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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 477. 31 Maart 1976.

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

No. 16 van 1976: Wysigingswet op Gevaarhoudende Stowwe, 1976.

No. 477. 31 March 1976.

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

No. 16 of 1976: Hazardous Substances Amendment Act, 1976.

HAZARDOUS SUBSTANCES AMENDMENT ACT, 1976

Act No. 16, 1976

ACT

To amend the Hazardous Substances Act, 1973, so as to extend the meaning of the expression "manufacture"; to regulate the sale or letting of certain hazardous substances and to provide for the control, by the issue of licences, of such substances and any premises on which they are installed; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 15 March 1976.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Hazardous Substances Act, 1973 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 1 of
Act 15 of 1973.

(a) by the substitution, in the definition of "electronic product", for the words in paragraph (a) preceding subparagraph (i) of the following words:

"(a) any manufactured product which, when in operation—";

(b) by the substitution for paragraph (b) of the said definition of the following paragraph:

"(b) any manufactured article which is intended for use as a component, part or accessory of a product described in paragraph (a) and which, when in operation, emits (or in the absence of effective shielding or other controls would emit) such radiation."; and

(c) by the substitution for the definition of "manufacture" of the following definition:

"'manufacture', when used as a noun, includes assembly, production, preparation, processing or any other manufacturing process and, when used as a verb, has a corresponding meaning;"

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

Substitution of
section 3 of
Act 15 of 1973.

3. (1) Subject to the provisions of subsection (2) no person shall—

(a) sell any Group I hazardous substance—

(i) unless he is the holder of a licence issued to him in terms of section 4 (a); and

(ii) otherwise than subject to the conditions prescribed or determined by the Secretary;

(b) sell, let, use, operate or apply any Group III hazardous substance unless a licence under

"Sale of
Group I and
Group III,
and letting,
use, opera-
tion, appli-
cation and
installation
of Group III,
hazardous
substances.

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section 4 (b) is in force in respect thereof, and otherwise than subject to the conditions prescribed or determined by the Secretary;

- (c) install or keep installed any Group III hazardous substance on any premises unless a licence under section 4 (c) is in force in respect of such premises, and otherwise than subject to the conditions prescribed or determined by the Secretary.

(2) If a person has in his possession a substance immediately before the date on which it is declared to be a Group I or a Group III hazardous substance in terms of section 2, he may, notwithstanding the provisions of subsection (1) of this section, sell, lease, use, operate, apply or install or keep installed on any premises, as the case may be, that substance—

- (a) at any time during a period of 180 days calculated from the date on which it was so declared to be such a substance; and
- (b) if, before the expiry of the period mentioned in paragraph (a), an application was made in terms of section 4 for a licence which would authorize such sale, lease, use, operation, application or installation, at any time until such application has been finally refused in terms of this Act.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.”

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

Substitution of section 4 of Act 15 of 1973.

“Licensing.

4. The Secretary may on application in the prescribed manner and on payment of the prescribed fee (if any) and subject to the prescribed conditions and such further conditions as the Secretary may in each case determine—

- (a) issue to any natural person a licence to carry on business as a supplier of Group I hazardous substances;
- (b) issue a licence in respect of any Group III hazardous substance for the purposes of this Act;
- (c) issue a licence in respect of any premises on which a Group III hazardous substance may be installed.”

4. The following section is hereby substituted for section 5 of the principal Act:

Substitution of section 5 of Act 15 of 1973.

“Period of validity and renewal of licences.

5. A licence under section 4 shall be valid for the prescribed period, but may on application in the prescribed manner and before the prescribed time or such later time as the Secretary may allow and on payment of the prescribed fee (if any) be renewed.”

5. The following section is hereby substituted for section 7 of the principal Act:

Substitution of section 7 of Act 15 of 1973.

“With-drawal or suspension of licence.

7. The Minister may at any time withdraw or suspend a licence under section 4 if any condition to which such licence is subject has not been complied with.”

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6. Section 29 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph: Amendment of
section 29 of
Act 15 of 1973.

“(d) prescribing the procedures to be followed, the forms to be completed, the records to be kept and the other requirements to be complied with in connection with the issue of licences in respect of Group III hazardous substances and in respect of the premises on which they are installed, and the conditions to which the issue of any such licence shall be subject;”.

7. This Act shall be called the Hazardous Substances Amend- Short title.
ment Act, 1976.