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PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 109, 1986

REGULASIES KRAGTENS DIE WET OP OPENBARE
VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by artikel 3 (1) (a) van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), vaardig ek hierby met ingang van 12 Junie 1986 die regulasies vervat in die Bylae uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Elfde dag van Junie Eenduisend Negehoonderd Ses-en-tagtig.

P.W. BOTHA,
Staatspresident,

Op las van die Staatspresident-in-Kabinet:

L. LE GRANGE,
Minister van die Kabinet.

BYLAE

Woordoms krywing

1. In hierdie Regulasies, tensy uit die samehang anders blyk, beteken—

- (i) "druk" om deur druk, tik of op enige ander wyse van reproduksie voort te bring;
- (ii) "geskrif" ook enige metode waarvolgens letters, syfers, tekens of simbole in sigbare vorm voorgestel of weergegee word;
- (iii) "gevangenis" 'n gevangenis bedoel in artikel 20 (1) van die Wet op Gevangenis, 1959 (Wet 8 van 1959), met inbegrip van 'n polisiesel of -opsluitplek;
- (iv) "Mag" die Suid-Afrikaanse Polisie bedoel in die omskrywing van "die Mag" in artikel 1 van die Polisiewet, 1958 (Wet 7 van 1958), die Suid-Afrikaanse Spoorwegpolisiemag ingestel kragtens artikel 43 van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet 65 van 1981), die Suid-Afrikaanse Weermag bedoel in artikel 5 van die

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 109, 1986

REGULATIONS IN TERMS OF THE PUBLIC SAFETY
ACT, 1953

By virtue of the powers vested in me by section 3 (1) (a) of the Public Safety Act, 1953 (Act 3 of 1953), I hereby make with effect from 12 June 1986 the regulations contained in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Eleventh day of June, One thousand Nine hundred and Eighty-six.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

L. LE GRANGE,
Minister of the Cabinet.

SCHEDULE

Definitions

1. In these Regulations, unless the context otherwise indicates—

- (i) "Act" means the Public Safety Act, 1953 (Act 3 of 1953);
- (ii) "Force" means the South African Police referred to in the definition of "the Force" in section 1 of the Police Act, 1958 (Act 7 of 1958), the South African Railways Police Force established under section 43 of the South African Transport Services Act, 1981 (Act 65 of 1981), the South African Defence Force referred to in section 5 of the Defence Act, 1957 (Act 44 of 1957), or the Prisons Service established by section 2 (1) of the Prisons Act, 1959 (Act 8 of 1959);
- (iii) "Minister" means the Minister of Law and Order;
- (iv) "print" means to produce by printing, typing or by any other method of reproduction;

Verdedigingswet, 1957 (Wet 44 van 1957), of die Gevangenisdiens ingestel by artikel 2 (1) van die Wet op Gevangenis, 1959 (Wet 8 van 1959);

(v) "Minister" die Minister van Wet en Orde;

(vi) "ondermynende verklaring" 'n verklaring wat enig iets bevat wat daarop bereken is om die uitwerking te hê of wat waarskynlik die uitwerking sal hê—

(a) om enige oogmerk van enige organisasie wat kragtens die een of ander wet tot 'n onwettige organisasie verklaar is, te bevorder;

(b) om die publiek of enige persoon of kategorie persone aan te hits om—

(i) aan enige onwettige staking deel te neem;

(ii) aan enige boikotaksie deel te neem of dit te ondersteun;

(iii) aan enige onwettige betoging, byeenkoms of protesoptog deel te neem;

(iv) aan enige optrede van burgerlike ongehoorsaamheid deel te neem; of

(v) die stelsel van verpligte militêre diens in diskrediet te bring of te ondermyn;

(c) om die publiek of enige deel van die publiek of enige persoon of kategorie persone aan te hits om weerstand of verset te bied teen die Regering of enige Minister of beampte van die Republiek of enige lid van 'n Mag, in verband met enige maatreël ingevolge enigeen van hierdie Regulasies getref of in verband met enige ander maatreël betreffende die veiligheid van die publiek of die handhawing van die openbare orde of in verband met die regsadministrasie;

(d) om by die publiek of enige deel van die publiek of enige persoon of kategorie persone 'n gevoel van vyandigheid teenoor enige deel van die publiek of persoon of kategorie persone te verwek of te vererger;

(e) om die publiek of enige deel van die publiek se vertroue in die beëindiging van die noodtoestand te verswak of te ondermyn, of om die publiek of enige deel van die publiek aan te moedig om 'n handling of versuim te begaan wat die veiligheid van die publiek, die openbare orde of die beëindiging van die noodtoestand in gevaar stel of in gevaar kan stel; of

(f) om disinvestering of die toepassing van sanksies of buitelandse optrede teen die Republiek aan te moedig of te bevorder;

en het die uitdrukking "ondermynende aard" 'n ooreenstemmende betekenis;

(vii) "publikasie" enige koerant, boek, tydskrif, pamflet, strooi- of aanplakbiljet, geskrif, byskrif, prent, foto, afdruk, gravure, litografie, skildery, tekening of ander soortgelyke voorstelling, enige plaat of ander voorwerp waarin of waarop klank vir weergawe opgeneem is, en ook enige rolprent soos omskryf in artikel 47 (1) van die Wet op Publikasies, 1974 (Wet 42 van 1974);

(viii) "verklaring" ook enige publikasie;

(ix) "Wet" die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953).

Handhawing van orde

2. (1) Wanneer 'n offisier, adjutant-offisier of 'n onder-offisier in 'n Mag van oordeel is dat die aanwesigheid of gedrag van 'n persoon of persone by enige plek in die Republiek die veiligheid van die publiek of die handhawing van die openbare orde in gevaar stel of in gevaar mag stel, of lewe of eiendom aan gevaar blootstel of mag blootstel, moet

(v) "prison" means a prison referred to in section 20 (1) of the Prisons Act, 1959 (Act 8 of 1959), including a police cell or lock-up;

(vi) "publication" means any newspaper, book, magazine, pamphlet, hand-bill or poster, writing, letterpress, picture, photo, print, engraving, lithograph, painting, drawing or other similar representation, any record or other object in or on which sound has been recorded for reproduction, and also any film as defined in section 47 (1) of the Publications Act, 1974 (Act 42 of 1974);

(vii) "statement" means also any publication;

(viii) "subversive statement" means a statement which contains anything which is calculated to have the effect or is likely to have the effect—

(a) of promoting any object of any organisation which has, under any law, been declared to be an unlawful organisation;

(b) of inciting the public or any person or category of persons to—

(i) take part in any unlawful strike;

(ii) take part in or to support any boycott action;

(iii) take part in any unlawful demonstration, gathering or protest procession;

(iv) take part in any acts of civil disobedience; or

(v) discredit or undermine the system of compulsory military service;

(c) of inciting the public or any section of the public or any person or category of persons to resist or oppose the Government or any Minister or official of the Republic or any member of a Force, in connection with any measure adopted in terms of any of these Regulations or in connection with any other measure relating to the safety of the public or the maintenance of public order or in connection with the administration of justice;

(d) of engendering or aggravating feelings of hostility in the public or any section of the public or any person or category of persons towards any section of the public or person or category of persons;

(e) of weakening or undermining the confidence of the public or any section of the public in the termination of the state of emergency, or of encouraging the public or any section of the public to commit any act or omission which endangers or may endanger the safety of the public, the public order or the termination of the state of emergency; or

(f) of encouraging or promoting disinvestment or the application of sanctions or foreign action against the Republic;

and the expression "subversive nature" shall have a corresponding meaning;

(ix) "writing" includes any mode of representing or reproducing letters, figures, signs or symbols in visible form.

Maintenance of order

2. (1) Whenever any commissioned, warrant or non-commissioned officer in a Force is of the opinion that the presence or conduct of any person or persons at any place in the Republic endangers or may endanger the safety of the public or the maintenance of public order, or exposes or

hy met luide stem in elkeen van die amptelike tale daardie persoon of persone beveel om na 'n plek in die bevel aange-
dui, te gaan of om daardie gedrag te staak, en moet hy
daardie persoon of persone waarsku dat geweld aangewend
sal word indien die bevel nie onmiddellik gehoorsaam word
nie.

(2) Indien so 'n bevel nie onmiddellik gehoorsaam word
nie, kan die offisier, adjudant-offisier of onderoffisier, na
gelang van die geval, die geweld toepas, of die toepassing
daarvan beveel, wat hy onder die omstandighede nodig ag,
ten einde die vermeende gevaar af te weer of te voorkom.

Arres en aanhouding van persone

3. (1) 'n Lid van 'n Mag kan enige persoon wie se aan-
houding na die oordeel van daardie lid nodig is vir die
handhawing van die openbare orde, of die veiligheid van
die publiek of daardie persoon self, of ter beëindiging van
die noodtoestand, sonder lasbrief arresteer of laat arresteer,
en kan so 'n persoon by wyse van 'n skriftelike bevel deur
enige lid van 'n Mag onderteken, in bewaring in 'n
gevangenis aanhou, of laat aanhou.

(2) Niemand word ingevolge subregulasie (1) vir 'n tyd-
perk van langer as veertien dae vanaf die datum van sy
aanhouding aangehou nie, tensy daardie tydperk deur die
Minister kragtens subregulasie (3) verleng word.

(3) Die Minister kan, sonder kennisgewing aan enig-
iemand en sonder om enigiemand aan te hoor, by wyse van
'n skriftelike kennisgewing deur hom onderteken en gerig
aan die hoof van 'n gevangenis, gelas dat 'n persoon wat
ingevolge subregulasie (1) gearresteer is en aangehou word,
verder in daardie gevangenis aangehou word vir die tydperk
in die kennisgewing vermeld, of vir solank hierdie Regula-
sies van krag is.

(4) 'n Persoon wat uit hoofde van 'n bevel bedoel in
subregulasie (1), of 'n kennisgewing bedoel in subregulasie
(3), in 'n gevangenis aangehou word, kan, indien die Minis-
ter of iemand deur hom gemagtig skriftelik aldus gelas, uit
daardie gevangenis in hegtenis verwyder word vir aanhou-
ding in enige ander gevangenis, of vir enige ander doel-
eindes in sodanige lasgewing vermeld.

(5) 'n Lid van 'n Mag kan enige persoon wat ingevolge
hierdie regulasie gearresteer is of aangehou word, met die
oog op die handhawing van die openbare orde, die veilig-
heid van die publiek of die beëindiging van die noodtoe-
stand, ondervra.

(6) Die Minister kan te eniger tyd by wyse van 'n skrifte-
like kennisgewing deur hom onderteken, gelas dat 'n per-
soon wat ingevolge hierdie regulasie aangehou word, vry-
gelaat word op die voorwaarde of die voorwaardes, as daar
is, wat die Minister na goëddunke in sodanige kennisge-
wing bepaal.

(7) Die Minister moet 'n afskrif van 'n kennisgewing in
subregulasie (6) bedoel en waarin voorwaardes in daardie
subregulasie beoog, bepaal is, aan die betrokke persoon laat
oorhandig.

(8) Iemand wat 'n voorwaarde ingevolge subregulasie (6)
bepaal, oortree of versuim om daaraan te voldoen, is aan 'n
misdryf skuldig.

(9) (a) Die Minister van Justisie kan reëls uitvaardig
om die aanhouding van persone kragtens hier-
die regulasie te reël, of betreffende die behan-
deling van sodanige persone.

(b) In die geval van 'n botsing tussen so 'n reël en
'n bepaling van die Wet op Gevangenis, 1959
(Wet 8 van 1959), of van 'n regulasie of 'n
Gevangenisdiensorder kragtens genoemde Wet
uitgevaardig, of enige amptelike opdrag, bevel
of ander handeling van of deur die Kommissaris
van Gevangenis, geld genoemde reël.

may expose life or property to danger, he shall in a loud
voice in each of the official languages order such person or
persons to proceed to a place indicated in the order, or to
desist from such conduct, and shall warn such person or
persons that force will be used if the order is not obeyed
forthwith.

(2) If any such order is not obeyed forthwith, the com-
missioned, warrant or non-commissioned officer, as the
case may be, may apply or order the application of such
force as he under the circumstances may deem necessary in
order to ward off or prevent the suspected danger.

Arrest and detention of persons

3. (1) A member of a Force may, without warrant of
arrest, arrest or cause to be arrested any person whose de-
tention is, in the opinion of such member, necessary for the
maintenance of public order or the safety of the public or
that person himself, or for the termination of the state of
emergency, and may, under a written order signed by any
member of a Force, detain, or cause to be detained, any
such person in custody in a prison.

(2) No person shall be detained in terms of subregulation
(1) for a period exceeding fourteen days from the date of his
detention, unless that period is extended by the Minister in
terms of subregulation (3).

(3) The Minister may, without notice to any person and
without hearing any person, by written notice signed by him
and addressed to the head of a prison, order that any person
arrested and detained in terms of subregulation (1), be fur-
ther detained in that prison for the period mentioned in the
notice, or for as long as these Regulations remain in force.

(4) A person detained in a prison pursuant to an order
referred to in subregulation (1), or a notice referred to in
subregulation (3), may be removed in custody, if the Minis-
ter or a person authorized by him in writing so directs, from
that prison for detention in any other prison, or for any other
purposes mentioned in such direction.

(5) A member of a Force may, with a view to the mainte-
nance of public order, the safety of the public or the termi-
nation of the state of emergency, interrogate any person
arrested or detained in terms of this regulation.

(6) The Minister may at any time by a notice in writing
signed by him order that a person detained in terms of this
regulation, be released on such condition or conditions, if
any, as may in his discretion be determined by the Minister
in such notice.

(7) The Minister shall cause to be delivered to the person
concerned a copy of a notice referred to in subregulation
(6), in which conditions contemplated in that subregulation
have been determined.

(8) Any person who contravenes or fails to comply with
any condition determined in terms of subregulation (6),
shall be guilty of an offence.

(9) (a) The Minister of Justice may make rules to regu-
late the detention of persons in terms of this
regulation, or relating to the treatment of such
persons.

(b) In case of a conflict between any such rule and
any provision of the Prisons Act, 1959 (Act 8 of
1959), or of a regulation or a Prisons Service
Order made in terms of the said Act, or any
official instruction, order or other act of or by
the Commissioner of Prisons, the said rule shall
apply.

- (c) (i) Iemand wat 'n reël kragtens paragraaf (a) uitgevaardig, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.
- (ii) Die bepalinge van paragraaf (a) van artikel 52, en van artikel 54, van die Wet op Gevangenis, 1959 (Wet 8 van 1959), met betrekking tot onderskeidelik 'n misdryf, en 'n oortreding van of 'n versuim om aan 'n regulasie daarin bedoel te voldoen, is *mutatis mutandis* van toepassing ten opsigte van 'n misdryf in subparagraaf (i) bedoel.

(10) Niemand, behalwe die Minister of iemand wat uit hoofde van sy betrekking in diens van die Staat optree—

- (a) het toegang tot 'n persoon wat ingevolge die bepalinge van hierdie regulasie aangehou word nie, behalwe met die toestemming van en op die voorwaardes bepaal deur die Minister of iemand deur hom daartoe gemagtig; of
- (b) is op enige amptelike inligting met betrekking tot so 'n persoon, of op enige ander inligting van welke aard ook al verkry van of ten opsigte van so 'n persoon, geregtig nie.

Dreigemente van skade, letsel of verlies

4. Iemand wat regstreeks of onregstreeks—

- (a) mondelings of deur enige ander handeling dreig om 'n ander persoon, of enige van so 'n persoon se familiebetrekkinge of afhanklikes, skade, letsel of verlies toe te bring, hetsy aan sy of hulle persoon of eiendom of op enige ander wyse; of
- (b) enige geskrif wat die toediening van enige skade, letsel of verlies aan 'n ander persoon of enige van so 'n persoon se familiebetrekkinge of afhanklikes bedreig, hetsy aan sy of hulle persoon of eiendom of op enige ander wyse, voorberei, saamstel, druk, uitgee, versend, besit of versprei, of wat by die voorbereiding, samestelling, druk, uitgee, versending of verspreiding daarvan hulp verleen.

is aan 'n misdryf skuldig.

Reg van betreding, visentering en beslaglegging

5. (1) 'n Lid van 'n Mag kan by die verrigting van sy werksaamhede ingevolge hierdie Regulasies te eniger tyd enige perseel of gebou sonder lasbrief betree en die stappe daar doen wat sodanige lid nodig ag vir die handhawing van die openbare orde of die veiligheid van die publiek of ter beëindiging van die noodtoestand.

(2) 'n Lid van 'n Mag kan te eniger tyd sonder lasbrief enige persoon, gebou, perseel of plek, of enige voertuig, vaartuig, lugvaartuig of houer visenteer en tydens sodanige visentering beslag lê op—

- (a) enige voertuig, vaartuig, lugvaartuig, houer, voorwerp of artikel wat betrokke is of bestem is om gebruik te word, of vermoed word betrokke te wees of bestem is om gebruik te word, by die pleging of vermeende pleging van 'n misdryf, of wat gebruik kan word by openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging; of
- (b) enige voorwerp of artikel wat tot bewys van die pleging of vermeende pleging van 'n misdryf kan strek,

en daardie lid van 'n Mag moet met enigiets waarop hy kragtens hierdie subregulasie beslag gelê het, handel ooreenkomstig opdragte wat van tyd tot tyd, in die algemeen of met verwysing na 'n bepaalde geval, deur die Minister of iemand wat op sy gesag handel, uitgereik word.

- (c) (i) Any person who contravenes or fails to comply with any rule made in terms of paragraph (a), shall be guilty of an offence.
- (ii) The provisions of paragraph (a) of section 52, and of section 54, of the Prisons Act, 1959 (Act 8 of 1959), with reference to an offence, and a contravention of or failure to comply with a regulation referred to therein, respectively, shall *mutatis mutandis* apply with respect to an offence referred to in subparagraph (i).

(10) No person, other than the Minister or a person acting by virtue of his office in the service of the State—

- (a) shall have access to any person detained in terms of the provisions of this regulation, except with the consent of and subject to such conditions as may be determined by the Minister or a person authorized thereto by him; or
- (b) shall be entitled to any official information relating to such person, or to any other information of whatever nature obtained from or in respect of such person.

Threats of harm, hurt or loss

4. Any person who directly or indirectly—

- (a) verbally or by any other act threatens to inflict upon any other person, or upon any of such person's relatives or dependants, any harm, hurt or loss, whether to his or their person or property or in any other way; or
- (b) prepares, compiles, prints, publishes, transmits, possesses or disseminates, or assists in the preparation, compilation, printing, publication, transmission or dissemination of any writing which threatens the infliction upon any other person, or upon any of such person's relatives or dependants, of any harm, hurt or loss, whether to his or their person or property or in any other way,

shall be guilty of an offence.

Power of entry, search and seizure

5. (1) A member of a Force may in the performance of his functions in terms of these Regulations at any time without a warrant enter any premises or building and there take such steps as such member may deem necessary for the maintenance of public order or the safety of the public or for the termination of the state of emergency.

(2) A member of a Force may at any time without warrant search any person, building, premises or place, or any vehicle, vessel, aircraft or receptacle and may during such search seize—

- (a) any vehicle, vessel, aircraft, receptacle, object or article which is concerned or intended to be used, or believed to be concerned or intended to be used, in the commission or suspected commission of an offence, or which can be used in public disturbance, disorder, riot or public violence; or
- (b) any object or article which may afford evidence of the commission or suspected commission of an offence,

and that member of a Force shall deal with anything seized by him under this subregulation in accordance with directions issued from time to time, either generally or with reference to any particular case, by the Minister or a person acting on his authority.

(3) Die bepalings van artikels 27 en 29 van die Strafprosedureswet, 1977 (Wet 51 van 1977), met betrekking tot die deursoeking of betreding van persele en die deursoeking van persone deur 'n polisiebeampte, is *mutatis mutandis* van toepassing op enige visentering of betreding kragtens hierdie regulasie deur 'n lid van 'n Mag.

Versoek om naam en adres van 'n persoon

6. 'n Lid van 'n Mag kan by die uitoefening van enige bevoegdheid of die uitvoering van enige plig deur, kragtens of uit hoofde van hierdie Regulasies verleen of opgelê, enige persoon versoek om sy volle naam en adres aan sodanige lid te verstrek.

Bevele

7. (1) Die Kommissaris van die Suid-Afrikaanse Polisie of iemand deur hom daartoe gemagtig, kan, sonder opgaaf van redes en sonder om enigiemand aan te hoor, bevele wat nie met hierdie Regulasies onbestaanbaar is nie, uitreik—

(a) met betrekking tot—

- (i) die afbakening van gebiede;
- (ii) die afsluiting van 'n bepaalde gebied of deel van so 'n gebied ten einde toegang tot of vertrek uit so 'n gebied of deel daarvan te beheer;
- (iii) die beheer van toegang tot of vertrek uit 'n bepaalde gebied of deel van so 'n gebied;
- (iv) die beheer van verkeer;
- (v) die tydelike sluiting van enige openbare of private plek of enige besigheids- of nywerheids-onderneming; of
- (vi) die beheer van noodsaaklike dienste en die bewaring en veiligheid van enige installasie en werke wat daarmee in verband staan;

(b) waarby enige persoon verbied word om—

- (i) enige voorwerp of artikel in die bevel genoem in 'n bepaalde gebied in te bring of in so 'n gebied in besit daarvan te wees;
- (ii) enige handeling of 'n bedrywigheid in die bevel genoem in 'n bepaalde gebied te verrig of te beoefen;
- (iii) te eniger tyd buite die grense van sy woonperseel in 'n bepaalde gebied te wees;
- (iv) te eniger tyd in 'n bepaalde gebied 'n voertuig in beweging te bring of te bestuur of in of op 'n bewegende voertuig te wees; of
- (v) 'n bepaalde gebied of deel daarvan binne te gaan indien hy nie sy gewone verblyfplek in daardie gebied of deel daarvan het nie;

(c) met betrekking tot die beheer, reëling of verbod van die bekendmaking, verspreiding, uitdeel, neem of stuur van enige kommentaar op of nuus in verband met enige optrede van 'n Mag of enige lid van 'n Mag met betrekking tot die handhawing van die veiligheid van die publiek of die openbare orde of ter beëindiging van die noodtoestand; en

(d) met betrekking tot enige ander aangeleentheid waarvan die reël, beheer of verbod na sy oordeel noodsaaklik of dienstig is met die oog op die veiligheid van enige lid of lede van die publiek of die handhawing van die openbare orde, of ten einde die noodtoestand te beëindig, sonder dat die algemeenheid van die bevoegdhede wat deur hierdie paragraaf verleen word deur die bepalings van die voorafgaande paragrafe beperk word.

(2) 'n Bevel kragtens subregulasie (1) uitgereik—

(a) kan betrekking hê op 'n persoon in die bevel genoem, of op enige kategorie persone in die bevel genoem, of op enige persoon of persone wat nie tot 'n bepaalde kategorie in die bevel genoem, behoort nie; en

(3) The provisions of sections 27 and 29 of the Criminal Procedure Act, 1977 (Act 51 of 1977), with reference to the search or entry of premises and the search of persons by a police official, shall apply *mutatis mutandis* to any search or entry under this regulation by a member of a Force.

Request for name and address of a person

6. A member of a Force may, in the exercise of any power or the carrying out of any duty conferred or imposed by, under or pursuant to these Regulations, request any person to furnish such member with his full name and address.

Orders

7. (1) The Commissioner of the South African Police or any person authorized thereto by him may, without furnishing reasons and without hearing any person, issue orders not inconsistent with these Regulations—

(a) relating to—

- (i) the demarcation of areas;
- (ii) the closing off of any particular area or part of such area in order to control entrance to or departure from such area or part thereof;
- (iii) the control of entrance to or departure from any particular area or part of such area;
- (iv) the control of traffic;
- (v) the temporary closing of any public or private place or any business undertaking or industrial undertaking; or
- (vi) the control of essential services and the security and safety of any installation and works connected therewith;

(b) whereby any person is prohibited from—

- (i) bringing into any particular area any object or article specified in the order or being in possession thereof in such an area;
- (ii) performing any act or carrying on any activity specified in the order in any particular area;
- (iii) being outside the boundaries of his residential premises in any particular area, at any time;
- (iv) putting in motion or driving or being in or upon any vehicle that is in motion in any particular area, at any time; or
- (v) entering any particular area or part thereof if he is not normally resident in that area or part thereof;

(c) relating to the control, regulation or prohibition of the announcement, dissemination, distribution, taking or sending of any comment on or news in connection with any conduct of a Force or any member of a Force regarding the maintenance of the safety of the public or the public order or the termination of the state of emergency; and

(d) relating to any other matter the regulating, control or prohibition of which in his opinion is necessary or expedient with a view to the safety of any member or members of the public or the maintenance of the public order, or in order to terminate the state of emergency, the generality of the powers conferred by this paragraph not being restricted by the provisions of the preceding paragraphs.

(2) An order issued under subregulation (1)—

(a) may relate to any person mentioned in the order, or to any category of persons mentioned in the order, or to any person or persons not belonging to a particular category mentioned in the order; and

(b) is van krag gedurende 'n tydperk in die bevel genoem of, indien 'n tydperk nie aldus genoem word nie, totdat die bevel ingetrek word of totdat die verklaring van 'n noodtoestand in die betrokke gebied ingetrek word of verval, wat ook al die eerste gebeur.

(3) 'n Lid van 'n Mag kan, sonder opgaaf van redes en sonder om enigiemand aan te hoor, enige persoon wat hom in 'n bepaalde gebied bevind en wat nie sy gewone verblyfplek daar het nie, beveel om daardie gebied te verlaat, indien daardie lid dit nodig ag vir die handhawing van die openbare orde of die veiligheid van daardie persoon of van die publiek of vir die beëindiging van die noodtoestand, en indien bedoelde persoon versuim om daardie gebied onverwyld te verlaat, kan die betrokke lid sodanige persoon arresteer of laat arresteer en uit daardie gebied verwyder of aldus laat verwyder.

(4) By enige geding voor 'n geregshof waarby dit ter sake is of die Kommissaris van die Suid-Afrikaanse Polisie of 'n persoon deur hom daartoe gemagtig 'n bepaalde bevel uitgevaardig het, al dan nie, word 'n afskrif van die bevel onder die Kommissaris van die Suid-Afrikaanse Polisie of sodanige persoon se handtekening gewaarmerk, as afdoende bewys van die uitvaardiging en inhoud van die betrokke bevel aanvaar.

Afkondiging van bevel

8. Enige bevel kragtens regulasie 7 uitgereik, word afgekondig deur daardie bevel—

- (a) by kennisgewing in die *Staatskoerant* te publiseer;
- (b) in 'n koerant te publiseer wat in omloop is in die gebied ten opsigte waarvan die bevel van toepassing is;
- (c) deur middel van radio of televisie bekend te maak;
- (d) in die betrokke gebied in 'n skriftelike vorm tussen lede van die publiek te versprei en op openbare geboue of op opvallende openbare plekke in die gebied aan te bring; of
- (e) deur mondelinge aankondiging aan 'n bepaalde persoon, of aan lede van die publiek in die algemeen, in die betrokke gebied bekend te maak op 'n wyse wat die Kommissaris van Polisie of iemand wat op sy gesag handel, dienlik ag; wanneer dit, na die oordeel van die Kommissaris of so 'n persoon, vanweë die dringendheid daarvan of om enige ander rede ook al, nie ooreenkomstig die bepalinge van paragraaf (a), (b), (c) of (d) gepubliseer, bekend gemaak, versprei of aangekondig kan word nie.

Verbod ten opsigte van sekere rolprente, uitbeeldings en klankopnames

9. (1) Niemand mag sonder die toestemming van die Kommissaris van die Suid-Afrikaanse Polisie, of van 'n offisier, soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet 7 van 1958), deur die Kommissaris daartoe gemagtig, op enige wyse enige rolprent soos omskryf in artikel 47 (1) van die Wet op Publikasies, 1974 (Wet 42 van 1974), of enige foto, tekening of ander uitbeelding, of enige klankopname, van—

- (i) enige openbare rusverstoring, wanordelikheid, oproer, openbare geweldpleging, staking of boikot, of enige beskadiging van enige eiendom, of enige aanranding op of doding van 'n persoon;
- (ii) enige persoon aanwesig of betrokke by enige openbare rusverstoring, wanordelikheid, oproer, openbare geweldpleging, staking of boikot, of enige beskadiging van enige eiendom, of enige aanranding op of doding van 'n persoon; of

(b) shall be of force during a period mentioned in the order or, if no period is so mentioned, until the order is withdrawn or until the declaration of a state of emergency in the area concerned is withdrawn or expires, whichever occurs first.

(3) A member of a Force may, without furnishing reasons and without hearing any person, order any person present in a particular area and who is not normally resident therein, to leave that area, if that member deems it necessary for the maintenance of public order or the safety of that person or of the public or for the termination of the state of emergency, and if the said person fails to leave that area forthwith, the member concerned may arrest such person or cause him to be arrested and may remove him from that area or cause him to be so removed.

(4) In any proceedings before a court of law in which it is relevant whether or not the Commissioner of the South African Police or a person authorized thereto by him has issued a particular order, a copy of the order certified under the Commissioner's or such person's hand shall be accepted as conclusive proof of the issuing and contents of the order concerned.

Promulgation of orders

8. Any order issued under regulation 7, shall be promulgated by—

- (a) publication of the order by notice in the *Government Gazette*;
- (b) publication of the order in a newspaper circulating in the area in respect of which the order applies;
- (c) making the order known by means of radio or television;
- (d) distribution of the order in writing amongst members of the public and by affixing it upon public buildings or prominent public places in the area concerned; or
- (e) oral announcement to any particular person, or to members of the public in general, in the area concerned in a manner deemed fit by the Commissioner of Police or a person acting on his authority, whenever, due to the urgency thereof or for any other reason whatsoever, it can, in the opinion of the Commissioner or any such person, not be published, make known, distributed or announced in accordance with the provisions of paragraph (a), (b), (c) or (d).

Prohibition in respect of certain films, representations and sound recordings

9. (1) No person shall, without the permission of the Commissioner of the South African Police, or of a commissioned officer, as defined in section 1 of the Police Act, 1958 (Act 7 of 1958), authorized thereto by the Commissioner, in any manner make, take, record, manufacture, reproduce, publish, broadcast or distribute, or take or send to any place within or outside the Republic, any film as defined in section 47 (1) of the Publications Act, 1974 (Act 42 of 1974), or any photograph, drawing or other representation, or any sound recording, of—

- (i) any public disturbance, disorder, riot, public violence, strike or boycott, or any damaging of any property, or any assault on or killing of a person;
- (ii) any person present at or involved in any public disturbance, disorder, riot, public violence, strike or boycott, or any damaging of any property, or any assault on or killing of any person; or

(iii) enige optrede van 'n Mag of enige lid van 'n Mag met betrekking tot die handhawing van die veiligheid van die publiek of die openbare orde of ter beëindiging van die noodtoestand,

maak, neem, vaslê, vervaardig, reproduseer, publiseer, uitsaai of uitdeel, of na enige plek binne of buite die Republiek neem of stuur, of laat maak, neem, vaslê, vervaardig, reproduseer, publiseer, uitsaai of uitdeel, of na enige sodanige plek laat neem of stuur nie, of poog om enige sodanige handeling te verrig nie.

(2) Iemand wat 'n bepaling van subregulasie (1) oortree, is aan 'n misdryf skuldig.

Maak, besit of verspreiding van ondermynende verklarings

10. Iemand wat—

- (a) 'n ondermynende verklaring maak, skryf, druk of opneem of laat maak, skryf, druk of opneem;
- (b) 'n ondermynende verklaring besit;
- (c) 'n ondermynende verklaring onder die publiek of enige deel van die publiek versprei, uitdeel of rondstuur of laat versprei, uitdeel of rondstuur of wat, hetsy teen vergoeding al dan nie, 'n ondermynende verklaring aan enige persoon versend, verskaf of aanbied of laat versend, verskaf of aanbied;
- (d) 'n ondermynende verklaring in so 'n posisie vertoon of laat vertoon dat dit sigbaar is vanaf 'n plek waartoe die publiek toegang het; of
- (e) 'n ondermynende verklaring ten aanhore van iemand anders maak of deur middel van enige apparaat speel of laat speel ten aanhore van iemand anders,

is aan 'n misdryf skuldig.

Beslaglegging op publikasies

11. Die Minister of iemand deur hom daartoe gemagtig, kan by bevel onder sy handtekening magtiging verleen tot die beslaglegging op een of meer of alle eksemplare van 'n publikasie in die bevel vermeld wat na sy oordeel 'n ondermynende verklaring of enige ander inligting wat nadelig is of kan wees vir die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand bevat.

Beslaglegging op en verbeurdverklaring van publikasies van 'n ondermynende aard

12. (1) Indien die Minister by ondersoek van enige publikasie wat deur enige persoon gepubliseer is daarvan oortuig is dat daar in bedoelde publikasie stof gepubliseer is wat na sy oordeel van 'n ondermynende aard is, kan hy by kennisgewing in die *Staatskoerant* verklaar dat die bepalings van hierdie regulasie vir die tydperk in die kennisgewing vermeld op daardie bepaalde publikasie of op enige of alle publikasies wat deur daardie persoon gepubliseer word, van toepassing is.

(2) Iemand wat 'n publikasie waarop hierdie regulasie ingevolge subregulasie (1) van toepassing verklaar is, maak, skryf, invoer, druk, publiseer, versprei, uitdeel, rondstuur of besit, of op enige wyse by die maak, skryf, invoer, druk, publiserings, verspreiding, uitdeling of rondstuur van so 'n publikasie betrokke is, is aan 'n misdryf skuldig.

(3) Indien in 'n subregulasie (1) bedoelde kennisgewing 'n publikasie by naam genoem word wat 'n koerant, tydskrif of ander periodieke publikasie is, is daardie kennisgewing ook van toepassing, gedurende die tydperk in die kennisgewing vermeld—

- (a) ten opsigte van alle daaropvolgende uitgawes van bedoelde koerant, tydskrif of ander periodieke publikasie; en

(iii) any conduct of a Force or any member of a Force with regard to the maintenance of the safety of the public or the public order or for the termination of the state of emergency,

or cause it to be made, taken, recorded, manufactured, reproduced, published, broadcast or distributed, or to be taken or sent to any such place, or attempt to commit any such act.

(2) Any person who contravenes a provision of subregulation (1) shall be guilty of an offence.

Making, possession or dissemination of subversive statements

10. Any person who—

- (a) makes, writes, prints or records or causes to be made, written, printed or recorded any subversive statement;
- (b) possesses any subversive statement;
- (c) disseminates, distributes or circulates or causes to be disseminated, distributed or circulated any subversive statement among the public or any section of the public or who, whether for a consideration or not, dispatches, supplies or offers or causes to be dispatched, supplied or offered any subversive statement to any person;
- (d) displays or causes to be displayed any subversive statement in such a position that it is visible from any place to which the public has access; or
- (e) utters, or by means of any apparatus plays or causes to be played, any subversive statement within the hearing of any other person,

shall be guilty of an offence.

Seizure of publications

11. The Minister or a person authorized thereto by him may by order under his hand authorize the seizure of one or more or all copies of any publication specified in the order which in his opinion contains a subversive statement or any other information which is or may be detrimental to the safety of the public, the maintenance of the public order or the termination of the state of emergency.

Seizure and confiscation of publications of a subversive nature

12. (1) If the Minister is satisfied, on examination of any publication published by any person, that any matter is published in the said publication which is, in his opinion, of a subversive nature, he may by notice in the *Gazette* declare that the provisions of this regulation shall apply, for the period mentioned in the notice, to that particular publication or to any publications or all publications published by that person.

(2) Any person who makes, writes, imports, prints, publishes, disseminates, distributes, circulates or possesses any publication to which this regulation has in terms of subregulation (1) been declared applicable, or is in any way concerned in the making, writing, importation, printing, publishing, dissemination, distribution or circulation of such a publication, shall be guilty of an offence.

(3) If a notice referred to in subregulation (1) specifies by name a publication which is a newspaper, magazine or other periodical publication, such notice shall, for the period mentioned in the notice, apply also—

- (a) in respect of all subsequent issues of such newspaper, magazine or other periodical publication; and

(b) ten opsigte van enige publikasie onder 'n ander naam gepubliseer ter voortsetting van of in die plek van die publikasie in die bevel genoem.

(4) (a) Die Minister of iemand deur hom daartoe gemagtig, kan by bevel onder sy handtekening beveel dat daar op alle eksemplare van enige publikasie ten opsigte waarvan 'n kennisgewing kragtens subregulasie (1) van toepassing is, beslag gelê word.

(b) Die Minister of iemand deur hom daartoe gemagtig, kan enige eksemplare waarop ingevolge paragraaf (a) beslag gelê is, aan die Staat verbeurd verklaar en gelas dat daarvoor beskik word op die wyse wat hy bepaal.

Misdrywe

13. Iemand wat—

- (a) versuim om aan enige bevel, opdrag of versoek kragtens hierdie Regulasies uitgevaardig of gerig, te voldoen;
- (b) iemand anders in die uitvoering van enige plig of die uitoefening van enige bevoegdheid of die verrigting van enige werksaamheid deur, kragtens of uit hoofde van 'n bepaling van hierdie Regulasies opgelê of verleen, belemmer;
- (c) 'n kennisgewing of ander geskrif wat kragtens hierdie Regulasies uitgereik is of daarkragtens heet uitgereik te wees, vernietig, skend of vervals; of
- (d) sonder die skriftelike toestemming van die Minister of iemand deur hom daartoe gemagtig, die naam of identiteit van enige persoon wat kragtens 'n bepaling van hierdie Regulasies gearrester is of kragtens 'n bepaling van die Wet of hierdie Regulasies aangehou word, op enige wyse bekend maak, tensy die Minister of 'n persoon deur hom daartoe gemagtig reeds die naam of identiteit van daardie persoon bekend gemaak het,

is aan 'n misdryf skuldig.

Strafbepalings

14. Iemand wat skuldig bevind word aan 'n misdryf kragtens hierdie Regulasies, uitgesonderd regulasie 3 (9) (c) (i), is strafbaar met 'n boete van hoogstens R20 000 of gevangenisstraf vir 'n tydperk van hoogstens tien jaar of met daardie gevangenisstraf sonder die keuse van 'n boete, en die hof wat hom skuldig bevind kan enige goed, eiendom of instrument waarmee of in verband waarmee die misdryf gepleeg is, aan die Staat verbeurd verklaar.

Opdrag van prokureur-generaal vereis vir vervolging

15. Geen vervolging weens 'n misdryf ingevolge hierdie Regulasies, uitgesonderd regulasie 3 (9) (c) (i), word ingestel nie behalwe ingevolge die uitdruklike opdrag van 'n prokureur-generaal of iemand deur hom gemagtig.

Beperking van aanspreeklikheid

16. (1) Geen siviele of strafregtelike geding word in enige gereghof ingestel of voortgesit nie teen—

- (a) die Staat;
- (b) die Staatspresident;
- (c) 'n lid van die Kabinet van die Republiek;
- (d) 'n lid van 'n Mag;
- (e) iemand wat in diens van die Staat is; of
- (f) iemand wat op las of met die goedkeuring van 'n in die voorgaande paragrafe van hierdie subregulasie bedoelde lid of persoon handel,

(b) in respect of any publication published under any other name in continuation of or in substitution for the publication named in the order.

(4) (a) The Minister or a person authorized thereto by him may by order under his hand direct the seizure of all copies of any publication in respect of which a notice under subregulation (1) applies.

(b) The Minister or a person authorized thereto by him may declare any copies seized in terms of paragraph (a) forfeit to the State and may direct that it be disposed of in such manner as he may determine.

Offences

13. Any person who—

- (a) fails to comply with any order, direction or request issued or made under these Regulations;
- (b) hinders any other person in the carrying out of any duty or the exercise of any power or the performance of any function imposed or conferred by, under or pursuant to any provision of these Regulations;
- (c) destroys, defaces or falsifies any notice or other writing issued or purporting to have been issued under these Regulations; or
- (d) without the written consent of the Minister or a person authorized thereto by him, in any manner discloses the name or identity of any person arrested in terms of any provision of these Regulations or detained under any provision of the Act or of these Regulations, unless the Minister or a person authorized thereto by him has already disclosed the name or identity of that person,

shall be guilty of an offence.

Penalties

14. Any person convicted of an offence under these Regulations, except regulation 3 (9) (c) (i), shall be liable to a fine not exceeding R20 000 or imprisonment for a period not exceeding ten years or to such imprisonment without the option of a fine, and the court convicting him may declare any goods, property or instrument by means of which or in connection with which the offence has been committed, to be forfeited to the State.

Direction of attorney-general required for prosecution

15. No prosecution for an offence under these Regulations, except regulation 3 (9) (c) (i), shall be instituted except by the express direction of an attorney-general or a person authorized by him.

Limitation of liability

16. (1) No civil or criminal proceedings shall be instituted or continued in any court of law against—

- (a) the State;
- (b) the State President;
- (c) any member of the Cabinet of the Republic;
- (d) any member of a Force;
- (e) any person in the service of the State; or
- (f) any person acting by direction or with the approval of any member or person referred to in the preceding paragraphs of this subregulation,

op grond van 'n handeling wat deur iemand by die uitvoering van sy pligte of die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede ingevolge hierdie Regulasies, te goeder trou aangeraai, gebied, beveel, gelas of verrig is, met die bedoeling om die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand in enige gebied waar die bestaan van 'n noodtoestand kragtens artikel 2 (1) van die Wet verklaar is, te verseker, of om met omstandighede te handel wat as gevolg van voornoemde noodtoestand ontstaan het of waarskynlik sal ontstaan.

(2) (a) Wanneer die hof waarin 'n geding ingestel is, van mening is dat die geding uit hoofde van subregulasie (1) nie voortgesit mag word nie, moet die hof 'n bevinding in dier voege maak.

(b) Wanneer die hof so 'n bevinding gemaak het, vervel sodanige geding en word dit geag nietig te wees.

(3) Geen interdik of ander prosesstuk word uitgereik vir die opskorting of nietigverklaring van 'n bevel, reël of kennisgewing kragtens hierdie Regulasies uitgevaardig of enige voorwaarde daarkragtens bepaal nie, en geen sodanige bevel, reël, kennisgewing of voorwaarde word op grond van 'n appél teen 'n skuldigbevinding kragtens hierdie Regulasies opgeskort nie.

(4) Indien by 'n geding ingestel teen 'n in subregulasie (1) vermelde persoon of lid, of die Staat, die vraag ontstaan of 'n handeling wat deur iemand aangeraai, gebied, beveel, gelas of verrig is, deur hom te goeder trou aangeraai, gebied, beveel, gelas of verrig is, word vermoed, totdat die teendeel bewys word, dat daardie handeling deur hom te goeder trou aangeraai, gebied, beveel, gelas of verrig is.

(5) Die bepalinge van hierdie regulasie is ook van toepassing ten aansien van enige versuim deur 'n in subregulasie (1) vermelde persoon of lid om in verband met die aanraai, gebied, beveel, gelas of verrig van 'n voormelde handeling 'n voorskrif van 'n wet na te kom.

by reason of any act in good faith advised, commanded, ordered, directed or performed by any person in the carrying out of his duties or the exercise of his powers or the performance of his functions in terms of these Regulations, with intent to ensure the safety of the public, the maintenance of public order or the termination of the state of emergency in any area where the existence of a state of emergency has been declared in pursuance of section 2 (1) of the Act, or in order to deal with circumstances which have arisen or are likely to arise as a result of the aforementioned state of emergency.

(2) (a) Whenever the court in which any proceedings have been instituted, is of the opinion that by virtue of subregulation (1) the proceedings may not be continued, the court shall make a finding to that effect.

(b) Whenever the court has made such a finding, such proceedings shall lapse and be deemed to be void.

(3) No interdict or other process shall issue for the staying or setting aside of any order, rule or notice issued under these Regulations or any condition determined thereunder, and no such order, rule, notice or condition shall be stayed on the grounds of an appeal against a conviction under these Regulations.

(4) If in any proceedings instituted against any member or person referred to in subregulation (1), or the State, the question arises whether any act advised, commanded, ordered, directed or performed by any person was advised, commanded, ordered, directed or performed by him in good faith, it shall be presumed, until the contrary is proved, that such act was advised, commanded, ordered, directed or performed by him in good faith.

(5) The provisions of this regulation shall apply also in respect of any default by any person or member referred to in subregulation (1) in complying with any provision of any law in connection with advising, commanding, ordering, directing or doing any such act aforesaid.

PHYTOPHYLACTICA

Hierdie publikasie bevat artikels oor plantpatologie, mikologie, mikrobiologie, entomologie, nematologie en ander dierkundige plantplae. Vier dele van die tydskrif word per jaar gepubliseer.

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Die tydskrif is verkrygbaar van bogenoemde adres teen R5 plus AVB per eksemplaar of R20 per jaar, posvry (Buitelands R6,25 per eksemplaar of R25 per jaar).

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This publication deals with plant pathology, mycology, microbiology, entomology, nematology, and other zoological plant pests. Four parts of the journal are published annually.

Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

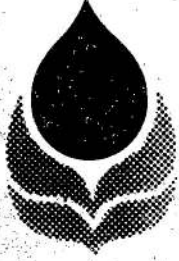
The journal is obtainable from the above-mentioned address at R5 plus GST per copy or R20 per annum, post free (Other countries R6,25 per copy or R25 per annum).

Help om ons land, Suid-Afrika,
skoon te hou!



Please keep our country, South
Africa, clean!

Werk mooi daarmee

Ons leef  daarvan

water is kosbaar

Use it

Don't abuse  it

water is for everybody

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