of a nuclear]** <u>an</u> authorisation <u>holder</u>, 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] <u>after</u> consultation with the relevant municipalities, make regulations on the development surrounding any nuclear [installation] <u>facility</u> to ensure the effective implementation of any applicable emergency plan."; and
- f) by the insertion after subsection (4) of the following subsections: 20
 - "(5) The Regulator shall set out in detail the factors that shall be taken into account in the preparation of emergency plans and the issues to be included in emergency plans, including—
 - (a) an assessment of the nature, likelihood and potential magnitude of resulting damage, including the population and territory at risk from an accident, malicious act or incident; and
 - (b) the results of any accident analyses and any lessons learned from experience or incidents and accidents that have occurred in connection with similar activities.
 - (6) Preparation of emergency plans for facilities or activities shall be coordinated with all relevant emergency intervention or response organisations, including the local, provincial and national authorities.
 - (7) Emergency plans shall be periodically reviewed, updated and tested.
 - (8) The Regulator shall, by conditions in an authorisation, establish a requirement that on-site and off-site emergency plans be prepared and approved for any facility or activity that could give rise to a need for emergency intervention.
 - (9) A national emergency plan for responding to potential nuclear or radiological emergencies shall—
 - (a) take into account the provisions of national disaster management emergency response plan or programme established in terms of the provisions of the Disaster Management Act, 2002 (Act No. 57 of 2002); and
 - (b) include an allocation of responsibilities and actions among the relevant state departments and non-governmental organisations, including arrangements for communication and public information.
 - (10) Implementation of the emergency plan referred to in subsection (9) shall be coordinated with the local, provincial and national authorities involved in the implementation of disaster management in terms of the Disaster Management Act, 2002.
 - (11) In the event of a nuclear or radiological emergency that poses a risk that radioactive contamination could spread beyond the boundaries of the Republic, the Government of the Republic shall immediately notify the International Atomic Energy Agency and the relevant authorities of any State which is or may be physically affected.
 - (12) The Regulator shall serve as the point of contact for providing any information or assistance regarding nuclear or radiological emergencies

- (c) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang: "(b) die koste van die instelling, implementering en bestuur van sodanige noodplan te dra, insoverre dit verband hou met die betrokke [kerninstallasie] kernfasiliteit of enige [handeling] aktiwiteit bedoel in artikel 2(1)[(c)]; en";
- (d) deur subartikel (2) deur die volgende subartikel te vervang:
 - "(2) Die Reguleerder moet toesien dat sodanige noodplan doeltreffend is vir die beskerming van persone, sou 'n kernongeluk <u>of</u> stralingsongeluk of kernvoorval of stralingsvoorval plaasvind.";
- (e) deur subartikels (3) en (4) deur die volgende subartikels te vervang:
 - "(3) Wanneer 'n [kernongeluk] kern-, stralingsongeluk of kern- of stralingsvoorval plaasvind, moet [die houer van 'n kernmagtiging] 'n magtigingshouer, 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 15 met die betrokke munisipaliteite, regulasies rakende die ontwikkeling van die gebied rondom enige [kerninstallasie] kernfasiliteit uitvaardig ten einde die doeltreffende toepassing van enige toepaslike noodplan te verseker."; en
- (f) deur die volgende subartikels na subartikel (4) in te voeg:
 - "(5) Die Reguleerder moet die faktore wat tydens die voorbereiding van noodplanne in ag geneem moet word en die kwessies wat in noodplanne ingesluit moet word, breedvoerig uiteensit, met inbegrip van—
 - (a) 'n assessering van die aard, waarskynlikheid en potensiële omvang van gevolglike skade, met inbegrip van die bevolking en grondgebied wat die risiko loop dat 'n ongeluk, kwaadwillige handeling of voorval kan voorkom; en
 - (b) die uitslae van enige ongeluksanalises en enige lesse geleer uit ervaring of voorvalle en ongelukke wat in verband met soortgelyke aktiwiteite voorgekom het.
 - (6) Voorbereiding van noodplanne vir fasiliteite of aktiwiteite moet met alle tersaaklike noodingrypings- of reaksieorganisasies gekoördineer word, met inbegrip van die plaaslike, provinsiale en nasionale owerhede.
 - (7) Noodplanne moet periodiek hersien, bygewerk en getoets word.
 - (8) Die Reguleerder moet, met voorwaardes in 'n magtiging, 'n vereiste skep dat ter plaatse en buiteterreinplanne voorberei en goedgekeur moet word vir enige fasiliteit of aktiwiteit wat daartoe kan aanleiding gee dat noodingryping nodig mag word.
 - (9) 'n Nasionale noodplan vir reaksie op potensiële kern- of stralingsnoodgevalle moet—
 - (a) die bepalings in ag neem van enige nasionale rampbestuurnoodreaksieplan of program wat ingevolge die bepalings van die Wet op Rampbestuur, 2002 (Wet No. 57 van 2002), ingestel is; en
 - (b) 'n toewysing insluit van verantwoordelikhede en handelinge tussen betrokke staatsdepartemente en nieregeringsorganisasies, met inbegrip van reëlings vir kommunikasie en publieke inligting.
 - (10) Implementering van die noodplan in subartikel (9) bedoel, moet met die plaaslike, provinsiale en nasionale owerhede wat by die implementering van rampbestuur ingevolge die Wet op Rampbestuur, 2002, betrokke is, gekoördineer word.
 - (11) In die geval van 'n kern- of radiologiese noodgeval wat 'n risiko inhou dat radioaktiewe besoedeling buite die grense van die Republiek kan versprei, moet die regering van die Republiek die Internasionale Atoomenergieagentskap en die betrokke owerhede van enige Staat wat fisies geraak is of geraak kan word, onmiddellik in kennis stel.
 - (12) Die Reguleerder moet as die kontakpunt dien vir die voorsiening van enige inligting of bystand aangaande kern- of radiologiese

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under the terms of relevant international instruments, including the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.".

Amendment of section 39 of Act 47 of 1999

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- **34.** Section 39 of the principal Act is hereby amended—
 - (a) by the substitution for the heading of the following heading:

"Record of nuclear [installations] facilities";

(b) by the substitution in subsection (1) for paragraph (c) of the following paragraphs:

"(c) where applicable, diagrams showing the position and limits, of a nuclear [installations] facility in respect of which [a nuclear installation licence] an authorisation has been granted."; and

(c) by the substitution in subsection (2) for paragraph (b) of the following paragraph:

"(b) which has been or is present, at or in any nuclear [installation] facility in respect of which [a nuclear installation licence] an authorisation is no longer in force, is within safety standards contemplated in section 36, it may remove the particulars in connection therewith from that record."

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Substitution of section 40 of Act 47 of 1999

35. The following section is hereby substituted for section 40 of the principal Act:

"Record of nuclear or radiation accidents and incidents

- 40. The Regulator must—
- (a) keep and maintain a record of the details of every nuclear or 25 radiation accident and nuclear or radiation incident;
- (b) store that record safely;
- (c) retain that record for 40 years from the date of the nuclear or radiation accident or nuclear or radiation incident; and
- (d) on the request of any person, make that record available to that 30 person.".

Amendment of section 41 of Act 47 of 1999

- **36.** Section 41 of the principal Act is hereby amended—
 - (a) by the substitution in subsection (4)(a) for subparagraphs (i), (ii), (iii) and (iv) of the following subparagraphs:
 - "(i) any nuclear **[installation]** <u>facility</u> or site in respect of which an application for **[a nuclear installation licence]** <u>an authorisation</u> has been made or such **[a licence]** an authorisation has been granted;
 - (ii) any place which the inspector on reasonable grounds suspects to be a site on which there is a nuclear [installation] facility or activity;
 - (iii) any place where parts of a nuclear [installation] <u>facility</u> are present or manufactured;
 - (iv) any place where radioactive material is kept or is present, and in respect
 of which an application for [a nuclear] an authorisation has been made
 or [a nuclear] an authorisation has been granted;";
 - (b) by the substitution in subsection (4) for paragraphs (b), (c), (d), (e) and (f) of the following paragraphs:
 - "(b) carry out inspections and use any applicable equipment during such inspections at any of the nuclear [installations] facilities, sites or places referred to in paragraph (a) and conduct such investigations 50 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] an authorisation, or any other person having any power or 55

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noodgevalle ingevolge die terme van tersaaklike internasionale instrumente, met inbegrip van die 'Convention on Early Notification of a Nuclear Accident' en die 'Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency'.".

Wysiging van artikel 39 van Wet 47 van 1999

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- 34. Artikel 39 van die Hoofwet word hierby gewysig-
 - (a) deur die opskrif deur die volgende opskrif te vervang:

"Rekord van [kerninstallasies] kernfasiliteite";

- (b) deur in subartikel (1) paragraaf (c) deur die volgende paragrawe te vervang:

 "(c) waar van toepassing, diagramme wat die posisie en grense aantoon, 10

 van 'n [kerninstallasies] kernfasiliteit ten opsigte waarvan ['n kerninstallasielisensie] 'n magtiging uitgereik is, hou."; en
- (c) deur in subartikel (2) paragraaf (b) deur die volgende paragraaf te vervang: "(b) wat teenwoordig is of was,
 - by of in enige [kerninstallasie] <u>fasiliteit</u> ten opsigte waarvan ['n 15 kerninstallasielisensie] 'n magtiging nie meer van krag is nie, binne die veiligheidstandaarde beoog in artikel 36, kan hy die besonderhede in verband daarmee uit daardie rekord verwyder.".

Vervanging van artikel 40 van Wet 47 van 1999

35. Artikel 40 van die Hoofwet word hierby deur die volgende artikel vervang:

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"Rekord van [kernongelukke] <u>kern- of stralingsongelukke</u> en-voorvalle

- **40.** Die Reguleerder moet—
- (a) 'n rekord van die besonderhede van elke [kernongeluk] kern- of stralingsongeluk en [kernvoorval] kern- of stralingsvoorval hou en 25 in stand hou;
- (b) daardie rekord veilig bewaar;
- (c) daardie rekord vir 40 jaar vanaf die datum van die [kernongeluk] kern- of stralingsongeluk en [kernvoorval] of stralingsvoorval behou; en
- (d) op versoek van enige persoon, daardie rekord aan daardie persoon beskikbaar maak.".

Wysiging van artikel 41 van Wet 47 van 1999

- 36. Artikel 41 van die Hoofwet word hierby gewysig—
 - (a) deur in subartikel (4)(a) subparagrawe (i), (ii), (iii) en (iv) deur die volgende 35 subparagrawe te vervang:
 - "(i) enige [kerninstallasie of -aanleg] fasiliteit of aanleg ten opsigte waarvan 'n aansoek om 'n [kerninstallasielisensie] 'n magtiging gedoen is of waarvoor so 'n [lisensie] magtiging toegestaan is, betree;
 - (ii) enige plek wat die inspekteur op redelike gronde vermoed 'n aanleg is 40 waarop daar 'n **[kerninstallasie]** kernfasiliteit of -aktiwiteit is, betree;
 - (iii) enige plek waar onderdele van 'n [kerninstallasie] kernfasiliteit teenwoordig is of vervaardig word, betree;
 - (iv) enige plek waar radioaktiewe materiaal gehou word of teenwoordig is en ten opsigte waarvan 'n aansoek om 'n [kernmagtiging] magtiging 45 gedoen is of 'n [kernmagtiging] magtiging toegestaan is, betree;";
 - (b) deur in subartikel (4) paragrawe (b), (c), (d), (e) en (f) deur die volgende paragrawe te vervang:
 - "(b) inspeksies uitvoer en enige toepaslike toerusting gedurende sodanige inspeksies op enige van die [kerninstallasies] 50 kernfasiliteite, -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] magtiging, of enige ander persoon wat

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duty in connec	ction with or o	on the relevant	[nuclear installation]
facility, site or	place referred	to in paragraph	n (a), to—

- 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 or evidence purposes;
- (e) if any [action] activity contemplated in section 20, or any condition associated with such [action] activity, does not comply with the requirements laid down in the [nuclear] authorisation, or with the safety and related security standards contemplated in section [32] 36, direct any person in [control] charge of the [action] activity—
 - to discontinue such [action] <u>activity</u> or immediately rectify such condition;
 - (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 and related 20 security standards contemplated in section 36;
 - (iii) to prohibit workers who do not meet the applicable requirements from engaging in the activity; or
 - (iv) to safely and securely store any nuclear or radioactive material originating from a suspended activity;

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- (f) if any [action] activity contemplated in section 2(2)(b), or any condition associated with such [action] activity, does not comply with the exemption criteria specified in the safety and security standards contemplated in section 36, direct the person in [control] charge of the [action] activity—
 - (i) to discontinue such [action] <u>activity</u> 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;
 - (iv) to prohibit workers who do not meet the applicable requirements from engaging in the activity; or
 - (v) to safely and securely store any nuclear or radioactive material originating from a suspended activity.";
- (c) by the substitution for subsection (5) of the following subsection:
 - "(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**] <u>facilities</u>, sites and other 45 places contemplated in this section."; and
- (d) by the insertion after subsection (5) of the following subsections:
 - "(6) A decision taken by an inspector shall continue in force until—
 - (a) withdrawn by the inspector;
 - (b) reversed or modified by the Regulator; or
 - (c) altered through an appeal or judicial review decision pursuant to Chapter 6 of this Act.".

Amendment of section 47 of Act 47 of 1999

37. Section 47 of the principal Act is hereby amended by the insertion after subsection (4) of the following subsection:

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enige bevoegdheid of plig het in verband met of op die betrokke **[kerninstallasie of -aanleg]** <u>fasiliteit of aanleg</u> 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 of bewysdoeleindes verwyder;
- (e) indien enige [handeling] aktiwiteit beoog in artikel 20, of enige toestand wat met sodanige [handeling] aktiwiteit verband hou, nie voldoen aan die vereistes in die kernmagtiging gestel nie, of met die 15 [veiligheidstandaarde] veiligheid- en verwante sekuriteitstandaarde bedoel in artikel 36 nie, enige persoon in beheer van die [handeling] aktiwiteit opdrag gee om—
 - (i) die betrokke [handeling] aktiwiteit te staak en die betrokke toestand onverwyld reg te stel;
 - (ii) die betrokke terrein of ander plek te rehabiliteer tot 'n toestand wat voldoen aan die vereistes gestel in die [kernmagtiging] magtiging of [veiligheidstandaarde] veiligheid- en verwante sekuriteitstandaarde bedoel in artikel 36:
 - (iii) werkers wat nie aan die toepaslike vereistes voldoen nie, te belet om aan die aktiwiteit deel te neem; of
 - (iv) enige kern- of radioaktiewe materiaal wat van 'n opgeskorte aktiwiteit kom, veilig en beveilig te berg;
- indien enige [handeling] aktiwiteit bedoel in artikel 2(2)(b), of enige toestand wat met die betrokke [handeling] aktiwiteit verband hou, nie voldoen aan die vrystellingskriteria vermeld in die [veiligheidstandaarde] veiligheids- en verwante sekuriteitstandaarde beoog in artikel 36 nie, die persoon in beheer van die [handeling] aktiwiteit gelas om—
 - die betrokke [handeling] <u>aktiwiteit</u> te staak en die betrokke toestand onverwyld 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 40 gemaak word; [of]
 - (iii) aansoek te doen vir 'n registrasiesertifikaat;
 - (iv) werkers wat nie aan die toepaslike vereistes voldoen nie, te belet om aan die aktiwiteit deel te neem; of
 - (v) enige kern- of radioaktiewe materiaal wat van 'n opgeskorte aktiwiteit kom, veilig en beveilig te berg;";
- (c) deur subartikel (5) deur die volgende subartikel te vervang:
 - "(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 50 inspekteur ten opsigte van [kerninstallasies en -aanlegte] fasiliteite en aanlegte, en ander plekke in hierdie artikel bedoel, verleen is."; en
- (d) deur die volgende subartikels na subartikel (5) in te voeg:
 - "(6) 'n Besluit deur 'n inspekteur geneem, bly van krag totdat—
 - (a) dit deur die inspekteur teruggetrek word;
 - (b) dit deur die Reguleerder ingetrek of verander word; of
 - (c) dit deur 'n appèl of regterlike hersiening ingevolge Hoofstuk 6 van hierdie Wet, verander word.''.

Wysiging van artikel 47 van Wet 47 van 1999

37. Artikel 47 van die Hoofwet word hierby gewysig deur die volgende subartikel na 60 subartikel (4) in te voeg:

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- "(5) The Minister must, on the recommendation of the board and in consultation with the Minister of Finance, by notice in the *Gazette*, prescribe—
- (a) a schedule of the types of administrative fines to be imposed by the Regulator;
- (b) the form and manner that the Regulator manages and issues such administrative fines.".

Amendment of section 48 of Act 47 of 1999

- **38.** Section 48 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
 - "(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] of the department responsible for Mineral Resources and Energy."

Amendment of section 49 of Act 47 of 1999

- **39.** Section 49 of the principal Act is hereby amended by the substitution for 15 subsection (2) of the following subsection:
 - "(1) If the Minister rejects a recommendation of the board contemplated in sections 2(2)(a), 2(3), 15(1), 28, 29(1) and (2), 36(1), 38(4) and 45(7), 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 | 20 makes the final decision, after consultation with the relevant Minister.".

Amendment of section 51 of Act 47 of 1999

- **40.** Section 51 of the principal Act is hereby amended—
 - (a) by the substitution in subsection (2) for paragraphs (a) and (b) of the following paragraphs:
 - graphs:

 "(a) no person may disclose to any other person or publish any information which relates to any nuclear [installation] facility or site or vessel or [action] activity described in section 2(1)(c) in respect of which [a nuclear] an 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] facility, site, vessel or [action] activity 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 35 and such possession is likely to jeopardise the physical security arrangements in respect of such [installation] facility, site, vessel or [action] activity as required by the Regulator for the protection of persons or the security of the Republic;"; and
 - (b) by the substitution in subsection (3) for the words preceding paragraph (a) of 40 the following words:
 - "(3) No member of the board or a committee of the board or **[an employee]** staff member 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—".

Amendment of section 52 of Act 47 of 1999

- **41.** Section 52 of the principal Act is hereby amended—
 - (a) by the substitution in subsection (1) for paragraph (c) of the following paragraph:
 - "(c) fails to comply with a directive [contemplated in section 41(4)] 50 issued by the Regulator;";

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- "(5) Die Minister moet, op aanbeveling van die raad en in oorleg met die Minister van Finansies, by kennisgewing in die *Staatskoerant*—
- (a) 'n bylae van die tipes administratiewe boetes wat deur die Reguleerder opgelê gaan word; en
- (b) die vorm en wyse waarop die Reguleerder sodanige administratiewe boetes | 5 bestuur en uitreik, voorskryf.".

Wysiging van artikel 48 van Wet 47 van 1999

- **38.** Artikel 48 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
 - "(1) Die Minister kan, behoudens subartikel (2), enige bevoegdheid en enige 10 werksaamheid wat ingevolge hierdie Wet aan die Minister verleen of opgedra is, delegeer of opdra aan die Direkteur-generaal[: Minerale en] verantwoordelik vir Minerale Hulpbronne en Energie.".

Wysiging van artikel 49 van Wet 47 van 1999

- **39.** Artikel 49 van die Hoofwet word hierby gewysig deur subartikel (2) deur die 15 volgende subartikel te vervang:
 - "(1) Indien die Minister 'n aanbeveling van die raad beoog in artikels 2(2)(a), 2(3), 15(1), 28, 29(1) en (2), 36(1), 38(4) en 45(7) 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, | 20 neem die Minister die finale besluit, na oorleg met die betrokke Minister.".

Wysiging van artikel 51 van Wet 47 van 1999

- **40.** Artikel 51 van die Hoofwet word hierby gewysig—
 - (a) deur in subartikel (2) paragrawe (a) en (b) deur die volgende paragrawe te vervang:
 - "(a) mag geen persoon enige inligting wat betrekking het op 'n

 [kerninstallasie] kernfasiliteit of terrein of vaartuig of [handeling]

 aktiwiteit omskryf in artikel 2(1)(c) ten opsigte waarvan 'n

 [kernmagtiging] magtiging 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] fasiliteit, terrein, vaartuig of
 [handeling] aktiwiteit soos deur die Reguleerder vir die
 beskerming van persone of die veiligheid van die Republiek vereis 35
 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] fasiliteit, terrein, vaartuig of [handeling] aktiwiteit soos deur die Reguleerder vir die beskerming van persone of die veiligheid van die Republiek vereis word, in gevaar kan stel;"; en
 - (b) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 - "(3) Geen lid van die raad of 'n komitee van die raad of 'n 45 [werknemer] personeellid 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—".

Wysiging van artikel 52 van Wet 47 van 1999

- **41.** Artikel 52 van die Hoofwet word hierby gewysig—
 - (a) deur in subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang: "(c) versuim om te voldoen aan 'n opdrag [in artikel 41(4) beoog] deur die Reguleerder uitgereik;";

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- (b) by the substitution for subsection (2) of the following subsection:
 - "(2) Any person who contravenes or fails to comply with any <u>other</u> 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.";
- (c) by the substitution in subsection (3) for paragraph (c) of the following paragraph:
 - "(c) in the case of an offence referred to in subsection $\underline{51}(1)(g)$, to a fine 10 or to imprisonment for a period not exceeding three years[.]; or";
- (d) by the insertion after paragraph (c) of the following paragraph:
 - "(d) Notwithstanding the provisions of paragraph (a), a person convicted of a failure to pay an administrative fine is liable on conviction to a fine or to imprisonment for a period not exceeding three months."; and
- (e) by the insertion after subsection 3 of the following subsections:
 - "(4) If a person has failed to comply with an administrative fine as prescribed in section 47, the Regulator may cause to be delivered, by hand, to that person (hereinafter referred to as 'the infringer') a non-compliance notice which must contain the particulars contemplated in subsection (5).
 - (5) A notice referred to in subsection (4) must—
 - (a) specify the name and address of the infringer;
 - (b) specify the particulars of the alleged offence;
 - (c) specify corrective and preventive measures to be implemented by the infringer;
 - (d) specify the amount of the administrative fine payable;
 - (e) inform the infringer that, not later than 30 days after the date of service of the non-compliance notice, the infringer may—
 - (i) pay the administrative fine; or
 - make arrangements with the Regulator to pay the administrative fine in instalments; and
 - (f) state that a failure to comply with the requirements of the notice within the time permitted, will result in the administrative fine becoming recoverable as contemplated in subsection (6).
 - (6) If the infringer fails to comply with the requirements of a notice, the Regulator may file with the clerk or registrar of any competent court a statement certified by it as correct, setting forth the amount of the administrative fine payable by the infringer, and such statement thereupon has all the effects of a civil judgement lawfully given in that court in favour of the Regulator for a liquid debt in the amount specified in the statement.
 - (7) An administrative fine imposed in terms of this section does not constitute a previous conviction as contemplated in Chapter 27 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).".

Short title and commencement

42. This Act is called the National Nuclear Regulator Amendment Act, 2024 and comes into operation on a date determined by the President by Proclamation in the *Gazette*.

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- (b) deur subartikel (2) deur die volgende subartikel te vervang:
 - "(2) Iemand wat 'n bepaling van hierdie Wet, of enige <u>ander</u> 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.";
- (c) deur in subartikel (3) paragraaf (c) deur die volgende paragraaf te vervang: "(c) in die geval van 'n misdryf in subartikel 51(1)(g) bedoel, met 'n 10 boete of met gevangenisstraf van hoogstens drie jaar[,]; of";
- (d) deur die volgende paragraaf na paragraaf (c) in te voeg:
 - '(d) Ondanks die bepalings van paragraaf (a), is 'n persoon wat skuldig bevind word aan 'n versuim om 'n administratiewe boete te betaal, by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.''; en
- (e) deur die volgende subartikels na subartikel (3) in te voeg:
 - "(4) Indien 'n persoon versuim het om aan 'n administratiewe boete te voldoen soos in artikel 47 voorgeskryf, kan die Reguleerder 'n kennisgewing van nievoldoening per hand aan daardie persoon (hierna 'die oortreder' genoem), laat aflewer, wat die besonderhede beoog in subartikel (5) moet bevat.
 - (5) 'n Kennisgewing beoog in subartikel (4) moet—
 - (a) die naam en adres van die oortreder spesifiseer;
 - (b) die besonderhede van die beweerde misdryf spesifiseer;
 - (c) die regstellende en voorkomende maatreëls spesifiseer wat die oortreder moet instel;
 - (d) die bedrag spesifiseer van die administratiewe boete wat betaalbaar is:
 - (e) die oortreder inlig dat, nie later nie as 30 dae na die datum van betekening van die kennisgewing van nievoldoening, die oortreder—
 - (i) die administratiewe boete kan betaal; of
 - (ii) met die Reguleerder kan reëlings tref om die administratiewe boete in paaiemente te betaal; en
 - (f) stel dat in die geval van 'n versuim om binne die gegewe tyd aan die vereistes van die kennisgewing te voldoen, die boete verhaalbaar word soos in subartikel (6) beoog.
 - (6) Indien die oortreder versuim om aan die vereistes van 'n kennisgewing te voldoen, kan die Reguleerder by die klerk of griffier van enige bevoegde hof 'n verklaring indien wat deur die Reguleerder as korrek gesertifiseer is, waarin die bedrag van die administratiewe boete wat deur die oortreder betaalbaar is, uiteengesit word, en sodanige verklaring het daarop die werking van 'n siviele vonnis wat wettig in daardie hof gegee is ten gunste van die Reguleerder vir 'n likiede skuld in die bedrag in die verklaring gespesifiseer.
 - (7) 'n Administratiewe boete ingevolge hierdie artikel opgelê, stel nie 'n vorige skuldigbevinding daar soos in Hoofstuk 27 van die Strafproseswet, 1977 (Wet No. 51 van 1977), beoog nie.''.

Kort titel en inwerkingtreding

42. Hierdie Wet heet die Wysigingswet op die Nasionale Kernreguleerder, 2024, en tree in werking op 'n datum deur die President by Proklamasie in die *Staatskoerant* vasgestel.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001 Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za Publications: Tel: (012) 748 6053, 748 6061, 748 6065