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OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 1530.

6 October 1995

No. 1530.

6 Oktober 1995

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

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

No. 64 of 1995: Space Affairs Amendment Act, 1995.

No. 64 van 1995: Wysigingswet op Ruimte-aangeleenthede, 1995.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

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

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

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

Amendment of section 6 of Act 84 of 1993

1. Section 6 of the Space Affairs Act, 1993 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (a) of the following paragraph: 5

“(a) a **[chairman]** chairperson and vice-chairperson, who, in the opinion of the Minister, shall be **[a person]** persons with applicable knowledge or experience relating to matters connected with the objects of the Council;” 10

Amendment of section 7 of Act 84 of 1993

2. Section 7 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) If the chairperson is absent from a meeting of the Council, the vice-chairperson shall preside at that meeting, and if both the [chairman is] chairperson and vice-chairperson are absent from a meeting of the Council, the members present shall elect one of their members to preside at that meeting.” 15

Substitution of section 16 of Act 84 of 1993

3. The following section is hereby substituted for section 16 of the principal Act:

“Appeal to Minister

16. (1) Any person who is aggrieved at any decision of the Council or its delegate under this Act, may appeal to the Minister, who may confirm, amend or set aside the decision of the Council or its delegate. 20

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

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

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Substitution of section 17 of Act 84 of 1993

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

“Revision by court of law

17. (1) Notwithstanding the provisions of section 16, any person whose interests are affected by a decision of the Council or its delegate may, within 30 days after he or she became aware of such decision, request the Council or its delegate in writing to furnish in writing reasons for that decision within 30 days after receiving such a request.

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

Amendment of section 18 of Act 84 of 1993

5. Section 18 of the principal Act is hereby amended—

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

“(1) The Minister may, subject to such conditions as he or she may impose in writing, delegate or assign to the [chairman] chairperson, vice-chairperson or a member of the Council or a committee established under section 8, or to any officer or employee of the Department, any power or duty conferred or imposed upon the Minister by or under this Act, except a power or duty referred to in sections 16 and 22.”;

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

“The [chairman] chairperson of the Council may, subject to such conditions as he or she may determine, in writing delegate or assign to the vice-chairperson or any member of the Council or to any officer or employee designated under section 6(7), any power or duty—”;

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

“(3A) The vice-chairperson of the Council may, subject to such conditions as he or she may determine, in writing delegate or assign to any member of the Council or to any officer or employee designated under section 6(7), any power or duty—

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

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

(3B) The Council may, subject to such conditions as it may determine, in writing delegate or assign to any member of the Council, a committee established under section 8 or any officer or employee designated under section 6(7), any power or duty conferred or imposed upon it by this Act.

(3C) A committee established under section 8 may, subject to such conditions as it may determine, in writing delegate or assign to any officer or employee designated in terms of section 6(7), any power or duty—

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

(b) delegated or assigned to it under subsection (1) or (3B), unless the Minister or the Council, as the case may be, has in his, her or its delegation or assignment determined otherwise.”; and

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(d) by the substitution for subsection (4) of the following subsection:
“(4) The Minister, Director-General, [or chairman] chairperson or vice-chairperson of the Council, the Council or a committee established under section 8 shall not be divested of any power or exempted from any duty delegated or assigned by him, her or it, and may amend or set aside any decision taken by a person in the exercise or performance of such power or duty delegated or assigned to him, her or it.” 5

Repeal of section 25 of Act 84 of 1993

6. Section 25 of the principal Act is hereby repealed.

Substitution of word

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

Short title

8. This Act shall be called the Space Affairs Amendment Act, 1995.