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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ELECTRICITY AND ENERGY

NO. 7508

22 May 2026

NUCLEAR ENERGY AMENDMENT BILL, 2025**INVITATION FOR PUBLIC COMMENTS ON THE NUCLEAR ENERGY AMENDMENT BILL, 2025**

I, **KGOSIENTSHO RAMOKGOPA, MP**, Minister of Electricity and Energy, hereby publish the Nuclear Energy Amendment Bill, 2025 for public comment.

Interested persons and organisations are invited to submit written comments on the proposed Nuclear Energy Amendment Bill, 2025, within 30 days from the date of publication of this notice, to the Director-General, Department of Electricity and Energy for the attention of Mr Zukile Zibi, by

- (a) Post to: Private Bag X 96, Pretoria, 0001; or
- (b) Hand delivery to: Matimba House, 192 Visagie Street, Cnr Paul Kruger, Pretoria; or
- (c) Email to: Zukile.Zibi@dee.gov.za.

Kindly provide the name, address, telephone number, fax number and email address of the person or organisation submitting comments. Comments received after the closing date may not be considered.



DR KGOSIENTSHO RAMOKGOPA, MP**Minister of Electricity and Energy**

Date: 15/05/26

REPUBLIC OF SOUTH AFRICA

NUCLEAR ENERGY AMENDMENT BILL

(As introduced in the National Assembly (proposed section 75); explanatory summary of Bill published in Government Gazette No. of) (The English text is the official text of the Bill)

(MINISTER OF ELECTRICITY AND ENERGY)

[B-2025]

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.

BILL

To amend the Nuclear Energy Act, 1999, so to substitute certain definitions and insert new definitions; to enhance regulatory framework for nuclear materials and goods; to ensure compliance with international nuclear non-proliferation agreements; to establish and maintain a national register of authorised persons; to provide for restricted acts and activities; to provide for application for authorisation; to provide for the Minister's powers over authorisation; to provide for the Minister to establish advisory committees on nuclear related matters; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 46 of 1999

1. Section 1 of the Nuclear Energy Act, 1999 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of “Atomic Energy Corporation” of the following definitions:

“**Additional Protocol**” means the Additional Protocol Agreement entered into on 13 September 2002 between the Republic and the International Atomic Energy Agency, complementary to the Safeguards Agreement;
“**authorisation**” means a written permission granted in terms of section 35;

(b) by the substitution for the definition of “Companies Act” of the following definition:

“**Companies Act**” means the Companies Act, [1973 (Act No. 61 of 1973)] 2008, (Act No. 71 of 2008);”;

(c) by the substitution for the definition of “Corporation” of the following definition:

“**Corporation**” means the South African Nuclear Energy Corporation, [Limited] SOC Ltd, established by section 3;”;

(d) by the substitution for the definition of “Department” of the following definition:

“**Department**” means the Department [of Minerals] responsible for Electricity and Energy;”;

(e) by the substitution for the definition of “Director-General” of the following definition:

“**Director-General**” means the Director-General of the Department **[of Minerals and Energy]**”;

(f) by the insertion after the definition of “enrich” of the following definitions:

“**facility**” means a facility as defined in section 1 of the National Nuclear Regulator Act;

“**goods**” includes any technology, data, technical assistance, services, software, processes, activities, items, components, equipment, assemblies or systems associated with nuclear material regardless of whether they are produced domestically or imported into the Republic”;

(g) by the substitution for the definition of “institutional obligation” of the following definition:

“**institutional obligations**” means the obligations of the Republic in terms of international agreements or in the national or public interest concerning matters arising from or otherwise involving the use of nuclear energy, such as—

- (a) the decommissioning **[and]** or decontamination of past strategic nuclear facilities;
- (b) the management of nuclear waste disposal on a national basis;
- (c) the application of radiation technology for medical or scientific purposes;
- (d) the operation of the SAFARI nuclear reactor and subsequent nuclear research reactors;

- (e) the operation of the **[Atomic Energy]** Corporation's site at Pelindaba and accompanying services;
- (f) the implementation and execution of the safeguards and relevant security function with the International Atomic Energy Agency, the Nuclear Non-Proliferation Treaty, the African Co-operative Agreement, the Treaty of Pelindaba or any other treaty, agreement or protocol.”;
- (h) by the substitution for the definition of “Minister” of the following definition:
“**“Minister”** means the Minister **[of Minerals]** responsible for Electricity and Energy.”;
- (j) by the insertion after the definition of “National Nuclear Regulator Act” after the definition of “Minister” of the following definition:
“**“National Nuclear Regulator Act”** means the National Nuclear Regulator Act (Act No. 47 of 1999).”;
- (k) by the substitution for the definition of “nuclear energy” of the following definition:
“**“nuclear energy”** means **[all]** the energy released by **[a]** the nucleus of an atom as a result of nuclear fission, **[or]** nuclear fusion **[process]** or radioactive decay.”;
- (l) by the insertion after the definition of “nuclear energy” of the following definition:
“**“nuclear facility”** means a nuclear facility as defined in section 1 of the National Nuclear Regulator Act.”
- (m) by the deletion of the definition of “nuclear installation”;
- (n) by the insertion after the definition of “process” of the following definition:

“**Public Finance Management Act**” means Public Finance Management Act, 1999 (Act No.1 of 1999)”;

- (o) by the substitution for the definition of “radioactive material” of the following definition:

“**radioactive material**” means any substance consisting of, or containing, any **[radioactive nuclide]** radionuclide, whether natural or artificial”;

- (p) by the deletion of the definition of “radioactive nuclide”;

- (q) by the substitution for the definition of “restricted act or activity” of the following definition:

“**restricted act or activity**” means any of the acts or activities mentioned in[—] section 34 [(a) paragraphs (c) to (u) of section 34(1); and (b) section 35(1);]”;

- (r) by the substitution for the definition of “SAFARI nuclear reactor” of the following definition:

“**SAFARI nuclear reactor**” means the South African Fundamental Atomic Research Installation located at the **[Atomic Energy Corporation]** South African Nuclear Energy Corporation SOC Ltd’s Pelindaba site, in North West Province”;

- (s) by the insertion after the definition of “site” of the following definition:

“**software**” means a collection of one or more programs or microprograms fixed in any tangible medium of expression”;

- (t) by the deletion of the definition of “storage facility”;

- (s) by the deletion of the definition of “subsidiary company”;

(u) by the insertion after the definition of “specified date” of the following definition:

“**subsidiary**” as defined in section 1 of the Companies Act;”;

(v) by the insertion after the definition of “special nuclear material” of the following definition:

“**technology**” means specific information required for the development, production, or use of any item contained in the latest Nuclear Supplier Group Part 1 Guidelines, including technical data, or technical assistance;”;

(w) by the substitution of the definition of “this Act” of the following definition:

“**this Act**” includes any regulations; **[and]**”;

(x) by the insertion after the definition of “this Act” of the following definitions:

“**transit**” means a transportation of nuclear material or goods through a territory where the nuclear material or goods remain on board the original means of transport;

“**trans-shipment**” means transport of nuclear material or goods through a territory where the nuclear material or goods are unloaded from one means of transport and loaded on to another means of transport;”; and

(y) by the deletion of the definition of “waste disposal facility”.

Amendment of section 2 of Act 46 of 1999

2. Section 2 of the principal Act is hereby amended—

(a) by the substitution for the heading to that section of the following heading:

"Declarations and exemptions relating to [material] goods, materials, substances, equipment[,] and [premises] facilities, etc.]";

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

“(b) declare any substance containing uranium or thorium with concentration **[and mass]** limits higher than those specified in the notice, to be source material for the purposes of this Act;”;

(c) by the substitution in paragraph (c) for the words preceding subparagraph (i) of the following words:

“(c) declare any of the following with concentration **[and mass levels]** higher than those specified in the notice to be special nuclear material for the purposes of this Act, namely“;

(d) by the substitution for paragraph (d) of the following paragraph:

“(d) declare any facility, **[installation,]** plant or structure designed or adapted for or involved with any process within the nuclear fuel cycle, involving radioactive material or isotope separation of other elements, or production of heavy water, deuterium and deuterium compound to be a nuclear **[installation]** facility for the purposes of this Act;” and

(e) by the substitution for paragraphs (f) and (g) of the following paragraphs, respectively:

“(f) for the purposes of this Act, declare equipment and material specially designed or prepared for the processing, use or production of nuclear material, to be nuclear-related equipment and material; and

(g) **[determine the level of activity and the total activity of the radioactive material below which the provision of this Act do not apply] declare goods as controlled goods, for the purposes of this Act.**”.

Substitution of section 3 of Act 46 of 1999

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

“Establishment of South African Nuclear Energy Corporation, SOC Limited

3. (1) The South African Nuclear Energy Corporation SOC Ltd is hereby established as a juristic person.

(2) The Corporation is a schedule 2 public entity in terms of the Public Finance Management Act.”.

Amendment of section 4 of Act 46 of 1999

4. Section 4 of the principal Act is hereby amended—

(a) by the substitution for the heading to the section of the following heading:

“Incorporation of Corporation”;

- (b) by the deletion of subsection (1); and
- (c) by the substitution for section 4 subsection 3 paragraph (b) of the following paragraph:

“(b) the **[Registrar of Companies]** commissioner of the Companies and Intellectual Property Commission must register the memorandum of **[association and articles of association]** incorporation as signed by the Minister, and incorporate the **[company]** Corporation as a public company under the name “The South African Nuclear Energy Corporation **[Limited]** SOC Ltd”, with the state as its only member and shareholder, and issue to the **[company]** Corporation a certificate to commence business with effect from the date of the **[company’s]** Corporation’s incorporation.”.

Substitution of section 5 of Act 46 of 1999

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

"Corporation’s memorandum [and articles] of [association] incorporation

5. (1) The contents of the Corporation’s memorandum of incorporation may not be inconsistent with this Act.

(2) Despite the Companies Act, an amendment of the memorandum of **[association or articles of association]** incorporation affecting any arrangement made by any provision of this Act **[will]** may not be operative or have any legal force unless and until the relevant provision of this Act has been amended accordingly and that amendment has come into effect.”.

Repeal of section 8 of Act 46 of 1999

6. Section 8 of the principal Act is hereby repealed.

Substitution of section 9 of Act 46 of 1999

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

"9. (1) Despite any provision of a law to the contrary, the Minister may transfer so much of the State's shares in a subsidiary **[company]** contemplated in section 14(1)(a)(i) as the Cabinet approves to such transferees in such manner and on such terms and conditions as the Cabinet approves."

Substitution of section 11 of Act 46 of 1999

8. The following section is hereby substituted for section 11 of the principal Act:

"Financial year

11. The Corporation's financial year **[will be from 1 April in any year to 31 March in the following year, both days included. However, the first financial year will run from the specified date to 31 March in the following year, both days included.]** is a financial year as defined in section 1 of the Public Finance Management Act."

Amendment of section 13 of Act 46 of 1999

9. Section 13 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) to undertake and promote research **[and]**, development and innovation in the field of nuclear energy and radiation sciences and technology and, subject to the Safeguards Agreement and any Additional Protocol, to make these generally available;"

Amendment of section 14 of Act 47 of 1999

10. Section 14 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) paragraph (a) for subparagraph (i) of the following subparagraph:

“(i) establish a subsidiary **[company]** in terms of the Companies Act or in association with any person so establish a company, or acquire an interest in or control over a company;”;

(b) by the substitution in subsection (1) for paragraph (c) of the following paragraph:

“(c) utilise or let buildings, works or plants for the benefit of the Corporation or such a subsidiary **[company]**;”;

(c) by the substitution in subsection (1) for paragraph (f) of the following paragraph:

“(f) conclude agreements with the producer for the production and delivery of any quantities of source material that may be required from time to time by the Corporation or any subsidiary **[company]** of the Corporation;”;

(d) by the substitution in subsection (1) for paragraph (j) of the following paragraph:

“(j) manufacture or otherwise produce, acquire or possess uranium hexafluoride (UF₆), or dispose thereof, subject to section **[34]35**;”;

(e) by the substitution in subsection (1) for paragraph (k) of the following paragraph:

“(k) acquire, possess, dispose of or process source material, special nuclear material and restricted material, and enrich and reprocess source material and special nuclear material subject to section **[34]35**;”;

(f) by the substitution in subsection (1) for paragraph (l) of the following paragraph:

“(l) manufacture, acquire or possess nuclear fuel and dispose thereof subject to section **[34]35**;”;

(g) by the substitution in subsection (1) for paragraph (m) of the following paragraph:

“(m) import into or export from the Republic any source material, special nuclear material, restricted material **[and]**, nuclear related equipment and material **[and]** or technology and software, subject to section **[34 or] 35**”;

(h) by the substitution in subsection (1) for paragraph (n) of the following paragraph:

“(n) store irradiated fuel and operate facilities for that purpose, subject to section **[34]35**”;

(i) by the substitution in subsection (1) for paragraph (o) of the following paragraph:

“(o) undertake the transportation of source material, special nuclear material, nuclear fuel, irradiated nuclear fuel, nuclear related equipment and material, radioactive material and radioactive waste or cause it to be undertaken, subject to section **[34]35**”;

(j) by the substitution in subsection (1) for paragraph (q) of the following paragraph:

“(q) with the written permission of the Minister, sell or in any other manner make available to any person for use on such conditions approved by the Minister, 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 Corporation or a subsidiary **[company]** and which is the Corporation’s property;” and

(k) by the substitution in subsection (2) for paragraph (b) of the following paragraph:

“(b) manufacture and sell instruments, equipment **[and similar]** systems, components, structures and related products;”.

Amendment of section 16 of Act 46 of 1999

11. Section 16 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraphs (b) and (c) of the following paragraphs, respectively:

“(b) The Board must ensure that the **[goals]** functions of **[this Act]** the Corporation are **[actively]** pursued, and must exercise general control over the performance of the Corporation’s functions.

(c) The Board represents the Corporation, and all **[acts]** activities performed by the Board or on its authority **[will be]** are the **[acts]** activities of the Corporation.”;

(b) by the substitution in subsection (2) for paragraphs (d) and (e) of the following paragraphs, respectively:

“(d) **[an official]** a representative of the Department, designated by the Minister; **[and]**

(e) **[an official]** a representative of the Department of **[Foreign Affairs]** International Relations and Cooperation, **[designated]** appointed by the Minister after consultation with the Minister of **[Foreign Affairs]** International Relations and Cooperation**[.]**”;

(c) by the addition in subsection (2) after paragraph (e) of the following paragraphs, respectively:

“(f) a representative of the Department of Science and Innovation appointed by the Minister after consultation with the Minister of Science and Innovation; and

(g) Chief Financial Officer.”; and

- (d) by the substitution in subsection (5) for paragraphs (a) and (b) of the following paragraphs, respectively:

“(a) The chairperson of the Board holds office for a period **[specified in the person’s letter of appointment but]** not exceeding **[three] five** years, and may be reappointed upon expiry of that term of office.

(b) A director mentioned in subsection (2)(b) holds office for a period **[specified in the person’s letter of appointment but]** not exceeding **[three] five** years, and may be reappointed upon expiry of that term of office.”.

Amendment of section 28 of Act 46 of 1999

- 12.** Section 28 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

“(2A) When the Board considers a bonus, reward or other financial benefit in subsection (2), to take into consideration the Intellectual Property Rights from Publicly Financed Research and Development Act 2008, (Act No. 51 of 2008)”.

Amendment of section 31 of Act 46 of 1999

13. Section 31 of the principal Act is hereby amended by the substitution in subsection (1) for paragraphs (a) and (b) of the following paragraphs, respectively:

- “(a) employee or former employee of the Corporation or of a subsidiary **[company]**;
- (b) any person who is or was involved in the business, operations or activities of the Corporation or subsidiary **[company]** in the capacity of agent, contractor or consultant or in a similar or related capacity, as well as the employee, partner or associate of such a person.”.

Amendment of section 33 of Act 47 of 1999

14. Section 33 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2)(a) for subparagraph (ii) of the following subparagraph:

“(ii) the furnishing and updating of information regarding the design of nuclear **[installations] facilities** and sites;”;

- (b) by the substitution in subsection (2)(b) for subparagraph (vi) of the following subparagraph:

“(vi) relating to the furnishing of information regarding the design, and changes to the design of nuclear **[installations] facilities** and sites;”;

- (c) by the substitution in subsection (3) for paragraph (d) of the following paragraph:

“(d) in the prescribed manner provide the Minister with information regarding the design of any nuclear **[installation] facility** and site concerned and all changes effected to the design thereof;”;

- (d) by the substitution in subsection (3) for paragraph (j) of the following paragraph:
- “(j) allow the designated officials of the International Atomic Energy Agency and any inspectors appointed under section 53 to carry out, without hindrance, inspections at any nuclear **[installation]** facility or site with a view to monitoring compliance with the provisions of this Chapter.”; and
- (e) by the addition after subsection (5) of the following subsection:
- “(6) The Minister must establish and maintain a national register of persons authorised to carry out activities under this Act.”.

Insertion of section 33A in Act 46 of 1999

15. The following section is hereby inserted after section 33 of the principal Act:

“Entering into and ratification of nuclear conventions, treaties and agreements

33A. (1) The State President may, by proclamation in the *Gazette*, add to this Act any Schedule that includes the provisions of an international nuclear convention, treaty, or agreement concerning nuclear non-proliferation, which fall within the scope of this Act and has been entered into or ratified by the Government of the Republic.

(2) The State President may, by proclamation in the *Gazette*, amend the Schedule—

(a) to give effect to any amendment of or addition to an international nuclear non-proliferation convention, treaty or agreement referred to in subsection

(1) which may be made from time to time, and which has been ratified by the Government of the Republic;

(b) by the substitution for any international nuclear non-proliferation convention, treaty or agreement appearing therein of a new nuclear non-proliferation convention, treaty or agreement entered into or ratified by the Government of the Republic under subsection (1).

(3) On the date of commencement of a proclamation in terms of subsection (1) or (2) the nuclear non-proliferation agreement or the amendment thereof or the addition thereto, as the case may be, comes into operation in the Republic.

(4) The Minister must table a copy of every proclamation issued under subsection (1) or (2) in Parliament within 14 days after publication thereof in the Gazette if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.”.

Amendment of section 34 of Act 46 of 1999

16. Section 34 of the principal Act is hereby amended—

(a) by the substitution for the heading to that section of the following heading:

“Restricted acts and activities”:

(b) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“~~[(1)]~~ Except with the written authorisation of the Minister, no person [, **institution, organisation or body**] may—”;

(c) by the substitution in subsection (1)(a) for subparagraphs (i) and (iii) of the following subparagraphs, respectively:

“(i) the possession has resulted from prospecting, reclamation or mining operations lawfully undertaken by the person[, **institution, organisation or body** or];

(iii) the person[, **institution, organisation or body**] has lawfully acquired the source material in any other manner;”

(d) by the substitution in subsection (1) for paragraphs (t) and (u) of the following paragraphs, respectively:

“(t) transport any of the [**abovementioned**] materials referred to in paragraphs (a) to (s);

(u) acquire, dispose of, import, possess or use any technology and software related to any of the materials or equipment referred to in paragraphs (a) to (s).”;

(e) by the addition after paragraph (u) of subsection (1) of the following paragraphs:

“(v) export any source material, special nuclear material or restricted material or goods and nuclear-related equipment and material from the Republic; and

(w) engage in brokering, transit or trans-shipment of source, special nuclear or restricted material or goods.”; and

(f) by the deletion of subsections (2) and (3).

Substitution of section 35 of Act 46 of 1999

17. The following section is hereby substituted for section 35 of the principal Act:

“Application for authorisation

35. (1) A person who wishes to apply to the Minister for an authorisation must lodge an application in the prescribed form and manner.

(2) The Minister may, after consultation with the South African Council for the Non-Proliferation of Weapons of Mass Destruction on any matter affecting the proliferation of weapons of mass destruction, grant or refuse any authorisation required by subsection (1) after application is made to the Minister.

(3) An authorisation may be granted subject to any condition that the Minister may impose.

(4) Notwithstanding subsection (3), where the source material, special nuclear material, restricted material, or nuclear-related equipment and material is to be exported—

(a) to a nuclear weapons state, the authorisation at all times must be made subject to the condition that the material and the equipment concerned may be used for peaceful purposes only; or

(b) to a non-nuclear weapons state, the authorisation at all times must be made subject to the condition that the material and equipment concerned are subject to comprehensive international safeguards at all times.

(5) Despite subsection (4)(b), the Minister may, in exceptional circumstances, as prescribed by regulation, and subject to written justification, exempt the requirement of comprehensive international safeguards and grant an authorisation

for export to a non-nuclear weapons state subject to the applicant demonstrating compliance to other suitable types of safeguards.

(6) Where an application for an authorisation has been refused, the Minister must in writing inform the applicant, accordingly, stating the reason for refusal.”.

Insertion of section 35A in Act 46 of 1999

18. The following section is hereby inserted after section 35 of the principal Act:

“Minister’s powers over authorisation

35A. (1) The Minister may suspend, amend, or revoke an authorisation under this Act—

(a) if the Minister has a reason to believe that the holder of an authorisation has contravened or failed to comply with any condition under which an authorisation was granted; or

(b) when the conditions under which an authorisation was granted are no longer met.

(2) A suspension remains in force until the holder of an authorisation has taken measures to the satisfaction of the Minister to remove the reasons for suspension.

(3) A holder of an authorisation may surrender that authorisation.

(4) The holder of an authorisation that has been revoked or surrendered shall, if so directed by the Director-General, deliver the authorisation to the person appointed by the Director-General or account for such authorisation.”.

Amendment of section 36 of Act 46 of 1999

19. Section 36 of the principal Act is hereby amended by the substitution in subsection (1) for the preceding word to paragraph (a) of the following words:

“ The Minister, in writing, may direct any person to whom authorisation was granted under section [34 or]35, to furnish to the Minister a return concerning—”.

Amendment of section 37 of Act 46 of 1999

20. Section 37 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) the conditions imposed by the Minister under section [34 or] 35(3) [(as the case may be)] in respect of that authorisation; and”.

Amendment of section 38 of Act 46 of 1999

21. Section 38 of the principal Act is hereby amended—

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

“(b) at, on, in, from or by means of which, any restricted act or activity on reasonable grounds is suspected to be or to have been performed or carried out without the necessary authorisation granted in terms of section **[34 or] 35 [(as the case may be)]**,”;

- (b) by the substitution in subsection (1) for the words following paragraph (b) of the following words:

“and inspect and search the land, premises, place or means of conveyance and any person thereat, thereon or therein, for restricted matter or evidence relating to possession of restricted matter or a restricted act or activity or for any other evidence relating to the contravention of section 34 **[or 35]** in relation to the restricted matter or restricted act or activity. For the purposes of entering and searching a means of conveyance, any inspector who is assisted by a police official may stop the means of conveyance, whether public or private, if necessary by force, wherever found.”; and

- (c) by the substitution in subsection (3) the words following paragraph (a) of the following words:

“(a) is satisfied on a reasonable grounds that an offence in terms of section 56, based on the unlawful possession of restricted matter or the performance or carrying out of any restricted act or activity without the Minister’s authorisation in terms of section **[34 or] 35** or on the breach of any term of, or condition imposed in respect of, such an authorisation, has been committed at, on, in, from or by means of the land, premises, place or means of conveyance, may, in so far as may be appropriate and reasonably

necessary in the circumstances, exercise any of the powers contemplated in paragraph (a) to (f) subsection (2) in accordance with the provisions of those paragraphs, but excluding the power in terms of paragraph (e) of that subsection to take a sample of any mineral, material or substance from below the surface of the land. However, such a sample may be taken from below the surface of the land—”.

Amendment of section 40 of Act 46 of 1999

22. Section 40 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (c) of the following paragraph:

“(c) an offence in terms of section 56 based on the unlawful possession of restricted matter or the performance or carrying out of any restricted act or activity without the Minister’s authorisation[.,] as required in terms of section [34 or] 35 for acts listed in section 34, is being or has been committed at, on, in, from or by means of the land, place, premises or means of conveyance concerned.”.

Amendment of heading of Chapter IV of Act 46 of 1999

23. The following heading is hereby amended for the heading of Chapter IV of the principal Act:

“MINISTER’S RESPONSIBILITIES REGARDING SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL, RESTRICTED MATERIAL, RADIOACTIVE WASTE [AND], IRRADIATED FUEL AND NUCLEAR RELATED MATTERS”.”.

Amendment of section 45 of Act 46 of 1999

24. Section 45 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Minister, in consultation with the Minister of **[Environmental Affairs and Tourism]** Forestry, Fisheries and the Environment and the Minister of **[Water Affairs and Forestry]** Water and Sanitation, may make regulations prescribing the manner of management, storage and discarding of radioactive waste and irradiated nuclear fuel.”.

Amendment of section 46 of Act 46 of 1999

25. Section 46 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A permission in terms of subsection (1) or (2) may be granted subject to any conditions that the Minister, in concurrence with the Minister of **[Environmental Affairs and Tourism]** Forestry, Fisheries and the Environment and the Minister of **[Water Affairs and Forestry]** Water and Sanitation, deem fit to impose. The conditions so imposed will be additional to any conditions contained in a nuclear authorisation as defined in section 1 of the National Nuclear Regulator Act[, 1999].”.

Insertion of section 50A in Act 46 of 1999

26. The following section is hereby inserted after section 50 of the principal Act:

“Establishment of the advisory committee on nuclear related matters

50A. (1) The Minister may, for the purposes of this Act—

(a) establish one or more advisory committees on matters relating to nuclear energy as the Minister considers necessary;

(b) make an appointment from the Department or any other person to an advisory committee that—

(i) constitutes of members with the knowledge and expertise necessary to perform the duties effectively,

(ii) must from time to time advice the Minister,

(iii) shall hold office for a period as a Minister may direct and shall be eligible for reappointment upon the expiration of the period of office;

(c) remove persons from an advisory committee;

(d) disestablish an advisory committee.

(2) A member appointed in subsection 1(b) must be remunerated in accordance with subsection 16(6).

(3) The Department must be responsible for the administrative support.”

Amendment of section 55 of Act 46 of 1999

27. Section 55 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may delegate any power and assign any function conferred or imposed upon the Minister in terms of this Act, except the power to make regulations, to the Director-General of the Department [**of Minerals and Energy**], who may subdelegate or reassign any delegated power or assigned function in the circumstances and manner as prescribed.”.

Amendment of section 56 of Act 46 of 1999

28. Section 56 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (d) of the following paragraph:

“(d) performing or carrying out any restricted act or activity without an authorisation required in terms of section 34 [**or 35 (as the case may be)**], or in contravention of the relevant authorisation or any condition imposed in respect thereof under section [**34 or**] 35 [**(as the case may be)**];”.

Repeal of section 57 of Act 46 of 1999

29. Section 57 of the principal Act is hereby repealed.

Short title and commencement

30. This Act is called the Nuclear Energy Amendment Act, 2025 and comes into operation on a date determined by the President by Proclamation in the *Gazette*.

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