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No. 10541

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 224, 1986

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 George this Tenth day of December, One thousand Nine hundred and Eighty-six.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

A. L. SCHLEBUSCH,
Minister of the Cabinet.

SCHEDULE

Definitions and interpretation

1. (1) In these regulations, unless the context otherwise indicates—

“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

(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;

“film recording” means any substance, film, magnetic tape or any other material on which the visual images (with or without any associated sound track) of a film as defined in section 47 of the Publications Act, 1974 (Act 42 of 1974), are recorded;

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 224, 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 die regulasies vervat in die Bylae uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te George, op hede die Tiende dag van Desember Eenduisend Negehonderd Ses-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. L. SCHLEBUSCH,
Minister van die Kabinet.

BYLAE

Woordomskrywing en uitleg

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“beperkte byeenkoms” enige byeenkoms ten opsigte waarvan 'n voorwaarde kragtens artikel 46 (1) (ii) van die Wet op Binnelandse Veiligheid, 1982 (Wet 74 van 1982), bepaal is of ten opsigte waarvan 'n voorwaarde, verbod of vereiste kragtens regulasie 7 (1) (bB) van die Veiligheidsregulasies opgelê of van krag is;

“byeenkoms” enige byeenkoms, toeloop of optog van enige getal persone;

“firma” ook 'n openbare onderneming;

“klankopname” 'n skyf, kasset, band, geperforeerde rol of ander uitvindsel waarin of waarop klanke op so 'n wyse vasgelê word dat dit daarvan voortgebring kan word;

“firm” includes a public undertaking;

“gathering” means any gathering, concourse or procession of any number of persons;

“local authority” means—

- (a) any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act 32 of 1961);
- (b) a local authority as defined in section 1 of the Black Local Authorities Act, 1982 (Act 102 of 1982);
- (c) a regional services council established under the Regional Services Councils Act, 1985 (Act 109 of 1985); or
- (d) a local government body established or deemed to be established under section 30 of the Black Administration Act, 1927 (Act 38 of 1927);

“Minister” means the Minister of Home Affairs;

“periodical” means a publication issued either at regular or irregular intervals;

“publication” means any newspaper, book magazine, pamphlet, brochure, poster, hand-bill or part thereof or addendum thereto;

“public place” includes—

- (a) any premises occupied by the State, a local authority or an educational institution or the controlling body of an educational institution;
- (b) any premises or place to which members of the public ordinarily or at specific times have access, irrespective of whether or not the right of admission to such premises or place is reserved and whether or not payment for such admission is required;

“publish”, in relation to a publication, television recording, film recording or sound recording, means any act whereby the publication or the television, film or sound recording—

- (a) is sold or leased, or is provided or made available free of charge, to a member of the public or is offered for sale, for hire or free of charge to such a member;
- (b) is sent through the post to a member of the public irrespective of whether or not that member has subscribed thereto; or
- (c) is taken personally or is sent by post or courier out of the Republic or is transmitted or sent from the Republic by whatever means of telecommunication,

and further includes, in relation to—

- (i) a publication, any act whereby such publication is posted up, exhibited, handed out or scattered at or in a public place or is displayed in such a way as to be visible from a public place;
- (ii) a television or sound recording, any act whereby the television or sound recording—
 - (aa) is shown or played at or in a public place or is shown or played in such a way as to be visible or audible from a public place; or
 - (bb) is broadcast in a way which enables a member of the public to receive it by means of a radio or television set;

“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;

“Minister” die Minister van Binnelandse Sake;

“ondermynende verklaring” 'n verklaring—

- (a) waarin lede van die publiek aangehits of aangeemoedig word of wat daarop bereken is om die uitwerking te hê om lede van die publiek aan te hits of aan te moedig—
 - (i) om deel te neem aan 'n bedrywigheid of om 'n daad te pleeg wat vermeld word in paragraaf (a), (b) of (c) van die omskrywing van “oproerigheid”;
 - (ii) om weerstand of verset te bied teen 'n lid van die Kabinet of 'n Ministersraad of 'n ander lid van die Regering of 'n beampte van die Republiek of 'n lid van die Kabinet van 'n selfregerende gebied of 'n beampte van 'n selfregerende gebied of 'n lid van 'n veiligheidsmag by die uitoefening of verrigting deur so 'n lid of beampte van 'n bevoegdheid of werksaamheid ingevolge 'n bepaling van 'n regulasie uitgevaardig kragtens die Wet op Openbare Veiligheid, 1953, of van 'n wet ter reëling van die veiligheid van die publiek of die handhawing van die openbare orde;
 - (iii) om deel te neem aan 'n boikotaksie—
 - (aa) teen 'n bepaalde firma of teen firmas van 'n bepaalde aard, klas of soort, deur of nie inkoop te doen by of ander sake te doen met of gebruik te maak van dienste gelewer deur daardie bepaalde firma of enige firmas van daardie bepaalde aard, klas of soort nie of slegs inkoop te doen by of ander sake te doen met of gebruik te maak van dienste gelewer deur ander firmas as daardie bepaalde firma of as firmas van daardie bepaalde aard, klas of soort;
 - (bb) teen 'n bepaalde produk of artikel of teen produkte of artikels van 'n bepaalde aard, klas of soort, deur nie daardie bepaalde produk of artikel of enige produkte of artikels van daardie bepaalde aard, klas of soort te koop nie; of
 - (cc) teen 'n bepaalde onderwysinrigting of onderwysinrigtings van 'n bepaalde aard, klas of soort, deur te weier om klasse by te woon of aan ander werksaamhede deel te neem by daardie bepaalde inrigting of enige inrigtings van daardie bepaalde aard, klas of soort;
- (iv) om deel te neem aan 'n aksie van burgerlike ongehoorsaamheid—
 - (aa) deur te weier om te voldoen aan 'n bepaling van, of 'n voorskrif kragtens, die een of ander wet of deur so 'n bepaling of voorskrif te oortree; of

- (iii) a film recording, any act whereby a film recording is shown at or in a public place or is shown in such a way as to be visible from a public place;

"restricted gathering" means any gathering in respect of which a condition has been determined under section 46 (1) (ii) of the Internal Security Act, 1982 (Act 74 of 1982), or in respect of which a condition, prohibition or requirement has been imposed or is of force under regulation 7 (1) (bB) of the Security Regulations;

"security action" means any action by a security force or a member of a security force which to a reasonable bystander would appear to be any of the following actions, namely—

- (a) any action to terminate any unrest;
- (b) any action to protect life or property in consequence of any unrest;
- (c) any follow-up action after any unrest has been terminated or has ended;
- (d) any action taken under regulation 2 of the Security Regulations; or
- (e) any action whereby a person is arrested—
 - (i) on a charge for an offence under these regulations or any other regulations made under the Public Safety Act, 1953;
 - (ii) on a charge for an offence mentioned in the definition of "unrest" or committed in the course of any unrest or of any incident arising from unrest or connected therewith; or
 - (iii) under regulation 3 (1) of the Security Regulations;

"security force" means—

- (a) the South African Police referred to in the definition of "the Force" in section 1 of the Police Act, 1958 (Act 7 of 1958);
- (b) any part of the said South African Police of which the control, organisation and administration have been transferred to the government of a self-governing territory;
- (c) any police force established by or under a law of a self-governing territory;
- (d) the South African Defence Force referred to in section 5 of the Defence Act, 1957 (Act 44 of 1957);
- (e) the Prisons Service established by section 2 of the Prisons Act, 1959 (Act 8 of 1959); or
- (f) a police force under the control of a local authority,

and also any part of any such force or any combination of two or more of such forces or of parts of such forces;

"Security Regulations" means the regulations published by Proclamation R. 109 of 12 June 1986, as amended;

"self-governing territory" means a territory declared under section 26 of the National States Constitution Act, 1971 (Act 21 of 1971), to be a self-governing territory within the Republic;

"sound recording" means any disc, cassette, tape, perforated roll or other device in or on which sounds are embodied so as to be capable of being reproduced therefrom;

- (bb) deur te weier om te voldoen aan 'n verpligting teenoor 'n plaaslike owerheid ten opsigte van huishuur of 'n munisipale diens;

- (v) om van die werk af weg te bly of anders as ooreenkomstig die voorskrifte van die Wet op Arbeidsverhoudinge, 1956 (Wet 28 van 1956), of enige ander toepaslike wet wat arbeidsverhoudinge reël, te staak of so 'n wegbly-aksie of staking te ondersteun;
- (vi) om 'n beperkte byeenkoms by te woon of om daaraan deel te neem;
- (vii) om by wyse van strukture wat plaaslike owerheidsstrukture heet te wees en op 'n onwettige wyse as sodanig optree, mag en gesag in bepaalde gebiede uit te oefen, of om sodanige strukture tot stand te bring, of om sodanige strukture te ondersteun, of om hulself aan die gesag van sodanige strukture te onderwerp, of om betalings verskuldig aan plaaslike owerhede aan sodanige strukture te doen;
- (viii) om by wyse van onwettige strukture, prosedures of metodes wat geregtelike strukture, prosedures of metodes heet te wees, persone te vervolg, te verhoor of te straf, of om sodanige strukture, prosedures of metodes te ondersteun, of om hulself aan die gesag van sodanige strukture, prosedures of metodes te onderwerp; of
- (ix) om 'n ander handeling of versuim te begaan wat deur die Kommissaris by kennisgewing in die *Staatskoerant* geïdentifiseer is as 'n handeling of versuim wat die uitwerking het om die veiligheid van die publiek of die handhawing van die openbare orde te bedreig of die beëindiging van die noodtoestand te vertraag; of

- (b) waardeur die stelsel van verpligte militêre diens in diskrediet gebring of ondermyn word;

"oproerigheid" enige bedrywigheid of gedrag wat vir 'n redelike omstander sou blyk enige een of meer van die volgende bedrywighede of wyses van gedrag te wees, naamlik—

- (a) enige byeenkoms in stryd met 'n bevel kragtens regulasie 7 van die Veiligheidsregulasies of met 'n bepaling van 'n ander wet of met die een of ander verbod, lasgewing of ander voorskrif kragtens so 'n bepaling;
- (b) enige fisiese aanval op 'n veiligheidsmag of op 'n lid van 'n veiligheidsmag of op 'n lid van 'n plaaslike owerheid of op die huis of huisgesin van 'n lid van 'n veiligheidsmag of plaaslike owerheid deur 'n groep persone; of
- (c) enige gedrag wat oproer, openbare geweldpleging of 'n oortreding van artikel 1 (1) (a) van die Wet op Intimidasie, 1982 (Wet 72 van 1982), daarstel;

"periodieke publikasie" 'n publikasie wat hetsy met gereelde of ongereelde tussenpose uitgegee word;

"plaaslike owerheid"—

- (a) 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet 32 van 1961);
- (b) 'n plaaslike owerheid soos omskryf in artikel 1 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet 102 van 1982);

"subversive statement" means a statement—

- (a) in which members of the public are incited or encouraged or which is calculated to have the effect of inciting or encouraging members of the public—

- (i) to take part in any activity or to commit any act mentioned in paragraph (a), (b) or (c) of the definition of "unrest";

- (ii) to resist or oppose any member of the Cabinet or a Ministers' Council or any other member of the Government or any official of the Republic or any member of the Cabinet of a self-governing territory or any official of a self-governing territory or any member of a security force in the exercise or performance by any such member or official of a power or function in terms of a provision of a regulation made under the Public Safety Act, 1953, or of a law regulating the safety of the public or the maintenance of public order;

- (iii) to take part in a boycott action—

- (aa) against any particular firm or against firms of any particular nature, class or kind, either by not making any purchases at or doing other business with or making use of services rendered by that particular firm or any firms of that particular nature, class or kind or by making purchases only at or doing other business only with or making use only of services rendered by firms other than that particular firm or other than firms of that particular nature, class or kind;

- (bb) against any particular product or article or against products or articles of any particular nature, class or kind, by not purchasing that particular product or article or any products or articles of that particular nature, class or kind; or

- (cc) against any particular educational institution or against educational institutions of any particular nature, class or kind, by refusing to attend classes or to participate in other activities at that particular institution or at any institutions of that particular nature, class or kind.

- (iv) to take part in an act of civil disobedience—

- (aa) by refusing to comply with a provision of, or requirement under, any law or by contravening any such provision or requirement; or

- (bb) by refusing to comply with an obligation towards a local authority in respect of rent or a municipal service;

- (v) to stay away from work or to strike otherwise than in accordance with the provisions of the Labour Relations Act, 1956 (Act 28 of 1956), or any other appropriate law regulating labour relations or to support any such stayaway action or strike;

- (c) 'n streeksdiensteraad ingestel kragtens die Wet op Streeksdiensterade, 1985 (Wet 109 van 1985); of

- (d) 'n plaaslike bestuursliggaam wat ingestel is of geag word ingestel te wees kragtens artikel 30 van die Swart Administrasie Wet, 1927 (Wet 38 van 1927);

"publieke plek" ook—

- (a) 'n perseel wat deur die Staat, 'n plaaslike owerheid, 'n onderwysinrigting of die beheerliggaam van 'n onderwysinrigting geokkupeer word;

- (b) 'n perseel of plek waartoe lede van die publiek gewoonlik of op bepaalde tye toegang het, ongeag of die reg van toegang tot so 'n perseel of plek voorbehoud is of nie en of betaling vir sodanige toegang vereis word of nie;

"publikasie" 'n koerant, boek, tydskrif, pamflet, brosjure, aanplak- of strooibiljet of deel daarvan of byvoegsel daarby;

"publiseer", met betrekking tot 'n publikasie, televisie-opname, rolprentopname of klankopname, enige handeling waardeur die publikasie of die televisie-, rolprent- of klankopname—

- (a) aan 'n lid van die publiek verkoop, verhuur of gratis verskaf of beskikbaar gestel word of aan so 'n lid te koop, te huur of gratis aangebied word;

- (b) oor die pos aan 'n lid van die publiek versend word, hetsy daardie lid daarop ingeteken het of nie; of

- (c) uit die Republiek persoonlik geneem of per pos of koerier versend word of deur watter telekommunikasiemiddel ook al vanuit die Republiek oorgesend of gestuur word,

en voorts, met betrekking tot—

- (i) 'n publikasie, ook enige handeling waardeur die publikasie op of in 'n publieke plek opgeplak, uitgestal, uitgedeel of uitgestrooi word of op so 'n wyse vertoon word dat dit vanaf 'n publieke plek sigbaar is;

- (ii) 'n televisie- of klankopname, ook enige handeling waardeur die televisie- of klankopname—

- (aa) op of in 'n publieke plek vertoon of gespeel word of op so wyse vertoon of gespeel word dat dit vanaf 'n publieke plek sigbaar of hoorbaar is; of

- (bb) uitgesaai word op 'n wyse wat 'n lid van die publiek in staat stel om dit by wyse van 'n radio of televisiestel te ontvang;

- (iii) 'n rolprentopname, ook enige handeling waardeur 'n rolprentopname op of in 'n publieke plek vertoon word of op so 'n wyse vertoon word dat dit vanaf 'n publieke plek sigbaar is;

"rolprentopname" enige stof, film, magnetiese band of enige ander materiaal waarop die visuele beelde (met of sonder 'n gepaardgaande klankbaan) van 'n rolprent soos omskryf in artikel 47 van die Wet op Publikasies, 1974 (Wet 42 van 1974), vasgelê is;

"selfregerende gebied" 'n gebied wat kragtens artikel 26 van die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), tot 'n selfregerende gebied binne die Republiek verklaar is;

"televisie-opname" 'n kasset, band of ander uitvindsel waarin of waarop visuele beelde (met of sonder 'n gepaardgaande klankbaan) op so 'n wyse vasgelê word

dat dit op 'n televisiestel voorgebring kan word en, sover 'n rolprentopname vir televisie-uitsendings gebruik kan word, ook 'n rolprentopname;

— "veiligheidsmag"

(a) die Suid-Afrikaanse Polisie bedoel in die omskrywing van "die Mag" in artikel 1 van die Polisiewet, 1958 (Wet 7 van 1958);

(b) enige deel van genoemde Suid-Afrikaanse Polisie waarvan die beheer, organisasie en administrasie aan die regering van 'n selfregerende gebied oorgedra is;

(c) 'n polisiemag by of kragtens 'n wet van 'n selfregerende gebied ingestel;

(d) die Suid-Afrikaanse Weermag bedoel in artikel 5 van die Verdedigingswet, 1957 (Wet 44 van 1957);

(e) die Gevangenisdiens ingestel by artikel 2 van die Wet op Gevangenis, 1959 (Wet 8 van 1959); of

(f) 'n polisiemag onder die beheer van 'n plaaslike owerheid,

en ook enige deel van so 'n mag of enige samestelling van twee of meer van sodanige magte of van dele van sodanige magte;

"veiligheidsoprede" enige oprede deur 'n veiligheidsmag of 'n lid van 'n veiligheidsmag wat vir 'n redelike omstander sou blyk enige een of meer van die volgende optredes te wees, naamlik—

(a) enige oprede ter beëindiging van enige oproerigheid;

(b) enige oprede ter beskerming van lewe of eiendom na aanleiding van enige oproerigheid;

(c) enige opvolgoprede na beëindiging of afloop van enige oproerigheid;

(d) enige oprede kragtens regulasie 2 van die Veiligheidsregulasies; of

(e) enige oprede waarby 'n persoon gearresteer word—

(i) op aanklag weens 'n misdryf ingevolge hierdie regulasies of enige ander regulasies uitgevaardig kragtens die Wet op Openbare Veiligheid, 1953;

(ii) op aanklag weens 'n misdryf vermeld in die omskrywing van "oproerigheid" of wat gepleeg is in die loop van enige oproerigheid of van enige voortspuit of daarmee in verband staand; of

(iii) kragtens regulasie 3 (1) van die Veiligheidsregulasies;

"Veiligheidsregulasies" die regulasies afgekondig by Proklamasie R. 109 van 12 Junie 1986, soos gewysig.

(2) 'n Bepaling van hierdie regulasies wat nie reeds self aangeleentheidde wat verband hou met die doeleindes vermeld in artikel 3 (1) (a) van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), nie, word, ondanks die feit dat die woorde van daardie bepaling letterlik 'n wyer strekking mag he, uitgele op 'n wyse wat die toepassing, uitwerking of bestek daarvan beperk tot bedoelede aangeleentheid.

Aanwesigheid van joernaliste ens. by oproerigheid of veiligheidsopredes

2. (1) Behoudens subregulasie (2) mag geen joernalis, nuusverslaggewer, nuuskorrespondent, nuuskorrespondent, koerant- of tydskrif-fotograaf, operateur van 'n televisie-

(vi) to attend or to take part in any restricted gathering;

(vii) to exert power and authority in specific areas by way of structures purporting to be structures of local government and acting as such in a unlawful manner, or to establish such structures, or to support such structures, or to subject themselves to the authority of such structures, or to make payments due to local authorities to such structures;

(viii) to prosecute, to try or to punish persons by way of unlawful structures, procedures or methods purporting to be judicial structures, procedures or methods, or to support such structures, procedures or methods, or to subject themselves to the authority of such structures, procedures or methods; or

(ix) to commit any other act or omission identified by the Commissioner by notice in the Gazette as an act or omission which has the effect of threatening the safety of the public or the maintenance of public order or of delaying the termination of the state of emergency; or

(b) by which the system of compulsory military service is discredited or undermined;

"television recording" means any cassette, tape or other device in or on which visual images (with or without an associated sound track) are embodied in such a way so as to be capable of being reproduced on a television set and, in so far as a film recording is capable of being used for television broadcasts, also a film recording;

"unrest" means any activity or conduct which to a reasonable bystander would appear to be any one or more of the following activities or forms of conduct, namely—

(a) any gathering in contravention of an order under regulation 7 of the Security Regulations or of a provision of any other law or of any prohibition, direction or other requirement under any such provision;

(b) any physical attack on a security force or on a member of a security force or on a member of a local authority or on the house or family of a member of a security force or local authority by a group of persons; or

(c) any conduct which constitutes riot, public violence or a contravention of section 1 (1) (a) of the Intimidation Act, 1982 (Act 72 of 1982).

(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.

Presence of journalists etc., at unrest or security actions

2. (1) Subject to subregulation (2) no journalist, news-reporter, news commentator, news correspondent, newspaper or magazine photographer, operator of any television

or other camera or of any television, sound, film or other recording equipment, person carrying or assisting in the conveyance or operation of such camera or equipment, or other person covering events for the purpose of gathering news material for the distribution or publication thereof in the Republic or elsewhere, shall, without the prior consent of the Commissioner or of any member of a security force who serves as a commissioned officer in that force, be on the scene, or at a place within sight, of any unrest, restricted gathering or security action.

(2) The provisions of subregulation (1)—

(a) shall not apply to any person mentioned therein who—

(i) at the commencement of any unrest, restricted gathering or security action happens to be on the scene, or at a place within sight, of that unrest, gathering or action; or

(ii) after the commencement of any unrest, restricted gathering or security action happens to arrive on the scene, or at a place within sight, of that unrest, gathering or action for a reason other than to cover that unrest, gathering or action for the gathering of news material,

provided such a person immediately leaves the scene of that unrest, gathering or action or removes himself within such time as is reasonably required under the circumstances to a place where that unrest, gathering or action is out of his sight;

(b) shall not prevent a person mentioned therein from being in his residence or on the premises where he ordinarily works or on his way to or from his residence or any such premises.

Publication control

3. (1) Subject to subregulation (4) no person shall publish or cause to be published any publication, television recording, film recording or sound recording containing news or comment on or in connection with—

(a) any security action;

(b) any deployment of a security force, or of vehicles, armaments, equipment or other appliances, which to a reasonable bystander would appear to be for the purposes of security action;

(c) any restricted gathering, in so far as such news or comment discloses at any time before the gathering takes place the time, date, place and purpose of such gathering, or gives an account of any speech, statement or remark of any speaker who performed at the gathering in contravention of a condition, prohibition or requirement determined or imposed under a law mentioned in the definition of "restricted gathering";

(d) any action or boycott by members of the public which is an action or boycott referred to in paragraph (a) (iii), (iv) or (v) of the definition of "subversive statement", in so far as such news or comment discloses particulars of the extent to which such action or boycott is successful or of the manner in which members of the public are intimidated, incited or encouraged to take part in or to support such action or boycott or gives an account of any incidents in connection with such intimidation, incitement or encouragement;

(e) any structures referred to in paragraph (a) (vii) or (viii) of the definition of "subversive statement", in so far as such news or comment discloses particulars of the manner in which members of the public are

ander kamera of van enige televisie-, klank-, rolprent- of ander opnametoerusting, persoon wat so 'n kamera of toerusting dra of met die vervoer of aanwending daarvan behulpsaam is, of ander persoon wat gebeurde dek met die doel om nuusmateriaal in te win vir die verspreiding of publikasie daarvan in die Republiek of elders, sonder die voorafverkreë toestemming van die Kommissaris of van 'n lid van 'n veiligheidsmag wat as 'n offisier in daardie mag dien, op die toneel, of op 'n plek binne sig, van enige oproerigheid, beperkte byeenkoms of veiligheidsoptrede wees nie.

(2) Die bepalinge van subregulasie (1)—

(a) is nie op 'n daarinvermelde persoon van toepassing nie wat—

(i) by aanvang van enige oproerigheid, beperkte byeenkoms of veiligheidsoptrede hom op die toneel, of op 'n plek binne sig, van daardie oproerigheid, byeenkoms of optrede bevind; of

(ii) ná aanvang van enige oproerigheid, beperkte byeenkoms of veiligheidsoptrede op die toneel, of op 'n plek binne sig, van daardie oproerigheid, byeenkoms of optrede aankom weens 'n ander rede as om daardie oproerigheid, byeenkoms of optrede vir die inwin van nuusmateriaal te dek,

mits so 'n persoon onmiddellik die toneel van daardie oproerigheid, byeenkoms of optrede verlaat of homself binne 'n tydsbestek wat redelikerwyse in die omstandighede nodig is na 'n plek verwyder waar daardie oproerigheid, byeenkoms of optrede buite sy sig is;

(b) belet nie 'n daarinvermelde persoon om in sy woning of op die perseel waar hy gewoonlik werk of op pad na of van sy woning of so 'n perseel te wees nie.

Publikasiebeheer

3. (1) Behoudens subregulasie (4) mag geen persoon enige publikasie, televisie-opname, rolprentopname of klankopname publiseer of laat publiseer nie wat nuus of kommentaar bevat oor of in verband met—

(a) enige veiligheidsoptrede;

(b) enige ontplooiing van 'n veiligheidsmag, of van voertuie, wapentuig, toerusting of ander hulpmiddels, wat vir 'n redelike omstander vir die doel van veiligheidsoptrede sou blyk te wees;

(c) enige beperkte byeenkoms, in soverre sodanige nuus of kommentaar die tyd, datum, plek of doel van die byeenkoms te eniger tyd voordat die byeenkoms plaasvind, openbaar, of 'n relaas gee van 'n toespraak, verklaring of uittaling van enige spreker wat by die byeenkoms in stryd met 'n voorwaarde, verbod of vereiste bepaal of opgelê kragtens 'n wet vermeld in die omskrywing van "beperkte byeenkoms" opgetree het;

(d) enige aksie of boikot deur lede van die publiek wat 'n aksie of boikot bedoel in paragraaf (a) (iii), (iv) of (v) van die omskrywing van "ondermynende verklaring" is, in soverre sodanige nuus of kommentaar besonderhede openbaar van die mate waarin die aksie of boikot suksesvol is of van die wyse waarop lede van die publiek geïntimideer, aangehits of aangemoedig word om aan die aksie of boikot deel te neem of dit te ondersteun of 'n relaas gee van enige voorvalle in verband met sodanige intimidasie, aanhitsing of aanmoediging;

(e) enige strukture bedoel in paragraaf (a) (vii) of (viii) van die omskrywing van "ondermynende verklaring", in soverre sodanige nuus of kommentaar besonderhede openbaar van die wyse waarop lede van

intimidated, incited or encouraged to support such structures or to subject themselves to the authority of such structures;

- (f) any speech, statement or remark of a person in respect of whom steps under a provision of Chapter 3 of the Internal Security Act, 1982, or a condition under regulation 3 (6) of the Security Regulations are in force, in so far as any such speech, statement or remark has the effect or is calculated to have the effect of threatening the safety of the public or the maintenance of the public order or of delaying the termination of the state of emergency;
- (g) the circumstances of, or treatment in, detention of a person who is or was detained under regulation 3 of the Security Regulations; or
- (h) the release of a person who is detained under the said regulation 3.

(2) Subject to subregulation (4) no person shall broadcast any news or comment on or in connection with a matter specified in subregulation (1) live on any television or radio service.

(3) No person shall publish any publication in which any blank space or any obliteration or deletion of part of the text of a report or of a photograph or part of a photograph appears if that blank space, obliteration or deletion, as may appear from an express statement or a sign or symbol in that publication or from the particular context in which that blank space, obliteration or deletion appears, is intended to be understood as a reference to the effect of a provision of these regulations.

(4) The provisions of this regulation shall not prevent—

- (a) any person from publishing a publication or a television, film or sound recording containing news or comment on or in connection with any matter specified in subregulation (1) in so far as particulars of any such matter—
 - (i) are disclosed, announced or released, or authorized for publication, by a member of the Cabinet or of a Ministers' Council, a Deputy Minister or a spokesman of the Government;
 - (ii) appear from debates, documents or proceedings of Parliament or the President's Council; or
 - (iii) appear from judicial proceedings, excluding proceedings in which evidence was submitted or given either by way of affidavit or *viva voce* relating to the circumstances or manner of arrest or the circumstances of, or the treatment in, detention of a person who is or was detained under regulation 3 of the Security Regulations and in which the court concerned has not yet given a final judgment; or
- (b) a *bona fide* library from lending to a member of the public in the normal course of its activities any publication containing news or comment on or in connection with any matter.

(5) The Minister may make rules prescribing the procedure by which and the authority or person through whom any authorization referred to in subregulation (4) (a) (i) may be obtained.

die publiek geïntimideer, aangehits of aangemoedig word om sodanige strukture te ondersteun of hulself aan die gesag van sodanige strukture te onderwerp;

- (f) enige toespraak, verklaring of uitlating van 'n persoon ten opsigte van wie stappe kragtens 'n bepaling van Hoofstuk 3 van die Wet op Binnelandse Veiligheid, 1982, of 'n voorwaarde kragtens regulasie 3 (6) van die Veiligheidsregulasies van krag is, in soverre so 'n toespraak, verklaring of uitlating die uitwerking het of daarop bereken is om die uitwerking te hê om die veiligheid van die publiek of die handhawing van die openbare orde te bedreig of om die beëindiging van die noodtoestand te vertraag;
- (g) die omstandighede van, of behandeling in, aanhouding van 'n persoon wat kragtens regulasie 3 van die Veiligheidsregulasies aangehou word of is; of
- (h) die vrylating van 'n persoon wat kragtens genoemde regulasie 3 aangehou word.

(2) Behoudens subregulasie (4) mag geen persoon enige nuus of kommentaar oor of in verband met 'n aangeleentheid in subregulasie (1) vermeld, regstreeks oor 'n televisie- of radio-diens uitsaai nie.

(3) Geen persoon mag 'n publikasie publiseer waarin 'n blanko spasie of enige uitdowing of deurhaling van 'n gedeelte van die teks van 'n berig of van 'n foto of gedeelte van 'n foto verskyn nie indien daardie blanko spasie, uitdowing of deurhaling, soos blyk uit 'n uitdruklike verklaring of 'n teken of simbool in daardie publikasie of uit die besondere samehang waarin daardie blanko spasie, uitdowing of deurhaling verskyn, bedoel is om verstaan te word as 'n verwysing na die uitwerking van 'n bepaling van hierdie regulasies.

(4) Die bepalinge van hierdie regulasie belet nie—

- (a) 'n persoon om 'n publikasie of 'n televisie-, rolprent- of klankopname wat nuus of kommentaar bevat oor of in verband met 'n aangeleentheid in subregulasie (1) vermeld, te publiseer nie in soverre besonderhede van so 'n aangeleentheid—
 - (i) deur 'n lid van die Kabinet of van 'n Ministersraad, 'n Adjunk-minister of 'n woordvoerder van die Regering geopenbaar, aangekondig of vrygestel of vir publikasie gemagtig word;
 - (ii) blyk uit debatte, stukke of verrigtinge van die Parlement of die Presidentsraad; of
 - (iii) blyk uit geregtelike verrigtinge, uitgesonderd verrigtinge waarin getuienis hetsy by wyse van eedsverklaring of *viva voce* voorgelê of afgelê is betreffende die omstandighede of wyse van arrestasie of die omstandighede van, of behandeling in, aanhouding van 'n persoon wat kragtens regulasie 3 van die Veiligheidsregulasies aangehou word of is en waarin die betrokke hof nog nie 'n finale uitspraak gegee het nie; of
- (b) 'n *bona fide*-biblioteek om 'n publikasie wat nuus of kommentaar oor of in verband met so 'n aangeleentheid bevat, aan 'n lid van die publiek in die gewone loop van sy werksaamhede uit te leen nie.

(5) Die Minister kan reëls uitvaardig wat die prosedure waarop en die gesag of persoon deur bemiddeling van wie 'n magtiging bedoel in subregulasie (4) (a) (i) verkry kan word, voorskryf.

Taking of photographs, etc., of unrest or security actions

4. (1) No person shall without the prior consent of the Commissioner or of a member of a security force serving as a commissioned officer in that force take any photograph or make or produce any television recording, film recording, drawing or other depiction—

- (a) of any unrest or security action or of any incident occurring in the course thereof, including the damaging or destruction of property or the injuring or killing of persons; or
- (b) of any damaged or destroyed property or injured or dead persons or other visible signs of violence on the scene where unrest or security action is taking or has taken place or of any injuries sustained by any person in or during unrest or security action.

(2) No person shall without the prior consent of the Commissioner or of a member of a security force serving as a commissioned officer in that force make any sound recording of any unrest or security action or of any incident occurring in the course thereof, including the damaging or destruction of property or the injuring or killing of persons.

Making, publishing, etc., of subversive statements

5. No person shall—

- (a) whether orally or in writing make any subversive statement or cause such a statement to be made;
- (b) produce a publication in which a subversive statement appears or cause such a publication to be produced;
- (c) produce a television, film or sound recording in which a subversive statement is recorded or cause such a television, film or sound recording to be produced; or
- (d) publish or import into the Republic a publication or a television, film or sound recording containing a subversive statement or cause such a publication or such a television, film or sound recording to be published or imported into the Republic.

Seizure of certain publications or recordings

6. (1) If a publication or a television, film or sound recording is produced, published or imported into the Republic in contravention of a provision of regulation 5 (b), (c) or (d) or 3 (1) the Minister or the Commissioner may, without prior notice to any person and without hearing any person, issue an order under his hand ordering the seizure of that publication or television, film or sound recording.

(2) An order under subregulation (1), shall, unless otherwise specified in the order, be carried out in respect of all copies or reproductions of the publication or television, film or sound recording which have been so produced, published or imported into the Republic in contravention of the said provision.

(3) An order under subregulation (1) shall be carried out by a member of a security force in possession of a document being or purporting to be such an order or a copy or reproduction thereof, and any such member may for the purposes of such seizure—

- (a) enter any vehicle or premises in or on which the publication or recording, or copy or reproduction thereof, to which the order relates, is or is suspected to be found; and
- (b) in or on that vehicle or those premises do all such things as are reasonably necessary to carry out the order.

(4) A document referred to in subregulation (3) shall be produced to a person affected thereby at his request.

Neem van foto's, ens. van oproerigheid of veiligheids-optredes

4. (1) Geen persoon mag sonder die voorafverkreë toestemming van die Kommissaris of van 'n lid van 'n veiligheidsmag wat as 'n offisier in daardie mag dien, enige foto neem of enige televisie-opname, rolprentopname, tekening of ander uitbeelding maak of vervaardig nie—

- (a) van enige oproerigheid of veiligheidsoptrede of van enige voorval wat in die loop daarvan plaasvind, met inbegrip van die beskadiging of vernietiging van eiendom of die besering of doding van persone; of
- (b) van enige beskadigde of vernietigde eiendom of beseerde of dooie persone of ander sigbare tekens van geweld op die toneel waar enige oproerigheid of veiligheidsoptrede plaasvind of plaasgevind het of van enige beserings deur enige persoon opgedoen in of tydens oproerigheid of veiligheidsoptrede.

(2) Geen persoon mag sonder die voorafverkreë toestemming van die Kommissaris of van 'n lid van 'n veiligheidsmag wat as 'n offisier in daardie mag dien, enige klankopname maak nie van enige oproerigheid of veiligheidsoptrede of van enige voorval wat in die loop daarvan plaasvind, met inbegrip van die beskadiging of vernietiging van eiendom of die besering of doding van persone.

Maak, publiserings, ens. van ondermynende verklarings

5. Geen persoon mag—

- (a) 'n ondermynende verklaring hetsy mondeling of skriftelik maak of laat maak nie;
- (b) 'n publikasie voortbring of laat voortbring waarin 'n ondermynende verklaring verskyn nie;
- (c) 'n televisie-, rolprent- of klankopname maak of laat maak waarin 'n ondermynende verklaring opgeneem is nie; of
- (d) 'n publikasie of 'n televisie-, rolprent- of klankopname wat 'n ondermynende verklaring bevat, publiseer of laat publiseer of in die Republiek invoer of laat invoer nie.

Beslaglegging op sekere publikasies of opnames

6. (1) Indien 'n publikasie of 'n televisie-, rolprent- of klankopname in stryd met 'n bepaling van regulasie 5 (b), (c) of (d) of 3 (1) voortgebring, gemaak, gepubliseer of in die Republiek ingevoer is, kan die Minister of die Kommissaris, sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, 'n bevel onder sy handtekening uitreik waarby die beslaglegging daardie publikasie of televisie-, rolprent- of klankopname beveel word.

(2) 'n Bevel kragtens subregulasie (1) moet, tensy in die bevel anders vermeld, ten uitvoer gelê word ten opsigte van alle kopieë, eksimplare of reproduksies van die publikasie of televisie-, rolprent- of klankopname wat aldus in stryd met bedoelde bepaling voortgebring, gemaak, gepubliseer of in die Republiek ingevoer is.

(3) 'n Bevel kragtens subregulasie (1) word ten uitvoer gelê deur 'n lid van 'n veiligheidsmag in besit van 'n geskrif wat so 'n bevel of 'n afskrif of reproduksie daarvan is of heet te wees, en so 'n lid kan vir die doeleindes van die beslaglegging—

- (a) enige voertuig of perseel betree waarin of waarop die publikasie of opname, of 'n kopie, eksimplaar of reproduksie daarvan, waarop die bevel betrekking het, is of vermoed word te wees; en
- (b) op of in daardie voertuig of perseel alles doen wat redelikerwyse nodig is om die bevel ten uitvoer te lê.

(4) 'n Geskrif in subregulasie (3) bedoel, moet aan 'n persoon wat daardeur geraak word, op sy versoek getoon word.

(5) A publication or recording or any copies or reproductions thereof which have been seized under this regulation shall be dealt with in accordance with the direction issued by the Minister generally or with reference to a particular case.

(6) The provisions of this regulation may be applied irrespective of whether any person is prosecuted in consequence of the production, publication or importation of a publication or a television, film or sound recording in contravention of a provision referred to in subregulation (1).

Prohibition of production, importation or publication of certain periodicals

7. (1) If the Minister deems it necessary in the interest of the safety of the public, the maintenance of public order or the termination of the state of emergency, he may, subject to subregulation (2), issue an order by notice in the *Gazette* prohibiting for such period as may be specified in the order, but not exceeding three months at a time, the production, importation into the Republic or publication of all issues of a periodical likewise specified.

(2) No order under subregulation (1) shall be issued in respect of any particular periodical unless—

- (a) an issue of that periodical was produced, imported into the Republic or published in contravention of a provision of regulation 5 (b) or (d) or 3 (1); and
- (b) the Minister has by notice in the *Gazette* requested all persons concerned in the production, importation or publication of that periodical to ensure that no further issue of that periodical is produced, imported or published in contravention of any such provision; and
- (c) a further issue of that periodical was produced, imported or published in contravention of any such provision after the publication of the notice referred to in paragraph (b); and
- (d) the Minister, after a further issue referred to in paragraph (c) has been so produced, imported or published in contravention of any such provision—
 - (i) has given notice in writing to the publisher or importer of that periodical of the fact that action under subregulation (1) is to be considered, stating the grounds of the proposed action; and
 - (ii) has given that publisher or importer an opportunity to submit to him in writing, within a period of two weeks, representations in connection with the proposed action.

(3) The provisions of subregulations (1) and (2) may be applied irrespective of whether an issue referred to in paragraph (a) or (c) of the said subregulation (2) has been seized under regulation 6 and irrespective of whether any person is prosecuted in consequence of the production, importation or publication of any such issue.

(4) The provisions of regulation 6 shall *mutatis mutandis* apply in respect of an issue of a periodical which is produced, imported or published in contravention of an order under subregulation (1) of this regulation.

(5) Compliance with an order issued under subregulation (1) shall not affect the continuation of the registration (if any) of the periodical concerned as a newspaper in terms of the Newspaper and Imprint Registration Act, 1971 (Act 63 of 1971).

(5) Met 'n publikasie of opname of enige kopieë, eksemplare of reproduksies daarvan waarop daar kragtens hierdie regulasie beslag gelê is, word daar gehandel ooreenkomstig die opdrag wat in die algemeen of met verwysing na 'n bepaalde geval deur die Minister uitgereik word.

(6) Die bepalings van hierdie regulasie kan toegepas word ongeag of enige persoon na aanleiding van die voortbrenging, publikasie of invoer van 'n publikasie of 'n televisie-, rolprent- of klankopname in stryd met 'n bepaling vermeld in subregulasie (1), vervolg word of nie.

Verbod op voortbrenging, invoer of publikasie van sekere periodieke publikasies

7. (1) Indien die Minister dit in die belang van die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand nodig ag, kan hy, behoudens subregulasie (2), 'n bevel by kennisgewing in die *Staatskoerant* uitreik waarby die voortbrenging, invoer in die Republiek of publikasie van alle uitgawes van 'n periodieke publikasie in die bevel vermeld vir dié tydperk ingelyks vermeld, maar hoogstens drie maande op 'n keer, verbied word.

(2) Geen bevel kragtens subregulasie (1) word ten opsigte van 'n bepaalde periodieke publikasie uitgereik nie tensy—

- (a) 'n uitgawe van daardie periodieke publikasie in stryd met 'n bepaling van regulasie 5 (b) of (d) of 3 (1) voortgebring, in die Republiek ingevoer of gepubliseer is; en
- (b) die Minister by kennisgewing in die *Staatskoerant* alle persone betrokke by die voortbrenging, invoer of publikasie van daardie periodieke publikasie versoek het om toe te sien dat geen verdere uitgawe van daardie periodieke publikasie in stryd met so 'n bepaling voortgebring, ingevoer of gepubliseer word nie; en
- (c) 'n verdere uitgawe van daardie periodieke publikasie na afkondiging van die kennisgewing bedoel in paragraaf (b) in stryd met so 'n bepaling voortgebring, ingevoer of gepubliseer is; en
- (d) die Minister, nadat 'n verdere uitgawe in paragraaf (c) bedoel aldus in stryd met so 'n bepaling voortgebring, ingevoer of gepubliseer is—
 - (i) die uitgewer of invoerder van daardie periodieke publikasie skriftelik kennis gegee het van die feit dat optrede kragtens subregulasie (1) ten opsigte van daardie periodieke publikasie oorweeg word, met vermelding van die gronde vir die voorgestelde optrede; en
 - (ii) daardie uitgewer of invoerder die geleentheid gebied het om binne 'n tydperk van twee weke skriftelike verhoë in verband met die voorgestelde optrede tot hom te rig.

(3) Die bepalings van subregulasies (1) en (2) kan toegepas word ongeag of daar kragtens regulasie 6 op 'n uitgawe bedoel in paragraaf (a) of (c) van genoemde subregulasie (2) beslag gelê is en ongeag of enige persoon na aanleiding van die voortbrenging, invoer of publikasie van so 'n uitgawe vervolg word.

(4) Die bepalings van regulasie 6 is *mutatis mutandis* van toepassing ten opsigte van 'n uitgawe van 'n periodieke publikasie wat in stryd met 'n bevel kragtens subregulasie (1) van hierdie regulasie voortgebring, ingevoer of gepubliseer word.

(5) Voldoening aan 'n bevel uitgereik kragtens subregulasie (1) raak nie die voortsetting van die registrasie (as daar is) van die betrokke periodieke publikasie as 'n nuusblad ingevolge die Wet op die Registrasie van Nuusblaaie en Drukkersname, 1971 (Wet 63 van 1971), nie.

(6) If the Minister is convinced that any periodical, whether or not under another name, is a continuation of or substitution for any periodical the production, importation into the Republic or publication of which has been prohibited under subregulation (1), he may, without prior notice to any person and without hearing any person, issue an order by notice in the *Gazette* prohibiting the production, importation or publication of all issues of the former periodical for such period as may be specified in the order, but not exceeding a period equal to the remaining portion of the period for which the latter periodical was prohibited.

Offences and penalties

8. Any person who—

- (a) contravenes a provision of regulation 2 (1), 3 (1), (2) or (3), 4 (1) or (2) or 5 or an order under regulation 7 (1) or (6); or
 - (b) hinders or obstructs a member of a security force in performing his functions in terms of regulation 6 (3),
- shall be guilty of an offence and on conviction be liable to a fine not exceeding R20 000 or imprisonment for a period not exceeding 10 years or to that imprisonment without the option of a fine.

Direction of Attorney-General

9. No prosecution for an offence under these regulations shall be instituted except by the express direction of the Attorney-General having jurisdiction in respect of that prosecution.

Amendment of Security Regulations

10. The Security Regulations are hereby amended—

- (a) by the deletion in regulation 1 of the definitions of “subversive statement”, “publication” and “statement”; and
- (b) by the deletion of paragraph (c) of subregulation (1) of regulation 7 and of regulations 9, 10 11 and 12.

(6) Indien die Minister oortuig is dat 'n periodieke publikasie 'n voortsetting of vervanging is, hetsy onder 'n ander naam al dan nie, van 'n periodieke publikasie waarvan die voortbrenging, invoer in die Republiek of publikasie ingevolge subregulasie (1) verbied is, kan hy, sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, 'n bevel by kennisgewing in die *Staatskoerant* uitreik waarby die voortbrenging, invoer of publikasie van alle uitgawes van eersgenoemde periodieke publikasie verbied word vir die tydperk in die bevel vermeld, maar hoogstens 'n tydperk gelyk aan die oorblywende gedeelte van die tydperk waarvoor laasgenoemde periodieke publikasie verbied is.

Misdrywe en strawwe

8. 'n Persoon wat—

- (a) 'n bepaling van regulasie 2 (1), 3 (1), (2) of (3), 4 (1) of (2) of 5 of 'n bevel kragtens regulasie 7 (1) of (6) oortree; of
- (b) 'n lid van 'n veiligheidsmag by die verrigting van sy werksaamhede ingevolge regulasie 6 (3) hinder of belemmer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000 of gevangenisstraf vir 'n tydperk van hoogstens 10 jaar of met daardie gevangenisstraf sonder die keuse van 'n boete.

Opdrag van Prokureur-generaal

9. Geen vervolging weens 'n misdryf ingevolge hierdie regulasies word ingestel nie behalwe ingevolge die uitdruklike opdrag van die Prokureur-generaal wat regsbevoegdheid ten opsigte van daardie vervolging besit.

Wysiging van die Veiligheidsregulasies

10. Die Veiligheidsregulasies word hierby gewysig—

- (a) deur in regulasie 1 die omskrywings van “ondermynde verklaring”, “publikasie” en “verklaring” te skrap; en
- (b) deur paragraaf (c) van subregulasie (1) van regulasie 7 en regulasies 9, 10, 11 en 12 te skrap.

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