

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Selling price • Verkoopprys
(GST excluded)/(AVB uitgesluit)

Local **50c** Plaaslik
Other countries **70c** Buitelands
Post Free • Posvry

**Regulation Gazette
Regulasiekoerant
No. 4092**

Registered at the Post Office
as a Newspaper
As 'n Nuusblad by die
Poskantoor Geregistreer

Vol. 264

PRETORIA, 11 JUNE 1987
JUNIE

No. 10771

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 96, 1987

REGULATIONS UNDER THE PUBLIC SAFETY ACT,
1953

Under the powers vested in me by section 3 of the Public Safety Act, 1953 (Act 3 of 1953), I hereby make the regulations contained in the Schedule with effect from 11 June 1987.

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

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

A. J. VLOK,
Minister of the Cabinet.

SCHEDULE

Definitions

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

“Act” means the Public Safety Act, 1953 (Act 3 of 1953);

“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;

436—A

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 96, 1987

REGULASIES KRAGTENS DIE WET OP OPENBARE
VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by artikel 3 van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), vaardig ek hierby die regulasies vervat in die Bylae met ingang van 11 Junie 1987 uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Tiende dag van Junie Eenduiseend Negehonderd Sewe-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. J. VLOK,
Minister van die Kabinet.

BYLAE

Woordomskrywing

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

“beampte” ’n persoon in diens van die Staat, met inbegrip van ’n lid van ’n veiligheidsmag;

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

“druk” om deur druk, tik of op enige ander wyse van reproduksie voort te bring;

“geskrif” ook enige metode waarvolgens letters, syfers, tekens of simbole in sigbare vorm voorgestel of weer-gegee word;

“gevangenis” ’n gevangenis bedoel in artikel 20 (1) van die Wet op Gevangenis, 1959 (Wet 8 van 1959), met inbegrip van ’n polisieel of -opsluitplek;

10771—1

"gathering" means any gathering, concourse or procession of any number of persons;

"Minister" means the Minister of Law and Order;

"officer" means any person in the service of the State, including a member of a security force;

"print" means to produce by printing, typing or by any other method of reproduction;

"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;

"security 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);
- 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;
- any police force established by or under a law of a self-governing territory;
- 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 of the Prisons Act, 1959 (Act 8 of 1959),

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

"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;

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

Maintenance of order

2. (1) Whenever any member of a security 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, 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, such member of a security force 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 security force may, without warrant of arrest, arrest or cause to be arrested any person whose detention is, in the opinion of such member, necessary for the safety of the public or the maintenance of public order, or for the safety of that person himself, or for the termination of the state of emergency, and may, under a written order signed by any member of a security 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 30 days from the date of his arrest, unless that period is extended by the Minister under subregulation (3).

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

- '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
- '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 Wet en Orde;

"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;

"veiligheidsmag"—

- die Suid-Afrikaanse Polisie bedoel in die omskrywing van "die Mag" in artikel 1 van die Polisiewet, 1958 (Wet 7 van 1958);
- enige deel van genoemde Suid-Afrikaanse Polisie waarvan die beheer, organisasie en administrasie aan die regering van 'n selfregerende gebied oorgedra is;
- 'n polisiemag by of kragtens 'n wet van 'n selfregerende gebied ingestel;
- die Suid-Afrikaanse Weermag bedoel in artikel 5 van die Verdedigingswet, 1957 (Wet 44 van 1957); of
- die Gevangenisdiens ingestel by artikel 2 van die Wet op Gevangenis, 1959 (Wet 8 van 1959),

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

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

Handhawing van orde

2. (1) Wanneer 'n lid van 'n veiligheidsmag 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, moet hy met luide stem in elkeen van die amptelike tale daardie persoon of persone beveel om na 'n plek in die bevel aangedui, 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 dié lid van 'n veiligheidsmag 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 veiligheidsmag kan enige persoon wie se aanhouding na die oordeel van daardie lid nodig is vir die veiligheid van die publiek of die handhawing van die openbare orde, of vir die veiligheid van 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 veiligheidsmag onderteken, in bewaring in 'n gevangenis aanhou of laat aanhou.

(2) Geen persoon word ingevolge subregulasie (1) aangehou vir 'n tydperk van langer as 30 dae vanaf die datum van sy arres nie, tensy daardie tydperk deur die Minister kragtens subregulasie (3) verleng word.

(3) The Minister may, without notice to any person and without hearing any person, by 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 further detained in that prison for the period mentioned in the notice or for as long as these regulations remain in force.

(4) A written, printed, telegraphic or similar communication purporting to be from the Minister or any officer acting under his authority, stating that a notice has been issued under subregulation (3) in respect of a particular person, shall have the effect of the said notice: Provided that if any such written, printed, telegraphic or similar communication is used in lieu of the notice in question, the Minister or the said officer shall as soon as possible forward the notice to the head of the prison referred to in subregulation (3) where the person to whom the notice applies is to be detained under such notice.

(5) A person detained in a prison in terms of this regulation may, if the Minister or a commissioned officer, as defined in section 1 of the Police Act, 1958 (Act 7 of 1958), or the head of that prison, in writing so directs, be removed in custody from that prison for detention in any other prison, or for any other purposes mentioned in such direction.

(6) A member of a security force may, with a view to the safety of the public or the maintenance of public order or the termination of the state of emergency, interrogate any person arrested or who is detained in terms of this regulation.

(7) (a) The Minister of Justice may make rules to regulate 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) 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).

(8) No person, other than the Minister or a person acting by virtue of his office in the service of the State or of the Government of a self-governing territory—

(a) shall have access to any person detained in terms 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.

(9) (a) The Minister may, subject to paragraph (b), at any time by notice signed by him, order that a person who is detained in terms of this regulation be released from detention.

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

(4) 'n Geskrewe, gedrukte, telegrafiese of dergelike mededeling wat van die Minister of 'n beamppte wat op sy gesag handel, afkomstig heet te wees en waarin gemeld word dat 'n kennisgewing ten opsigte van 'n bepaalde persoon kragtens subregulasie (3) uitgereik is, het die uitwerking van bedoelde kennisgewing: Met dien verstande dat indien so 'n geskrewe, gedrukte, telegrafiese of dergelike mededeling in plaas van die betrokke kennisgewing gebruik word, die Minister of bedoelde beamppte die kennisgewing so spoedig doenlik moet stuur aan die in subregulasie (3) bedoelde hoof van die gevangenis waar die persoon op wie die kennisgewing van toepassing is, kragtens die kennisgewing aangehou moet word.

(5) 'n Persoon wat ingevolge hierdie regulasie in 'n gevangenis aangehou word, kan, indien die Minister of 'n offisier, soos omskryf in die Polisiewet, 1958 (Wet 7 van 1958), of die hoof van daardie gevangenis, skriftelik aldus gelas, uit daardie gevangenis in hegtenis verwyder word vir aanhouding in enige ander gevangenis, of vir enige ander doeleindes in sodanige lasgewing vermeld.

(6) 'n Lid van 'n veiligheidsmag kan enige persoon wat ingevolge hierdie regulasie gearrester is of aangehou word, met die oog op die veiligheid van die publiek of die handhawing van die openbare orde of die beëindiging van die noodtoestand, ondervra.

(7) (a) Die Minister van Justisie kan reëls uitvaardig om die aanhouding van persone kragtens hierdie regulasie te reël, of betreffende die behandeling 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 Gevangensidiensorder kragtens genoemde Wet uitgevaardig, of enige amptelike opdrag, bevel of ander handeling van of deur die Kommissaris van Gevangenis, geld genoemde reël.

(c) (i) Iemand wat 'n reël kragtens paragraaf (a) uitgevaardig, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(ii) Die bepalings 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.

(8) Niemand, behalwe die Minister of iemand wat uit hoofde van sy betrekking in diens van die Staat of van die Regering van 'n selfregerende gebied optree—

(a) het toegang tot 'n persoon wat ingevolge 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.

(9) (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) The Minister may if he deems it necessary for 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.

(c) A condition imposed under paragraph (b) shall be of force for such period as may be specified in the relevant notice or, if no period has been so specified, for as long as these regulations remain in force.

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) prepare, 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 security 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 safety of the public or the maintenance of public order, or for the termination of the state of emergency.

(2) A member of a security 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 security 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.

(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 security force.

(b) Die Minister kan indien hy dit nodig ag vir 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 opelê na gelang in die kennisgewing vermeld word.

(c) 'n Voorwaarde kragtens paragraaf (b) opgelê, is van krag vir die tydperk wat in die betrokke kennisgewing vermeld mag word of, indien geen tydperk aldus vermeld word nie, vir solank hierdie regulasies van krag bly.

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 veiligheidsmag 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 veiligheid van die publiek of die handhawing van die openbare orde, of ter beëindiging van die noodtoestand.

(2) 'n Lid van 'n veiligheidsmag kan te eniger tyd sonder 'n 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 te wees 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 veiligheidsmag 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 uitgereik word.

(3) Die bepalinge van artikel 27 en 29 van die Strafproseswet, 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 veiligheidsmag.

Request for name and address of a person

6. A member of a security 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 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, 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 entry to or departure from such area or part thereof;
- (iii) the control of entry 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, or is prohibited without the consent of the Commissioner, 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 any particular area at any time;
- (iv) being outside the boundaries of his residential premises in any particular area at any time;
- (v) putting in motion or driving or being in or upon any vehicle that is in motion in any particular area, at any time; or
- (vi) entering any particular area or part thereof if he is not normally resident in that area or part thereof;

(c) 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;

- (d) (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;

Verzoek om naam en adres van 'n persoon

6. 'n Lid van 'n veiligheidsmag 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 kan vir die doel van veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon 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 nywerheidsonderneming; of
- (vi) die beheer van noodsaaklike dienste en die bewaring en veiligheid van enige installasies en werke wat daarmee in verband staan;

(b) waarby enige persoon verbied word om, of verbied word om sonder die toestemming van die Kommissaris—

- (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 'n bepaalde gebied te wees;
- (iv) te eniger tyd buite die grense van sy woonperseel in 'n bepaalde gebied te wees;
- (v) 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
- (vi) 'n bepaalde gebied of deel daarvan binne te gaan indien hy nie sy gewone verblyfplek in daardie gebied of deel daarvan het nie;

(c) 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;

- (d) (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) 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.

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

- (a) may be of force generally or 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) 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 that a state of emergency exists in the Republic is withdrawn or expires, whichever occurs first.

(3) A member of a security force may, without prior notice to any person 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 safety of the public or the maintenance of public order, or for the safety of that person, 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 has issued a particular order, a copy of the order certified under the Commissioner'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* or, where applicable, the *Official Gazette* of a self-governing territory;
- (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;
- (e) where it is directed to a particular person, handing the order or causing it to be handed in a written form to that person; or
- (f) 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 whenever, due to the urgency thereof or for any other reason whatsoever, it can, in the opinion of the Commissioner not be published, made known, distributed or announced in accordance with the provisions of paragraph (a), (b), (c), (d) or (e).

(ii) wat persone verbied om handeling 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.

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

- (a) kan algemeen van krag wees of 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
- (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 dat 'n noodtoestand in die Republiek bestaan, ingetrek word of verval, wat ook al die eerste gebeur.

(3) 'n Lid van 'n veiligheidsmag kan, sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon 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 veiligheid van die publiek of die handhawing van die openbare orde, of vir die veiligheid van daardie persoon self 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 'n bepaalde bevel uitgevaardig het, al dan nie, word 'n afskrif van die bevel, onder die Kommissaris se handtekening gewaarmerk, as afdoende bewys van die uitvaardiging en inhoud van die betrokke bevel aanvaar.

Afkondiging van bevels

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

- (a) by kennisgewing in die *Staatskoerant* of, waar van toepassing, die *Amptelike Koerant* van 'n selfregerende gebied 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;
- (e) waar dit aan 'n bepaalde persoon gerig is, in 'n skriftelike vorm aan daardie persoon te oorhandig of te laat oorhandig; of
- (f) 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 dienlik ag, wanneer dit, na die oordeel van die Kommissaris vanweë die dringendheid daarvan om enige ander rede ookal, nie ooreenkomstig die bepalings van paragraaf (a), (b), (c), (d) of (e) gepubliseer, bekend gemaak, versprei of aangekondig kan word nie.

Offences

9. Any person who—

- (a) contravenes or fails to comply with any order, direction or request under a provision of these regulations;
- (b) contravenes or fails to comply with any condition imposed in respect of him under regulation 3 (9);
- (c) 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;
- (d) destroys, defaces or falsifies any notice or other writing issued or purporting to have been issued under these regulations; or
- (e) without the written consent of the Minister or a commissioned officer as defined in section 1 of the Police Act, 1958 (Act 7 of 1958), in any manner discloses the name or identity of any person arrested in terms of these regulations, or who is detained, unless the Minister or a commissioned officer, as so defined, has already disclosed the name or identity of that person,

shall be guilty of an offence.

Penalties

10. Any person convicted of an offence under these regulations, except regulation 3 (7) (c) (i), shall be liable to a fine not exceeding R20 000 or to 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

11. No prosecution for an offence under these regulations, except regulation 3 (7) (c) (i), shall be instituted except by the express direction of an attorney-general.

Limitation of liability

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

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

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 or any other regulations made under the Act, with intent to ensure the safety of the public, the maintenance of public order or the termination of the state of emergency or in order to deal with circumstances which have arisen or are likely to arise as a result of the said 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.

Misdrywe

9. Iemand wat—

- (a) 'n bevel, opdrag of versoek kragtens 'n bepaling van hierdie regulasies, oortree of versuim om daaraan te voldoen;
- (b) 'n voorwaarde ten opsigte van hom kragtens regulasie 3 (9) opgelê, oortree of versuim om daaraan te voldoen;
- (c) 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;
- (d) 'n kennisgewing of ander geskrif wat kragtens hierdie regulasies uitgereik is of daarkragtens uitgereik heet te wees, vernietig, skend of vervals; of
- (e) sonder die skriftelike toestemming van die Minister of 'n offisier soos omskryf in artikel 1 van die Polisie-wet, 1958 (Wet 7 van 1958), die naam of identiteit van enige persoon wat kragtens hierdie regulasies gearrester is of aangehou word, op enige wyse bekend maak, tensy die Minister of 'n offisier, soos aldus omskryf, reeds die naam of identiteit van daardie persoon bekend gemaak het,

is aan 'n misdryf skuldig.

Strafbepalings

10. Iemand wat skuldig bevind word aan misdryf kragtens hierdie regulasies, uitgesonderd regulasie 3 (7) (c) (i), is strafbaar met 'n boete van hoogstens R20 000 of met 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

11. Geen vervolging weens 'n misdryf ingevolge hierdie regulasies, uitgesonderd regulasie 3 (7) (c) (i), word ingestel nie behalwe ingevolge die uitdruklike opdrag van 'n prokureur-generaal.

Beperking van aanspreeklikheid

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

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

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 of enige ander regulasies uitgevaardig kragtens die Wet, 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 te verseker, of om met omstandighede te handel wat as gevolg van genoemde 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) 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 made or issued under these regulations or any other regulations made under the Act 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 or such other regulations.

(4) If in any proceedings instituted against any member or person referred to in subregulation (1), or the State, or the Government of a self-governing territory, 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.

(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 uitgereik of uitgevaardig kragtens hierdie regulasies of enige ander regulasies uitgevaardig kragtens die Wet of enige voorwaarde daarkragtens bepaal nie, en geen sodanige bevel, reël, kennisgewing of voorwaarde word op grond van 'n appèl teen 'n skuldigbevinding kragtens hierdie of sodanige ander regulasies opgeskort nie.

(4) Indien by 'n geding ingestel teen 'n in subregulasie (1) vermelde persoon of lid, of die Staat of die Regering van 'n selfregerende gebied, 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 bepalings 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.

CONTENTS				INHOUD			
No.		Page No.	Gazette No.	No.		Bladsy No.	Staats- koerant No.
PROCLAMATION				PROKLAMASIE			
R. 96	Public Safety Act (3/1953): Regulations.....	1	10771	R. 96	Wet op Openbare Veiligheid (3/1953): Regulasies.....	1	10771