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PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 99, 1988

WET OP OPENBARE VEILIGHEID, 1953

MEDIANOODREGULASIES

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 10 Junie 1988 uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Negende dag van Junie Eenduisend Negehonderd Agt-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

J. C. G. BOTHA,
Minister van die Kabinet.

BYLAE

Woordomskrywing

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

“ampsdraer”, met betrekking tot 'n organisasie, 'n lid van die beherende of uitvoerende liggaam van—

(a) die organisasie; of

(b) 'n tak of afdeling van die organisasie;

“beperkte byeenkoms” 'n 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 10 (1) (d) van die Veiligheidsnoodregulasies, 1988, opgelê of van krag is;

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

“Direkteur-generaal” die Direkteur-generaal: Binnelandse Sake;

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 99, 1988

PUBLIC SAFETY ACT, 1953

MEDIA EMERGENCY REGULATIONS

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 10 June 1988.

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

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

J. C. G. BOTHA,
Minister of the Cabinet.

SCHEDULE

Definitions

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), means the said Commissioner or the Divisional Commissioner designated under that Act for that division; or

(b) a self-governing territory, means the said Commissioner or the Commissioner or other officer in charge of the police force of the Government of that self-governing territory;

“Director-General” means the Director-General: Home Affairs;

"firma" ook 'n Staatsbeheerde of -gefinansierde of ander openbare onderneming;

"geregistreeerde periodieke publikasie" 'n periodieke publikasie wat ingevolge die Wet op die Registrasie van Nuusblaaie en Drukkersname, 1971 (Wet 63 van 1971), geregistreer is;

"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;

"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;

"nuusagentskapsbesigheid" 'n bedrywigheid wat bestaan uit die inwin, opstel, samestelling, opneming, verwerking of voortbrenging van nuusmateriaal betreffende gebeure in die Republiek en die verskaffing van sodanige nuusmateriaal aan 'n persoon vir publikasie in 'n periodieke publikasie wat in die Republiek of elders gepubliseer word of vir uitsending deur 'n televisie- of radiostasie wat in die Republiek of elders geleë is;

"ondermynende verklaring" 'n verklaring—

- (a) waarin lede van die publiek aangehits of aangemoedig 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 van 'n Ministersraad, of 'n ander lid van die Regering of 'n beampte van die Republiek of 'n lid van die Regering 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 (Wet 3 van 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 firmas anders as daardie bepaalde firma of anders as firmas van daardie bepaalde aard, klas of soort;

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

"firm" includes a State controlled or financed or other public undertaking;

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

"local authority" means—

- (a) an 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);
- (d) a local government body established or deemed to be established under section 30 of the Black Administration Act, 1927 (Act 38 of 1927); or
- (e) a board of management as defined in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act 9 of 1987);

"Minister" means the Minister of Home Affairs;

"news agency business" means an activity involving the gathering, preparation, compilation, recording, processing or production of news material regarding events in the Republic and the supplying of such news material to a person for publication in a periodical which is published in the Republic or elsewhere or for broadcasting by a television or radio station situated in the Republic or elsewhere;

"office-bearer", in relation to an organization, means a member of the governing or executive body of—

- (a) the organization; or
- (b) a branch or division of the organization;

"organization" includes any association or body of persons irrespective of whether or not any such association or body has been incorporated and whether or not it has been established or registered in accordance with any law;

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

"previous media regulations" means the regulations published by Proclamation R. 97 of 1987, as amended by Proclamations R. 123 of 1987 and R. 7 of 1988;

"publication" means a newspaper, book, magazine, pamphlet, news letter, brochure, poster, hand-bill or sticker 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; or
- (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;

- (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 by 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, enige wet of deur so 'n bepaling of voorskrif te oortree; of
 - (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 in stryd met die voorskrifte van enige wet te staak of om so 'n wegbly-aksie of staking te ondersteun;
- (vi) om 'n beperkte byeenkoms by te woon of om daaraan deel te neem;
- (vii) om deel te neem aan enige bedrywighede van 'n organisasie wat 'n onwettige organisasie ingevolge die Wet op Binnelandse Veiligheid, 1982 (Wet 74 van 1982), is, of om by so 'n organisasie aan te sluit of dit te ondersteun, of om deel te neem aan enige van so 'n organisasie se kampanjes, projekte, programme of aksies van geweld of verset teen, of ondermyning van, die Staatsgesag of enige plaaslike owerhede, of van geweld teen, of intimidasie van, enige persone of persone wat tot 'n bepaalde kategorie van persone behoort, of om enige sodanige kampanjes, projekte, programme of aksies te ondersteun;
- (viii) 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 wat verskuldig is aan plaaslike owerhede aan sodanige strukture te doen;
- (ix) 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;
- (x) om 'n verkiesing van lede van 'n plaaslike owerheid te boikot of nie daaraan deel te neem nie of om enige handeling te verrig waardeur so 'n verkiesing verhinder, verijd of belemmer word: Met dien verstande

“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 such 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;
- (iii) a film recording, any act whereby such 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;

“registered periodical” means a periodical registered in terms of the Newspaper and Imprint Registration Act, 1971 (Act 63 of 1971);

“restricted gathering” means a 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 in force under regulation 10 (1) (d) of the Security Emergency Regulations, 1988;

“security action” means any of the following actions by a security force or a member of a security force, 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 under regulation 2 of the Security Emergency Regulations, 1988; 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 (Act 3 of 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 Emergency Regulations, 1988;

dat hierdie subparagraaf nie 'n politieke party wat kragtens artikel 36 van die Kieswet, 1979 (Wet 45 van 1979), geregistreer is of 'n organisasie, hetsy dit 'n politieke party is of nie, wat kandidate wat die organisasie verteenwoordig in so 'n verkiesing het, belet om sy ondersteuners aan te moedig om nie 'n stem in so 'n verkiesing of in 'n bepaalde kiesafdeling daarvan uit te bring nie; of

- (xi) 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” —

- (a) enige byeenkoms in stryd met 'n bevel kragtens regulasie 10 (1) (c) of (d) van die Veiligheidsnoodregulasies, 1988, of met 'n bepaling van 'n ander wet of met die een of ander verbod, lasgewing of ander voorskrif kragtens so 'n bevel of bepaling;
- (b) enige fisiese aanval deur 'n groep persone 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; of
- (c) enige gedrag wat sedisie, openbare geweldpleging of 'n oortreding van artikel 1 (1) (a) van die Wet op Intimidasie, 1982 (Wet 72 van 1982), daarstel;

“organisasie” ook enige vereniging of liggaam van persone ongeag of so 'n vereniging of liggaam met regs persoonlikheid bekleed is en of dit ooreenkomstig 'n wet ingestel of geregistreer is of nie;

“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);
- (c) 'n streekdiensteraad ingestel kragtens die Wet op Streekdiensterade, 1985 (Wet 109 van 1985);
- (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); of
- (e) 'n bestuursraad soos omskryf in artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet 9 van 1987);

“publieke plek” ook —

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

“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) a 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) a 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 a force referred to in paragraph (a) to (f) 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;

“series of issues”, in relation to —

- (a) a periodical which is a daily newspaper, means at least six, or in the case of regulation 7 (3) or (4) at least two, different issues of that newspaper whether or not issued on consecutive days;
- (b) a periodical, other than a daily newspaper, which is ordinarily issued at intervals of 10 days or less, means at least three, or in the case of regulation 7 (3) or (4) at least two, different issues of that periodical whether or not issued during consecutive intervals;
- (c) a periodical which is ordinarily issued at intervals in excess of 10 days, means at least two different issues of that periodical whether or not issued during consecutive intervals;

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

“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 an activity or to commit an act mentioned in paragraph (a), (b) or (c) of the definition of “unrest”;
 - (ii) to resist or oppose a member of the Cabinet, or of a Ministers' Council, or another member of the Government or an official of the Republic or a member of the Government of a self-governing territory or an official of a self-governing territory or a member of a security force in the exercise or performance by such a member or official of a power or function in terms of a provision of a regulation made under the

“publikasie” ’n koerant, boek, tydskrif, pamflet, nuusbrief, brosjure, aanplak- of strooibiljet of plakkertjie 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 ’n 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 die rolprentopname op of in ’n publieke plek vertoon word of op so ’n wyse vertoon word dat dit vanaf ’n publieke plek sigbaar is;

“reeks uitgawes”, met betrekking tot—

- (a) ’n periodieke publikasie wat ’n dagblad is, minstens ses, of in die geval van regulasie 7 (3) of (4) minstens twee, verskillende uitgawes van daardie dagblad hetsy op agtereenvolgende dae uitgegee of nie;
- (b) ’n periodieke publikasie, uitgesonderd ’n dagblad, wat gewoonlik met tussenpose van 10 dae of minder uitgegee word, minstens drie, of in die geval van regulasie 7 (3) of (4) minstens twee, verskillende uitgawes van daardie publikasie hetsy gedurende agtereenvolgende tussenpose uitgegee of nie;
- (c) ’n periodieke publikasie wat gewoonlik met tussenpose van meer as 10 dae uitgegee word, minstens twee verskillende uitgawes van daardie publikasie hetsy gedurende agtereenvolgende tussenpose uitgegee of nie;

“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;

Public Safety Act, 1953 (Act 3 of 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 a particular firm or against firms of a particular nature, class or kind, either by not making 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 a particular product or article or against products or articles of a 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 a particular educational institution or against educational institutions of a 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 such a 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 in contravention of the provisions of any law, or to support such a stayaway action or strike;
- (vi) to attend or to take part in a restricted gathering;
- (vii) to take part in any activities of or to join or to support an organization which is an unlawful organization in terms of the Internal Security Act, 1982 (Act 74 of 1982), or to take part in, or to support, any of such an organization's campaigns, projects, programmes or actions of violence or resistance against, or subversion of, the authority of the State or any local authorities, or of violence against, or intimidation of, any persons or persons belonging to a particular category of persons;
- (viii) to exert power and authority in specific areas by way of structures purporting to be structures of local government and acting as such in an unlawful manner, or to establish such structures, or to support such structures, or to subject themselves to the

“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 voortgebring kan word en, vir 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) ’n 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 ’n mag bedoel in paragraaf (a) tot (f) of enige samestelling van twee of meer van sodanige magte of van dele van sodanige magte;

“veiligheidsoptrede” enige van die volgende optredes deur ’n veiligheidsmag of ’n lid van ’n veiligheidsmag, naamlik—

- (a) enige optrede ter beëindiging van enige oproerigheid;
- (b) enige optrede ter beskerming van lewe of eiendom na aanleiding van enige oproerigheid;
- (c) enige opvolgoptrede na beëindiging of afloop van enige oproerigheid;
- (d) enige optrede kragtens regulasie 2 van die Veiligheidsnoodregulasies, 1988; of
- (e) enige optrede 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 (Wet 3 van 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 voorval wat uit oproerigheid voortspuit of daarmee in verband staan; of
 - (iii) kragtens regulasie 3 (1) van die Veiligheidsnoodregulasies, 1988;

“vorige mediaregulasies” die regulasies afgekondig by Proklamasie R. 97 van 1987, soos gewysig deur Proklamasies R. 123 van 1987 en R. 7 van 1988.

Aanwesigheid van joernaliste ens., by oproerigheid of veiligheidsoptredes

2. (1) Behoudens subregulasie (2) mag geen joernalis, nuusverslaggewer, nuuskomentator, nuuskorrespondent, koerant- of tydskrifffotograaf, operateur van ’n televisie- of 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

authority of such structures, or to make payments which are due to local authorities to such structures;

- (ix) 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;
- (x) to boycott or not to take part in an election of members of a local authority or to commit any act whereby such an election is prevented, frustrated or impeded: Provided that this subparagraph shall not prevent a political party registered under section 36 of the Electoral Act, 1979 (Act 45 of 1979), or an organization, whether it is a political party or not, having candidates representing such organization in such an election, from encouraging its supporters not to vote in such election or in any particular electoral division thereof; or
- (xi) 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 a 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—

- (a) any gathering in contravention of an order under regulation 10 (1) (c) or (d) of the Security Emergency Regulations, 1988, or of a provision of another law or of any prohibition, direction or other requirement under such an order or provision;
- (b) any physical attack by a group of persons 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; or
- (c) any conduct which constitutes sedition, public violence or a contravention of section 1 (1) (a) of the Intimidation Act, 1982 (Act 72 of 1982).

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 a 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 a member of a security force who

die toneel van enige oproerigheid, beperkte byeenkoms of veiligheidsoptrede of op 'n plek waarvandaan enige oproerigheid, beperkte byeenkoms of veiligheidsoptrede binne sig is, wees nie.

(2) Die bepalings van subregulasie (1)—

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

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

(ii) ná die aanvang van enige oproerigheid, beperkte byeenkoms of veiligheidsoptrede op die toneel van daardie oproerigheid, byeenkoms of optrede of op 'n plek waarvandaan daardie oproerigheid, byeenkoms of optrede binne sig is, 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 of bedoelde plek verlaat en homself binne 'n tydsbestek wat redelikerwyse in die omstandighede nodig is na 'n plek verwyder waar daardie oproerigheid, byeenkoms of optrede buite sig is; of

(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.

Verbod op publiserings van sekere stof

3. (1) Behoudens subregulasie (6) mag geen persoon enige publikasie, televisie-opname, rolprentopname of klankopname publiseer of laat publiseer nie wat enige nuus, kommentaar of advertensie bevat oor of in verband met—

(a) enige veiligheidsoptrede, met inbegrip van enige veiligheidsoptrede waarna verwys word in regulasie 3 (1) (a) van die vorige mediaregulasies;

(b) enige ontplooiing van 'n veiligheidsmag, of van voertuie, wapentuig, toerusting of ander hulpmiddels, vir die doel van veiligheidsoptrede;

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

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

serves as a commissioned officer in that force, be at the scene of any unrest, restricted gathering or security action or at a place from where any unrest, restricted gathering or security action is within sight.

(2) The provisions of subregulation (1)—

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

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

(ii) after the commencement of any unrest, restricted gathering or security action happens to arrive at the scene of that unrest, gathering or action, or at a place from where that unrest, gathering or action is within sight, 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 the said place and removes himself within such time as is reasonably required under the circumstances to a place where that unrest, gathering or action is out of sight; or

(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 of certain material prohibited

3. (1) Subject to subregulation (6) no person shall publish or cause to be published any publication, television recording, film recording or sound recording containing any news, comment or advertisement on or in connection with—

(a) any security action, including any security action referred to in regulation 3 (1) (a) of the previous media regulations;

(b) any deployment of a security force, or of vehicles, armaments, equipment or other appliances, for the purpose of security action;

(c) any restricted gathering, in so far as such news, comment or advertisement discloses at any time before the gathering takes place the time, date, place and purpose of such gathering, or gives an account of a speech, statement or remark of a 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, strike or boycott by members of the public which is an action, strike or boycott referred to in paragraph (a) (iii), (iv) or (v) of the definition of "subversive statement", in so far as such news, comment or advertisement discloses particulars of the extent to which such action, strike 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, strike 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) (viii) or (ix) of the definition of "subversive statement", in so far as such news, comment or advertisement discloses particulars of the manner in which members of the

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 (Wet 74 van 1982), of regulasie 3 (8) (b) of 8 van die Veiligheidsnoodregulasies, 1988, van krag is of van 'n persoon wat te kenne gee of van wie dit algemeen bekend is dat hy 'n ampsdraer of woordvoerder is van 'n organisasie wat 'n onwettige organisasie ingevolge genoemde Wet is of ten opsigte van wie 'n bevel kragtens regulasie 7 (1) (a) van die genoemde Veiligheidsnoodregulasies 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 Veiligheidsnoodregulasies, 1988, aangehou word of is of wat te eniger tyd voor die inwerkingtreding van hierdie regulasies kragtens 'n regulasie uitgevaardig kragtens die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), aangehou is; of
- (h) die vrylating van 'n persoon wat kragtens genoemde regulasie 3 van die Veiligheidsnoodregulasies, 1988, aangehou word.

(2) Geen persoon mag 'n publikasie publiseer of laat publiseer nie wat 'n advertensie bevat oor of in verband met 'n organisasie wat 'n onwettige organisasie ingevolge die Wet op Binnelandse Veiligheid, 1982, is of ten opsigte van wie 'n bevel kragtens regulasie 7 (1) (a) van die Veiligheidsnoodregulasies, 1988, van krag is, en wat so 'n organisasie of enige van so 'n organisasie se kampanjes, projekte, programme, aksies of beleid van geweld of verset teen, of van ondermyning van, die Staatsgesag of enige plaaslike owerhede, of van geweld teen, of van intimidasie van, enige persone of persone wat behoort tot 'n bepaalde kategorie van persone, verdedig, aanprys of probeer regverdig.

(3) (a) Die Kommissaris kan, vir die doel van die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, en sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, 'n bevel, wat nie met 'n bepaling van hierdie regulasies onbestaanbaar is nie, uitreik wat verbied dat 'n publikasie, televisie-opname, rolprentopname of klankopname wat enige nuus, kommentaar of advertensie bevat oor of in verband met 'n aangeleentheid in die bevel vermeld, gepubliseer word.

(b) By die toepassing van paragraaf (a) is die bepalings van regulasies 10 (2) en (4) en 11 van die Veiligheidsnoodregulasies, 1988, *mutatis mutandis* van toepassing.

(4) Behoudens subregulasie (6) mag geen persoon enige nuus, kommentaar of advertensie oor of in verband met 'n aangeleentheid in subregulasie (1) vermeld, regstreeks oor 'n televisie- of radiodienst uitsaai nie.

(5) Geen persoon mag 'n publikasie publiseer of laat publiseer—

- (a) waarin 'n blanko spasie of enige uitdowing, deurhaling of aanduiding van 'n weglating 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, deurhaling of aanduiding van 'n weglating, soos blyk uit 'n uitdruklike verklaring of 'n

public are 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 (Act 74 of 1982), or regulation 3 (8) (b) or 8 of the Security Emergency Regulations, 1988, are in force or of a person intimating or of whom it is commonly known that he is an office-bearer or spokesman of an organization which is an unlawful organization in terms of the said Act or in respect of which an order under regulation 7 (1) (a) of the said Security Emergency Regulations is 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 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 Emergency Regulations, 1988, or who at any time prior to the commencement of these regulations was detained under a regulation made under the Public Safety Act, 1953 (Act 3 of 1953); or
- (h) the release of a person who is detained under the said regulation 3 of the Security Emergency Regulations, 1988.

(2) No person shall publish or cause to be published a publication containing an advertisement on or in connection with an organization which is an unlawful organization in terms of the Internal Security Act, 1982, or in respect of which an order under regulation 7 (1) (a) of the Security Emergency Regulations, 1988, is in force, defending, praising or endeavouring to justify such organization or any of such organization's campaigns, projects, programmes, actions or policies of violence or resistance against, or of subversion of, the authority of the State or any local authorities, or of violence against, or of intimidation of, any persons or persons belonging to a particular category of persons.

(3) (a) 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 an order not inconsistent with a provision of these regulations, prohibiting a publication, television recording, film recording or sound recording containing any news, comment or advertisement on or in connection with a matter specified in the order, to be published.

(b) For the purposes of paragraph (a) the provisions of regulations 10 (2) and (4) and 11 of the Security Emergency Regulations, 1988, shall *mutatis mutandis* apply.

(4) Subject to subregulation (6) no person shall broadcast any news, comment or advertisement on or in connection with a matter specified in subregulation (1) live on any television or radio service.

(5) No person shall publish or cause to be published a publication—

- (a) in which any blank space or any obliteration, deletion or indication of an omission of part of the text of a report or of a photograph or part of a photograph appears if that blank space, obliteration, deletion or indication of an omission, as may appear from an

teken of simbool in daardie publikasie of uit die besondere samehang waarin daardie blanko spasie, uitdowing, deuring of aanduiding van 'n weglating verskyn, bedoel is om verstaan te word as 'n verwysing na die uitwerking van hierdie regulasies; of

- (b) waarin enige stof verskyn nie wat, soos blyk uit 'n uitdruklike verklaring of 'n teken of simbool in daardie publikasie of uit die besondere samehang waarin daardie stof verskyn, bedoel is om verstaan te word as stof wat deur 'n ander publikasie gepubliseer sou gewees het as dit nie was vir die feit dat 'n bevel kragtens regulasie 7 (3) (i) of (ii) of (9) ten opsigte van daardie ander publikasie afgekondig is nie.
- (6) Die bepalinge van hierdie regulasie belet nie—
 - (a) 'n persoon om 'n publikasie of 'n televisie-, rolprent- of klankopname wat enige nuus, kommentaar of advertensie 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 Ministers-raad, '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 die behandeling in, aanhouding van 'n persoon wat kragtens regulasie 3 van die Veiligheidsnoodregulasies, 1988, aangehou word of is of wat te eniger tyd voor die inwerkingtreding van hierdie regulasies kragtens 'n regulasie uitgevaardig kragtens die Wet op Openbare Veiligheid, 1953, aangehou is, en waarin die betrokke hof nog nie 'n finale uitspraak gegee het nie; of
 - (b) 'n *bona fide*-biblioteek om 'n publikasie wat enige nuus, kommentaar of advertensie 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.

(7) Die Minister kan reëls uitvaardig wat die prosedure waarop en die gesag of persoon deur bemiddeling van wie 'n magtiging bedoel in subregulasie (6) (a) (i) verkry kan word, voorskryf.

(8) By die toepassing van subregulasies (4) en (6) word 'n verwysing daarin na 'n aangeleentheid in subregulasie (1) vermeld, uitgelê as 'n verwysing ook na 'n aangeleentheid wat in 'n bevel kragtens subregulasie (3) (a) vermeld word.

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.

express statement or a sign or symbol in that publication or from the specific context in which that blank space, obliteration, deletion or indication of an omission appears, is intended to be understood as a reference to the effect of these regulations; or

- (b) in which any material appears which, as may appear from an express statement or a sign or symbol in that publication or from the specific context in which that material appears, is intended to be understood as material which would have been published by another publication if it were not for the fact that an order under regulation 7 (3) (i) or (ii) or (9) was published in respect of that other publication.

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

- (a) a person from publishing a publication or a television, film or sound recording containing any news, comment or advertisement on or in connection with a matter specified in subregulation (1) in so far as particulars of such a 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, whether 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 Emergency Regulations, 1988, or who at any time prior to the commencement of these regulations was detained under a regulation made under the Public Safety Act, 1953, 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 a publication containing any news, comment or advertisement on or in connection with any such matter.

(7) The Minister may make rules prescribing the procedure by which and the authority or person through whom any authorization referred to in subregulation (6) (a) (i) may be obtained.

(8) For the purposes of subregulations (4) and (6) a reference therein to a matter specified in subregulation (1) shall be construed as a reference also to a matter specified in an order under subregulation (3) (a).

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 at 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) Geen persoon mag sonder die voorafverkreë toestemming van die Kommissaris of van 'n lid van 'n veiligheidsmag wat as 'n offiser in daardie mag dien, enige klankopname maak nie van enige oproerigheid of veiligheidsoprede 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.

(3) Geen persoon mag—

(a) 'n publikasie wat 'n foto, tekening of ander uitbeelding bevat; of

(b) 'n televisie-, rolprent- of klankopname,

wat geneem, gemaak of vervaardig is in stryd met 'n bepaling van subregulasie (1) of (2) van hierdie regulasie of met 'n bepaling van 'n regulasie uitgevaardig kragtens die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), wat van krag was te eniger tyd gedurende die tydperk 12 Junie 1986 tot onmiddellik voor die inwerkingtreding van hierdie regulasies, publiseer nie.

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.

Verbod op voortbrenging, invoer of publiserings van sekere periodieke publikasies

6. (1) Indien die Minister van oordeel is dat dit nodig is vir die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand kan hy, behoudens subregulasie (2), 'n bevel by kennisgewing in die *Staatskoerant* uitreik whereby die voortbrenging, invoer in die Republiek of publiserings van alle verdere uitgawes van 'n periodieke publikasie in die bevel vermeld vir dié tydperk in die bevel vermeld, maar hoogstens drie maande op 'n keer, in die geval van 'n geregistreerde periodieke publikasie, of ses maande op 'n keer, in die geval van enige ander periodieke publikasie, verbied word.

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

(a) 'n uitgawe van daardie periodieke publikasie in stryd met 'n bepaling van regulasie 3 (1) of (2), 4 (3) of 5 (b) of (d), of met 'n bepaling van 'n bevel kragtens regulasie 3 (3), voortgebring, ingevoer of gepubliseer is; en

(b) die Minister by kennisgewing in die *Staatskoerant* alle persone betrokke by die voortbrenging, invoer of publiserings 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 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

(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.

(3) No person shall publish—

(a) a publication containing any photograph, drawing or other depiction; or

(b) a television, film or sound recording,

taken, made or produced in contravention of a provision of subregulation (1) or (2) of this regulation or of a provision of a regulation made under the Public Safety Act, 1953 (Act 3 of 1953), which was in force at any time during the period 12 June 1986 until immediately prior to the commencement of these regulations.

Making, publishing, etc., of subversive statements

5. No person shall—

(a) whether orally or in writing make a 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.

Prohibition of production, importation or publishing of certain periodicals

6. (1) If the Minister is of the opinion that it is necessary for 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 the production, importation into the Republic or publishing of all further issues of a periodical specified in the order for such period as may be specified in the order, but not exceeding three months at a time, in the case of a registered periodical, or six months at a time, in the case of any other periodical.

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

(a) an issue of that periodical was produced, imported or published in contravention of a provision of regulation 3 (1) or (2), 4 (3) or 5 (b) or (d), or of a provision of an order under regulation 3 (3); and

(b) the Minister has by notice in the *Gazette* requested all persons concerned in the production, importation or publishing 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) was 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

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 vertoë 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 9 (1) 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 publiserings van so 'n uitgawe vervolg word.

(4) 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.

Stelselmatige of herhaalde publiserings van ondermynende propaganda

7. (1) Indien die Minister ten opsigte van 'n periodieke publikasie wat nie voorheen die onderwerp van 'n waarskuwing kragtens hierdie subregulasie of regulasie 7A (1) van die vorige mediaregulasies of van 'n bevel kragtens subregulasie (3) of (9) van hierdie regulasie of regulasie 7A (3) van die vorige mediaregulasies was nie, van oordeel is, bloot by ondersoek van 'n reeks uitgawes van daardie periodieke publikasie—

- (a) dat daar in daardie periodieke publikasie 'n stelselmatige of herhaalde publiserings van stof, of 'n stelselmatige of herhaalde publiserings van stof op 'n wyse, is wat, volgens sy oordeel, die uitwerking het of bereken is om die uitwerking te hê—

- (i) om rewolusie of opstande in die Republiek of ander dade gerig op die omverwerping van die Regering andersins as by wyse van grondwetlike metodes te bevorder of aan te wakker;
- (ii) om die pleging van dade vermeld in paragraaf (b) of (c) van die omskrywing van "oproerigheid" te bevorder of aan te wakker of tot die pleging daarvan aanleiding te gee;
- (iii) om die aftakeling van die openbare orde in die Republiek of enige gedeelte van die Republiek of in enige gemeenskap te bevorder of aan te wakker;
- (iv) om 'n gevoel van haat of vyandigheid by lede van die publiek teen 'n plaaslike owerheid of 'n veiligheidsmag, of teen lede of werknemers van 'n plaaslike owerheid of lede van 'n veiligheidsmag, of teen lede van enige bevolkingsgroep of seksie van die publiek, op te wek of aan te wakker;
- (v) om die openbare beeld of aansien van 'n organisasie wat 'n onwettige organisasie ingevolge die Wet op Binnelandse Veiligheid, 1982 (Wet 74 van 1982), is of ten opsigte van wie 'n bevel kragtens regulasie 7 (1) (a) van die Veiligheidsnoodregulasies, 1988, van krag is, te bevorder;
- (vi) om die vestiging of bedrywighede van strukture bedoel in paragraaf (a) (viii) of (ix) van die omskrywing van "ondermynende verklaring" te bevorder; of
- (vii) om aksies, stakings of boikotte bedoel in paragraaf (a) (iii), (iv), (v) of (x) van die omskrywing van "ondermynende verklaring" te bevorder of aan te wakker of tot sodanige aksies, stakings of boikotte aanleiding te gee; en

under subregulation (1) is to be considered, stating the grounds for the proposed action; and

- (ii) has given that publisher or importer the opportunity of submitting 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 9 (1) and irrespective of whether any person is prosecuted in consequence of the production, importation or publishing of such an issue.

(4) 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).

Systematic or repetitive publishing of subversive propaganda

7. (1) If the Minister is in respect of a periodical which has not previously been the subject of a warning under this subregulation or regulation 7A (1) of the previous media regulations or of an order under subregulation (3) or (9) of this regulation or regulation 7A (3) of the previous media regulations, of the opinion, solely on examination of a series of issues of that periodical—

- (a) that there is in that periodical a systematic or repetitive publishing of matter, or a systematic or repetitive publishing of matter in a way, which, in his opinion, has or is calculated to have the effect—

- (i) of promoting or fomenting revolution or uprisings in the Republic or other acts aimed at the overthrow of the Government otherwise than by constitutional means;
- (ii) of promoting, fomenting or sparking the perpetration of acts referred to in paragraph (b) or (c) of the definition of "unrest";
- (iii) of promoting or fomenting the breaking down of public order in the Republic or in any area of the Republic or in any community;
- (iv) of stirring up or fomenting feelings of hatred or hostility in members of the public towards a local authority or a security force, or towards members or employees of a local authority or members of a security force, or towards members of any population group or section of the public;
- (v) of promoting the public image or esteem of an organization which is an unlawful organization in terms of the Internal Security Act, 1982 (Act 74 of 1982), or in respect of which an order under regulation 7 (1) (a) of the Security Emergency Regulations, 1988, is in force;
- (vi) of promoting the establishment or activities of structures referred to in paragraph (a) (viii) or (ix) of the definition of "subversive statement"; or
- (vii) of promoting, fomenting or sparking actions, strikes or boycotts referred to in paragraph (a) (iii), (iv), (v) or (x) of the definition of "subversive statement"; and

- (b) dat bedoelde uitwerking wat sodanige stelselmatige of herhaalde publiserings volgens sy oordeel het of bereken is om te hê 'n bedreiging vir die veiligheid van die publiek of vir die handhawing van die openbare orde of 'n vertraging in die beëindiging van die noodtoestand veroorsaak,

kan hy, by kennisgewing in die *Staatskoerant*, 'n waarskuwing rig tot persone wat by die voortbrenging, invoer, samestelling of publiserings van uitgawes van daardie periodieke publikasie betrokke is dat stof wat in daardie periodieke publikasie gepubliseer word, of die wyse waarop stof in daardie periodieke publikasie gepubliseer word, volgens sy oordeel, 'n bedreiging vir die veiligheid van die publiek of vir die handhawing van die openbare orde of 'n vertraging in die beëindiging van die noodtoestand veroorsaak.

(2) By 'n ondersoek kragtens subregulasie (1) van 'n reeks uitgawes van 'n periodieke publikasie, kan sodanige reeks 'n uitgawe van daardie periodieke publikasie insluit wat voor die inwerkingtreding van hierdie regulasies maar na 11 April 1988 gepubliseer is.

(3) Indien die Minister ten opsigte van 'n periodieke publikasie wat voorheen, hetsy onder sy huidige of enige vorige naam, die onderwerp was van—

- (a) 'n waarskuwing kragtens subregulasie (1) van hierdie regulasie;
- (b) 'n waarskuwing kragtens regulasie 7A (1) van die vorige mediaregulasies;
- (c) 'n bevel kragtens hierdie subregulasie;
- (d) 'n bevel kragtens regulasie 7A (3) van die vorige mediaregulasies; of
- (e) 'n bevel kragtens subregulasie (9) van hierdie regulasie,

van oordeel is, bloot by ondersoek van 'n reeks uitgawes van daardie periodieke publikasie, dat daar in daardie periodieke publikasie 'n stelselmatige of herhaalde publiserings van stof, of 'n stelselmatige of herhaalde publiserings van stof op 'n wyse, is wat, volgens sy oordeel, 'n uitwerking beskryf in paragraaf (a) van subregulasie (1) van hierdie regulasie het of bereken is om so 'n uitwerking te hê en dat bedoelde uitwerking wat sodanige stelselmatige of herhaalde publiserings volgens sy oordeel het of bereken is om te hê 'n bedreiging vir die veiligheid van die publiek of vir die handhawing van die openbare orde of 'n vertraging in die beëindiging van die noodtoestand veroorsaak, kan hy, by kennisgewing in die *Staatskoerant*, 'n bevel uitreik—

- (i) waarby die publiserings, gedurende die tydperk in die bevel vermeld (maar hoogstens drie maande op 'n keer, in die geval van 'n geregistreerde periodieke publikasie, of ses maande op 'n keer, in die geval van 'n ander periodieke publikasie), van alle verdere uitgawes van daardie periodieke publikasie verbied word tensy die stof wat daarin gepubliseer staan te word en die wyse waarop dit daarin gepubliseer staan te word vooraf deur 'n persoon in die bevel vermeld vir publikasie goedgekeur is; of
- (ii) waarby die voortbrenging, invoer in die Republiek of publiserings, gedurende 'n tydperk in die bevel vermeld (maar hoogstens drie maande op 'n keer, in die geval van 'n geregistreerde periodieke publikasie, of ses maande op 'n keer, in die geval van 'n ander periodieke publikasie), van alle verdere uitgawes van daardie periodieke publikasie geheel en al verbied word.

- (b) that the said effect which such systematic or repetitive publishing in his opinion has or is calculated to have is causing a threat to the safety of the public or to the maintenance of public order or is causing a delay in the termination of the state of emergency,

he may, by notice in the *Gazette*, issue a warning to persons concerned in the production, importation, compilation or publishing of issues of that periodical that the matter published in that periodical or the way in which matter is published in that periodical, in his opinion, is causing a threat to the safety of the public or to the maintenance of public order or is causing a delay in the termination of the state of emergency.

(2) In an examination under subregulation (1) of a series of issues of a periodical, such series may include any issue of that periodical published before the commencement of these regulations but after 11 April 1988.

(3) If the Minister is in respect of a periodical which previously, whether under its present or any previous name, was the subject of—

- (a) a warning under subregulation (1) of this regulation;
- (b) a warning under regulation 7A (1) of the previous media regulations;
- (c) an order under this subregulation;
- (d) an order under regulation 7A (3) of the previous media regulations; or
- (e) an order under subregulation (9) of this regulation,

of the opinion, solely on examination of a series of issues of that periodical, that there is in that periodical a systematic or repetitive publishing of matter, or a systematic or repetitive publishing of matter in a way, which, in his opinion, has or is calculated to have an effect described in paragraph (a) of subregulation (1) of this regulation and that the said effect which such systematic or repetitive publishing, in his opinion, has or is calculated to have is causing a threat to the safety of the public or to the maintenance of public order or is causing a delay in the termination of the state of emergency, he may, by notice in the *Gazette*, issue an order—

- (i) whereby the publishing, during such period as may be specified in the order (but not exceeding three months at a time, in the case of a registered periodical, or six months at a time, in the case of any other periodical), of all further issues of that periodical is prohibited unless the matter to be published therein and the way in which it is to be published therein has previously been approved for publication by a person specified in the order; or
- (ii) whereby the production, importation into the Republic or publishing, during such period as may be specified in the order (but not exceeding three months at a time, in the case of a registered periodical, or six months at a time, in the case of any other periodical), of all further issues of that periodical is totally prohibited.

(4) Geen uitgawe van 'n periodieke publikasie word, vir die doeleindes van 'n ondersoek kragtens subregulasie (3) van 'n reeks uitgawes van daardie periodieke publikasie, in so 'n reeks ingesluit nie tensy die uitgawe—

- (a) in die geval van 'n periodieke publikasie beoog in paragraaf (a) van daardie subregulasie, gepubliseer is na afkondiging van die waarskuwing in daardie paragraaf bedoel;
- (b) in die geval van 'n periodieke publikasie beoog in paragraaf (b) van genoemde subregulasie, gepubliseer is na die inwerkingtreding van hierdie regulasies;
- (c) in die geval van 'n periodieke publikasie beoog in paragraaf (c) van genoemde subregulasie, gepubliseer is na die verstryking van die tydperk waarvoor die bevel bedoel in daardie paragraaf uitgereik is;
- (d) in die geval van 'n periodieke publikasie beoog in paragraaf (d) van genoemde subregulasie, gepubliseer is na die inwerkingtreding van hierdie regulasies; of
- (e) in die geval van 'n periodieke publikasie beoog in paragraaf (e) van genoemde subregulasie, gepubliseer is na verstryking van die tydperk waarvoor die bevel bedoel in daardie paragraaf uitgereik is.

(5) Geen waarskuwing kragtens subregulasie (1) en geen bevel kragtens subregulasie (3) word gepubliseer nie tensy die Minister die uitgewer of invoerder van die betrokke periodieke publikasie—

- (a) skriftelik kennis gegee het van die feit dat 'n ondersoek kragtens subregulasie (1) of (3), na gelang van die geval, ten opsigte van daardie periodieke publikasie gedoen word, met vermelding van die gronde van die ondersoek; en
- (b) die geleentheid gebied het om binne 'n tydperk van twee weke skriftelike vertoë in verband met die ondersoek tot hom te rig.

(6) Subregulasie (5) (a), in soverre die Minister ingevolge daardie subregulasie die gronde van 'n ondersoek ten opsigte van 'n periodieke publikasie aan die uitgewer of invoerder van daardie periodieke publikasie moet vermeld, word nie uitgelê asof die Minister verplig is om enigiets behalwe die volgende aan die uitgewer of invoerder te verstrek nie, naamlik—

- (a) 'n lys waarin aangedui word die berigte, kommentare, artikels, foto's, tekeninge, voorstellings, advertensies, briewe en ander items wat in daardie periodieke publikasie gepubliseer is en deur die Minister by die ondersoek teen die periodieke publikasie in aanmerking geneem word vir die doel om te bepaal of daar volgens sy oordeel in daardie periodieke publikasie 'n stelselmatige of herhaalde publiserings van stof, of 'n stelselmatige of herhaalde publiserings van stof op 'n wyse, is wat, volgens sy oordeel, 'n uitwerking beskryf in paragraaf (a) van subregulasie (1) het of bereken is om so 'n uitwerking te hê; en
- (b) 'n aanduiding waarom elke sodanige item vir daardie doel in aanmerking geneem word.

(7) Behalwe vir sover in subregulasie (5), saamgelees met subregulasie (6), vereis, is die Minister nie verplig om kennis van enige ondersoek, of voorgestelde optrede, kragtens hierdie regulasie aan enige persoon te gee of om enige persoon by so 'n ondersoek of by die oorweging van enige sodanige voorgestelde optrede aan te hoor nie.

(8) Die bepalinge van regulasie 6 (4) is *mutatis mutandis* van toepassing ten opsigte van 'n periodieke publikasie ten opsigte waarvan 'n bevel kragtens subregulasie (3) (ii) van hierdie regulasie uitgereik is.

(4) No issue of a periodical shall, for the purposes of an examination under subregulation (3) of a series of issues of that periodical, be included in such a series unless such issue was—

- (a) in the case of a periodical contemplated in paragraph (a) of that subregulation, published after publication of the warning referred to in that paragraph;
- (b) in the case of a periodical contemplated in paragraph (b) of the said subregulation, published after the commencement of these regulations;
- (c) in the case of a periodical contemplated in paragraph (c) of the said subregulation, published after the termination of the period for which the order referred to in that paragraph was issued;
- (d) in the case of a periodical contemplated in paragraph (d) of the said subregulation, published after the commencement of these regulations; or
- (e) in the case of a periodical contemplated in paragraph (e) of the said subregulation, published after the termination of the period for which the order referred to in that paragraph was issued.

(5) No warning under subregulation (1) and no order under subregulation (3) shall be published unless the Minister—

- (a) has given notice in writing to the publisher or importer of the periodical concerned of the fact that an examination under subregulation (1) or (3), as the case may be, is being conducted in respect of that periodical, stating the grounds of such examination; and
- (b) has given that publisher or importer the opportunity of submitting to him in writing, within a period of two weeks, representations in connection with such examination.

(6) Subregulation (5) (a), in so far as the Minister is in terms of that subregulation required to state the grounds of any examination in respect of a periodical to the publisher or importer of that periodical, shall not be construed as if the Minister is obliged to disclose to such publisher or importer anything other than the following, namely—

- (a) a list indicating the reports, comments, articles, photographs, drawings, depictions, advertisements, letters and other items published in that periodical and which are being taken into account against the periodical by the Minister in such examination for the purpose of establishing whether, in his opinion, there is in that periodical a systematic or repetitive publishing of matter, or a systematic or repetitive publishing of matter in a way, which, in his opinion, has or is calculated to have an effect described in paragraph (a) of subregulation (1); and
- (b) an indication why each such item is being taken into account for such purpose.

(7) Save in so far as is required in subregulation (5), read with subregulation (6), the Minister shall not be obliged to give notice to any person of any examination, or any proposed action, under this regulation or to give any person a hearing when conducting such an examination or considering any such proposed action.

(8) The provisions of regulation 6 (4) shall *mutatis mutandis* apply in respect of a periodical in respect of which an order under subregulation (3) (ii) of this regulation has been issued.

(9) (a) Indien die Minister van oordeel is dat dit nodig is vir die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, 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 of publisering van alle verdere uitgawes van 'n periodieke publikasie ten opsigte waarvan 'n bevel uitgereik na 1 Mei 1988 kragtens regulasie 7A (3) (b) van die vorige mediaregulasies op die dag onmiddellik voor die inwerking-treding van hierdie regulasies van krag was, verbied word vir 'n tydperk in die bevel vermeld maar vir hoogstens twee maande.

(b) Die bepalinge van paragraaf (a) verval op 20 Junie 1988: Met dien verstande dat die voortgesette werking van 'n bevel wat kragtens daardie bepalinge uitgereik is nie deur die verval van bedoelde bepalinge geraak word nie.

Voortsetting van verbode periodieke publikasies

8. Indien die Minister van oordeel 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 publisering ingevolge regulasie 6 (1) of 7 (3) (ii) of (9) 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 publisering van alle verdere 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 kragtens bedoelde regulasie verbied is.

Beslaglegging op sekere publikasies of opnames

9. (1) Indien 'n publikasie of 'n televisie-, rolprent- of klankopname in stryd met 'n bepaling van regulasie 3 (1) of (2), 4 (3) of 5 (b), (c) of (d) of met 'n bepaling van 'n bevel kragtens regulasie 3 (3), 6 (1), 7 (3) of (9) of 8 voortgebring, 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 van daardie publikasie of televisie-, rolprent- of klankopname beveel word.

(2) Indien die Minister of die Kommissaris van oordeel is—

- (a) dat die publisering van 'n publikasie (uitgesonderd 'n geregistreerde periodieke publikasie) of 'n televisie-, rolprent- of klankopname die uitwerking het of bereken is om die uitwerking te hê—
 - (i) om rewolusie of opstande in die Republiek of ander dade gerig op die omverwerping van die Regering andersins as by wyse van grondwetlike metodes te bevorder of aan te wakker;
 - (ii) om die pleging van dade vermeld in paragraaf (b) of (c) van die omskrywing van "oproerigheid" te bevorder of aan te wakker of tot die pleging daarvan aanleiding te gee;
 - (iii) om die aftakeling van die openbare orde in die Republiek of enige gedeelte van die Republiek of in enige gemeenskap te bevorder of aan te wakker;
 - (iv) om 'n gevoel van haat of vyandigheid by lede van die publiek teen 'n plaaslike owerheid of 'n veiligheidsmag, of teen lede of werknemers van 'n plaaslike owerheid of lede van 'n veiligheidsmag, of teen lede van enige bevolkingsgroep of seksie van die publiek, op te wek of aan te wakker;

(9) (a) If the Minister is of the opinion that it is necessary for the safety of the public, the maintenance of public order or the termination of the state of emergency, he may, without prior notice to any person and without hearing any person, issue an order by notice in the *Gazette* prohibiting for a period specified in the order, but not exceeding two months, the production or publishing of all further issues of a periodical in respect of which an order issued after 1 May 1988 under regulation 7A (3) (b) of the previous media regulations was in force on the day immediately preceding the commencement of these regulations.

(b) The provisions of paragraph (a) shall lapse on 20 June 1988: Provided that the continued operation of an order issued under those provisions shall not be affected by the lapse of the said provisions.

Continuation of prohibited periodicals

8. If the Minister is of the opinion that a periodical, whether or not under another name, is a continuation of or substitution for any periodical the production, importation into the Republic or publishing of which was prohibited under regulation 6 (1) or 7 (3) (ii) or (9), 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 publishing of all further issues of the first-mentioned 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 last-mentioned periodical was prohibited under the said regulation.

Seizure of certain publications or recordings

9. (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 3 (1) or (2), 4 (3) or 5 (b), (c) or (d) or of a provision of an order under regulation 3 (3), 6 (1), 7 (3) or (9) or 8, 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) If the Minister or the Commissioner is of the opinion—

- (a) that the publishing of a publication (excluding a registered periodical) or a television, film or sound recording has or is calculated to have the effect—
 - (i) of promoting or fomenting revolution or uprisings in the Republic or other acts aimed at the overthrow of the Government otherwise than by constitutional means;
 - (ii) of promoting, fomenting or sparking the perpetration of acts referred to in paragraph (b) or (c) of the definition of "unrest";
 - (iii) of promoting or fomenting the breaking down of public order in the Republic or in any area of the Republic or in any community;
 - (iv) of stirring up or fomenting feelings of hatred or hostility in members of the public towards a local authority or a security force, or towards members or employees of a local authority or members of a security force, or towards members of any population group or section of the public;

- (v) om die openbare beeld of aansien van 'n organisasie wat 'n onwettige organisasie ingevolge die Wet op Binnelandse Veiligheid, 1982 (Wet 74 van 1982), is, of ten opsigte van wie 'n bevel kragtens regulasie 7 (1) (a) van die Veiligheidsnoodregulasies, 1988, van krag is, te bevorder;
 - (vi) om die vestiging of bedrywighede van strukture bedoel in paragraaf (a) (viii) of (ix) van die omskrywing van "ondermynende verklaring" te bevorder; of
 - (vii) om aksies, stakings of boikotte bedoel in paragraaf (a) (iii), (iv), (v) of (x) van die omskrywing van "ondermynende verklaring" te bevorder of aan te wakker of tot sodanige aksies, stakings of boikotte aanleiding te gee; en
- (b) dat bedoelde uitwerking wat die publiserings van sodanige publikasie of televisie-, rolprent- of klankopname volgens sy oordeel het of bereken is om te hê 'n bedreiging vir die veiligheid van die publiek of vir die handhawing van die openbare orde of 'n vertraging in die beëindiging van die noodtoestand veroorsaak,

kan hy, sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, 'n bevel onder sy handtekening uitreik waarby die beslaglegging van daardie publikasie of televisie-, rolprent- of klankopname beveel word.

(3) 'n Bevel kragtens subregulasie (1) of (2) 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 waarop die bevel betrekking het.

(4) 'n Bevel kragtens subregulasie (1) of (2) 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, vaartuig, lugvaartuig of perseel betree waarin of waarop die publikasie of opname, of 'n kopie, eksimplaar of reproduksie daarvan, waarop die bevel betrekking het, is of deur hom vermoed word te wees; en
- (b) op of in daardie voertuig, vaartuig, lugvaartuig of perseel alles doen wat redelikerwyse nodig is om die bevel ten uitvoer te lê.

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

(6) Met 'n publikasie of opname, of enige kopieë, eksimplare of reproduksies daarvan, waarop daar kragtens hierdie regulasie beslag gelê is, word daar gehandel ooreenkomstig die opdrag van die Minister wat hy na goëddunke met die oog op die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, hetsy in die algemeen of met verwysing na 'n bepaalde beslaglegging, kan uitreik.

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

Pliglewering van periodieke publikasies

10. (1) Indien die Minister van oordeel is dat dit nodig is vir die behoorlike uitvoering van 'n bepaling van hierdie regulasies kan hy, by bevel onder sy handtekening, die uitgewer of invoerder van 'n periodieke publikasie gelas om een eksimplaar van elke uitgawe van daardie periodieke publikasie wat in die Republiek gedurende 'n tydperk in die

(v) of promoting the public image or esteem of an organization which is an unlawful organization in terms of the Internal Security Act, 1982 (Act 74 of 1982), or in respect of which an order under regulation 7 (1) (a) of the Security Emergency Regulations, 1988, is in force;

(vi) of promoting the establishment or activities of structures referred to in paragraph (a) (viii) or (ix) of the definition of "subversive statement"; or

(vii) of promoting, fomenting or sparking actions, strikes or boycotts referred to in paragraph (a) (iii), (iv), (v) or (x) of the definition of "subversive statement"; and

(b) that the said effect which the publishing of such publication or television, film or sound recording has or is calculated to have is causing a threat to the safety of the public or to the maintenance of public order or is causing a delay in the termination of the state of emergency,

he 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.

(3) An order under subregulation (1) or (2) 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 to which the order relates.

(4) An order under subregulation (1) or (2) 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 such a member may for the purposes of such seizure—

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

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

(6) A publication or recording, or any copies or reproductions thereof, seized under this regulation shall be dealt with in accordance with the direction of the Minister which may be issued by him at his discretion with a view to the safety of the public, the maintenance of public order or the termination of the state of emergency, either generally or with reference to a particular seizure.

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

Compulsory deposit of periodicals

10. (1) If the Minister is of the opinion that it is necessary for the proper administration of a provision of these regulations he may, by order under his hand, direct the publisher or importer of a periodical to supply an official of the Department of Home Affairs, and at an address, specified in

bevel vermeld, gepubliseer word, gratis aan 'n beampte van die Departement van Binnelandse Sake, en by 'n adres, in die bevel vermeld, te verskaf.

(2) 'n Eksemplaar van 'n uitgawe van 'n periodieke publikasie wat na aanleiding van 'n bevel kragtens subregulasie (1) aan genoemde beampte verskaf moet word, moet aan hom gestuur word binne een dag na die dag waarop daardie uitgawe in die Republiek gepubliseer word.

(3) In hierdie regulasie beteken "uitgawe", met betrekking tot 'n periodieke publikasie wat verskillende uitgawes op dieselfde dag uitgee, elke uitgawe van daardie periodieke publikasie wat aldus uitgegee word.

Registrasie van persone wat nuusagentskapsbesighede bedryf

11. (1) Geen persoon mag na 31 Julie 1988 'n nuusagentskapsbesighede bedryf nie tensy hy by die Direkteur-generaal geregistreer is.

(2) Aansoek om 'n registrasie in subregulasie (1) bedoel, word skriftelik by die Direkteur-generaal: Binnelandse Sake, Civitasgebou, Strubenstraat, Privaatsak X114, Pretoria, 0001, gedoen, en moet vergesel gaan van 'n staat wat die volgende besonderhede vermeld, naamlik—

- (a) die naam en adres van die aansoeker, asook, indien hy 'n natuurlike persoon is, sy nasionaliteit en identiteitsnommer (as daar is);
- (b) die adres waarvandaan die nuusagentskapsbesigheid bedryf word of sal word;
- (c) die naam van elke periodieke publikasie of televisie- of radiostasie aan wie nuusmateriaal betreffende gebeure in die Republiek verskaf word of sal word; en
- (d) die naam en adres van elke joernalis, nuusverslaggewer, nuuskommentator, nuuskorrespondent, koerant- of tydskrif-fotograaf, operateur van 'n televisie of ander kamera of van enige televisie-, klank-, rolprent- of ander opnametoerusting of ander persoon deur wie sodanige nuusmateriaal vir die doeleindes van die nuusagentskapsbesigheid ingewin, opgestel, saamgestel, opgeneem, verwerk of voortgebring word of sal word.

(3) Indien die Direkteur-generaal in verband met 'n aansoek ingevolge subregulasie (2), tevrede is dat die aansoeker al die besonderhede wat ingevolge daardie subregulasie vereis word aan hom verstrek het, registreer hy die aansoeker onverwyld deur sy naam en bedoelde besonderhede aan te teken in 'n register wat hy vir hierdie doel moet byhou: Met dien verstande dat die Direkteur-generaal kan weier om 'n persoon te registreer—

- (a) indien daardie persoon voorheen kragtens hierdie regulasie geregistreer was en sodanige registrasie kragtens subregulasie (5) deur die Minister ingetrek is; of
- (b) indien daardie persoon voorheen, hetsy as 'n werknemer of op 'n vryskutgrondslag, betrokke was by 'n nuusagentskapsbesigheid wat bedryf was deur 'n persoon wat voorheen kragtens hierdie regulasie geregistreer was en wie se registrasie kragtens subregulasie (5) deur die Minister ingetrek is.

(4) Enige verandering in die besonderhede wat ingevolge subregulasie (2) aan die Direkteur-generaal verstrek is, moet binne 14 dae nadat die verandering plaasgevind of andersins ontstaan het skriftelik deur die betrokke geregistreerde persoon by die Direkteur-generaal aangemeld word.

(5) Indien die Minister van oordeel is dat dit nodig is vir die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand kan hy, sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, die registrasie wat ingevolge hierdie regulasie verleen is aan 'n persoon wat 'n

the order, free of charge with one copy of each issue of that periodical which is published in the Republic during a period specified in the order.

(2) A copy of an issue of a periodical which in pursuance of an order under subregulation (1) is required to be supplied to the said official, shall be sent to him within one day of the day on which that issue is published in the Republic.

(3) In this regulation "issue", in relation to a periodical issuing different editions on the same day, means each edition of that periodical which is so issued.

Registration of persons conducting news agency businesses

11. (1) No person shall after 31 July 1988 carry on a news agency business unless he is registered with the Director-General.

(2) Application for a registration referred to in subregulation (1) shall be made to the Director-General: Home Affairs, Civitas Building, Struben Street, Private Bag X114, Pretoria, 0001, in writing, and shall be accompanied by a statement specifying the following particulars, namely—

- (a) the name and address of the applicant, and, if he is a natural person, his nationality and identity number (if any);
- (b) the address from where the news agency business is or will be carried on;
- (c) the name of each periodical or television or radio station which is or will be provided with news material regarding events in the Republic; and
- (d) the name and address of each journalist, news reporter, news commentator, news correspondent, newspaper or magazine photographer, operator of a television or other camera or of any television, sound, film or other recording equipment or other person by whom such news material is or will be gathered, prepared, compiled, recorded, processed or produced for the purposes of the news agency business.

(3) If the Director-General is in connection with an application in terms of subregulation (2), satisfied that the applicant has furnished to him all the particulars required in terms of that subregulation, he shall forthwith register the applicant by recording his name and the said particulars in a register to be kept by him for this purpose: Provided that the Director-General may refuse to register a person—

- (a) if that person was previously registered under this regulation and such registration was withdrawn by the Minister under subregulation (5); or
- (b) if that person was previously involved, whether as an employee or on a free-lance basis, in a news agency business which was carried on by a person who was previously registered under this regulation and whose registration was withdrawn by the Minister under subregulation (5).

(4) Any change in the particulars furnished to the Director-General in terms of subregulation (2), shall within 14 days after the change has taken place or otherwise arisen, be reported by the registered person concerned to the Director-General in writing.

(5) If the Minister is of the opinion that it is necessary for the safety of the public, the maintenance of public order or the termination of the state of emergency, he may, without prior notice to any person and without hearing any person,

nuusagentskapsbesigheid bedryf, summier intrek, en daarop is die verbod in subregulasie (1) vervat op so 'n persoon van toepassing.

(6) (a) Indien die Minister van oordeel is dat dit nodig is vir die behoorlike uitvoering van 'n bepaling van hierdie regulasie kan hy, by bevel onder sy handtekening, 'n persoon wat 'n nuusagentskapsbesigheid bedryf, gelas om 'n kopie van elke stuk nuusmateriaal betreffende gebeure in die Republiek wat hy aan 'n persoon vir publikasie in 'n periodieke publikasie of vir uitsending deur 'n televisie- of radiostasie stuur, gratis aan 'n beampte van die Departement van Binnelandse Sake, en by 'n adres, in die bevel vermeld, te verskaf.

(b) Nuusmateriaal wat na aanleiding van 'n bevel kragtens paragraaf (a) aan bedoelde beampte verskaf moet word, moet aan hom gestuur word binne een dag na die dag waarop hy die nuusmateriaal aan die persoon bedoel in daardie paragraaf gestuur het.

(7) Hierdie regulasie is nie van toepassing nie op Reuters, United Press International (UPI), Agence France Presse (AFP), Deutsche Presse Agentur (DPA), Associated Press (AP), Gemeenschappelijke Persdienst (GPD), Chinese Nuusagentskap (Taiwan) (CNA), Kyodo Nuusdiens (Japan), Italiaanse Nuusagentskap (ANSA), Afrika Presse Dienst (APD), Visnews (Brittanje), Worldwide Television (Brittanje) (WTN) en Suid-Afrikaanse Pers Assosiasie (SAPA).

(8) 'n Persoon wat nuusmateriaal deur hom ingewin, opgestel, saamgestel, opgeneem, verwerk of voortgebring—

(a) uitsluitlik verskaf aan 'n periodieke publikasie of 'n televisie- of radiostasie waarvan hy 'n werknemer is; of

(b) aan 'n persoon by wyse van 'n toevallige of geïsoleerde handeling verskaf vir publikasie in 'n periodieke publikasie of vir uitsending deur 'n televisie- of radiostasie,

word by die toepassing van hierdie regulasie geag nie 'n nuusagentskapsbesigheid te bedryf nie.

Misdrywe en strawwe

12. (1) 'n Persoon wat—

(a) opsetlik 'n bepaling van regulasie 2 (1), 3 (4) of (5), 4 (1) of (2), 5 of 11 (1) of 'n bepaling van 'n bevel kragtens regulasie 6 (1), 7 (3) of (9) of 8 oortree;

(b) hetsy opsetlik of nalatig 'n bepaling van regulasie 3 (1) of (2) of 4 (3) of 'n bepaling van 'n bevel kragtens regulasie 3 (3) oortree; of

(c) opsetlik 'n lid van 'n veiligheidsmag by die verrigting van sy werksaamhede ingevolge regulasie 9 (4) hinder of belemmer,

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

(2) 'n Persoon wat hetsy opsetlik of nalatig—

(a) versuim om aan 'n bepaling van regulasie 11 (4) te voldoen; of

(b) versuim om aan 'n bevel kragtens regulasie 10 (1) of 11 (6) te voldoen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R500.

Opdrag van Prokureur-generaal

13. 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.

summarily withdraw the registration granted under this regulation to a person carrying on a news agency business, and thereupon the prohibition contained in subregulation (1) shall apply to such a person.

(6) (a) If the Minister is of the opinion that it is necessary for the proper administration of a provision of this regulation he may, by order under his hand, direct a person carrying on a news agency business to supply an official of the Department of Home Affairs, and at an address, specified in the order, free of charge with a copy of each piece of news material regarding events in the Republic which is sent by him to a person for publication in a periodical or for broadcasting by a television or radio station.

(b) News material which in pursuance of an order under paragraph (a) is required to be supplied to the said official, shall be sent to him within one day of the day on which he sent such news material to the person referred to in that paragraph.

(7) This regulation shall not apply to Reuters, United Press International (UPI), Agence France Presse (AFP), Deutsche Presse Agentur (DPA), Associated Press (AP), Gemeenschappelijke Persdienst (GPD), Chinese News Agency (Taiwan) (CNA), Kyodo News Service (Japan), Italian News Agency (ANSA), Afrika Presse Dienst (APD), Visnews (Britain), Worldwide Television News (Britain) (WTN) and South African Press Association (SAPA).

(8) A person who supplies news material gathered, prepared, compiled, recorded, processed or produced by him—

(a) exclusively to a periodical or television or radio station of which he is an employee; or

(b) by way of a casual or isolated act to a person for publication in a periodical or for broadcasting by a television or radio station,

shall for the purposes of this regulation be deemed not to carry on a news agency business.

Offences and penalties

12. (1) Any person who—

(a) wilfully contravenes a provision of regulation 2 (1), 3 (4) or (5), 4 (1) or (2), 5 or 11 (1) or a provision of an order under regulation 6 (1), 7 (3) or (9) or 8;

(b) either wilfully or negligently contravenes a provision of regulation 3 (1) or (2) or 4 (3) or a provision of an order under regulation 3 (3); or

(c) wilfully hinders or obstructs a member of a security force in the performance of his functions in terms of regulation 9 (4),

shall be guilty of an offence and on conviction be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding 10 years or to that imprisonment without the option of a fine.

(2) Any person who either wilfully or negligently—

(a) fails to comply with a provision of regulation 11 (4); or

(b) fails to comply with an order under regulation 10 (1) or 11 (6),

shall be guilty of an offence and on conviction be liable to a fine not exceeding R500.

Direction of Attorney-General

13. 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.

Kort titel

14. Hierdie regulasies heet die Medianoodregulasies, 1988.

Short title

14. These regulations shall be called the Media Emergency Regulations, 1988.

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