

BUITENGEWONE



EXTRAORDINARY

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuisblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

Vol. 37.]

KAAPSTAD, 3 JULIE 1968.

[No. 2116.]

CAPE TOWN, 3RD JULY, 1968.

DEPARTMENT OF THE PRIME MINISTER.

No. 1160.]

[3rd July, 1968.

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

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No. 63 of 1968: Armaments Amendment Act, 1968. 4

No. 63, 1968.]

ACT

To amend the provisions of the Munitions Production Act, 1964, relating to the Munitions Production Board and its staff.

(Afrikaans text signed by the State President.)
(Assented to 14th June, 1968.)

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

Amendment of section 1 of Act 87 of 1964.

1. Section 1 of the Munitions Production Act, 1964 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion before the definition of "board" of the following definition:

"armaments" means any vessels, vehicles, aircraft, bombs, ammunition or weapons or any material, raw material, components or articles of whatever nature capable of being used in the manufacture thereof or for defence force purposes or other purposes determined by the Minister in consultation with the Minister of Economic Affairs";

(b) by the substitution for the definition of "board" of the following definition:

"(i) 'board' means the Armaments Board established by section 2; (v)";

(c) by the deletion of the definition of "capital fund";

(d) by the deletion of the definition of "munitions".

Amendment of section 2 of Act 87 of 1964.

2. Section 2 of the principal Act is hereby amended by the addition of the following subsections, the existing section becoming subsection (1):

"(2) As from the commencement of the Armaments Amendment Act, 1968, the board established by subsection (1) shall be known as the Armaments Board.

(3) Any reference in any other law or in any document to the Munitions Production Board shall be construed as a reference to the Armaments Board."

Amendment of section 3 of Act 87 of 1964.

3. Section 3 of the principal Act is hereby amended—

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

"(1) The board shall consist of not fewer than seven and not more than nine members to be appointed by the Minister, of whom one shall be designated by the Minister as chairman and another as vice-chairman.";

(b) by the insertion after subsection (2) of the following subsection:

"(2A) No decision taken by the board or act performed under the authority of the board, shall be invalid merely by reason of a vacancy on the board or of the fact that any person not entitled to sit as a member of the board sat as a member at the time the decision was taken or the act was authorized, if the

decision was taken or the act was authorized by the required majority of members of the board present at the time, who were entitled to sit as members.”

Amendment of
section 4 of Act
37 of 1964.

4. Section 4 of the principal Act is hereby amended by the substitution for subsections (1), (2) and (3) of the following subsections:

“(1) Subject to the provisions of subsection (2), the board shall have power—

- (a) to exercise control over the manufacture, acquisition or supply of armaments by manufacturing, acquiring, maintaining, testing, inspecting, leasing, disposing of, lending or letting armaments or by entering into contracts for the manufacture, maintenance, testing or inspection of armaments in the Republic or elsewhere: Provided that no contract for the manufacture or acquisition of armaments shall be entered into unless a committee appointed under section 8 has considered and made recommendations in regard to such contract;
- (b) to acquire, maintain, lease, dispose of, lend or let movable property (including patent rights and any rights under any patent) in the Republic or elsewhere, required or acquired by the board for the performance of its functions;
- (c) to acquire, maintain, lease, dispose of, place at the disposal of any person or let immovable property required or acquired by the board for the performance of its functions;
- (d) to erect or maintain or enter into contracts for the erection of or maintenance of any buildings or structures required by the board for the performance of its functions;
- (e) to obtain or establish facilities in order to achieve the objects of this Act;
- (f) to undertake or cause to be undertaken in the Republic or elsewhere any investigation or research in connection with the manufacture, maintenance, testing, inspection or development of armaments;
- (g) to promote the development, manufacture or supply of armaments by collaborating with or assisting or rendering services to or using the services of any person, body or institution or any department of State, or by taking such other steps as the board may consider necessary;
- (h) to make such arrangements as the board may consider necessary for the stock-piling of strategic raw materials, materials and components for the manufacture of armaments;
- (i) to collaborate with any educational, scientific or other body or institution in connection with the provision of instruction for or the training of persons for professional or technical service or as skilled artisans in the manufacture, maintenance or development of armaments, and to provide on such conditions as it may deem fit financial or other assistance to such persons in order to enable them to receive such instruction or undergo such training;
- (j) to advise the Minister in regard to any matter relating to armaments which he may refer to the board or as to which the board may consider it to be necessary to advise the Minister;
- (k) whenever, after it has entered into a contract with any person, it is satisfied that fulfilment of the contract would cause an unavoidable loss to such person, to vary

such contract to the detriment of the board with the approval of the Minister or in accordance with general directions of the Minister to the board;

- (l) whenever the board is satisfied that the fulfilment by any person of any contract with the board caused an unavoidable loss to such person, to compensate such person for such loss with the approval of the Minister;
- (m) to do all such things and to perform all such functions as the board may consider necessary for or as may be incidental to the performance of its functions.

(2) The board shall not—

- (a) manufacture or maintain armaments other than articles intended for use in the manufacture thereof without the approval of the Minister granted in consultation with the Minister of Economic Affairs;
- (b) dispose of, lend or let armaments other than armaments acquired for administrative purposes or for use by the board or any person manufacturing or maintaining armaments by virtue of a contract with the board or manufactured by the board for use in the manufacture of armaments, except to the State, without the approval of the Minister;
- (c) dispose of immovable property without the approval of the Minister granted in consultation with the Minister of Finance.

(3) Unless the Minister otherwise directs, no charge shall be made for any services rendered or property disposed of to the State by the board.”

Amendment of section 7 of Act 87 of 1964.

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

“(2) The quorum for a meeting of the board shall be five members, one of whom shall be the chairman or the vice-chairman.”

Substitution of section 8 of Act 87 of 1964.

6. The following section is hereby substituted for section 8 of the principal Act:

“Committees of the board.

8. (1) The board may establish committees to assist it in the performance of its functions and duties and appoint such persons, including members or officers of the board, as members of any such committee as the board may deem fit.

(2) The members of a committee other than officers of the board shall be paid out of the funds of the board such remuneration or allowances in respect of their services as may be determined by the Minister in consultation with the Minister of Finance.”

Substitution of section 9 of Act 87 of 1964.

7. The following section is hereby substituted for section 9 of the principal Act:

“Delegation of powers.

9. The board may, with the approval of the Minister, delegate to any committee, member or officer of the board any power conferred on the board by this Act, but shall not thereby be divested of any power which it may so have delegated and may amend or withdraw any decision by any such committee, member or officer.”

Substitution of section 10 of Act 87 of 1964.

8. The following section is hereby substituted for section 10 of the principal Act:

“Finances of the board.

10. (1) The funds of the board shall consist of—

(a) moneys appropriated by Parliament to enable the board to perform its functions;

(b) moneys received from any other source.

(2) The board shall, subject to the provisions of subsections (3) and (5), utilize its funds for defraying expenses in connection with the performance of its functions.

(3) The board may receive donations or contributions from any person and shall use any moneys so acquired for such purposes and in accordance with such conditions as the donors or contributors may specify.

(4) The board shall deposit all moneys received by it in any account it may have opened with any bank approved by the Minister.

(5) The board shall invest any moneys not required for immediate use or as a reasonable operating balance, with the Public Debt Commissioners or in such other manner as may be determined by the Minister in consultation with the Minister of Finance.

(6) The board may utilize any balance of its moneys remaining at the end of the board's financial year in question for any expenses in connection with the performance of its functions."

Amendment of section 13 of Act 87 of 1964.

9. Section 13 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:

"(a) persons appointed by the board on such conditions and at such remuneration as the board may in consultation with the Minister determine;

(b) the officers and employees referred to in subsection (3) employed, subject to the provisions of subsections (5) and (6), on the said conditions and at the said remuneration; and"

Amendment of section 14 of Act 87, of 1964, as amended by section 16 of Act 91 of 1967.

10. Section 14 of the principal Act is hereby amended by the addition of the following subsection:

"(7) For the purposes of the application of section 6 (9) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965), in respect of any person referred to in subsection (5) of this section, the recommendation of the board shall be required instead of the recommendation of the Public Service Commission."

Amendment of sections 5, 6 and 13 of Act 87 of 1964.

11. Sections 5, 6 and 13 of the principal Act are hereby amended by the substitution for the word "munitions" wherever it occurs in those sections of the word "armaments".

Substitution of section 16 of Act 87 of 1964.

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

"Short title. 16. This Act shall be called the Armaments Act, 1964."

Substitution of long title of Act 87 of 1964.

13. The following long title is hereby substituted for the long title of the principal Act:

"To provide for the control of the manufacture, acquisition, development and supply of armaments and to that end to establish an Armaments Board and to define its functions, and to provide for other incidental matters."

Short title.

14. This Act shall be called the Armaments Amendment Act, 1968.