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PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 225, 1986

AMENDMENT OF REGULATIONS UNDER THE PUBLIC SAFETY ACT, 1953

Under the powers vested in me by section 3 (1) (a) of the Public Safety Act, 1953 (Act 3 of 1953), I hereby make the regulations contained in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-seventh day of November, 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

Definition

1. In these regulations "the Regulations" means the regulations published by Proclamation R. 109 of 12 June 1986, as amended by Proclamations R. 110 of 17 June 1986, R. 121 of 27 June 1986, R. 125 of 8 July 1986 and R. 140 of 1 August 1986.

Amendment of regulation 1 of the Regulations (amended by Proclamation R. 110 of 1986)

2. Regulation 1 of the Regulations is hereby amended—
(a) by the insertion after the definition of "Act" of the following definition:

" 'Commissioner' means the Commissioner of the South African Police, and for the purposes of the application of a provision of these regulations in or in respect of—

(a) a division as defined in section 1 of the Police Act, 1958 (Act 7 of 1958), the said Commissioner or the Divisional Commissioner designated under that Act for that division; or

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 225, 1986

WYSIGING VAN 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 die regulasies vervat in die Bylae uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewe-en-twintigste dag van November Eenduisend Negehonderd Ses-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

L. LE GRANGE,
Minister van die Kabinet.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Proklamasie R. 109 van 12 Junie 1986, soos gewysig deur Proklamasies R. 110 van 17 Junie 1986, R. 121 van 27 Junie 1986, R. 125 van 8 Julie 1986 en R. 140 van 1 Augustus 1986.

Wysiging van regulasie 1 van die Regulasies (gewysig deur Proklamasie R. 110 van 1986)

2. Regulasie 1 van die Regulasies word hierby gewysig—
(a) deur voor die omskrywing van "druk" die volgende omskrywing in te voeg:

" 'byeenkoms' enige byeenkoms, toeloop of optog van enige getal persone;";

- (b) a self-governing territory, the said Commissioner or the Commissioner or other officer in charge of the police force of the government of that self-governing territory;";
- (b) by the insertion after the definition of "Force" of the following definition:
 " 'gathering' means any gathering, concourse or procession of any number of persons;"; and
- (c) by the addition of the following subregulation, the existing regulation becoming subregulation (1):
 "(2) A provision of these regulations which does not already by itself limit the application, effect or scope thereof to matters connected with the purposes referred to in section 3 (1) (a) of the Act, shall, notwithstanding the fact that the words of that provision may literally have a wider meaning, be construed in such a manner as to limit the application, effect or scope thereof to the said matters."

Amendment of regulation 3 of the Regulations (amended by Proclamations R. 110 of 1986, R. 125 of 1986 and R. 140 of 1986)

3. Regulation 3 of the Regulations is hereby amended—

- (a) by the substitution for subregulation (6) of the following subregulation:
 "(6) (a) The Minister may, subject to paragraph (b), at any time by notice signed by him, order that a person detained in terms of this regulation be released from detention.
 (b) The Minister may for the purpose of the safety of the public, the maintenance of public order or the termination of the state of emergency, and without prior notice to any person and without hearing any person—
 (i) subject the release under paragraph (a) of a person to such conditions as may be specified in a notice signed by him and addressed to that person;
 (ii) at any time after the release of such a person, by further notice signed by him and addressed to such person, revoke or amend any condition imposed under subparagraph (i) or impose any new condition as may be specified in such notice."; and
- (b) by the deletion of subregulation (7).

Amendment of regulation 7 of the Regulations (amended by Proclamation R. 140 of 1986)

4. Regulation 7 of the Regulations is hereby amended—

- (a) by the substitution in subregulation (1) for the words preceding paragraph (a) of the following words:
 "The Commissioner may for the purpose of the safety of the public, the maintenance of public order or the termination of the state of

- (b) deur na die omskrywing van "gevangenisse" die volgende omskrywing in te voeg:

" 'Kommissaris', die Kommissaris van die Suid-Afrikaanse Polisie, en by die toepassing van 'n bepaling van hierdie regulasies binne of ten opsigte van—

- (a) 'n afdeling soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet 7 van 1958), bedoelde Kommissaris of die Afdelingskommissaris wat kragtens daardie Wet vir daardie afdeling aangewys is; of
- (b) 'n selfregerende gebied, bedoelde Kommissaris of die Kommissaris of ander offisier in bevel van die polisiemag van die regering van daardie selfregerende gebied;"; en
- (c) deur die volgende subregulasie by te voeg, terwyl die bestaande regulasie subregulasie (1) word:

"(2) 'n Bepaling van hierdie regulasies wat nie reeds self die toepassing, uitwerking of bestek daarvan beperk tot aangeleenthede wat verband hou met die doeleindes vermeld in artikel 3 (1) (a) van die Wet nie, word, ondanks die feit dat die woorde van daardie bepaling letterlik 'n wyer strekking mag hê, uitgelê op 'n wyse wat die toepassing, uitwerking of bestek daarvan beperk tot bedoelde aangeleenthede."

Wysiging van regulasie 3 van die Regulasies (gewysig deur Proklamasies R. 110 van 1986, R. 125 van 1986 en R. 140 van 1986)

3. Regulasie 3 van die Regulasies word hierby gewysig—

- (a) deur subregulasie (6) deur die volgende subregulasie te vervang:
 "(6) (a) Die Minister kan, behoudens paragraaf (b), te eniger tyd by wyse van 'n kennisgewing deur hom onderteken, gelas dat 'n persoon wat ingevolge hierdie regulasie aangehou word, uit aanhouding vrygelaat word.
 (b) Die Minister kan vir die doel van die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, en sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor—
 (i) die vrylating kragtens paragraaf (a) van 'n persoon onderworpe stel aan voorwaardes vermeld in 'n kennisgewing deur hom onderteken en gerig aan daardie persoon;
 (ii) te eniger tyd na die vrylating van so 'n persoon, by 'n verdere kennisgewing deur hom onderteken en gerig aan daardie persoon, 'n voorwaarde kragtens subparagraaf (i) opgelê, intrek of wysig of 'n nuwe voorwaarde opleë na gelang in die kennisgewing vermeld word."; en

- (b) deur subregulasie (7) te skrap.

Wysiging van regulasie 7 van die Regulasies (gewysig deur Proklamasie R. 140 van 1986)

4. Regulasie 7 van die Regulasies word hierby gewysig—

- (a) deur in subregulasie (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 "Die Kommissaris kan vir die doel van die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die

emergency, and without prior notice to any person and without hearing any person, issue orders not inconsistent with these regulations—”;

- (b) by the insertion after paragraph (b) of subregulation (1) of the following paragraphs:

“(bA) whereby any particular gathering, or any gathering of a particular nature, class or kind, is prohibited at any place or in any area specified in the order;

- (bB) (i) prohibiting the holding of any particular gathering, or any gathering of a particular nature, class or kind, in any area specified in the order otherwise than in accordance with conditions likewise specified, which conditions may include conditions requiring the Commissioner’s prior approval for the time, date and place of the gathering, prescribing the hours of the day or the days of the week during which the gathering may or may not take place, limiting the number of persons who may attend the gathering and prohibiting persons not belonging to a specified category of persons from making speeches at the gathering;
- (ii) prohibiting persons from committing at a gathering referred to in subparagraph (i) any acts specified in the order, or from attending, or from remaining present at, a gathering in respect of which a condition specified in the order has not been or is not being complied with;
- (iii) requiring, in the case of a gathering which takes the form of a procession or a funeral procession, that the procession or funeral procession shall not proceed along any route other than the route determined by the Commissioner or that the persons forming the procession or funeral procession shall proceed in vehicles only;”;

- (c) by the deletion in subregulation (4) of the words “of the South African Police”; and

- (d) by the deletion of subregulation (5).

Amendment of regulation 8 of the Regulations (amended by Proclamations R. 110 of 1986, R. 121 of 1986 and R. 140 of 1986)

5. Regulation 8 of the Regulations is hereby amended by the deletion in paragraph (e) of the words “of the South African Police”.

Amendment of regulation 13 of the Regulations

6. Regulation 13 of the Regulations is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) contravenes or fails to comply with any order, direction or request under a provision of these regulations;”.

noodtoestand, en sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, bevele wat nie met hierdie regulasies onbestaanbaar is nie, uitreik—”;

- (b) deur na paragraaf (b) van subregulasie (1) die volgende paragrafe in te voeg:

“(bA) waarby ’n bepaalde byeenkoms, of enige byeenkoms van ’n bepaalde aard, klas of soort, op ’n plek of in ’n gebied in die bevel vermeld, verbied word;

- (bB) (i) wat verbied dat ’n bepaalde byeenkoms, of enige byeenkoms van ’n bepaalde aard, klas of soort, in ’n gebied in die bevel vermeld, gehou word behalwe ooreenkomstig voorwaardes ingelyks vermeld, watter voorwaardes voorwaardes kan insluit wat die Kommissaris se voorafverkreë goedkeuring vir die tyd, datum en plek van die byeenkoms vereis, wat die ure van die dag of die dae van die week voorskryf waartydens die byeenkoms mag plaasvind of nie mag plaasvind nie, wat ’n beperking plaas op die getal persone wat die byeenkoms mag bywoon en wat ’n verbod plaas op persone wat nie tot ’n vermelde kategorie persone behoort nie om toesprake by die byeenkoms te hou;
- (ii) wat persone verbied om handelinge in die bevel vermeld by ’n byeenkoms in subparagraaf (i) bedoel, te verrig of om so ’n byeenkoms ten opsigte waarvan ’n voorwaarde in die bevel vermeld nie aan voldoen is of word nie, by te woon of daarby aanwesig te bly;
- (iii) wat, in die geval van so ’n byeenkoms wat die vorm van ’n optog of begrafnisstoet aanneem, vereis dat die optog of begrafnisstoet nie langs ’n ander roete mag beweeg as die roete deur die Kommissaris bepaal nie of dat die persone wat die optog of begrafnisstoet uitmaak slegs in voertuie mag beweeg;”;

- (c) deur in subregulasie (4) die woorde “van die Suid-Afrikaanse Polisie” te skrap; en

- (d) deur subregulasie (5) te skrap.

Wysiging van regulasie 8 van die Regulasies (gewysig deur Proklamasies R. 110 van 1986, R. 121 van 1986 en R. 140 van 1986)

5. Regulasie 8 van die Regulasies word hierby gewysig deur in paragraaf (e) die woorde “van die Suid-Afrikaanse Polisie” te skrap.

Wysiging van regulasie 13 van die Regulasies

6. Regulasie 13 van die Regulasies word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) ’n bevel, opdrag of versoek kragtens ’n bepaling van hierdie regulasies, oortree of versuim om daaraan te voldoen;”.

Please keep our country, South Africa, clean!
Help om ons land, Suid-Afrika, skoon te hou!

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