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## GOVERNMENT NOTICE

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### DEPARTMENT OF TRADE AND INDUSTRY

No. R. 16

3 February 2010

#### NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT, 1993 (ACT NO. 87 OF 1993)

#### REGULATIONS RELATING TO THE REGISTRATION OF PERSONS IN CONTROL OF ANY ACTIVITY WITH REGARD TO CONTROLLED GOODS OR WHO HAVE CONTROLLED GOODS IN THEIR POSSESSION OR CUSTODY OR UNDER THEIR CONTROL

The Minister of Trade and Industry has, under section 24(1)(n), read with section 13(3)(a) of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), made the regulations in the Schedule.

#### SCHEDULE

##### Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

**"activity with regard to controlled goods"** means the manufacture and transfer of, and trade in, controlled goods, and the provision of services related thereto;

**"person"** includes an organ of state as defined in the Constitution of the Republic of South Africa, 1996;

**"the Act"** means the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993).

**Registration**

2. (1) A person who is in control of any activity with regard to controlled goods or who has controlled goods in his or her possession or custody or under his or her control, shall register with the Council by completing, and submitting to the Council, the registration form contained in the annexure to this notice.

(2) The Council shall, in writing, acknowledge receipt of the registration form.

(3) The Council shall, within two months of receipt of a correctly completed registration form or of further information as may be requested by the Council, register the person contemplated in subregulation (1).

(4) The Council shall, upon registration contemplated in subregulation (3), allocate a unique registration reference number to the person involved.

(5) The Council shall, in writing, inform the person contemplated in subregulation (1) of the date upon which such a person is registered with the Council and of the unique registration reference number.

**Registration form**

3. (1) The registration form contained in the annexure to this notice may be obtained from the Council at any of the following addresses:

(a) Postal address:

The Secretariat  
South African Council for the Non-Proliferation of Weapons of Mass  
Destruction  
Private Bag X84  
PRETORIA  
0001; or

(b) physical address:

The Secretariat  
South African Council for the Non-Proliferation of Weapons of Mass

Destruction  
77 Meintjies Street  
Sunnyside  
PRETORIA.

(2) The completed registration form shall be submitted to the Council at any of the addresses specified in subregulation (1).

#### **Validity and renewal of registration**

4. (1) Registration with the Council shall be valid for a period of two years from the date contemplated in regulation 2(5).

(2) Registration with the Council may be renewed by the submission of a new registration form two months prior to the expiry date contemplated in subregulation (1).

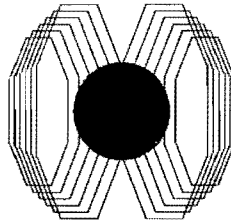
(3) Regulation 2(2), (3) and (5) applies, with the necessary changes, to the renewal of a registration contemplated in subregulation (2).

#### **Amendment of registration**

5. (1) A person registered with the Council shall notify the Council within 14 days of any changes to the information contained in such person's registration form.

(2) The Council may amend the registration form to reflect the changes contemplated in subregulation (1).

(3) Regulation 2(2), (3) and (5) applies, with the necessary changes, to the amendment of a registration form.

**ANNEXURE**

**SOUTH AFRICAN COUNCIL FOR THE NON-PROLIFERATION OF  
WEAPONS OF MASS DESTRUCTION**

**REGISTRATION FORM**

It is recommended that in addition to persons contemplated in regulation 2(1), persons who intend to become involved with controlled goods or activities also complete this form.

Explanatory notes on terminology are included at the end of the form to assist applicants. A Non-Proliferation Information Guide and Internal Compliance Programme for Industry, covering non-proliferation legislation, control mechanisms, processes and procedures, as well as a recommended self-compliance programme for industry, is also available for information purposes on the following website: <http://www.thedti.gov.za/nonproliferation>.

If you wish to assign a reference number to this application, please insert it here:

<b>Applicant's Reference</b>	
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<b>FOR OFFICIAL USE ONLY</b>	
<b>Reference Number</b>	
<b>Date of Receipt of Application</b>	
<b>Registration Number</b>	

<b>SECTION 1: PARTICULARS OF THE APPLICANT</b>			
<b>1.1 Name of Business or Applicant (if an individual)</b>			
<b>1.2 Postal Address</b>		<b>1.3 Physical Address</b>	
<b>Code</b>		<b>Code</b>	
<b>1.4 Details of Responsible Person</b>			
<b>1.4.1 Name and Designation of Responsible Person</b>			
<b>1.4.2 Telephone (Office)</b>		<b>1.4.3 Facsimile</b>	
<b>1.4.4 Mobile Telephone</b>		<b>1.4.5 Email</b>	
<b>1.5 Type of Business (Please indicate with an X)</b>			
<b>1.5.1 Company</b>		<b>1.5.2 Government Institution</b>	
<b>1.5.3 Close Corporation</b>		<b>1.5.4 Research Institution</b>	
<b>1.5.5 Partnership/Joint Venture</b>		<b>1.5.6 Sole Proprietorship</b>	
<b>1.5.7 Non-Profit Organisation</b>		<b>1.5.8 Other</b>	
<b>1.5.8.1 If Other, please indicate type of business.</b>			
<b>1.6 Main or Primary Business Activities</b>			
<b>1.7 Particulars of Related Registrations/Accreditations/Licensing with Government Departments/ Authorities/Institutions</b>			
<b>1.7.1 Are you registered with the South African Revenue Service (SARS) as an importer/exporter?</b>			
<b>1.7.1.1 If Yes, please provide the registration reference number.</b>			

<b>1.7.2 Is your company or close corporation registered with the Department of Trade and Industry?</b>		<b>Yes</b>	<b>No</b>
<b>1.7.2.1 If Yes, please provide the registration reference number.</b>			
<b>1.7.3 Are you registered with the Department of Trade and Industry as an importer/exporter?</b>		<b>Yes</b>	<b>No</b>
<b>1.7.3.1 If Yes, please provide the registration reference number.</b>			
<b>1.7.4 Are you registered with the National Conventional Arms Control Committee in terms of the National Conventional Arms Control Act, 2002 (Act No. 41 of 2002)?</b>		<b>Yes</b>	<b>No</b>
<b>1.7.4.1 If Yes, please provide the registration reference number.</b>			
<b>1.7.5 Are you involved with nuclear items that are controlled goods in terms of the Nuclear Energy Act, 1999 (Act No. 46 of 1999)?</b>		<b>Yes</b>	<b>No</b>
<b>1.7.6 Are you involved with explosives or tear gas as controlled in terms of the Explosives Act, 2003 (Act No. 15 of 2003), and the Tear-gas Act, 1964 (Act No. 16 of 1964), respectively?</b>		<b>Yes</b>	<b>No</b>
<b>1.7.7 Do you have any other related registrations/accreditations/licences?</b>		<b>Yes</b>	<b>No</b>
<b>1.7.7.1 If Yes, please provide the name of the institution and registration reference number.</b>			
<b>1.8 Facilities Owned or Operated by the Applicant: Only list facilities that are engaged in any activity with regard to controlled goods. Space is provided to list the details of two facilities. Please add further pages if you have more facilities that are involved.</b>			
<b>1.8.1 Name of Facility (1)</b>		<b>1.8.2 Name of Facility (2)</b>	
<b>1.8.1.1 Physical Address</b>		<b>1.8.2.1 Physical Address</b>	
<b>Code</b>		<b>Code</b>	

<b>1.8.1.2 Details of Person Responsible for the above Facility</b>	<b>1.8.2.2 Details of Person Responsible for the above Facility</b>
<b>1.8.1.2.1 Name and Designation of Responsible Person</b>	<b>1.8.2.2.1 Name and Designation of Responsible Person</b>
<b>1.8.1.2.2 Telephone (Office)</b>	<b>1.8.2.2.2 Telephone (Office)</b>
<b>1.8.1.2.3 Facsimile</b>	<b>1.8.2.2.3 Facsimile</b>
<b>1.8.1.2.4 Mobile Telephone</b>	<b>1.8.2.2.4 Mobile Telephone</b>
<b>1.8.1.2.5 Email</b>	<b>1.8.2.2.5 Email</b>







<b>2.5 NUCLEAR-RELATED DUAL-USE EQUIPMENT, MATERIALS, SOFTWARE AND RELATED TECHNOLOGY</b>					
<p>Please complete this subsection if you have nuclear-related dual-use equipment, materials, software and related technology in your possession or custody or under your control, or if you have any facilities that are engaged in any activity with regard to nuclear-related dual-use equipment, materials, software and related technology. Space is provided to list the details of two facilities. Please add further pages if you have more facilities that are involved.</p>					
<b>2.5.1.1 Name of Facility (1)</b>			<b>2.5.2.1 Name of Facility (2)</b>		
<b>2.5.1.2 Physical Address</b>			<b>2.5.2.2 Physical Address</b>		
<b>Code</b>			<b>Code</b>		
<b>2.5.1.3 Is this facility involved with any of the nuclear-related dual-use equipment, materials, software and related technology listed in</b> Government Notice No. 20 of 3 February 2010?			<b>2.5.2.3 Is this facility involved with any of the nuclear-related dual-use equipment, materials, software and related technology listed in</b> Government Notice No. 20 of 3 February 2010?		
		Yes	No		
		Yes	No		
Government Notice No. 21 of 3 February 2010?			Government Notice No. 21 of 3 February 2010?		
		Yes	No		
		Yes	No		
Items 2.B.1, 2.B.2, 2.C.9, 2.C.17, 2.E.1, 3.B.5, 3.E.1, 4.B.1, 4.B.2, 4.B.3, 4.E.1			Items 2.B.1, 2.B.2, 2.C.9, 2.C.17, 2.E.1, 3.B.5, 3.E.1, 4.B.1, 4.B.2, 4.B.3, 4.E.1		
		Yes	No		
		Yes	No		
Other nuclear-related dual-use equipment, materials, software and related technology not listed above			Other nuclear-related dual-use equipment, materials, software and related technology not listed above		
		Yes	No		
		Yes	No		
<b>2.5.2 Do you have any additional information that you wish to bring to the Council's attention?</b>					Yes No
If Yes, please state below:					

<b>2.6 CHEMICAL GOODS</b>					
Please complete this subsection if you have chemical goods and technologies in your possession or custody or under your control or if you have any facilities that are engaged in any activity with regard to chemical goods and technologies. Space is provided to list the details of two facilities. Please add further pages if you have more facilities that are involved.					
<b>2.6.1.1 Name of Facility (1)</b>			<b>2.6.2.1 Name of Facility (2)</b>		
<b>2.6.1.2 Physical Address</b>			<b>2.6.2.2 Physical Address</b>		
<b>Code</b>				<b>Code</b>	
<b>2.6.1.3 Is this facility involved with any of the chemical goods listed in Government Notice No. 18 of 3 February 2010?</b>			<b>2.6.2.3 Is this facility involved with any of the chemical goods listed in Government Notice No. 18 of 3 February 2010?</b>		
	<b>Yes</b>	<b>No</b>		<b>Yes</b>	<b>No</b>
<b>Annexure A chemicals or any facility that produces, acquires, consumes or stores Annexure A chemicals</b>	<b>Yes</b>	<b>No</b>	<b>Annexure A chemicals or any facility that produces, acquires, consumes or stores Annexure A chemicals</b>	<b>Yes</b>	<b>No</b>
<b>Annexure B chemicals or any facility that produces, processes or consumes Annexure B chemicals</b>	<b>Yes</b>	<b>No</b>	<b>Annexure B chemicals or any facility that produces, processes or consumes Annexure B chemicals</b>	<b>Yes</b>	<b>No</b>
<b>Annexure C chemicals or any facility that produces Annexure C chemicals</b>	<b>Yes</b>	<b>No</b>	<b>Annexure C chemicals or any facility that produces Annexure C chemicals</b>	<b>Yes</b>	<b>No</b>
<b>Annexure D chemicals</b>	<b>Yes</b>	<b>No</b>	<b>Annexure D chemicals</b>	<b>Yes</b>	<b>No</b>
<b>Annexure E chemicals</b>	<b>Yes</b>	<b>No</b>	<b>Annexure E chemicals</b>	<b>Yes</b>	<b>No</b>
<b>Annexure F chemicals</b>	<b>Yes</b>	<b>No</b>	<b>Annexure F chemicals</b>	<b>Yes</b>	<b>No</b>
<b>Any facility that produces discrete organic chemicals or their salts</b>	<b>Yes</b>	<b>No</b>	<b>Any facility that produces discrete organic chemicals or their salts</b>	<b>Yes</b>	<b>No</b>
<b>2.6.2 Do you have any additional information that you wish to bring to the Council's attention?</b>				<b>Yes</b>	<b>No</b>
<b>If Yes, please state below:</b>					



**SECTION 3:  
DECLARATION**

**I hereby –**

- a) declare that the particulars in the application and all enclosures are true and correct; and**
- b) undertake to –**
  - (i) inform the South African Council for the Non-Proliferation of Weapons of Mass Destruction immediately of any changes in the particulars furnished in this application; and**
  - (ii) comply with the non-proliferation of weapons of mass destruction legislation and procedures.**

Signed at \_\_\_\_\_ on \_\_\_\_\_  
*(place)* *(date)*

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Full Name**

\_\_\_\_\_  
**Designation**

**EXPLANATORY NOTES ON TERMINOLOGY**

**In respect of the registration of persons contemplated in regulation 2(1), for the purposes of this registration form-**

**"manufacture"**, with regard to—

*biological* controlled goods (agents), means to cultivate replicative biological agents by any means or to synthesise, biosynthesise or extract non-replicative biological agents including toxins;

*chemical* controlled goods (agents), means to convert one or more chemicals into other chemicals via a chemical or biochemical process, use chemical(s) in the manufacture of a product, and deplete reserves by adding a chemical to formulations, as a constituent in a mixture, in a scrubber of unwanted chemicals, as a starting material in a process, as a component of a reaction or as a catalyst; and

*missile technology and related items and nuclear-related dual-use equipment, materials and software and related technology* as controlled goods, includes research, design, develop, produce and assembly, prototype, test, evaluate, inspect, integrate, install, commission, maintain and service contractually after sales;

**"services"** means freight forwarding, storing and stockpiling (if not part of the manufacture and transfer processes), transporting, maintaining (repairing, overhauling, refurbishing), consultation, technical assistance, instruction, teaching, training, and imparting working knowledge;

**"transfer"** includes the export, import, re-export, transit, trans-shipment and transport of controlled goods;

**"use"** means using controlled goods in the manufacture process; possessing; operating; stockpiling; disposing; handling, storing and retaining controlled goods; and exercising control over controlled goods.