

(English text signed by the President.)
(Assented to 5 January 2009.)

ACT

To provide for the establishment of a National Radioactive Waste Disposal Institute in order to manage radioactive waste disposal on a national basis; to provide for its functions and for the manner in which it is to be managed; to regulate its staff matters; and to provide for matters connected therewith.

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

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UMTHETHO

Injongo kukusekwa koMbutho Wokulahlwa Kwenkunkuma Eqhumayo ukuze ulawule ukulahlwa kwenkunkuma eqhumayo elizweni lonke; ukwandlala imisebenzi yayo, nendlela efanele ilawulwe ngayo, ukulawula imicimbi yayo yabasebenzi; nokwenzela imicimbi ehlobene noko.

KE NGOKO KWENZIWA UMTHETHO yiPalamente yeRiphabliki yoMzantsi-Afrika ngale ndlela ilandelayo:—

ULANDELELWANO LWEZIQENDU

Iziqendu

ISAHLUKO 1

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UKUCHAZWA KWAWO

1. Inkcazelo yamagama
2. Ukusebenza kwalo Mthetho

ISAHLUKO 2

UMBUTHO WOKULAWULWA KWENKUNKUMA EQHUMAYO

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3. Ukusekwa koMbutho Wokulahlwa Kwenkunkuma Eqhumayo
4. Umdla kaRhulumente kuMbutho
5. Imisebenzi yoMbutho
6. Amagunya alisolotywa oMbutho
7. IBhodi yoMbutho
8. Ukungafaneleki ukuba lilungu
9. Ubude bexesha lokuba sesikhundleni kwabalawuli beBhodi
10. Ukuphuma esikhundleni kwabalawuli beBhodi
11. Umvuzo wabalawuli
12. Iintlanganiso zeBhodi
13. Iiminutes zeentlanganiso zeBhodi
14. Iikomiti zeBhodi
15. Ukuphathiswa nokwabelwa yiBhodi
16. IGosa eliyiNtloko lesiGqeba loMbutho
17. Imisebenzi yeGosa eliyiNtloko lesiGqeba
18. Ukuphathiswa nokwabelwa liGosa eliyiNtloko lesiGqeba
19. Ubume boMbutho nabasebenzi bawo
20. Ulawulo lwezimali loMbutho
21. Imali zoMbutho
22. Ukuthinjwa kwawo ngomyalelo wenkundla

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CHAPTER 3**DISPOSAL APPLICATION**

23. Application to dispose of radioactive waste
 24. Conditions relating to radioactive waste disposal certificate
 25. Generators of radioactive waste 5

CHAPTER 4**GENERAL**

26. Provisions with regard to security of Institute's installations, sites, premises and land
 27. Reproduction of documents by Institute 10
 28. Delegations and assignment by Minister
 29. Regulations
 30. Transitional provisions
 31. Short title and commencement

CHAPTER 1

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INTERPRETATION**Definitions**

1. In this Act, unless the context indicates otherwise—
 “**authorised waste disposal facility**” means permitted in writing under the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999); 20
 “**board**” means the board of the Institute referred to in section 7(1);
 “**Chief Executive Officer**” means the person appointed as such in terms of section 16(1);
 “**closed radioactive waste disposal facility**” means the completion of all operations after the emplacement of radioactive waste in a disposal facility; 25
 “**Department**” means the Department of Minerals and Energy;
 “**director**” means a director of the board;
 “**Director-General**” means the Director-General of the Department;
 “**financial year**”, in relation to the Institute, means the period contemplated in section 20(3); 30
 “**Institute**” means the National Radioactive Waste Disposal Institute established by section 3;
 “**Minister**” means the Minister of Minerals and Energy;
 “**prescribed**” means prescribed by regulation;
 “**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999); 35
 “**radioactive material**” means any substance consisting of, or containing, any radioactive nuclide, whether natural or artificial, including, but not limited to, radioactive waste;
 “**radioactive nuclide**” means any unstable atomic nucleus which decays 40
 spontaneously with the accompanying emission of ionising radiation;
 “**radioactive waste**” means any radioactive material destined to be disposed of as waste material, and “**nuclear waste**” has a similar meaning;
 “**radioactive waste disposal certificate**” means a certificate contemplated in section 23; 45
 “**South African Nuclear Energy Corporation**” means the Corporation established in terms of the Nuclear Energy Act, 1999 (Act No. 46 of 1999);
 “**specified date**” means the date contemplated in section 31;
 “**this Act**” includes any regulations made in terms of section 29;
 “**waste disposal facility**” means a facility for the acceptance, handling, storage, 50
 treatment and disposal of radioactive waste.

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ISAHLUKO 3

ISICELO SOKULAHL' INKUNKUMA

23. Ukwenz' isicelo sesiqinisekiso esiyimvume yokulahl' inkunkuma eqhumayo
24. Imiqathango yesiqinisekiso esiyimvume yokulahl' inkunkuma eqhumayo
25. Iinkampani ezivelisa inkunkuma eqhumayo 5

ISAHLUKO 4

OKUTSHIWO NGULO MTHETHO NGOKUBANZI

26. Okutshiwo ngulo Mthetho malunga nokhuseleko lobuxhakaxhaka obugxunyekiweyo boMbutho, iziza zawo, umhlaba ongaphakathi kwamangano awo nomhlaba wawo 10
27. Ukukhutshelwa kwamaxwebhu nguMbutho
28. Ukuphathiswa nokwabelwa nguMphathiswa
29. Imimiselo
30. Okuza kwenzeka kweli xesha liphakathi
31. Igama lawo elifutshane nokuqalisa kwawo ukusebenza 15

ISAHLUKO 1

UKUCHAZWA KWAWO

Inkcazelo yamagama

1. Kulo Mthetho, ngaphandle kokuba okunye okubhaliweyo kuwo kubonisa ngenye indlela— 20
- “uMbutho” nguMbutho Wokulawulwa Kwenkunkuma Eqhumayo esekwe sisiqendu 3;
elithi “gunyaziweyo” lithetha ovunyelwe okanye ovunyelwe ngenchwadi ngokwe*National Nuclear Regulator Act* 47 ka-1999;
“iBhodi” yiBhodi yoMbutho ekuthethwe ngawo kwisiqendu 7(1); 25
“iGosa eliyiNtloko lesiGqeba” ngumntu omiselwe njengeGosa eliyiNtloko lesiGqeba ngokwesiqendu 16(1);
“ukuvalwa kokulahlwa kwenkunkuma eqhumayo” kukugqitywa kwayo yonke imisebenzi emva kokubekwa kwenkunkuma eqhumayo kwindawo elahlwa kuyo;
“iSebe” liSebe leziMbiwa naMandla; 30
“ilungu” lilungu leBhodi;
“uMlawuli-Jikelele” nguMlawuli-Jikelele weSebe;
“unyaka-mali”, ngokumayela noMbutho, lithuba lexesha elixelwe kwisiqendu 20(3);
“uMphathiswa” nguMphathiswa weziMbiwa naMandla; 35
elithi “efunekayo” lithetha efunwa ngummiselo;
“iPublic Finance Management Act” yi*Public Finance Management Act* 1 ka-1999;
“ulutho oluqhumayo” lulo naluphi na ulutho olwenziwe ngenyuklayidi eqhumayo okanye olunenyuklayidi eqhumayo, enoba yeyendalo okanye yenguzenzele, kuquka nenkunkuma eqhumayo, kodwa kungapheleli apho;
“inyuklayidi eqhumayo” yiyo nayiphi na inyukliyasi ye-athom engazinzanga ethi ibole ngokuzenzekelayo iphelekwa kukuqhuma okwenza i-ayoni;
“inkunkuma eqhumayo” lulo naluphi na ulutho oluqhumayo olufanelwe kukulahlwa njengento eyinkunkuma; elithi “inkunkuma eyinyukliye” 45
likwanaloo ntsingiselo;
“isiqinisekiso esiyimvume yokulahl' inkunkuma eqhumayo” sisiqinisekiso esixelwe kwisiqendu 23;
“iSouth African Nuclear Energy Corporation” nguMbutho osekwe ngokwe*Nuclear Energy Act* 46 ka-1999; 50
“umhla oxeliweyo” ngumhla oxelwe kwisiqendu 31;
elithi “lo Mthetho” liquka nayiphi na imimiselo eyenziwe ngokwesiqendu 29;
“indawo yokulahlwa kwenkunkuma” yindawo yokwamkelwa, nokusetyenzwa, nokugcinwa, nokufakwa amachiza, nokulahlwa kwenkunkuma eqhumayo.

Application of Act

2. This Act applies to all radioactive waste in the Republic destined to be disposed of in an authorised waste disposal facility.

CHAPTER 2**NATIONAL RADIOACTIVE WASTE DISPOSAL INSTITUTE**

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Establishment of National Radioactive Waste Disposal Institute

3. A juristic person known as the National Radioactive Waste Disposal Institute is hereby established.

State's interest in Institute

4. The Institute is wholly owned by the State.

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Functions of Institute

5. The Institute must—

- (a) perform any function that may be assigned to it by the Minister in terms of section 55(2) of the Nuclear Energy Act, 1999, (Act No. 46 of 1999), in relation to radioactive waste disposal; 15
- (b) design and implement disposal solutions for all classes of radioactive waste;
- (c) develop radioactive waste acceptance and disposal criteria in compliance with applicable regulatory health safety environmental requirements and any other technical and operational requirements;
- (d) assess and inspect the acceptability of radioactive waste for disposal and issue radioactive waste disposal certificates; 20
- (e) manage, operate and monitor operational radioactive waste disposal facilities, including related storage and predisposal management of radioactive waste at disposal sites;
- (f) manage and monitor closed radioactive waste disposal facilities; 25
- (g) investigate the need for any new radioactive waste disposal facilities and site, design and construct such new facilities as may be required;
- (h) conduct research and develop plans for the long-term management of radioactive waste storage and disposal;
- (i) maintain a national radioactive waste database and publish a report on the inventory and location of all radioactive waste in the Republic at a frequency determined by the board; 30
- (j) manage the disposal of any ownerless radioactive waste on behalf of the State, including the development of radioactive waste management plans for such waste; 35
- (k) assist generators of small quantities of radioactive waste in all technical aspects related to the disposal of such waste;
- (l) implement any assignments or directives from the Minister regarding radioactive waste disposal;
- (m) provide information on all aspects of radioactive waste disposal to the public in general, living in the vicinity of radioactive waste disposal facilities; 40
- (n) co-operate with any person or institution on matters relating to the performance of any duty contemplated in this section falling within these functions; and
- (o) perform any other function necessary to achieve the objects of this Act. 45

Powers of Institute

6. (1) Subject to the approval of the board and any applicable provisions of the Public Finance Management Act, the Institute may—

Ukusebenza kwalo Mthetho

2. Lo Mthetho usebenza kuyo yonke inkunkuma eqhumayo kwiRiphabliki efanele kukulahlwa kwindawo egunyaziweyo yokulahlwa kwenkunkuma.

IS AHLUKO 2**UMBUTHO WOKULAWULWA K WENKUNKUMA EQHUMAYO 5****Ukusekwa koMbutho Wokulahlwa Kwenkunkuma Eqhumayo**

3. Ngokwenjenje kusekwa iqumrhu elisemthethweni elaziwa ngokuba nguMbutho Wokulahlwa Kwenkunkuma Eqhumayo.

Umdla kaRhulumente kuMbutho

4. Lo Mbutho ngokaRhulumente uwonke. 10

Imisebenzi yoMbutho

5. Lo Mbutho umele—

- (a) wenze nawuphi na umsebenzi onokuwabelwa nguMphathiswa ngokwesiqendu 55(2) se*Nuclear Energy Act* 46 ka-1999 ngokumayela nokulawulwa kwenkunkuma eqhumayo; 15
- (b) uze nezisombululo zazo zonke iindidi zenkunkuma eqhumayo uze uzisebenzise ezo zisombululo;
- (c) uthi gqi neendlela zokwamkelwa nokulahlwa kwenkunkuma eqhumayo ngokuvumelana neemfuneko zokhuseleko ezisebenzayo emsebenzini ololu hlobo kwakunye nazo zonke ezinye iimfuneko zokwenziwa kwalo msebenzi; 20
- (d) uqwalasele kwaye uhlole ukwamkelwa kwenkunkuma eqhumayo ngenjongo yokulahlwa kwenkunkuma uze ukhuphe iziqinisekiso eziyimvume yokulahl' inkunkuma eqhumayo;
- (e) ulawule iindawo zokulahlwa kwenkunkuma, okuquka ukulawulwa kwayo ngaphambi koko kulahlwa usekwiziza echithelwa kuzo; 25
- (f) ulawule iindawo ezivaliweyo zokulahlwa kwenkunkuma eqhumayo;
- (g) uphande ngemfuneko yeendawo ezintsha zokulahlwa kwenkunkuma eqhumayo uze ufune isiza, uyile uze wakhe ezo ndawo zintsha ngokwemfuneko;
- (h) wenze uphando, wenze nezicwangciso zokulawulwa kwexesha elide kwenkunkuma eqhumayo; 30
- (i) ulondoloze iinkcukacha ezingenkunkuma eqhumayo elizweni lonke uze upapashe ingxelo ngeendawo zayo yonke inkunkuma eqhumayo kwi-Riphabliki ngamaxesha athile agqitywe yiBhodi;
- (j) ulawule nayiphi na inkunkuma eqhumayo egameni likaRhulumente, kuquka ukwenziwa bhetele kwezicwangciso zokulawulwa kwenkunkuma eqhumayo; 35
- (k) uncedise iinkampani ezivelisa iinkunkuma ezincinane eziqhumayo kubo bonke ubuculukubhede obuhlobene nokulahlwa kwaloo nkunkuma;
- (l) uyenze isebenze nayiphi na imiyalelo evela kuMphathiswa engokulawulwa kwenkunkuma eqhumayo; 40
- (m) unike uluntu ngokubanzi inkcazelo engabo bonke ubuculukubhede bokulahlwa kwenkunkuma eqhumayo, uyinike noluntu oluhlala kude kufuphi neendawo ekulahlwa kuzo inkunkuma eqhumayo;
- (n) usebenzisane naye nawuphi na umntu okanye umbutho kwimicimbi ehlobene nokwenziwa kwawo nawuphi na umsebenzi oxelwe kwesi siqendu owela ngaphantsi kwale misebenzi; 45
- (o) wenze nawuphi na omnye umsebenzi oyimfuneko ukuze zifezeke iinjongo zalo Mthetho.

Amagunya oMbutho

6. (1) Kuxhomekeke ekuvunyweni yiBhodi, kuxhomekeke nakokutshiwo yi*Public Finance Management Act* okusebenzayo kulo mcimbi, uMbutho— 50

- (a) purchase or otherwise acquire immovable property and encumber or dispose of such property;
- (b) purchase, erect or cause to be erected, any buildings, installations, or plants;
- (c) establish and manage facilities for collecting and disseminating information regarding activities falling within the scope of the Institute's functions and powers; 5
- (d) utilise buildings or plants for the benefit of the Institute;
- (e) purchase, hire or otherwise acquire, or hold movable property and let, pledge, encumber or dispose of such property of which it is the owner;
- (f) hire services or let its own services or make them otherwise available; 10
- (g) sell or in any other manner make available to any person, for use, any patent, licence, concession or right of manufacture or any other right conferring the power to use any information, expertise, process or technology which has been developed by the Institute and which is the Institute's property;
- (h) co-operate with any educational, scientific or other institution or body with a view to such an institution or body providing instruction to or training of persons required by the Institute, and if considered necessary by the Institute, provide financial or other assistance to such an institution or body in connection with the instruction or training of those persons; 15
- (i) award a bursary or loan to any suitable person for study in any scientific or technical field relevant to the Institute's activities; and 20
- (j) acquire patents, licences, concessions, rights of manufacture or other similar rights conferring the power to use any technology, process, expertise or information and use, exercise, develop or grant licences in respect of such rights, concessions, technology, processes, expertise or information, or otherwise exploit it beneficially. 25
- (2) The Institute may, at the request or with the written permission of the Minister, undertake the development, transfer or exploitation of radioactive waste management technology on behalf of or in collaboration with any person or institution in or any government or administration of any other country or territory. 30
- (3) The Institute may, subject to approval by the board—
- (a) build, cause to be built, buy or hire dwelling houses, flats or buildings for occupation by the Institute's employees, and may sell or let such houses, flats or buildings to its employees or, if no longer reasonably required, alienate or let or otherwise dispose of such houses, flats or buildings; 35
- (b) establish, erect, operate or carry on sports and recreational facilities, social clubs, social and health services, restaurants, hostels and study bursary schemes for the benefit of the Institute's employees, or any other similar undertakings or schemes.

Board of Institute

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7. (1) The Institute is governed and controlled, in accordance with this Act, by a board of directors.

(2) The board consists of—

- (a) an official of the Department designated by the Minister;
- (b) an official nominated by the Department of Environmental Affairs and Tourism and appointed by the Minister; 45
- (c) an official nominated by the Department of Water Affairs and Forestry and appointed by the Minister;
- (d) an official nominated by the Department of Health and appointed by the Minister; 50
- (e) not more than five other directors;
- (f) the Chief Executive Officer of the Institute; and
- (g) the Chief Financial Officer of the Institute.

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- (a) usenokuthenga umhlaba nezakhiwo okanye uwuzuze ngezinye iindlela uze unikezele ngawo umhlaba lowo okanye izakhiwo;
- (b) usenokuthenga, yakhe okanye ubangele ukuba kwakhiwe naziphi na izakhiwo, ubuxhakaxhaka obugxunyekwayo, okanye oomatshini;
- (c) usenokwakha izakhiwo uze uzilawule izezokuqokelela nokusasaza ingcombolo engezinto ezenziwayo eziwela ngaphanstsi kwemisebenzi yoMbutho namagunya ayo; 5
- (d) usenokusebenzisa izakhiwo okanye oomatshini ukuze kuncedakale yona;
- (e) usenokuthenga impahla efudusekayo, uyiqeshe okanye uyizuze ngezinye iindlela, okanye uyigcine uze uqeshise ngayo, ubambise ngayo, okanye unikezele ngayo ibe ingumini wayo; 10
- (f) usenokuqesha iinkonzo zabanye abantu okanye uqeshise ngezayo iinkonzo okanye uzenze zifumaneke kwabanye abantu ngezinye iindlela;
- (g) usenokuyithengisa okanye uyenze ifumaneke komnye umntu ngezinye iindlela ukuba ayisebenzise imvume, ilayisenisi, isibonelelo, okanye ilungelo lokwenza into okanye naliphi na elinye ilungelo elinika umntu igunya lokusebenzisa ingcombolo, ubuchule, inkqubo okanye ubugcisa obuye baphuculwa nguMbutho nobuyimpahla yoMbutho; 15
- (h) usenokusebenzisana nalo naliphi na iziko okanye iqumrhu lemfundo, okanye lenzululwazi, ngenjongo yokuba elo ziko okanye elo qumrhu lifundise okanye liqeqeshe abantu abafunwa nguMbutho, yaye ukuba uMbutho ukubona kufanelekile, unike elo ziko okanye elo qumrhu uncedo lwemali okanye uncedo lolunye uhlobo lokuphumeza ukufundiswa okanye ukuqeqeshwa kwabo bantu; 20
- (i) usenokunika nawuphi na umntu ofanelekayo ibhasari okanye imali-mboleko ukuze afundele nawuphi na umsebenzi wenzululwazi okanye wobugcisa ohlobeneyo nezinto ezenziwa nguMbutho; 25
- (j) usenokuzusa iimvume, ilayisenisi, izibonelelo, amalungelo okwenza izinto okanye amanye amalungelo afana nalawo anika umntu igunya lokusebenzisa nabuphi na ubugcisa, inkqubo, ubuchule, okanye ingcombolo uze isebenzise okanye unike umntu ilayisenisi zalo malungelo, izibonelelo, ubugcisa, iinkqubo, ubuchule okanye ingcombolo okanye izisebenzise ngenye indlela eluncedo. 30
- (2) Ngokucelwa okanye ngemvume ebhaliweyo yoMphathiswa, uMbutho usenokuphucula ubugcisa bokulawulwa kwenkunkuma eqhumayo, ibudlulisele kwabanye abantu okanye ibusebenzise egameni lakhe nawuphi na umntu okanye umbutho okanye ikwenze oko ngokusebenzisana naye nawuphi na umntu okanye umbutho kuye nawuphi na urhulumente okanye ulawulo lwalo naliphi na ilizwe okanye ummandla. 35
- (3) Kuxhomekeke ekuvunyweni yiBhodi, uMbutho— 40
- (a) usenokwakha, ubangele ukuba kwakhiwe, uthenge okanye uqeshe izindlu zokuhlala, iiflethi okanye izakhiwo zokuhlaliwa ngabaqeshwa boMbutho, kwaye usenokuzithengisa okanye uqeshise ngazo ezo zindlu, iiflethi okanye izakhiwo, uzithengisela okanye uziqeshisela abaqeshwa bawo okanye, ukuba aziseyomfuneko, unikezele ngazo okanye uqeshise ngazo; 45
- (b) usenokwakha iindawo zemidlalo nokuzihlaziya, ezeeklabhu, ezeenkono zasentlalweni nezempilo, iivenkile zokutyela, iihostelee neebhasari zokufunda izezokunceda abaqeshwa boMbutho, okanye usenokwenza nakuphi na okufana noko.
- IBhodi yoMbutho** 50
7. (1) Lo Mbutho ulawulwa ngokwalo Mthetho, yiBhodi yabalawuli.
- (2) Ibhodi yakhiwe ngolu hlobo—
- (a) ligosa leSebe leziMbiwa naMandla elityunjwe nguMphathiswa;
- (b) ligosa elinyulwe liSebe lemiCimbi Yokusingqongileyo noKhenketho elimiselwe nguMphathiswa; 55
- (c) ligosa elinyulwe liSebe lemiCimbi yaManzi namaHlathi elimiselwe nguMphathiswa;
- (d) ligosa elinyulwe liSebe leMpilo elimiselwe nguMphathiswa;
- (e) ngabalawuli abangabanye abangagqithanga kwisihlanu;
- (f) liGosa eliyiNtloko lesiGqeba lalo Mbutho; 60
- (g) neGosa eliyiNtloko leziMali le-Arhente.

(3) The board is responsible for the general management and control of the Institute, and must ensure that the functions of the Institute referred to in section 5 are carried out.

(4) The board represents the Institute and all acts performed by the board are the acts of the Institute.

(5) The board must forward the report referred to in section 17(2)(c), as approved by it, to the Minister within three months of the end of the financial year. 5

(6) The Minister must, from among the directors of the board referred to in subsection (2)(e), appoint a chairperson and a deputy chairperson.

(7) The directors contemplated in subsection (2)(e) are appointed by the Minister, on the basis of their qualifications and knowledge. 10

(8) Before appointing the directors of the board referred to in subsection (2)(e) the Minister must—

(a) through the media and by notice in the *Gazette*, invite nominations of suitable persons from members of the public as candidates for the relevant positions on the board; 15

(b) appoint a panel to compile a shortlist of not more than 15 candidates from the persons so nominated in terms of paragraph (a).

(9) The Minister may, for a director appointed in terms of subsection (2)(a), (b), (c) or (d), appoint a suitably qualified alternate director to act in that director's place during his or her absence. 20

(10) If a director dies or vacates office, the Minister may, subject to subsection (8), appoint another person as a director, who serves for the unexpired portion of the predecessor's term of office.

(11) If the board, in any particular case, fails to perform any function imposed on it in terms of this Act, the Minister may, in writing, order the board to perform such function. 25

(12) The board must ensure that any order issued under subsection (10) is complied with.

(13) If the board fails to comply with an order contemplated in subsection (10), the Minister may dissolve the board.

(14) When the Minister dissolves the board in terms of subsection (12), the Minister may appoint an interim body for the continued governance and control of the affairs of the Institute, on such conditions as the Minister may determine, until a new board is appointed.

(15) Within 30 days of appointment of a person as a director of the board, he or she must submit to the Minister and the board a written statement in which he or she declares whether or not she has any interest contemplated in subsection 16. 35

(16) If any director of the board acquires or contemplates acquiring an interest which could possibly be an interest contemplated in subsection (16), he or she must immediately and in writing declare that fact to the Minister and the board.

(17) A director of the board may not take part in the discussion of any matter before the board in which that director or his or her spouse, life partner, family member, business partner or associate or employer, other than the State, has a direct or indirect financial interest. 40

Disqualification from directorship

8. A person is disqualified from being appointed or remaining a director of the board if he or she— 45

(a) is not a South African citizen;

(b) is declared insolvent or is an unrehabilitated insolvent;

(c) is or has been convicted of fraud, theft, forgery or uttering a forged document or any offence involving dishonesty and sentenced to imprisonment without the option of a fine; 50

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- (3) Umsebenzi weBhodi kukulawulwa jikelele koMbutho, kwaye imele iqinisekise ukuba imisebenzi yoMbutho ekuthethwe ngayo kwisiqendu 5 iyenziwa.
- (4) IBhodi imela uMbutho yaye ke ngoko zonke izenzo ezenziwa yiBhodi zizenzo zoMbutho.
- (5) IBhodi mayithumele ingxelo ekuthethwe ngayo kwisiqendu 17(2)(c), evunyiwe yiyo, iyithumele kuMphathiswa zingaphelanga iinyanga ezintathu uphelile unyakamali. 5
- (6) Kumalungu eBhodi ekuthethwe ngawo kwisiqendwana (2)(e) uMphathiswa makamisele usihlalo kunye nosekelasihlalo.
- (7) Abalawuli abaxelwe kwisiqendwana (2)(e) bamiselwa nguMphathiswa ngenxa yemfundo yabo nolwazi lwabo namava awo ekulawulweni kwenkunkuma eqhumayo. 10
- (8) Ngaphambi kokuba amisele abalawuli beBhodi ekuthethwe ngawo kwisiqendwana (2)(e), uMphathiswa umele—
- (a) ngokusebenzisa amajelo eendaba nangokwenza isaziso ku*Shicilelo-Mithetho (Gazette)*, acele uluntu ukuba lunyule abantu abafanelekileyo abaza kuba kwizikhundla eBhodini; 15
- (b) amisele isigqeba, ekusenokubakho kuso abameli bekomiti yepalamente echaphazelekayo ukuba benze uluhlu lwabagqatswa abangagqithanga kwi-15 abanyulwe ngokwisiqendu (a).
- (9) Ngomlawuli ngamnye omiselwe ngokwisiqendwana (2)(a), (b), (c) okanye (d) uMphathiswa usenokumisela omnye umlawuli ofanelekileyo ukuze abambeke xa angekhoyo umlawuli omiselweyo. 20
- (10) Ukuba umlawuli uthe wasweleka okanye waphuma esikhundleni, ngokulawulwa kwisiqendwana (8) uMphathiswa usenokumisela omnye umntu ukuba abe ngumlawuli oza kukhonza ixesha eliseleyo elingagqitywanga ngulowo uswelekileyo okanye uphumileyo esikhundleni. 25
- (11) Ukuba nakuyiphi na imeko iBhodi ayiwenzi umsebenzi ewunikiweyo ngokwalo Mithetho, uMphathiswa usenokuyiyalela ukuba iwenze lo msebenzi, msebenzi lowo ofanele utshiwo kwisaziso.
- (12) IBhodi imele iqinisekise ukuba nawuphi na umyalelo okhutshiweyo ngokwisiqendwana (10) uyathotyelwa. 30
- (13) Ukuba iBhodi ayenzi ngokomyalelo oxelwe kwisiqendwana (10), uMphathiswa usenokuyibhangisa.
- (14) Xa uMphathiswa eyibhangisa iBhodi ngokwisiqendwana (12), usenokumisela iqumrhu lexeshana ukuze iqhubeke ilawulwa imicimbi yoMbutho, ebeka imiqathango asenokuyibona ifanelekile, kude kube kumiselwe iBhodi entsha. 35
- (15) Zingaphelanga iintsuku ezingama-30 emiselwe umntu njengomlawuli weBhodi, umele anike uMphathiswa neBhodi inkcazelo ebhaliweyo apho adandalazisa khona ukuba kukho mdla anawo kusini na oxelwe kwisiqendwana (16).
- (16) Ukuba ilungu leBhodi lithi libe nomdla okanye liceba ukuba nomdla osenokuba ngumdlal oxelwe kwisiqendwana (16), limele ngoko nangoko likudandalazise oko ngencwadi kuMphathiswa nakwiBhodi. 40
- (17) Umlawuli weBhodi akavumelekanga ukuba athabath' inxaxheba ekuxoxweni kwawo nawuphi na umcimbi ophambi kweBhodi ukuba loo mlawuli okanye iqabane lakhe lomtshato, umntu athandana naye, iqabane lakhe eshishinini okanye umqeshi, ongenguye uRhulumente, unomdla ongowasemalini ngokuthe ngqo okanye ngokungathanga ngqo. 45

Ukungafaneleki ukuba lilungu

8. Umntu akafaneleki ukumiselwa abe ngumlawuli okanye ukuhlala engumlawuli ukuba— 50
- (a) akangommi waseMzantsi-Afrika;
- (b) uvakaliswe yinkundla njengongakwaziyo ukuhlawula amatyala akhe okanye ukuba wavakaliswa yinkundla njengongakwaziyo ukuhlawula amatyala akhe abe engekaphumi kuloo meko;
- (c) ufunyaniswa okanye ufunyaniswe enetyala lobuqhetseba, lobusela, lokubhal' inkohliso okanye lokukhupha uxwebhu olubhalwe inkohliso okanye ukuba ufunyaniswe enalo naliphi na ityala elibandakanya ukungathembeki waza wagwetywa ukuvalelwa entolongweni ngaphandle kwefayini; 55

- (d) becomes a member of Parliament, a provincial legislature, a Municipal Council, the Cabinet or the Executive Council of a province; and
- (e) is an employee of, or adviser to, any organisation that possesses or produces radioactive waste that may be disposed of by the Institute.

Term of office

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9. (1) The directors of the board hold office for a period specified in the letter of appointment, but not exceeding three years, and may be reappointed upon expiry of that term of office.

(2) A director of the board may not serve more than two consecutive terms.

Removal from office and vacation of office of directors of board

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10. (1) Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), the Minister may remove a director of the board from office, if such director—

- (a) has repeatedly failed to perform his or her functions efficiently;
- (b) because of any physical or mental illness or disability, has become incapable of performing his or her functions efficiently; or
- (c) has been absent from three consecutive meetings of the board without the consent of the chairperson of the board, except on good cause shown; or
- (d) for misconduct.

(2) A director of the board must vacate office when he or she—

- (a) is disqualified in terms of section 8;
- (b) is removed from office in terms of subsection (1); or
- (c) resigns as a director of the board.

Remuneration of directors

11. A director of the board, other than the chief executive officer or a person who is in the full-time employ of the State, is appointed on such terms and conditions, including those relating to the remuneration and allowances, as the Minister may determine with the concurrence with the Minister of Finance.

Meetings of board

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

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

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

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

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

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

- (a) a vacancy on the board; or
- (b) the fact that any person not entitled to do so, sat as a director at the time that such decision was taken, if that decision was taken or that act was authorised by the required majority of directors present at the meeting who were entitled to sit as directors.

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

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- (d) uba lilungu lePalamente, lendlu yowiso-mthetho yephondo, lebhunga likamasipala, lekhabinethi okanye ukuba uba nguMphathiswa wephondo;
(e) ungumqeshwa okanye ungumcebisi wombutho ovelisa inkunkuma eqhumayo esenokuya kulahlwa ngulo Mbutho.

Ubude bexesha lokuba sesikhundleni kwabalawuli

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9. (1) Umlawuli weBhodi uba sesikhundleni ithuba lexesha elixelwe encwadini yokumiselwa kwalo, xesha elo elingagqithiyo kwiminyaka emithathu. Umlawuli usenokumiselwa kwakhona lisakuphela elo xesha lokuba sesikhundleni.

(2) Umlawuli weBhodi akavumelekanga ukuba akhonze amatyeli angaphezu kwamabini elandelana.

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Ukushenxiswa esikhundleni nokuziphumela esikhundleni kwabalawuli eBhodi

10. (1) Ngokulawulwa koko kutshiwo yi*Promotion of Administrative Justice Act 3* ka-2000, uMphathiswa usenokulishenxisa umlawuli weBhodi esikhundleni, ukuba loo mlawuli—

- (a) woyisakele ngokuphindaphindiweyo ukwenza imisebenzi yakhe ngokutyibilikayo; 15
(b) ngenxa yokugula emzimbeni okanye engqondweni okanye ngenxa yesiphene, litha alakwazi ukwenza imisebenzi yalo ngokutyibilikayo;
(c) liye alabikho kwiintlanganiso zeBhodi zade zantathu zilandelana ngaphandle kwemvume kasihlalo weBhodi, kungekho sizathu sivakalayo; 20
(d) lithetha laziphatha kakubi.

(2) Umlawuli weBhodi makaphume esikhundleni xa—

- (a) engafaneleki ngokwesiqendu 8(8);
(b) eshenxisiwe esikhundleni ngokwesiqendwana (1);
(c) eyeka ukuba ngumlawuli weBhodi. 25

Umvuzo wabalawuli

11. Umlawuli weBhodi, ongelilo iGosa eliyiNtloko lesiGqeba okanye ongenguye umntu oqeshwe ixesha elizeleyo nguRhulumente, umiselwa ngokwemigqaliselo nemiqathango equka umvuzo neemalana ezisecaleni, migqaliselo leyo nemiqathango esenokugqitywa nguMphathiswa ngokuvumelana noMphathiswa weziMali. 30

Iintlanganiso zeBhodi

12. (1) Intlanganiso yokuqala yeBhodi iba ngexesha nakwindawo egqitywe nguMphathiswa, zize emva koko iintlanganiso zibe ngexesha nakwindawo egqitywe yiBhodi.

(2) Usihlalo okanye, xa angekhoyo, usekela-sihlalo, nangaliphi na ixesha usenokubiza intlanganiso ekhethekileyo yeBhodi ibe ngexesha nakwindawo egqitywe ngusihlalo okanye ngusekela-sihlalo. 35

(3) Bonke abalawuli beBhodi mabaziswe ngencwadi ngentlanganiso nganye yeBhodi.

(4) Nayiphi na intlanganiso yeBhodi inokuqhubeka xa kukho uninzi lwabalawuli beBhodi. 40

(5) Ngokulawulwa sisiqendwana (4), isigqibo soninzi lwabalawuli abakhoyo entlanganisweni yeBhodi sisigqibo seBhodi, ekuya kuthi ke xa iivoti zilingana macala omabini kuwo nawuphi na umcimbi, umntu ongusihlalo kuloo ntlanganiso abe nelungelo lokuvota ukongezelela kwilungelo lokuthabath' inxaxheba kwingxoxo. 45

(6) Isigqibo esithatyathwe yiBhodi okanye isenzo esigunyazwe yiyo asiyi kuba sesiphuthileyo ngenxa nje yokuba—

- (a) kukho umntu ongekho eBhodini;
(b) umntu othile ongenalungelo ebehleli njengomlawuli ngexesha lokuthatyathwa kwesigqibo, ukuba eso sigqibo sithatyathwe okanye eso senzo sigunyazwe luninzi olufunekayo lwabalawuli abebekho entlanganisweni enelungelo lokuhlala njengabalawuli. 50

(7) Ukuba ngesizathu esithile usihlalo akakwazi ukuba ngusihlalo, okanye ukuba isikhundla sikasihlalo asinamntu, usekela-sihlalo makabambe njengosihlalo.

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

Minutes of board meetings

13. (1) The board must cause minutes of its meetings to be kept and must circulate 5
copies of the minutes to its directors.

(2) Such minutes, when signed at a next meeting by the person who chairs that meeting, are, in the absence of proof of error therein, regarded as a true and correct record of the proceedings and are *prima facie* evidence of those proceedings before a court of law, tribunal or commission of inquiry. 10

Committees of board

14. (1) The board may—

- (a) establish such committees as it considers necessary, to assist it in the performance of its functions in terms of this Act; and
- (b) appoint as members of any such committee persons, including directors of the board and staff of the Institute, as the board considers appropriate. 15

(2) Members of a committee who are not in the full-time employ of the Institute or other organs of state, are appointed on such terms and conditions, including those relating to the remuneration and allowances, as the Minister may determine with the concurrence of the Minister of Finance. 20

Delegation and assignment by board

15. (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 this Act, to its chairperson or a committee of the board.

(2) The board is not divested of any power or relieved of any duty it so delegated or assigned. 25

(3) A delegation or an assignment—

- (a) may be made subject to such conditions as may be determined by the board;
- (b) may be given together with the power to subdelegate or further assign, subject to such conditions as may be determined by the board; 30
- (c) must be communicated to the delegatee or assignee in writing.

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

- (a) must contain full particulars of the matters being delegated or assigned and of the conditions determined in terms of subsection (3)(a); and
- (b) if the power of subdelegation or further assignment is conferred, must state that fact and any conditions determined in terms of subsection (3)(b). 35

(5) The board may, by resolution—

- (a) amend or revoke a delegation or assignment made in terms of subsection (1);
- (b) withdraw any decision, other than a decision which confers a right or entitlement on any third party, made by the delegatee or assignee with regard to a delegated or assigned matter, and decide the matter itself. 40

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

- (a) prohibit the delegation by the board of any particular power or its assignment of any particular duty, whether generally or in the circumstances specified in the notice; 45
- (b) limit the circumstances in which any particular power or duty of the board may be delegated, subdelegated, assigned or further assigned;

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(8) Ukuba bobabini usihlalo nasekela-sihlalo ngesizathu esithile abakwazi ukuba ngoosihlalo, okanye ukuba zombini izikhundla esokuba ngusihlalo nesokuba ngusekela-sihlalo azinamntu, iBhodi mayityumbe nawuphi na omnye umlawuli ukuba abambe njengosihlalo.

Iiminutes zeentlanganiso zeBhodi

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13. (1) IBhodi mayenze ukuba iiminutes zeentlanganiso zayo zigcinwe kwaye mayijikelezise iikopi zeeminutes kubalawuli bayo.

(2) Ezo minutes, xa zityikitywe kwintlanganiso elandelayo ngumntu ongusihlalo kuloo ntlanganiso, ukuba akukho bungqina bempazamo kuzo, zithathwa njengombhalo oyinyaniso nochanileyo wezinto ezixoxwe kwintlanganiso kwaye zibubungqina bezinto ezixoxwe kwintlanganiso xa kunokuyiwa phambi kwenkundla yomthetho, phambi kwesigqeba esichophele umcimbi okanye phambi kwekomishoni yophando. 10

Iikomiti zeBhodi

14. (1) IBhodi—

(a) isenokuseka iikomiti ebona kuyimfuneko ukuziseka, ukuba zincedise ekwenziweni kwemisebenzi yayo ngokwalo Mthetho; 15

(b) isenokumisela abantu abaquka abalawuli beBhodi nabasebenzi boMbutho ukuba babe ngabalawuli baloo komiti, ukuba ibona kufanelekile.

(2) Amalungu ekomiti angaqeshwanga ixesha elizeleyo nguMbutho nangamanye amacandelo ayinxalenye karhulumente amiselwa ngokwemigqaliselo nemiqathango equka eyomvuzo neemalama ezisecaleni ngokokubona koMphathiswa evumelene noMphathiswa weziMali. 20

Ukuphathiswa nokwabelwa yiBhodi

15. (1) Ngokulawulwa ziziqendwana (2), (3), (4) nesezi-(5), iBhodi, ngesigqibo esamkelwe yiyo yonke, isenokuphathisa naliphi na igunya, yabele nawuphi na umsebenzi othiwe ziziqendwana emagxeni ayo ngulo Mthetho, iliphathise elo gunya okanye iwabele loo msebenzi usihlalo wayo okanye ikomiti yeBhodi. 25

(2) IBhodi ayilohluthwanga igunya eliphathise omnye umntu okanye umsebenzi ewabele omnye umntu.

(3) Ukuphathiswa okanye ukwabelwa— 30

(a) kunokwenziwa ngokulawulwa yimiqathango enokugqitywa yiBhodi;

(b) kunokwenziwa kuhambisane negunya lokuba lowo uphathisiweyo okanye wabelweyo naye aphathise omnye okanye abele omnye, ngokulawulwa yimiqathango enokugqitywa yiBhodi;

(c) makaziswa ngako lowo uphathisiweyo okanye wabelweyo ngencwadi. 35

(4) Ukwaziswa ngencwadi ngokwesiqendwana (3)(c)—

(a) makube neenkukacha ezipheleleyo ngemicimbi ephathisiweyo okanye eyabelweyo nangemiqathango ekugqitywe ngayo ngokwesiqendwana (3)(a);

(b) ukuba lowo uphathisiweyo okanye wabelweyo unikwa igunya lokuba naye aphathise omnye okanye abele omnye, ukuphathiswa okanye ukwabelwa makuyichaze loo nto kwakunye nayiphi na imiqathango ekugqitywe kuyo ngokwesiqendwana (3)(b). 40

(5) Ngesigqibo esamkelwe yiyo yonke, iBhodi—

(a) isenokwenza uhlehlengiso ekuphathiseni ebikwenzile okanye ekwabeleni ebikwenzile okanye ikutshitshise oko kuphathisa okanye oko kwabela okwenziwe ngokwesiqendwana (1); 45

(b) isenokusirhoxisa nasiphi na isigqibo esenziwe ngulowo uphathisiweyo okanye wabelweyo esimalunga nomcimbi abewuphathisiwe okanye abewabelwe, ize izenzele ngokwayo isigqibo, ngaphandle kwaxa kuisigqibo esithi jize ilungelo elithile kumntu wesithathu. 50

(6) Ngesaziso kuShicilelo-Mithetho, uMphathiswa—

(a) usenokuyalela iBhodi ukuba iphathise omnye umntu igunya elithile okanye ayalele ukuba yabele omnye umntu umsebenzi othile, kuzo zonke iimeko okanye kwiimeko ezixelwe apho kwisaziso; 55

(b) usenokusik' umda kwiimeko ekunokuthi kuzo igunya liphathise omnye umntu okanye umsebenzi wabelwe omnye umntu, nekunokuthi kuzo naye

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

Chief Executive Officer of Institute

16. (1) The Minister must, after consultation with the board, appoint a suitably qualified as chief executive officer of the Institute. 5

(2) A person is disqualified from being appointed or remaining Chief Executive Officer if he or she is subject to any of the disqualifications mentioned in section 8.

(3) A Chief Executive Officer holds office for a period not exceeding three years and may be reappointed upon expiry of that term of office.

(4) Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), 10 the Minister may at any time remove the Chief Executive Officer from office, if the Chief Executive Officer—

(a) has repeatedly failed to perform the functions of office efficiently;

(b) because of any physical or mental illness or disability, has become incapable of performing the functions of that office efficiently; or 15

(c) is found guilty of misconduct or any offence involving dishonesty.

(5) (a) Whenever, due to absence or for any other reason, the chief executive officer is temporarily unable to perform the functions of that office, or when that office is vacant, the Board may designate a suitably qualified employee of the Institute to act as chief executive officer until the incumbent of that office resumes the functions of chief executive officer or, as the case may be, the vacancy is filled by the Minister through the appointment of a chief executive officer under subsection (1). 20

(b) While so acting, the designated employee is competent to exercise, and perform all, the functions of the chief executive officer in terms of this Act.

Functions of Chief Executive Officer

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17. (1) The Chief Executive Officer is responsible for the day-to-day business of the Institute, subject to the directions or instructions, if any, that the board may issue from time to time.

(2) The Chief Executive Officer must—

(a) ensure that the functions of the Institute in terms of this Act are performed; 30

(b) report to the board on the proper performance and functioning of the Institute; and

(c) compile a report on the activities of the Institute for each financial year and submit the report to the board for approval.

(3) The Chief Executive Officer must exercise all the powers and perform all the duties conferred or imposed on him or her by— 35

(a) this Act; and

(b) the board.

Delegations and assignments by Chief Executive Officer

18. (1) The chief executive officer may delegate any of the powers, and assign any of the duties, attached to that office, to any employee of the Institute. 40

(2) Section 15(2), (3) and (4) applies, reading in the changes necessary in the context, to any delegation or assignment in terms of this section.

Organisational structure and staff of Institute

19. (1) The board must determine the organisational structure of the Institute and may revise the structure as may be necessary from time to time. 45

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lowo uphathisiweyo aphathise omnye okanye lowo wabelweyo naye abele omnye;

- (c) usenokubek' imiqathango yokuphathiswa kwegunya omnye umntu okanye yokwabelwa komsebenzi omnye umntu.

IGosa eliyiNtloko lesiGqeba loMbutho

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16. (1) Emva kokubonisana neBhodi, uMphathiswa makamisele umntu ofanelekileyo abe liGosa eliyiNtloko lesiGqeba loMbutho.

(2) Umntu akafaneleki ukuba amiselwe okanye aqhubeke emiselwe njengeGosa eliyiNtloko lesiGqeba ukuba akafaneleki ngezizathu ezixelwe kwisiqendu 8.

(3) IGosa eliyiNtloko lesiGqeba liba sesikhundleni ithuba lexesha elingagqithiyo kwiminyaka emithathu, kodwa alivumelekanga ukuba likhonze amatyeli angaphezu kwamabini elandelana. 10

(4) Ngokulawulwa koko kutshiwo yi*Promotion of Administrative Justice Act*, uMphathiswa usenokulishenxisa esikhundleni iGosa eliyiNtloko lesiGqeba ukuba—

(a) loyisakele ngokuphindaphindiweyo ukwenza imisebenzi yesikhundla salo ngokutyibilikayo; 15

(b) ngenxa yokugula emzimbeni okanye ngokwasengqondweni, iGosa eliyiNtloko lesiGqeba liye alakwazi ukwenza imisebenzi yeso sikhundla ngokutyibilikayo;

(c) lifunyaniswe linetyala lokuziphatha okubi okanye naliphi na elinye ityala elibandakanya ukungathembeki. 20

(5) (a) Nanini na xa, ngenxa yokungabikho emsebenzini okanye ngaso nasiphi na esinye isizathu, iGosa eliyiNtloko lesiGqeba lingenako okwexeshana ukwenza imisebenzi yeso sikhundla, okanye xa eso sikhundla singenamntu, iBhodi isenokutyumba umqeshwa woMbutho ukuba abambe njengeGosa eliyiNtloko lesiGqeba de libe liyathabathisa kwakhona ngemisebenzi yalo. 25

(b) Logama ebambe umqeshwa otyunjiweyo unokuyenza yonke imisebenzi yeGosa eliyiNtloko lesiGqeba engokwalo Mthetho.

Imisebenzi yeGosa eliyiNtloko lesiGqeba

17. (1) Umsebenzi weGosa eliyiNtloko lesiGqeba kukuqhuba imisebenzi yemihla ngemihla yoMbutho, ngokulawulwa yimiyalelo, xa ikho, enokuthi ikhutshwe yiBhodi ngamaxesh' athile. 30

(2) IGosa eliyiNtloko lesiGqeba—

(a) maliqinisekise ukuba imisebenzi yoMbutho engokwaloMthetho iyenziwa;

(b) malibikele iBhodi ngokwenziwa okufanelekileyo kwemisebenzi yoMbutho nangokusebenza koMbutho; 35

(c) maliqulunqe ingxelo ngezinto ezenziwa nguMbutho kunyaka-mali ngamnye ngokuvumelana ne*Public Finance Management Act* lize liyizise ingxelo leyo eBhodini ngenjongo yokuba ivunywe yiBhodi.

(3) IGosa eliyiNtloko lesiGqeba malisebenzise onke amagunya, lenze nayo yonke imisebenzi ethiwe zinzi emagxeni alo— 40

(a) ngulo Mthetho;

(b) nayiBhodi.

Ukuphathiswa nokwabelwa liGosa eliyiNtloko lesiGqeba

18. (1) IGosa eliyiNtloko lesiGqeba lisenokuphathisa nawaphi na kumagunya elinawo, labele nayiphi na kwimisebenzi elinayo yeso sikhundla, liphathisa okanye lisabela umqeshwa woMbutho. 45

(2) Isiqendu 15(2), (3) nesesi-(4) ziyasebenza kuko nakuphi na ukuphathiswa okanye ukwabelwa okwenziwayo ngokwesi siqendu, kubekho nje utshintsho oluyimfuneko apha naphaya. 50

Ubume boMbutho nabasebenzi bawo

19. (1) IBhodi mayigqibe ngobume boMbutho kwaye isenokuman' ukubutshintsha ubume bawo xa kuthi kube yimfuneko ngamaxesh' athile.

(2) Subject to the directions of the board, the chief executive officer may appoint the staff for the Institute that may be necessary to perform the work arising from or connected with the Institute's functions, business and operations in terms of this Act.

(3) (a) The terms and conditions of service of the Institute's staff, and their remuneration, allowances, subsidies and other service benefits, are determined by the board. 5

(b) The remuneration, allowances, subsidies and other benefits contemplated in paragraph (a) must be determined in accordance with a system approved by the Minister with the concurrence of the Minister of Finance.

(4) Subject to subsection (5), the Institute is deemed to be an associated institution for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963). 10

(5) The Institute may, with the approval of the Minister granted with the concurrence of the Minister of Finance, establish, manage and administer any pension or provident fund or medical scheme for the benefit of its employees or have such a scheme or fund managed and administered by any other body or person. 15

Financial management of Institute

20. (1) The Institute is a Schedule 3 public entity in terms of the Public Finance Management Act and is subject to the applicable provisions of that Act.

(2) The Institute may accumulate surplus funds. 20

(3) The Institute's financial year is from 1 April in any year to 31 March in the following year, both days included, but the first financial year will run from the specified date to 31 March in the following year, both days included.

Funds of Institute

21. (1) The funds of the Institute consist of— 25

(a) money received from waste generators on a cost recovery basis for services rendered in terms of this Act;

(b) money appropriated by Parliament;

(c) money transferred to the Institute from the Radioactive Waste Management Fund that must be established by an Act of Parliament; 30

(d) money received for services rendered or derived from the sale or exploitation of its products, technology or other assets;

(e) income or interest earned on the Institute's cash balances or on money invested;

(f) loans raised by the Institute in accordance with the Public Finance Management Act; and 35

(g) donations or contributions received from any source by the Institute, with the approval of the Minister.

(2) The Chief Executive Officer must—

(a) open an account in the name of the Institute with an institution registered as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990); and 40

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

(3) The Chief Executive Officer may, on behalf of the Institute, invest any money received in terms of subsection (1), which is not required for immediate use—

(a) with the approval of the Minister and the board, with the Public Investment Commissioners referred to in section 2 of the Public Investment Corporation Act, 2004 (Act No. 23 of 2004); or 45

(b) with such other institution as the board and the Minister determine.

(4) The Institute may not incur any expenditure in excess of budgetary provisions approved by the board. 50

(5) The Auditor-General must audit the Institute on an annual basis.

(6) Expenses for the establishment and initial operation of the Institute must be defrayed from money appropriated by Parliament to the Department.

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- (2) Ngokulawulwa yimiyalelo yeBhodi, iGosa eliyiNtloko lesiGqeba lisenokuqesha abasebenzi boMbutho abanokuba yimfuneko ukuba henze umsebenzi onento yokwenza nemisebenzi yoMbutho engokwalo Mthetho.
- (3) (a) Imigqaliselo nemiqathango yokusebenza kwabasebenzi boMbutho, nemivuzo yabo, neemalana zabo ezisecaleni, noncedo lwezimali kwakunye namanye amaqithiqithi okuba ngumsebenzi, zonke ezo zinto zigqitywa yiBhodi. 5
- (b) Imivuzo, iimalana ezisecaleni, uncedo lwezimali namanye amaqithiqithi okuba ngumsebenzi axelwe kwisiqendu (a) makugqitywe ngezo zinto ngokwenkqubo evunye nguMphathiswa evumelene noMphathiswa weziMali.
- (4) Ngokulawulwa sisiqendwana (5), uMbutho uthathwa njengombutho olilungu lengxowa-mali yemihlalaphantsi ngokwe*Associated Institutions Pension Fund Act* 41 ka-1963. 10
- (5) Ngemvume yoMphathiswa evumelene noMphathiswa weziMali, uMbutho unokuvula ingxowa-mali yomhlabaphantsi okanye eyemical scheme ukuze kuncedakale abaqesha bayo okanye loo ngxowa-mali yayo isenokulawulwa lelinye iqumrhu okanye umntu. 15

Ulawulo lwezimali zoMbutho

20. (1) UMbutho uliqumrhu loluntu likaSchedule 3 ngokwe*Public Finance Management Act* kwaye ke ngoko ilawulwa kokutshiwo kuloo Mthetho okusebenzayo kuwo. 20
- (2) UMbutho uvumelekile ukuyeka iimali ezithe kratya zifumbe.
- (3) Unyaka-mali woMbutho uqala kumhla woku-1 kuAprili nakuwuphi na unyaka ukuya kumhla wama-31 kuMatshi kunyaka olandelayo, yomibini le mihla ibaliwe, kodwa unyaka-mali wokuqala uya kuqala kumhla oxeliweyo ukuya kumhla wama-31 kuMatshi wonyaka olandelayo, yomibini loo mihla ibaliwe.

Izimali zoMbutho

21. (1) Izimali zoMbutho zibakho ngolu hlobo— 25
- (a) ngemali efunyenwe kwiinkampani ezenza inkunkuma kufunwa iindleko ekungenwe kuzo ngomsebenzi owenziweyo ngokwalo Mthetho;
- (b) ngemali ebekelw' ecaleni yiPalamente;
- (c) ngemali edluliselwe kulo Mbutho isuka kwiNgxowa-mali Yokulahlwa Kwenkunkuma Eqhumayo; 30
- (d) ngemali efunyenwe ngeenkonzo ezenziweyo okanye efunyenwe ekuthe-ngisweni okanye ekusetyenzisweni kweemveliso zayo, ekusetyenzisweni kobugcisa bayo okanye impahla yayo;
- (e) ngeneniso okanye ngenzala ezuzwe ngeemali zoMbutho okanye ngemali etyaliweyo; 35
- (f) ngeemali-mboleko ezenziwe nguMbutho ngokuvumelana noko kutshiwo yi*Public Finance Management Act*;
- (g) ngeminikelo efunyenwe nguMbutho ivela nokuba kuphi na, ngemvume yoMphathiswa. 40
- (2) IGosa eliyiNtloko lesiGqeba—
- (a) malivule i-akhawunti egameni loMbutho kumbutho obhaliswe njengebhanki ngokwe*Banks Act* 94 ka-1990;
- (b) maliyifake apho yonke imali efunyenwe ngokwesiqendwana (1).
- (3) Egameni loMbutho, iGosa eliyiNtloko lesiGqeba linokuyityala ngenjongo yokuyandisa nayiphi na imali efunyenwe ngokwesiqendwana (1), xa kuyimali engaxakekelwanga okwangoku— 45
- (a) ngemvume yoMphathiswa neBhodi, liyityala kwiPublic Investment Commissioners ekuthethwe ngayo kwisiqendu 2 se*Public Investment Corporation Act* 23 ka-2004; okanye 50
- (b) liyityale nakuwuphi na umbutho enokuthi iBhodi noMphathiswa bagqibe ukuba ityalwe kuwo.
- (4) UMbutho awuvumelekanga ukuba ungene ezindlekweni ezithi kratya ngaphaya kwemida yesabelo semali evunye yiBhodi.
- (5) UMphicothi-zimali Omkhulu makaphicothe iimali zoMbutho qho ngonyaka. 55
- (6) Iindleko zokusekwa koMbutho nezokuqala kwawo ukusebenza mazikhutshwe kwimali ebekelw' ecaleni yiPalamente isiya kwiSebe.

Judicial management and liquidation

22. (1) Despite any other law, the Institute may not be placed under judicial management or in liquidation, except if authorised by an Act of Parliament adopted specially for that purpose.

(2) The Institute may be disestablished by an Act of Parliament.

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CHAPTER 3**DISPOSAL APPLICATION****Application for radioactive waste disposal certificate**

23. (1) Any person who has to dispose of radioactive waste must apply to the chief executive officer for a radioactive waste disposal certificate in the prescribed format and must furnish such information as the board may require.

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(2) The Chief Executive Officer must assess the information for compliance with the radioactive waste acceptance and disposal criteria contemplated in section 5(c) and, subject to the board's approval, must—

- (a) refuse an application for a radioactive waste disposal certificate and furnish the applicant in writing with the reasons for the refusal, in accordance with the Promotion of Administrative Justice Act; or
- (b) grant an application for a radioactive waste disposal certificate subject to such conditions as may be determined in terms of section 24.

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Conditions relating to radioactive waste disposal certificate

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24. (1) The Chief Executive Officer may, subject to subsection (2), impose any condition in a radioactive waste disposal certificate which is necessary to ensure compliance with the radioactive waste acceptance and disposal criteria contemplated in section 5(c).

(2) The Chief Executive Officer—

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- (a) may, subject to paragraph (c), amend any condition in an existing radioactive waste disposal certificate;
- (b) must notify the person in writing to whom the radioactive waste disposal certificate was issued of such amendment and the reasons therefor; and
- (c) must submit to the board any amendments made to a radioactive waste disposal certificate in terms of paragraph (a) for ratification at the first meeting of the board following submission of the amendments.

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Generators of radioactive waste

25. (1) The generators of radioactive waste are responsible for technical, financial and administrative management of such waste within the national regulatory framework at their premises and when such waste is transported to an authorised waste disposal facility.

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(2) The generators of radioactive waste must—

- (a) develop and implement site-specific waste management plans based on national policy;
- (b) provide all relevant information on radioactive waste as required by the chief executive officer;
- (c) demonstrate compliance with any conditions of a radioactive waste disposal certificate;
- (d) provide site access to staff of the Institute for inspection against any conditions of the radioactive waste disposal certificate.

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Ukuthinjwa kwayo ngomyalelo wenkundla

22. (1) Kungakhathaliseki ukuba uthini na omnye umthetho, uMbutho awu-nakuthinjelwa impahla ngomyalelo wenkundla ngaphandle kokuba oko kugunyazwe nguMthetho wePalamente owiselwe loo njongo.

(2) UMbutho unokubhangiswa kuphela ngoMthetho wePalamente. 5

ISAILUKO 3**ISICELO SOKULAHHL' INKUNKUMA****Ukwenza isicelo sesiqinisekiso esiyimvume yokulahl' inkunkuma eqhumayo**

23. (1) Nawuphi na umntu ekufuneka alahl' inkunkuma eqhumayo makenze isicelo kwindawo egunyaziweyo yokulahl' inkunkuma elawulwa liGosa eliyiNtloko lesiGqeba ukuze afumane isiqinisekiso esiyimvume yokulahl' inkunkuma eqhumayo asenze ngendlela efunekayo, kananjalo makanike iBhodi ingcombolo esenokuyifuna. 10

(2) iGosa eliyiNtloko lesiGqeba maliyihlole loo ngcombolo ukuba iyahambisana na neemfuneko ezilindeleke kumntu oza kwamkela inkunkuma eqhumayo aze aye kuyilahla ezixelwe kwisiqendu 5(c); kwaye, kuxhomekeke ekuvunyweni yiBhodi,— 15

(a) makasikhabe isicelo sesiqinisekiso esiyimvume yokulahl' inkunkuma eqhumayo aze anike umenzi-sicelo ngencwadi izizathu zokusikhaba, nje-ngokutsho kwe*Promotion of Administrative Justice Act*; okanye

(b) makasivume isicelo sesiqinisekiso esiyimvume yokulahl' inkunkuma eqhu-mayo phantsi kwemiqathango ekusenokugqitywa kuyo ngokwesiqendu 24. 20

Imiqathango yesiqinisekiso esiyimvume yokulahl' inkunkuma eqhumayo

24. (1) Ngokulawulwa sisiqendwana (2), iGosa eliyiNtloko lesiGqeba lingabeka nawuphi na umqathango ohambisana nesiqinisekiso esiyimvume yokulahl' inkunkuma eqhumayo oyimfuneko ukuqinisekisa ukuba uyahlangabezana neemfuneko ezilindelwe kumntu oza kwamkela inkunkuma eqhumayo aze aye kuyilahla ezixelwe kwisiqendu 5(c). 25

(2) iGosa eliyiNtloko lesiGqeba—

(a) ngokulawulwa sisiqendu (c), lisenokwenza uhlehlengiso kumqathango okwisiqinisekiso esikhoyo esiyimvume yokulahl' inkunkuma eqhumayo;

(b) malimazise ngencwadi umntu owayekhutshelwe isiqinisekiso esiyimvume yokulahl' inkunkuma eqhumayo limazisa ngolohlehlengiso nezizathu zalo; 30

(c) malinike iBhodi naluphi na uhlehlengiso elilwenzileyo kwisiqinisekiso esiyimvume yokulahl' inkunkuma eqhumayo ngokwesiqendu (a) ukuze iBhodi iluvume nayo olohlehlengiso olusele lwenziwe kwintlanganisano yokuqala yeBhodi elandela ukwenziwa kolohlehlengiso. 35

Iinkampani ezivelisa inkunkuma eqhumayo

25. (1) Iinkampani ezivelisa inkunkuma eqhumayo kuluxanduva lwazo ukuyilawula loo nkunkuma ngokobugcisa nangokwasemalini ngokwemimiselo yelizwe ngaphakathi kwamasango azo naxa loo nkunkuma ithuthwa ukusiwa kwindawo egunyaziweyo yokulahlwa kwayo. 40

(2) Iinkampani ezivelisa inkunkuma eqhumayo—

(a) mazithi gqi nezicwangciso zokulawulwa kwenkunkuma esizeni ngokusekelwe kwinkqubo yelizwe lonke;

(b) maziyenze ifumaneka yonke ingcombolo efanelekileyo ngenkunkuma eqhumayo njengoko kufunwa liGosa eliyiNtloko lesiGqeba; 45

(c) mazibonise ukuba ziyayithobela imiqathango yesiqinisekiso esiyimvume yokulahlwa kwenkunkuma eqhumayo;

(d) mazibavumele bangene esizeni abasebenzi boMbutho ukuza kuhlola ukuthothotyelwa kwemiqathango yesiqinisekiso esiyimvume yokulahl' inkunkuma eqhumayo. 50

(3) The generators of radioactive waste remain responsible for all liabilities in connection with such radioactive waste under their control until such time as the radioactive waste has been received and accepted in writing by the Institute, following an inspection, at which time liability shall pass to the Institute.

CHAPTER 4

5

GENERAL

Provisions with regard to security of Institute's installations, sites, premises and land

26. (1) The installations, sites, premises and land belonging to or under the control of the Institute, on which any of its business, operations and activities in terms of this Act are conducted or performed or any records in connection therewith are kept, stored or to be found, are restricted areas. 10

(2) The Institute, subject to subsection (3), may make any arrangements it considers reasonably necessary for the proper protection of—

- (a) installations, sites, premises and land contemplated in subsection (1) (hereinafter called high security areas); 15
- (b) the persons employed or present at or in the high security areas;
- (c) all property of the Institute, whether of a physical or intellectual nature, at or in the high security areas; and
- (d) the records and information of the Institute, or in the Institute's possession, that are kept, stored or to be found therein, irrespective of the manner in which or the medium on or by means of which the records and information are kept, stored or recorded. 20

(3) No person may enter or be present in a high security area unless that person has consented to a search that may be conducted as contemplated in terms of subsection 25

(4)(a).

(4) Any person authorised thereto in writing by the chief executive officer may—

- (a) search any person or vehicle about to enter or leave any high security area, and may open and inspect any container or parcel and inspect any object, device, article, item or thing (including any material or substance) which is in the possession of such a person or is on or in that vehicle; 30
- (b) search any person present or any vehicle found in the high security area if there are reasonable grounds to suspect that any person or anything in the person's possession or in or on the vehicle, constitutes a threat to or endangers the lives or physical integrity of persons or the physical safety of property; 35
- (c) seize or attach any object, device, article, item or thing (including any material or substance) in the possession of a person mentioned in paragraph (a) or (b) or found on or in such a vehicle—
 - (i) if such an object, device, article, item or thing belongs to the Institute or is subject to its control and is not in the lawful possession of the person or lawfully being conveyed in or on the vehicle for the purpose of performing any function or work of the Institute; or 40
 - (ii) if, in the opinion of the authorised person, it constitutes a threat or danger of the nature contemplated in paragraph (b), or may be used by the person from whom it was taken or any other person for the purposes of a threat or danger of that nature; and 45
- (d) arrest any person found in unlawful possession of anything contemplated in paragraph (c)(i), or any person contemplated in paragraph (b).

Reproduction of documents by Institute

27. (1) The Institute may— 50

- (a) reproduce or cause to be reproduced documents in its possession or under its control by—
 - (i) microfilming;
 - (ii) electronic means; or
 - (iii) any other process which in its opinion reproduces such a document in a durable and accurate manner; and 55

(3) Iinkampani ezivelisa inkunkuma eqhumayo mazihlale zilithwele lonk' ityala ngenkunkuma eqhumayo ephantsi kolawulo lwazo de loo nkunkuma eqhumayo ibe ifunyenwe, yamkelwa ngencwadi nguMbutho, emva kokuba ihloliwe, ekuya kuthi ke ngelo xesha ityala lidlulele ekuthwalweni nguMbutho.

ISAHLUKO 4

5

OKUTSHIWO NGULO MTHETHO NGOKUBANZI

Okutshiwo ngulo Mthetho malunga nokhuseleko lobuxhakaxhaka obugxunyekiweyo boMbutho, iziza zawo, ummandla ongaphakathi kwamasango awo nomhlaba wawo

26. (1) Ubuxhakaxhaka obugxunyekiweyo, iziza, ummandla ongaphakathi kwamasango nomhlaba ongowoMbutho okanye ophantsi kolawulo loMbutho, ekuqutywa kuwo imisebenzi yawo engokwalo Mthetho, okanye iirekhodi ezigcinwe kuwo, ziziindawo ekungangenwa kuzo. 10

(2) Ngokulawulwa sisiqendwana (3), uMbutho unokwenza nawaphi na amalungiselelo ewabona eyimfuneko ukuze kukhuselewe— 15

(a) ubuxhakaxhaka obugxunyekiweyo, iziza, ummandla ongaphakathi kwamasango nomhlaba oxelwe kwisiqendwana (1) (zinto ezo emva koku eziza kubizwa ngokuba yimimandla yokhuseleko oluluqilima;

(b) abantu abaqeshwe okanye abakhoyo kwimimandla yokhuseleko oluluqilima;

(c) yonke impahla yoMbutho, nokuba yimpahla ephathekayo okanye eyimveliso yobukrelekrele bomntu, kwimimandla yokhuseleko oluluqilima; 20

(d) neerekhodi nengcombolo yoMbutho, okanye iirekhodi nengcombolo ekuMbutho, eginwe okanye efaneka apho, kungakhathaliseki indlela iirekhodi ezo nengcombolo ezigcinwe ngayo okanye imo ezigcinwe zikuyo. 25

(3) Akukho mntu uvumelekileyo ukuba angene okanye abekho kummandla wokhuseleko oluluqilima ngaphandle kokuba loo mntu uvumile ukuba asetshwe ngendlela exelwe kwisiqendwana 4(a). 25

(4) Nawuphi na umntu ogunyaziweyo ngencwadi liGosa eliyiNtloko lesiGqeba—

(a) unokusetsha nawuphi na umntu okanye inqwelo-mafutha eza kungena okanye eza kuphuma kummandla wokhuseleko oluluqilima, kwaye unokuvula aze ahlole nayiphi na into okanye ipasile aze ahlole nayiphi na into ekuloo mntu okanye ekuloo nqwelo-mafutha; 30

(c) unokusetsha nawuphi na umntu okhoyo okanye nayiphi na inqwelo-mafutha efaneka kummandla wokhuseleko oluluqilima ukuba kukho izizathu ezivakalayo zokurhanela ukuba loo mntu okanye nantoni na ekuye okanye ekwinqwelo-mafutha, ibeka engozini ubomi okanye inokwenzakalisa abantu okanye impahla; 35

(c) unokuthatha okanye athimbe nayiphi na into ekumntu okhankanywe kwisiqendu (a) okanye (b) okanye efunyenwe kwinqwelo-mafutha—

(i) ukuba loo nto yeyoMbutho okanye iphantsi kolawulo lwawo kwaye ayikho kuloo mntu ngokusemthethweni okanye ayithwalwanga yinqwelo-mafutha ngokusemthethweni ngenjongo yokwenza umsebenzi woMbutho; 40

(ii) ukuba, ngokubona kwaloo mntu ugunyaziweyo, iyingozi yohlobo oluxelwe kwisiqendu (b), okanye ukuba inokusetyenziswa nguloo mntu ethathwe kuye okanye ngomnye umntu ngenjongo yokuba ibe yingozi; 45

(d) unokubamba nawuphi na umntu ofunyaniswe enento exelwe kwisiqendu (c)(i), okanye abambe nawuphi na umntu oxelwe kwisiqendu (b).

Ukukhutshelwa kwamaxwebhu nguMbutho

27. (1) UMbutho— 50

(a) unokukhuphela amaxwebhu okanye ubangele ukuba kukhutshelwa amaxwebhu akuwo okanye aphantsi kolawulo lwawo—

(i) ngokusebenzisa imayikrofilim;

(ii) ngokusebenzisa ubugcisa be-elektroniki; okanye

(iii) ngokusebenzisa nayiphi na enye indlela, ngokubona koMbutho, eya kuba yechanileyo neya kuhlal' ihleli; 55

- (b) keep or cause to be kept the reproduction instead of the original document in question.
- (2) For the purposes of this Act—
- (a) any reproduction referred to in subsection (1) is regarded to be the relevant original document; and 5
- (b) a copy obtained by means of that reproduction and certified by the Chief Executive Officer or an officer authorised by the Chief Executive Officer as a true copy, is *prima facie* evidence of the contents of the original document in any court of law, any tribunal or a commission of inquiry.

Delegations and assignments by Minister 10

28. (1) The Minister may delegate any power and assign any duty conferred or imposed upon the Minister in terms of this Act, except the power to make regulations, to the Director-General, who may subdelegate or reassign any delegated power or any assigned duty in such circumstances and such manner as may be prescribed.
- (2) A delegation or assignment under subsection (1) must be in writing and may be subject to any conditions or limitations determined by the Minister. 15
- (3) The Minister will not be divested of any power nor be relieved of any duty that the Minister may have delegated or assigned.
- (4) The Minister may at any time—
- (a) amend or revoke a delegation or assignment made under subsection (1); 20
- (b) withdraw any decision made by the delegatee or assignee with regard to a delegated or assigned matter, and decide the matter himself or herself.
- (5) Despite subsection (4)(b) a decision made by a delegatee or assignee may not be withdrawn where it confers a right or entitlement on any third party.

Regulations 25

29. (1) The Minister may make regulations regarding—
- (a) anything which in terms of this Act may be or must be prescribed; or
- (b) any ancillary or incidental administrative or procedural matter that it is, necessary to prescribe for the proper implementation or administration of this Act.
- (2) Before any regulations are made in terms of subsection (1), the Minister must— 30
- (a) by notice in the *Gazette*, invite the public to comment on the proposed regulations; and
- (b) consider such comment.

Transitional provisions

30. (1) With effect from the specified date— 35
- (a) all assets, rights, liabilities, obligations, licences and authorisations of the South African Nuclear Energy Corporation regarding the Vaalputs National Radioactive Waste Disposal Facility vest in the Institute; and
- (b) the persons who immediately before the specified date were employees of the South African Nuclear Energy Corporation at the Vaalputs National Radioactive Waste Disposal Facility, appointed in terms of section 25 of the Nuclear Energy Act, 1999 (Act No. 46 of 1999), must be deemed to be employees of the Institute appointed in terms of section 19(2). 40
- (2) The terms and conditions of service, salary or pay, allowances, subsidies and service benefits that were applicable to the employees contemplated in subsection (1)(b) 45 must continue to apply until re-determined by the Board under section 19(3).

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- (b) isenokugcina okanye ibangele ukuba kugcinwe uxwebhu olukhutshelweyo endaweni yoxwebhu lwantlandlolo.
- (2) Ngenjongo yokusebenzisa lo Mthetho—
- (a) naluphi na uxwebhu olukhutshelweyo ekuthethwe ngalo kwisiqendwana (1) luthathwa njengoxwebhu lwantlandlolo; 5
- (b) ikopi efunyenwe ngokukhutshelwa yaza yaqinisekiswa liGosa eliyiNtloko lesiGqeba okanye ligosa eligunyazwe liGosa eliyiNtloko lesiGqeba nje- ngekopi yokwenyani, ibubungqina boko kubhaliweyo kuxwebhu lwantlandlolo nakuyiphi na inkundla yomthetho, okanye kwisiqeba esichophel' umcimbi othile okanye kwikomishoni yophando. 10

Ukuphathiswa nokwabelwa nguMphathiswa

28. (1) UMphathiswa unokuphathisa naliphi na igunya aze abele nawuphi na umsebenzi othwaliswe yena ngokwalo Mthetho, ngaphandle kwegunya lokwenza imimiselo, ephathisa uMlawuli-Jikelele, onokuthi ke yena aphathise omnye umntu igunya okanye abele omnye umntu umsebenzi kwimeko nangendlela enokufunwa. 15
- (2) Ukuphathisa okanye ukwabela okwenziwe ngokwesiqendwana (1) makwenziwe ngenchwadi yaye kusenokulawulwa yimiqathango okanye yimida egqitywe ngu-Mphathiswa.
- (3) Ukuphathisa koMphathiswa igunya okanye ukwabela kwakhe umsebenzi akuyi kumshiya yena engasenalo igunya aphathise ngalo okanye engasenakuwenza yena umsebenzi awabele omnye umntu. 20
- (4) Nanini na, uMphathiswa—
- (a) usenokwenza uhlehlengiso okanye akubhangise ukuphathisa okanye ukwabela kwakhe akwenze ngokwesiqendwana (1);
- (b) usenokusirhoxisa nasiphi na isigqibo esenziwe nguloo mntu uphathisiweyo okanye nguloo mntu wabelweyo, asenze ngokwakhe isigqibo. 25
- (5) Nangona sisitsho ngolu hlobo isiqendwana (4)(b), isigqibo esenziwe ngumntu ophathisiweyo okanye ngumntu owabelweyo asinakurhoxiswa ukuba sithi jize ilungelo elithile kumntu wesithathu. 30

Imimiselo

29. (1) UMphathiswa unokwenza imimiselo—
- (a) ngayo nayiphi na into ngokwalo Mthetho ekusenokuba yimfuneko ukwenza ummiselo ngayo okanye emakwenziwe ummiselo ngayo ukuze usetyenziswe ngokufanelekileyo lo Mthetho;
- (b) ngayo nayiphi na into elisolotyayo yolawulo okanye engokwenkqubo ekuyimfuneko ukwenza ummiselo ngayo ukuze usetyenziswe ngokufanelekileyo lo Mthetho. 35
- (2) Ngaphambi kokuba kwenziwe imimiselo ngokwesiqendwana (1), uMphathiswa—
- (a) ngesaziso ku*Shicilelo-Mithetho*, makacele uluntu ukuba luvakalise izimvo ngemimiselo ecetywayo; 40
- (b) makaziqwalasele ezo zimvo.

Okuza kwenzeka kweli xesha liphakathi

30. (1) Ukususela kumhla oxeliweyo—
- (a) yonke impahla, amalungelo, amatyala, iimbopheleleko, iilayisenisi nezigunyazo zeSouth African Nuclear Energy Corporation ngeVaalputs National Radioactive Waste Disposal Facility ziba zezoMbutho; 45
- (b) abantu, ngaphambi kwalo mhla uxeliweyo, ababengabaqeshwa beSouth African Nuclear Energy Corporation, eVaalputs National Radioactive Waste Disposal Facility, ababeqeshwe ngokwesiqendu 25 se*Nuclear Energy Act* 46 ka-1999, mabathathwe njengabaqeshwa boMbutho abaqeshwe ngokwesiqendu 19(2). 50
- (2) Imigqaliselo nemiqathango yokusebenza, yemivuzo, yeemalana ezisecaleni, yeenkxaso-mali neyamaqithiqithi okuba ngumsebenzi eyayisebenza kubaqeshwa abaxelwe kwisiqendwana (1)(b) mayiqhubeka isebenza de kube kugqitywe ngayo ngokutsha yiBhodi ngokwesiqendu 19(3). 55

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(3) The terms and conditions of service, salary or pay, allowances, subsidies and service benefits so re-determined, must not be less than those applicable to the employees before the re-determination.

(4) The employees' respective periods of pensionable service with the South African Nuclear Energy Corporation and, where applicable, with its predecessor in terms of any law, must be regarded and treated as pensionable service for the purposes of membership of any pension fund or scheme of which they are or may become members after the specified date. 5

(5) Any leave which has been accumulated by an employee while in the service of the South African Nuclear Energy Corporation, must be regarded and treated as if it were leave accumulated by such an employee in the service of the Institute. 10

(6) For the purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), no change of employer must be regarded as having taken place when the employees contemplated in subsection (1) take up employment at the Institute.

(7) Despite the provisions of subsection (1)(a), contracts entered into by the South African Nuclear Energy Corporation for the receipt of radioactive waste at the Vaalputs National Radioactive Waste Disposal Facility will become null and void 30 days after the specified date where after the acceptance of radioactive waste will be subject to the provisions of sections 23, 24, and 25 of this Act. 15

(8) Despite the provisions of subsection (1)(a), the South African Nuclear Energy Corporation must continue to maintain the nuclear installation licence of the Vaalputs National Radioactive Waste Disposal Facility by providing where necessary services to the Institute using the existing government budget allocations until such time as the Institute is in a position to take over the functions to the satisfaction of the National Nuclear Regulator. 20 25

(9) The Registrar of Deeds must make the necessary entries or endorsements for the transfer of any property contemplated in subsection (1)(a).

Short title and commencement

31. This Act is called the National Radioactive Waste Disposal Institute Act, 2008, and comes into operation on a date specified by the President by proclamation in the *Gazette*. 30

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- (3) Imigqaliselo nemiqathango yokusebenza, yemivuzo, yeemalana ezisecaleni, yeenkxaso-mali neyamaqithiqithi okuba ngumsebenzi ekugqitywe ngayo ngokutsha, mayingabi ngaphansti kwaleyo eyayisebenza kubaqeshwa ngaphambi kokuba kugqitywe ngokutsha ngayo.
- (4) Ixesha abebesiya ngalo kumhlalaphantsi abaqeshwa beSouth African Energy Nuclear Corporation nabenkampani engumqeshi yangaphambi koko, ukuba ibikho, ngokwemimiselo yawo nawuphi na umthetho, malithathwe njengexesha lokuya kumhlalaphantsi xa ngoku sele bengamalungu engxowa-mali yomhlalaphantsi entsha emva komhla oxeliweyo. 5
- (5) Naliphi na ixesha lekhefu elingathathwanga ngumqeshwa xa wayesasebenzela iSouth African Nuclear Energy Corporation, malithathwe njengexesha lekhefu elingathathwanga nguloo mqeshwa xa sele esebenzela uMbutho. 10
- (6) Ngokumayela ne*Income Tax Act* 58 ka-1962 abaqeshwa mabangathathwa njengabaye baba nomqeshi omtsha xa abaqeshwa abaxelwe kwisiqendwana (1) beba ngabaqeshwa boMbutho. 15
- (7) Zonke izivumelwano ekwangenwa kuzo yiSouth African Nuclear Energy Corporation zokwamkela inkunkuma eqhumayo eVaalputs National Radioactive Waste Disposal Facility ziza kuba zeziphuthileyo emva kweentsuku ezingama-30 ukususela kumhla oxeliweyo ekuya kuthi emva koko ukwamkelwa kwenkunkuma eqhumayo kwenziwe ngokoko kutshiwo ziziqendu 23, 24 nesama-25 zalo Mthetho. 20
- (8) Nangona kukho oko okutshiwo sisiqendwana (1)(a), iSouth African Nuclear Energy Corporation iza kuqhubeka inephapha-mvume lokufakelwa kwenyukliye leVaalputs National Radioactive Waste Disposal Facility ngokwenzela uMbutho imisebenzi, apho kuyimfuneko, isebenzisa iimali ezikhoyo zikarhulumente kude kube lelo xesha oya kutshi uMbutho ukwazi ukuyithathela kuyo ngokwanelisayo imisebenzi yeNational Nuclear Regulator 25
- (9) UMGcini-ziTayitile makabhale ezincwadini okuyimfuneko afanele akubhale ngokutshintshelwa egameni lomnye umntu kwayo nayiphi na impahla exelwe kwisiqendwana (1)(a).

Igama lawo elifutshane nokuqala kwawo ukusebenza 30

31. Lo Mthetho ubizwa ngokuba nguMthetho Welizwe WoMbutho Wokulahlwa Kwenkunkuma Eqhumayo Ka-2008 kwaye uqalisa ukusebenza ngomhla oxelwe nguMongameli ngesaziso ku*Shicilelo-Mithetho*.