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GOVERNMENT NOTICE
GOEWERMENSKENNISGEWING

DEPARTMENT OF TRADE AND INDUSTRY
DEPARTEMENT VAN HANDEL EN NYWERHEID

No. R. 16

3 February 2010

NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION ACT, 1993
(ACT NO. 87 OF 1993)

**REGULATIONS RELATING TO THE REGISTRATION OF PERSONS IN CONTROL
OF ANY ACTIVITY WITH REGARD TO CONTROLLED GOODS OR WHO HAVE
CONTROLLED GOODS IN THEIR POSSESSION OR CUSTODY OR UNDER
THEIR CONTROL**

The Minister of Trade and Industry has, under section 24(1)(n), read with section 13(3)(a) of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

"activity with regard to controlled goods" means the manufacture and transfer of, and trade in, controlled goods, and the provision of services related thereto;

"person" includes an organ of state as defined in the Constitution of the Republic of South Africa, 1996;

"the Act" means the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act No. 87 of 1993).

Registration

2. (1) A person who is in control of any activity with regard to controlled goods or who has controlled goods in his or her possession or custody or under his or her control, shall register with the Council by completing, and submitting to the Council, the registration form contained in the annexure to this notice.

(2) The Council shall, in writing, acknowledge receipt of the registration form.

(3) The Council shall, within two months of receipt of a correctly completed registration form or of further information as may be requested by the Council, register the person contemplated in subregulation (1).

(4) The Council shall, upon registration contemplated in subregulation (3), allocate a unique registration reference number to the person involved.

(5) The Council shall, in writing, inform the person contemplated in subregulation (1) of the date upon which such a person is registered with the Council and of the unique registration reference number.

Registration form

3. (1) The registration form contained in the annexure to this notice may be obtained from the Council at any of the following addresses:

(a) Postal address:

The Secretariat
South African Council for the Non-Proliferation of Weapons of Mass
Destruction
Private Bag X84
PRETORIA
0001; or

(b) physical address:

The Secretariat
South African Council for the Non-Proliferation of Weapons of Mass

Destruction
77 Meintjies Street
Sunnyside
PRETORIA.

(2) The completed registration form shall be submitted to the Council at any of the addresses specified in subregulation (1).

Validity and renewal of registration

4. (1) Registration with the Council shall be valid for a period of two years from the date contemplated in regulation 2(5).

(2) Registration with the Council may be renewed by the submission of a new registration form two months prior to the expiry date contemplated in subregulation (1).

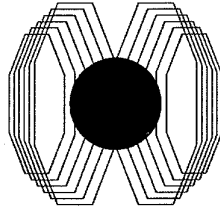
(3) Regulation 2(2), (3) and (5) applies, with the necessary changes, to the renewal of a registration contemplated in subregulation (2).

Amendment of registration

5. (1) A person registered with the Council shall notify the Council within 14 days of any changes to the information contained in such person's registration form.

(2) The Council may amend the registration form to reflect the changes contemplated in subregulation (1).

(3) Regulation 2(2), (3) and (5) applies, with the necessary changes, to the amendment of a registration form.

ANNEXURE

**SOUTH AFRICAN COUNCIL FOR THE NON-PROLIFERATION OF
WEAPONS OF MASS DESTRUCTION**

REGISTRATION FORM

It is recommended that in addition to persons contemplated in regulation 2(1), persons who intend to become involved with controlled goods or activities also complete this form.

Explanatory notes on terminology are included at the end of the form to assist applicants. A Non-Proliferation Information Guide and Internal Compliance Programme for Industry, covering non-proliferation legislation, control mechanisms, processes and procedures, as well as a recommended self-compliance programme for industry, is also available for information purposes on the following website: <http://www.thedti.gov.za/nonproliferation>.

If you wish to assign a reference number to this application, please insert it here:

Applicant's Reference	
------------------------------	--

FOR OFFICIAL USE ONLY	
Reference Number	
Date of Receipt of Application	
Registration Number	

SECTION 1: PARTICULARS OF THE APPLICANT			
1.1 Name of Business or Applicant (if an individual)			
1.2 Postal Address		1.3 Physical Address	
Code		Code	
1.4 Details of Responsible Person			
1.4.1 Name and Designation of Responsible Person			
1.4.2 Telephone (Office)		1.4.3 Facsimile	
1.4.4 Mobile Telephone		1.4.5 Email	
1.5 Type of Business (Please indicate with an X)			
1.5.1 Company		1.5.2 Government Institution	
<input type="checkbox"/>		<input type="checkbox"/>	
1.5.3 Close Corporation		1.5.4 Research Institution	
<input type="checkbox"/>		<input type="checkbox"/>	
1.5.5 Partnership/Joint Venture		1.5.6 Sole Proprietorship	
<input type="checkbox"/>		<input type="checkbox"/>	
1.5.7 Non-Profit Organisation		1.5.8 Other	
<input type="checkbox"/>		<input type="checkbox"/>	
1.5.8.1 If Other, please indicate type of business.			
1.6 Main or Primary Business Activities			
1.7 Particulars of Related Registrations/Accreditations/Licensing with Government Departments/ Authorities/Institutions			
1.7.1 Are you registered with the South African Revenue Service (SARS) as an importer/exporter?			
			Yes
			No
1.7.1.1 If Yes, please provide the registration reference number.			

1.7.2 Is your company or close corporation registered with the Department of Trade and Industry?		Yes	No
1.7.2.1 If Yes, please provide the registration reference number.			
1.7.3 Are you registered with the Department of Trade and Industry as an importer/exporter?		Yes	No
1.7.3.1 If Yes, please provide the registration reference number.			
1.7.4 Are you registered with the National Conventional Arms Control Committee in terms of the National Conventional Arms Control Act, 2002 (Act No. 41 of 2002)?		Yes	No
1.7.4.1 If Yes, please provide the registration reference number.			
1.7.5 Are you involved with nuclear items that are controlled goods in terms of the Nuclear Energy Act, 1999 (Act No. 46 of 1999)?		Yes	No
1.7.6 Are you involved with explosives or tear gas as controlled in terms of the Explosives Act, 2003 (Act No. 15 of 2003), and the Tear-gas Act, 1964 (Act No. 16 of 1964), respectively?		Yes	No
1.7.7 Do you have any other related registrations/accreditations/licences?		Yes	No
1.7.7.1 If Yes, please provide the name of the institution and registration reference number.			
1.8 Facilities Owned or Operated by the Applicant: Only list facilities that are engaged in any activity with regard to controlled goods. Space is provided to list the details of two facilities. Please add further pages if you have more facilities that are involved.			
1.8.1 Name of Facility (1)		1.8.2 Name of Facility (2)	
1.8.1.1 Physical Address		1.8.2.1 Physical Address	
Code		Code	

1.8.1.2 Details of Person Responsible for the above Facility	1.8.2.2 Details of Person Responsible for the above Facility
1.8.1.2.1 Name and Designation of Responsible Person	1.8.2.2.1 Name and Designation of Responsible Person
1.8.1.2.2 Telephone (Office)	1.8.2.2.2 Telephone (Office)
1.8.1.2.3 Facsimile	1.8.2.2.3 Facsimile
1.8.1.2.4 Mobile Telephone	1.8.2.2.4 Mobile Telephone
1.8.1.2.5 Email	1.8.2.2.5 Email

SECTION 2:		
APPLICANT'S INVOLVEMENT OR INTENDED INVOLVEMENT WITH CONTROLLED GOODS		
Please complete this section to indicate your current involvement or intended involvement with controlled goods		
2.1 Area of Involvement		
2.1.1 Missile Technology and Related Items Government Notice No. 22 of 3 February 2010	Yes	No
2.1.2 Nuclear-related dual-use Equipment, Materials, Software and Related Technology Government Notice No. 20 of 3 February 2010 Government Notice No. 21 of 3 February 2010	Yes	No
	Yes	No
2.1.3 Chemical Goods Government Notice No. 18 of 3 February 2010	Yes	No
2.1.4 Biological Goods and Technologies Government Notice No. 19 of 3 February 2010	Yes	No
2.2 Types of Activity with regard to Controlled Goods Please indicate if you are involved or intend to become involved in any of the following types of activity with regard to controlled goods:		
2.2.1 Do you manufacture controlled goods?	Yes	No
2.2.2 Do you possess, use or have in your custody or under your control, controlled goods?	Yes	No
2.2.3 Do you transfer controlled goods?	Yes	No
2.2.4 Do you trade in controlled goods?	Yes	No
2.2.5 Do you provide services with regard to controlled goods?	Yes	No
2.3 Additional Information		
Do you have any additional information that you wish to bring to the Council's attention?	Yes	No
If Yes, please state below:		

2.4 MISSILE TECHNOLOGY AND RELATED ITEMS					
Please complete this subsection if you have missile technology and related items in your possession or custody or under your control, or if you have any facilities that are engaged in any activity with regard to missile technology and related items. Space is provided to list the details of two facilities. Please add further pages if you have more facilities that are involved.					
2.4.1.1 Name of Facility (1)			2.4.2.1 Name of Facility (2)		
2.4.1.2 Physical Address			2.4.2.2 Physical Address		
Code				Code	
2.4.1.3 Is this facility involved with missile technology or any of the related items listed in			2.4.2.3 Is this facility involved with missile technology or any of the related items listed in		
Government Notice No. 22 of 3 February 2010?			Government Notice No. 22 of 3 February 2010?		
		Yes	No		
Category 1, Items 1.B.1, 2.B.1, 2.B.2			Yes	No	Category 1, Items 1.B.1, 2.B.1, 2.B.2
Other Category 1 Items			Yes	No	Other Category 1 Items
Category 2, Items 19 and 20			Yes	No	Category 2, Items 19 and 20
Other Category 2 Items			Yes	No	Other Category 2 Items
2.4.2 Do you have any additional information that you wish to bring to the Council's attention?				Yes	No
If Yes, please state below:					

2.5 NUCLEAR-RELATED DUAL-USE EQUIPMENT, MATERIALS, SOFTWARE AND RELATED TECHNOLOGY					
Please complete this subsection if you have nuclear-related dual-use equipment, materials, software and related technology in your possession or custody or under your control, or if you have any facilities that are engaged in any activity with regard to nuclear-related dual-use equipment, materials, software and related technology. Space is provided to list the details of two facilities. Please add further pages if you have more facilities that are involved.					
2.5.1.1 Name of Facility (1)			2.5.2.1 Name of Facility (2)		
2.5.1.2 Physical Address			2.5.2.2 Physical Address		
Code				Code	
2.5.1.3 Is this facility involved with any of the nuclear-related dual-use equipment, materials, software and related technology listed in			2.5.2.3 Is this facility involved with any of the nuclear-related dual-use equipment, materials, software and related technology listed in		
Government Notice No. 20 of 3 February 2010?		Yes	No	Government Notice No. 20 of 3 February 2010?	
Government Notice No. 21 of 3 February 2010?		Yes	No	Government Notice No. 21 of 3 February 2010?	
Items 2.B.1, 2.B.2, 2.C.9, 2.C.17, 2.E.1, 3.B.5, 3.E.1, 4.B.1, 4.B.2, 4.B.3, 4.E.1		Yes	No	Items 2.B.1, 2.B.2, 2.C.9, 2.C.17, 2.E.1, 3.B.5, 3.E.1, 4.B.1, 4.B.2, 4.B.3, 4.E.1	
Other nuclear-related dual-use equipment, materials, software and related technology not listed above		Yes	No	Other nuclear-related dual-use equipment, materials, software and related technology not listed above	
2.5.2 Do you have any additional information that you wish to bring to the Council's attention?				Yes	No
If Yes, please state below:					

2.6 CHEMICAL GOODS					
Please complete this subsection if you have chemical goods and technologies in your possession or custody or under your control or if you have any facilities that are engaged in any activity with regard to chemical goods and technologies. Space is provided to list the details of two facilities. Please add further pages if you have more facilities that are involved.					
2.6.1.1 Name of Facility (1)			2.6.2.1 Name of Facility (2)		
2.6.1.2 Physical Address			2.6.2.2 Physical Address		
Code				Code	
2.6.1.3 Is this facility involved with any of the chemical goods listed in Government Notice No. 18 of 3 February 2010?			2.6.2.3 Is this facility involved with any of the chemical goods listed in Government Notice No. 18 of 3 February 2010?		
	Yes	No		Yes	No
Annexure A chemicals or any facility that produces, acquires, consumes or stores Annexure A chemicals	Yes	No	Annexure A chemicals or any facility that produces, acquires, consumes or stores Annexure A chemicals	Yes	No
Annexure B chemicals or any facility that produces, processes or consumes Annexure B chemicals	Yes	No	Annexure B chemicals or any facility that produces, processes or consumes Annexure B chemicals	Yes	No
Annexure C chemicals or any facility that produces Annexure C chemicals	Yes	No	Annexure C chemicals or any facility that produces Annexure C chemicals	Yes	No
Annexure D chemicals	Yes	No	Annexure D chemicals	Yes	No
Annexure E chemicals	Yes	No	Annexure E chemicals	Yes	No
Annexure F chemicals	Yes	No	Annexure F chemicals	Yes	No
Any facility that produces discrete organic chemicals or their salts	Yes	No	Any facility that produces discrete organic chemicals or their salts	Yes	No
2.6.2 Do you have any additional information that you wish to bring to the Council's attention?				Yes	No
If Yes, please state below:					

2.7 BIOLOGICAL GOODS AND TECHNOLOGIES					
<p>Please complete this subsection if you have biological goods and technologies in your possession or custody or under your control, or if you have any facilities that are engaged in any activity with regard to biological goods and technologies. Space is provided to list the details of two facilities. Please add further pages if you have more facilities that are involved.</p>					
2.7.1.1 Name of Facility (1)			2.7.2.1 Name of Facility (2)		
2.7.1.2 Physical Address			2.7.2.2 Physical Address		
Code				Code	
2.7.1.3 Is this facility involved with any of the biological goods and technologies listed in Government Notice No. 19 of 3 February 2010?			2.7.2.3 Is this facility involved with any of the biological goods and technologies listed in Government Notice No. 19 of 3 February 2010?		
	Yes	No		Yes	No
Risk Group 2 (WHO or OIE Guidelines)	Yes	No	Risk Group 2 (WHO or OIE Guidelines)	Yes	No
Risk Group 3 (WHO or OIE Guidelines)	Yes	No	Risk Group 3 (WHO or OIE Guidelines)	Yes	No
Risk Group 4 (WHO or OIE Guidelines)	Yes	No	Risk Group 4 (WHO or OIE Guidelines)	Yes	No
Toxins	Yes	No	Toxins	Yes	No
Plant Pathogens	Yes	No	Plant Pathogens	Yes	No
Controlled Equipment	Yes	No	Controlled Equipment	Yes	No
2.8.2 Do you have any additional information that you wish to bring to the Council's attention?				Yes	No
If Yes, please state below:					

**SECTION 3:
DECLARATION**

I hereby –

- a) declare that the particulars in the application and all enclosures are true and correct;
and**
- b) undertake to –**
 - (i) inform the South African Council for the Non-Proliferation of Weapons of Mass Destruction immediately of any changes in the particulars furnished in this application; and**
 - (ii) comply with the non-proliferation of weapons of mass destruction legislation and procedures.**

Signed at _____ on _____
(place) *(date)*

Signature

Full Name

Designation

EXPLANATORY NOTES ON TERMINOLOGY
In respect of the registration of persons contemplated in regulation 2(1), for the purposes of this registration form-
<p>"manufacture", with regard to—</p> <p><i>biological</i> controlled goods (agents), means to cultivate replicative biological agents by any means or to synthesise, biosynthesise or extract non-replicative biological agents including toxins;</p> <p><i>chemical</i> controlled goods (agents), means to convert one or more chemicals into other chemicals via a chemical or biochemical process, use chemical(s) in the manufacture of a product, and deplete reserves by adding a chemical to formulations, as a constituent in a mixture, in a scrubber of unwanted chemicals, as a starting material in a process, as a component of a reaction or as a catalyst; and</p> <p><i>missile technology and related items and nuclear-related dual-use equipment, materials and software and related technology</i> as controlled goods, includes research, design, develop, produce and assembly, prototype, test, evaluate, inspect, integrate, install, commission, maintain and service contractually after sales;</p>
<p>"services" means freight forwarding, storing and stockpiling (if not part of the manufacture and transfer processes), transporting, maintaining (repairing, overhauling, refurbishing), consultation, technical assistance, instruction, teaching, training, and imparting working knowledge;</p>
<p>"transfer" includes the export, import, re-export, transit, trans-shipment and transport of controlled goods;</p>
<p>"use" means using controlled goods in the manufacture process; possessing; operating; stockpiling; disposing; handling, storing and retaining controlled goods; and exercising control over controlled goods.</p>