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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1157.

2 July 1993

No. 1157.

2 Julie 1993

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

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

No. 84 of 1993: Space Affairs Act, 1993.

No. 84 van 1993: Wet op Ruimte-aangeleenthede, 1993.

ACT

To provide for the establishment of a Council to manage and control certain space affairs in the Republic; to determine its objects and functions; to prescribe the manner in which it is to be managed and controlled; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 23 June 1993.)

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

Definitions

1. In this Act, unless the context otherwise indicates—

- (i) "board of inquiry" means a board established under section 9; (xiv) 5
- (ii) "Council" means the South African Council for Space Affairs established by section 4; (xvi)
- (iii) "data" includes any data or information of a technical or other nature as well as blueprints, diagrams, plans, models, formulae, engineering designs, specifications, manuals and instructions, whether written or recorded by means of any electronic, magnetic or optical process; (ii) 10
- (iv) "Department" means the Department of Trade and Industry; (iii)
- (v) "Director-General" means the Director-General of the Department; (iv) 15
- (vi) "dual-purpose technologies" means space technologies which can contribute to the proliferation of weapons of mass destruction; (v)
- (vii) "facility" means any place, premises, structure or installation designed, adapted or equipped for the performance of any space or space-related process or activity; (vi) 20
- (viii) "government institution" means any—
 - (a) body or company established by or under any law; or
 - (b) other institution or body recognized by the Minister by notice in the *Gazette*; (xv)
- (ix) "inspector" means any person appointed under section 10; (ix) 25
- (x) "launching" means the placing or attempted placing of any spacecraft into a suborbital trajectory or into outer space, or the testing of a launch vehicle or spacecraft in which it is foreseen that the launch vehicle will lift from the earth's surface; (xi)
- (xi) "launch vehicle" means any device manufactured or adapted to launch a spacecraft; (x) 30
- (xii) "licence" means a licence issued under section 11; (xii)
- (xiii) "licensee" means any person who is the holder of a licence; (vii)
- (xiv) "Minister" means the Minister of Trade and Industry; (xiii)
- (xv) "outer space" means the space above the surface of the earth from a height at which it is in practice possible to operate an object in an orbit around the earth; (i) 35
- (xvi) "premises" means any place where any facility, installation or structure is situated or being erected, and where any space or space-related activity is performed or the performance thereof is contemplated; (xxv) 40
- (xvii) "prescribed" means prescribed by regulation; (xxvi)
- (xviii) "regulation" means any regulation made under this Act; (xvii)
- (xix) "space activities" means the activities directly contributing to the launching of spacecraft and the operation of such craft in outer space; (xviii) 45

- (xx) "spacecraft" means any object launched with the purpose of being put and operated in outer space; (xxi)
- (xxi) "space industry" means any industry utilizing space technologies; (xix)
- (xxii) "space-related activities" means all activities supporting, or sharing mutual technologies with, space activities; (xxii) 5
- (xxiii) "space technologies" means technologies specifically developed with a view to, or which are related to, or are utilized in, space activities; (xx)
- (xxiv) "suborbital trajectory" means the trajectory of any object which leaves the surface of the earth due to a launch, but returns to the surface of the earth without completing an orbit around the earth; (xxiii) 10
- (xxv) "technological assets" means any capital assets, patents, designs, data, equipment and computer software specifically related to space technologies; (xxiv) 15
- (xxvi) "this Act" includes any regulation; (viii)
- (xxvii) "weapons of mass destruction" means weapons of mass destruction as defined in the Non-Proliferation of Weapons of Mass Destruction Act, 1993. (xxvii) 20

Determination of policy

2. (1) Subject to subsection (2), the Minister may, by notice in the *Gazette*, determine the general policy to be followed with a view to—
- (a) meeting all the international commitments and responsibilities of the Republic in respect of the peaceful utilization of outer space, in order to be recognized as a responsible and trustworthy user of outer space; and 25
- (b) controlling and restricting the development, transfer, acquisition and disposal of dual-purpose technologies, in terms of international conventions, treaties and agreements entered into or ratified by the Government of the Republic. 30
- (2) The policy contemplated in subsection (1) shall be determined by the Minister after consultation with the Council and with the concurrence of—
- (a) each Minister charged with the administration of any law which in the opinion of the Minister relates to space affairs; and
- (b) the Minister of State Expenditure. 35
- (3) Subject to subsection (2), the Minister may at any time by like notice substitute, withdraw or amend the policy determined in terms of subsection (1).

Compliance with policy

3. Each Minister upon whom, or government institution upon which, any power has been conferred or to whom or which any duty has been assigned in connection with space affairs by or under any law, shall exercise such power and perform such duty in accordance with the policy determined in terms of section 2. 40

Establishment of South African Council for Space Affairs

4. There is hereby established a council known as the South African Council for Space Affairs. 45

Objects and functions of Council

5. (1) The objects of the Council are to implement, in the most efficient and economical manner possible, the space policy of the Republic formulated in terms of section 2.
- (2) The Council shall on behalf of the State take care of the interests, 50

responsibilities and obligations of the Republic regarding its space and space-related activities in compliance with international conventions, treaties and agreements entered into or ratified by the Government of the Republic.

(3) In order to achieve its objects the Council may—

- (a) advise the Minister on any matter that may have an influence on space affairs; 5
- (b) hear representations by any person regarding space affairs in the Republic;
- (c) supervise and implement matters arising from international conventions, treaties and agreements concerning space affairs entered into or ratified by the Government of the Republic; 10
- (d) issue licences under section 11 or amend, suspend or revoke them under section 13;
- (e) encourage persons and authorities involved in the space industry to register with the Council and to apply information regarding capabilities so obtained to enhance and co-ordinate the space industry and its capabilities; 15
- (f) designate knowledgeable persons from government institutions and the space industry as members of committees of the Council to assist the Council in the performance of its functions; 20
- (g) further matters leading to the orderly and responsible participation by any person or authority in space affairs;
- (h) subject to section 19, provide for the appropriate and widest possible publication of information concerning the activities of the Council;
- (i) subject to the provisions of this Act, perform any other activity with a view to contributing to the effective achievement of the objects of the Council. 25

Composition of Council

6. (1) The Council shall consist of the following persons appointed by the Minister— 30

- (a) a chairman, who, in the opinion of the Minister, shall be a person with applicable knowledge or experience relating to matters connected with the objects of the Council; 30
- (b) two persons from the space industry;
- (c) such other members as the Minister may deem necessary, and who shall have applicable knowledge or experience relating to matters connected with the objects of the Council: Provided that fewer than half the members referred to in this paragraph shall be in the employment of licensees. 35

(2) A member of the Council shall hold office for such period, but not exceeding five years, as the Minister may determine at the time of his appointment, but shall be eligible for reappointment at the termination of his term of office. 40

(3) A member of the Council shall vacate his office if he becomes an employee of any licensee and so causes the composition of the Council to be in conflict with the proviso to subsection (1)(c). 45

(4) The Minister may at any time terminate the period of office of any member if there are good reasons for doing so.

(5) The Minister shall fill a casual vacancy on the Council by appointing another person as a member for the unexpired portion of the period for which his predecessor was appointed. 50

(6) A member of the Council who is not in the full-time employment of the State, shall be paid such remuneration and allowances as the Minister with the concurrence of the Minister of State Expenditure may determine.

(7) The work incidental to the performance of the functions of the Council shall be performed by such officers and employees of the Department as the Director-General may designate for that purpose. 55

Meetings of Council

7. (1) Meetings of the Council shall be held on such dates and at such times and places as the chairman of the Council may determine.

(2) The chairman of the Council may at any time convene a special meeting of the Council by giving notice to the other members of the date, time and place thereof. 5

(3) If the chairman is absent from a meeting of the Council, the members present shall elect one of their number to preside at that meeting.

(4) The majority of the members of the Council shall constitute a quorum for a meeting. 10

(5) A decision of the Council shall be taken by a majority of the votes of the members present at a meeting of the Council, and in the event of an equality of votes the person presiding at the meeting concerned shall have a casting vote in addition to his deliberative vote.

(6) No decision taken by the Council or act performed under the authority of the Council, shall be invalid merely by reason of a vacancy on the Council or of the fact that any person not entitled to sit as a member sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members present at the meeting and who were entitled to sit as members. 20

Committees of Council

8. (1) The Council may from time to time establish such committees as it may deem necessary, to assist it in the performance of its functions, and may appoint any person as a member of such a committee even if such person is not associated with the Council. 25

(2) The Council may at any time dissolve a committee established under subsection (1) or terminate the membership of a member of such a committee.

(3) A member of a committee established under subsection (1), and who is not in the full-time employment of the State, shall be paid such remuneration and allowances as the Minister with the concurrence of the Minister of State Expenditure may determine. 30

Boards of inquiry

9. (1) The Minister may from time to time appoint a board of inquiry to assist him in the adjudication of any matter or any appeal in terms of this Act.

(2) A board of inquiry shall consist of— 35

(a) (i) a judge as defined in section 1(1) of the Judges' Remuneration and Conditions of Employment Act, 1989 (Act No. 88 of 1989), or a judge who has been discharged from active service in terms of section 3 of the said Act;

(ii) a magistrate or retired magistrate; 40

(iii) a person admitted to practise as an advocate in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964); or

(iv) a person admitted to practise as an attorney in terms of the Attorneys Act, 1979 (Act No. 53 of 1979),

who, in the opinion of the Minister, has knowledge of space affairs and shall be designated as chairman by the Minister; and 45

(b) such other persons as the Minister may deem necessary and who in his opinion shall have applicable knowledge regarding the matter to be considered by the board of inquiry.

(3) A session of the board of inquiry shall be held on such date and at such time and place as the chairman may determine, and he shall inform the Minister and the parties concerned in writing thereof. 50

(4) For the purposes of its inquiry a board of inquiry may—

(a) subpoena any person who in its opinion may be able to give material information concerning the subject of the inquiry or who is believed to have in his possession or custody or under his control any book, 55

document, data or thing which has any bearing on the subject of the inquiry, to appear before the board of inquiry on a date and at a time and place specified in the subpoena, to be interrogated or to produce that book, document, data or thing, and retain for examination any book, document, data or thing so produced;

(b) call and by its chairman administer an oath to, or accept an affirmation from, any person present at the inquiry who was or could have been subpoenaed under paragraph (a) and interrogate him and require him to produce any book, document, data or thing in his possession or custody or under his control.

(5) A subpoena referred to in subsection (4)(a) shall—

(a) be in the prescribed form;

(b) be signed by the chairman of the board of inquiry;

(c) be issued and served in the prescribed manner.

(6) A session of a board of inquiry shall be held in public, unless the Minister directs otherwise.

(7) The findings of a board of inquiry and the reasons therefor shall not be disclosed by the board of inquiry, but shall be conveyed to the Minister in writing.

(8) A member of a board of inquiry who is not in the full-time employment of the State shall be paid such remuneration and allowances as the Minister with the concurrence of the Minister of State Expenditure may determine.

(9) The Director-General shall designate such officers and employees of the Department as may be necessary, to assist the board of inquiry with the administrative work relating to its inquiry.

Inspectors

10. (1) The Council may from time to time in writing appoint such inspectors as it may deem necessary to ensure that the provisions of this Act are complied with.

(2) No person shall be appointed under subsection (1) as an inspector unless the Council is of the opinion that he is suitably qualified and possesses the necessary expertise to enable him to perform the functions of an inspector in an efficient manner.

(3) An inspector shall be furnished with a document, signed by the chairman of the Council, stating that he has been appointed as an inspector for the purposes of this Act, and such document shall be produced by the inspector on the request of any person who has a material interest in the functions of that inspector.

(4) An inspector may at any reasonable time—

(a) enter any facility of a person who has applied for a licence in terms of section 11 or to whom a licence has been issued in terms of the said section; or

(b) with the written authority of the chairman of the Council, enter any facility where the Council has reason to believe that an activity to which this Act applies, is carried out,

with the necessary equipment and in relation to that facility conduct such inspections and investigations as the inspector may deem necessary: Provided that an inspector shall, before conducting such inspection or investigation, consult the proper persons who are responsible to perform duties at the facility concerned in order to determine whether the conducting of such inspection or investigation may be detrimental to any person or activity or cause harm to any person or damage to any property: Provided further that in the case of a dispute as to whether the proposed inspection or investigation may be detrimental or cause harm or damage, the inspector shall refer the matter to the chairman of the Council, whose decision shall be final.

(5) The chairman of the Council may instruct an inspector to be present at any activity to which a licence applies, in order to ascertain whether the conditions of the licence are being complied with, and he shall immediately report to the Council any situation or activity which in his opinion poses an unacceptable safety risk.

(6) Any person affected by a decision of an inspector in terms of the provisions of this section, may within 30 days after being notified of the decision, in the prescribed manner, lodge an appeal with the Council.

(7) The Council may, after considering such an appeal, confirm, amend or revoke the decision of the inspector.

(8) An inspector authorized thereto by the chairman of the Council, may request to inspect any book, document, data or thing concerning licensing under this Act, and the person so requested shall provide all possible co-operation in this regard to the inspector.

Licensing

11. (1) No person shall perform the following activities, except in terms of a licence issued by the Council, subject to the provisions of section 20, namely—

(a) any launching from the territory of the Republic;

(b) any launching from the territory of another state by or on behalf of a juristic person incorporated or registered in the Republic;

(c) the operation of a launch facility;

(d) the participation by any juristic person incorporated or registered in the Republic, in space activities—

(i) entailing obligations to the State in terms of international conventions, treaties or agreements entered into or ratified by the Government of the Republic; or

(ii) which may affect national interests;

(e) any other space or space-related activities prescribed by the Minister.

(2) A licence shall be issued subject to such conditions as the Council may determine for that particular licence, taking into account—

(a) the minimum safety standards as determined by the Council;

(b) the national interests of the Republic; and

(c) the international obligations and responsibilities of the Republic.

(3) If the Council refuses to issue a licence which has been applied for, it shall inform the applicant in writing of its decision and furnish reasons for the refusal.

(4) The Council shall gather, maintain and disseminate the information regarding licences, according to the provisions of international conventions, treaties and agreements entered into or ratified by the Government of the Republic, or as the Minister may prescribe.

Representations regarding licensing

12. (1) The Council may order any person applying for a licence to serve a notice of his application on any government institution, or other person or authority who has an interest in the proposed activity, giving particulars of such activity or with regard to any matter affecting the application, as the case may be, specified in the order, allowing a reasonable time for such government institution, person or authority to submit representations to the Council with regard to the application.

(2) If the Council has issued such an order, it shall not issue the licence applied for, before the expiration of the period which has been so allowed and if representations have been made to it in terms of the said notice within the period concerned, before it has considered the representations.

(3) While a licence is in force, each person or authority who has to perform duties with regard to the space activity concerned, shall be entitled either by himself or itself or through a body which is recognized by the Council for the purposes of this subsection as representative of the said person or authority—

(a) to make representations to the Council regarding the manner in which the Council exercises its powers in terms of this Act; or

- (b) to make representations to the Minister regarding the manner in which he exercises his powers.

Amendment, suspension and revocation of licences

13. (1) The Council may, whenever it deems it necessary or expedient, and after the licensee was given the opportunity to make representations to the Council, amend the conditions of a specific licence. 5

(2) The Council may suspend a licence with immediate effect, if—

- (a) any condition of the licence was violated, or the Council has reason to believe that such a condition was or is being violated; or
 (b) facts become known which in its opinion point to an unacceptable safety risk. 10

(3) The Council shall investigate all circumstances causing a suspension in terms of subsection (2), and if in the case of a suspension in terms of subsection (2)(a) it is found that—

- (a) no violation of the conditions of the licence occurred, the suspension shall be lifted immediately; 15
 (b) a violation of the conditions of the licence did occur, the Council may—
 (i) grant the licensee a reasonable time to comply with all conditions of the licence;
 (ii) after consultation with the licensee, amend the conditions of the licence, after which the suspension may be lifted; or 20
 (iii) revoke the licence.

(4) In the case of a suspension in terms of subsection (2)(b), the Council may order the licensee to take steps in order to eliminate the unacceptable safety risk within a reasonable time. 25

(5) If the licensee complies with the requirements laid down under subsection (3)(b)(i) or (4), to the satisfaction of the Council, the Council may revoke the suspension: Provided that if the licensee does not comply with the requirements laid down to the satisfaction of the Council, the Council may order the licensee to take further remedial steps, or revoke the licence. 30

(6) Any decision taken by the Council regarding the amendment, suspension or revocation of a licence shall as soon as possible be made known by the Council in writing to the licensee concerned, furnishing reasons for the decision.

(7) The Minister may at any time order the Council to suspend or revoke a licence issued by the Council, if, in the opinion of the Minister, the licensed activity is in conflict with the interests of the State. 35

(8) In the case of a suspension in terms of subsection (7), the Minister shall determine when the suspension may be revoked by the Council and he shall notify the Council accordingly, who shall forthwith notify the licensee of the decision of the Minister. 40

(9) A licensee may at any time in writing request the Council to revoke his licence: Provided that—

- (a) the Council may determine such conditions with regard to the revocation as it may deem necessary or expedient;
 (b) the Council shall determine the date of revocation; and 45
 (c) the obligations and liabilities of the licensee in terms of section 14 shall remain in force.

Duties and liabilities of licensee

14. (1) A licence issued under section 11, may, in addition to conditions determined under that section, contain conditions relating to— 50

- (a) (i) liability of the licensee for damages;
 (ii) security to be given by the licensee for such damages and the manner in which it shall be given,
 as the Council, with the concurrence of the Minister, may determine;
 (b) liability of the licensee resulting from international conventions, treaties and agreements entered into or ratified by the Government of the Republic. 55

- (2) Conditions determined under subsection (1)(a), may in particular include conditions—
- (a) which notwithstanding anything to the contrary contained in any law, the common law, or international law, may determine, limit or exclude the liability of the licensee concerned regarding damages that may be caused (whether or not such licensee is at fault) by a launch vehicle or spacecraft or anything on or in such a launch vehicle or spacecraft, or is being done therein or is originating therefrom; 5
 - (b) requiring the said licensee to give security to the satisfaction of the Council to meet the obligations that may be incurred by the licensee concerned in respect of damages referred to in paragraph (a); 10
 - (c) relating to the circumstances in which such security shall be given in order to meet possible claims against the licensee regarding such damages.
- (3) Any person applying for a licence, or to whom a licence has been issued, shall furnish the Council with the prescribed information. 15
- (4) A licensee must notify the Council forthwith—
- (a) of any deviation by him due to unforeseen circumstances, from the conditions of a licence contemplated in this section and section 11(2);
 - (b) of any information which to his knowledge may affect the said conditions of the licence, 20
- in which case the Council may suspend or revoke the licence in terms of section 13 or amend the conditions of the licence at the request of the licensee.
- (5) The Council may, in the case of the suspension or revocation of a licence, give to the licensee such directions as it may deem necessary to prevent loss of life, injuries or damages. 25
- (6) The liability of a licensee, in terms of subsections (1) and (2), shall remain in force in respect of claims resulting from activities related to the licence concerned, irrespective of whether or not the licence has been suspended or revoked. 30

Action in case of accident, incident or potential emergency

15. (1) If an accident, incident or potential emergency arises during the performance of activities to which a licence issued under section 11 relates, the Council may, after the licensee concerned has notified the Council regarding all steps taken to prevent and limit loss of life, injury and damage to property, require the licensee to take such further steps as the Council may deem necessary. 35
- (2) In the event of an accident, incident or potential emergency contemplated in subsection (1), or whenever the Council has reason to believe that such an accident, incident or potential emergency may occur, the Council may notify the Minister accordingly, and the Minister may, on the advice of the Council, in terms of section 9(1) appoint a board of inquiry to investigate the matter. 40

Appeal to Minister

16. (1) Any person who is aggrieved at any decision of the Council under this Act, may appeal to the Minister, who may confirm, amend or set aside the decision of the Council. 45
- (2) A decision of the Council 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. 50

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 may, within 30 days after he became aware of such decision, request the Council 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, the person concerned may apply to a division of the Supreme Court having jurisdiction, to review the decision. 5

Delegation

18. (1) The Minister may, subject to such conditions as he may impose in writing, delegate or assign to the chairman 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. 10

(2) The Director-General may, subject to such conditions as he may determine, in writing delegate or assign to the chairman of the Council or to any officer or employee of the Department any power or duty— 15

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

(b) delegated or assigned to him under subsection (1), unless the Minister has in his delegation or assignment determined otherwise.

(3) The chairman of the Council may, subject to such conditions as he 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— 20

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

(b) delegated or assigned to him under subsection (1) or (2), unless the Minister or Director-General has in his delegation or assignment determined otherwise. 25

(4) The Minister, Director-General or chairman of the Council shall not be divested of any power or exempted from any duty delegated or assigned by him, 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. 30

Confidentiality

19. A member of the Council, a member of a committee of the Council, any officer or employee of the Department, an inspector or any other person who is or was concerned in the performance of any function in terms of this Act, shall not disclose, transmit or make known to any person, whether within or outside the Republic, any information which he obtained in the performance of such a function or cause such information to be disclosed, transmitted or made known, except— 35

(a) to the Minister;

(b) to any person who of necessity requires it for the performance of his functions in terms of this Act or any other law; 40

(c) where he of necessity supplies it in the performance of his functions in terms of this Act;

(d) where it is required in terms of any law or as evidence in any court of law;

(e) to any competent authority within the Republic, or, with the written consent of the Council, to any authority outside the Republic which requires it for the institution, or an investigation with a view to the institution, of any criminal prosecution; 45

(f) by or on the authority of the Minister or the Council;

(g) in consulting in privileged circumstances a patent agent, advocate or attorney in the Republic in a professional capacity. 50

Certain acts not interpreted as assurances or guarantees

20. The fact that anything has been done under this Act by the Minister, any member of the Council or of any committee of the Council or any person in the employment of the State with regard to any activity or matter, shall not be 55

construed as an assurance or a guarantee of any nature in respect of any such activity or matter.

Limitation of liability

21. The State or any person in the employment of the State, the Minister or the Council shall not be liable in respect of anything done under this Act in good faith and without negligence. 5

Regulations

22. (1) The Minister may make regulations regarding—
- (a) the manner in which the functions of the Council shall be performed; 10
 - (b) the procedures to be followed when applying for a licence; 10
 - (c) the measures to be taken in order to protect the national interests of the Republic; 10
 - (d) subject to the provisions of any other law, the safety measures and minimum safety standards concerning any space or space-related activity; 15
 - (e) the disclosure of information in terms of section 19;
 - (f) the conditions on which and circumstances under which inspections or investigations shall be conducted and the procedures to be followed in connection therewith;
 - (g) the application of provisions of international conventions, treaties and agreements relating to space, entered into or ratified by the Government of the Republic; 20
 - (h) the procedures to be followed in connection with an appeal to the Minister under section 16(1), and the period within which such an appeal shall be noted; 25
 - (i) the disclosure, marketing and transfer of technologies, capacities and products of the space industry outside the Republic;
 - (j) the designation, disposal of and alienation or degrading of any technological asset, capability, facility or industry deemed by the Minister as being of a strategic or indispensable nature to the Republic; 30
 - (k) in general, any matter which shall or may be prescribed by or under this Act and which is aimed at achieving the objects of this Act.

(2) Any regulation made under subsection (1) may provide that any person contravening a provision thereof or failing to comply therewith, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding ten years. 35

Offences and penalties

23. (1) Any person who—
- (a) without a valid licence performs any activity referred to in section 11(1);
 - (b) fails to comply with any condition of a licence; or 40
 - (c) fails to furnish the Council with any relevant information concerning licensing, or withholds or misrepresents such information or gives false information,

shall be guilty of an offence, and liable on conviction to a fine not exceeding R1 000 000, or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment. 45

- (2) Any person who—

- (a) after being subpoenaed to appear at proceedings in terms of section 9, without lawful excuse fails so to appear; or
- (b) after appearing as a witness at proceedings in terms of section 9, without lawful excuse refuses to be sworn or to make an affirmation or to produce any book, document, data or thing which he has been required to produce or to answer any question lawfully put to him, 50

shall be guilty of an offence, and liable on conviction to a fine, or to imprisonment for a period not exceeding two years. 55

(3) Any person who hinders or obstructs the carrying out of an inspection or investigation by any person authorized thereto by or under this Act, shall be guilty of an offence, and liable on conviction to a fine, or to imprisonment for a period not exceeding one year.

(4) Any person contravening or failing to comply with any other provision of this Act shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding five years. 5

(5) Any person convicted of an offence in terms of this Act and who after such conviction persists in the act or omission which constituted such offence, shall be guilty of a continuing offence, and liable on conviction to a fine not exceeding R5 000 or to imprisonment for a period not exceeding 30 days or to both such fine and such imprisonment in respect of every day on which he so persists with such act or omission. 10

(6) In the event of a conviction in terms of this Act the court may order that any damage resulting from the offence be repaired by the person so convicted, to the satisfaction of the Minister. 15

(7) If within such period as the court may determine at the time of the conviction, an order in terms of subsection (6) is not being complied with, the Minister may himself take the necessary steps to repair the damage and recover the cost from the person so convicted. 20

(8) Notwithstanding anything to the contrary in any law contained, a magistrate's court shall be competent to impose any penalty provided for in this Act.

Entering into and ratification of conventions, treaties and agreements

24. (1) The State President may, by proclamation in the *Gazette*, add to this Act any Schedule in which the provisions of an international convention, treaty or agreement relating to space affairs entered into or ratified by the Government of the Republic, are included. 25

(2) (a) The State President may, by proclamation in the *Gazette*, amend the Schedule— 30

(i) to give effect to any amendment of or addition to a convention, treaty or agreement referred to in subsection (1) which may be made from time to time and has been ratified by the Government of the Republic;

(ii) by the substitution for any convention, treaty or agreement appearing therein of a new convention, treaty or agreement entered into or ratified by the Government of the Republic under subsection (1). 35

(b) A proclamation in terms of paragraph (a) may be made with retrospective effect as from the date on which the amendment or addition or the new convention, treaty or agreement was ratified by the Government of the Republic.

(3) On the date of commencement of a proclamation in terms of subsection (1) or (2), the convention, treaty or agreement or the amendment thereof or the addition thereto, as the case may be, shall have the force of law and apply in the Republic. 40

(4) The Minister shall lay a copy of every proclamation issued under subsection (1) or (2) upon the Table 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. 45

Agreements with self-governing territories

25. The Minister may enter into an agreement with the government of a self-governing territory as defined in section 38 of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), in order to promote the objects of this Act. 50

State bound

26. This Act shall bind the State, except in so far as criminal liability is concerned. 55

Short title and commencement

27. This Act shall be called the Space Affairs Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.