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No. 14568

GOVERNMENT NOTICES

MINISTRY OF LAW AND ORDER

No. R. 172 2 February 1993

PUBLIC SAFETY ACT, 1953

DECLARATION OF UNREST AREA

Whereas I am of the opinion that public disturbance, disorder, riot and public violence are occurring or threatening in the area mentioned in the Schedule and that measures additional to the ordinary law of the land are necessary to enable the Government to ensure the safety of the public and the maintenance of public order and to combat or prevent such public disturbance, disorder, riot and public violence;

I, Hermanus Jacobus Kriel, Minister of Law and Order, therefore, under section 5A (1) of the Public Safety Act, No. 3 of 1953, declare the area mentioned in the Schedule to be an unrest area as from 2 February 1993.

H. J. KRIEL,
Minister of Law and Order.

SCHEDULE

The Magisterial District of Johannesburg, as demarcated and described in Government Notice No. 1594 of 22 August 1975.

No. R. 173 2 February 1993

PUBLIC SAFETY ACT, 1953

UNREST REGULATIONS, 1993

Under the powers vested in me by section 5A of the Public Safety Act, No. 3 of 1953, I, Hermanus Jacobus Kriel, Minister of Law and Order, make with effect from 2 February 1993, in the area mentioned in Schedule I, which have been declared to be an unrest area under section 5A (1) of the said Act as from 2 February 1993, the regulations in Schedule II, and declare regulation

90395—A

GOEWERMENSKENNISGEWINGS

MINISTERIE VAN WET EN ORDE

No. R. 172 2 Februarie 1993

WET OP OPENBARE VEILIGHEID, 1953

VERKLARING VAN ONRUSGEBIED

Nademaal ek van oordeel is dat openbare rusverstoring, wanordelikheid, oproer en openbare geweldpleging in die gebied in die Bylae vermeld voorkom of dreig, en dat maatreëls bykomend tot die gewone landswette nodig is om die Regering in staat te stel om die veiligheid van die publiek en die handhawing van die openbare orde te verseker en sodanige openbare rusverstoring, wanordelikheid, oproer en openbare geweldpleging te bekamp of te voorkom;

Verklaar ek, Hermanus Jacobus Kriel, Minister van Wet en Orde, derhalwe hierby kragtens artikel 5A (1) van die Wet op Openbare Veiligheid, No. 3 van 1953, die gebied in die Bylae vermeld tot onrusgebied vanaf 2 Februarie 1993.

H. J. KRIEL,
Minister van Wet en Orde.

BYLAE

Die landdrostdistrik van Johannesburg, soos afgebaan en omskryf in Goewermenskennisgewing No. 1594 van 22 Augustus 1975.

No. R. 173 2 Februarie 1993

WET OP OPENBARE VEILIGHEID, 1953

ONRUSREGULASIES, 1993

Kragtens die bevoegdheid my verleen by artikel 5A van die Wet op Openbare Veiligheid, No. 3 van 1953, vaardig ek, Hermanus Jacobus Kriel, Minister van Wet en Orde, hierby met ingang van 2 Februarie 1993 in die gebied in Bylae I vermeld, wat kragtens artikel 5A (1) van genoemde Wet vanaf 2 Februarie 1993 tot onrusgebied verklaar is, die regulasies in Bylae II uit, en

14568—1

12 of the said regulations to apply also in any area outside the area mentioned in Schedule I in the Republic of South Africa with effect from 2 February 1993.

H. J. KRIEL,

Minister of Law and Order.

SCHEDULE I

The Magisterial District of Johannesburg, as demarcated and described in Government Notice No. 1594 of 22 August 1975.

SCHEDULE II

Definitions

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

“Act” means the Public Safety Act, No. 3 of 1953;

“Commissioner” means the Commissioner of the South African Police, and for the purposes of the application of a provision of Regulations 4A, 7 and 8 in or in respect of a region as defined in section 1 of the Police Act, No. 7 of 1958, the said Commissioner or the Regional Commissioner designated under that Act for that region;

“district commissioner” means a ‘commanding officer’ as defined in regulation 1 (1) of the South African Police Regulations which have been promulgated under the provisions of the Police Act, No. 7 of 1958, or any person acting in his absence as district commissioner;

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

“Minister” means the Minister of Law and Order;

“officer” means a person in the service of the State, and also a member of a security force who is not otherwise in the service of the State;

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

“prison” means a prison referred to in section 20 (1) of the Prisons Act, No. 8 of 1959, and also a police cell or lock-up;

“security force” means—

(a) the South African Police referred to in the definition of “the Force” in section 1 of the Police Act, No. 7 of 1958, including members of a police unit as referred to in section 17C of the said Act;

(b) the South African Defence Force referred to in section 5 of the Defence Act, No. 44 of 1957; or

(c) the Prisons Service established by section 2 of the Prisons Act, No. 8 of 1959,

and also any part of a force referred to in paragraph (a) to (c) or any combination of two or more of such forces or of parts of such forces;

“unrest area” means an area mentioned in Schedule I;

“writing” includes any mode of representing or depicting letters, figures, signs or symbols in visible form.

verklaar ek regulasie 12 van genoemde regulasies ook in enige gebied buite die gebied in Bylae I bedoel, in die Republiek van Suid-Afrika van toepassing met ingang van 2 Februarie 1993.

H. J. KRIEL,

Minister van Wet en Orde.

BYLAE I

Die landdrostdistrik van Johannesburg, soos afgebaan en omskryf in Goewermentskennisgewing No. 1594 van 22 Augustus 1975.

BYLAE II

Woordomskrywing

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

“beampte” ’n persoon in diens van die Staat, en ook ’n lid van ’n veiligheidsmag wat nie andersins in diens van die Staat is nie;

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

“distrikkommissaris” ’n ‘bevelvoerende offisier’ soos omskryf in regulasie 1 (1) van die Suid-Afrikaanse Polisie Regulsies uitgevaardig kragtens die bepalings van die Polisiewet, No. 7 van 1958, of enige persoon wat in sy afwesigheid as distrikkommissaris optree;

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

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

“gevangenis” ’n gevangenis bedoel in artikel 20 (1) van die Wet op Gevangenis, No. 8 van 1959, en ook ’n polisie- of -opsluitplek;

“Kommissaris” die Kommissaris van die Suid-Afrikaanse Polisie, en by die toepassing van ’n bepaling van regulasies 4A, 7 en 8 binne of ten opsigte van ’n streek soos omskryf in artikel 1 van die Polisiewet, No. 7 van 1958, bedoelde Kommissaris of die Streekkommissaris wat kragtens daardie Wet vir daardie streek aangewys is;

“Minister” die Minister van Wet en Orde;

“onrusgebied” ’n gebied in Bylae I vermeld;

“veiligheidsmag”—

(a) die Suid-Afrikaanse Polisie bedoel in die omskrywing van “die Mag” in artikel 1 van die Polisiewet, No. 7 van 1958, insluitende lede van ’n Polisie-eenheid soos bedoel in artikel 17C van genoemde Wet;

(b) die Suid-Afrikaanse Weermag bedoel in artikel 5 van die Verdedigingswet, No. 44 van 1957; of

(c) die Gevangenisdiens ingestel by artikel 2 van die Wet op Gevangenis, No. 8 van 1959,

en ook enige deel van ’n mag bedoel in paragraaf (a) tot (c) of enige samestelling van twee of meer van sodanige magte of van dele van sodanige magte;

“Wet” die Wet op Openbare Veiligheid, No. 3 van 1953.

(2) No provision of these regulations conferring a power on an authority specified in such provision, shall be construed as purporting to authorize such authority to exercise the relevant power in conflict with section 3 (3) of the Act.

Maintenance of order

2. (1) Whenever a member of a security force is of the opinion that the presence or conduct of any person or persons at any place in an unrest area contributes or may contribute to public disturbance, disorder, riot or public violence or endangers or may endanger the maintenance or restoration of public order, he shall in a loud voice in each of the official languages order such person or persons to proceed to a place indicated by him, or to desist from such conduct, and shall warn such person or persons that force will be used if the order is not obeyed immediately.

(2) If an order referred to in subregulation (1), is not obeyed immediately, such member of a security force may apply, or order the application of, such force as he under the circumstances may deem necessary in order to ward off or prevent the danger existing in his opinion.

(3) If a member of a security force is of the opinion that it is necessary for the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, he may summarily order a person present in an unrest area or part of such area, and who is not normally resident therein, to leave that unrest area or part of such area immediately, and if that person fails to leave that unrest area or part of such area immediately, that member may arrest the person concerned or cause him to be arrested and may remove him from that unrest area or part of such area or cause him to be so removed.

Arrest and detention of persons

3. (1) A member of a security force may, in an unrest area, without warrant of arrest, arrest or cause to be arrested any person whose detention is, in the opinion of such member, necessary for the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, and may, under a written order signed by any member of a security force, detain or cause to be detained any such person in custody in a prison, whether such a prison be within or outside an unrest area.

(2) No person shall be detained in terms of subregulation (1) for a period exceeding 30 days from the date of his arrest, unless that period is extended by the Minister under subregulation (3).

(3) The Minister may, without notice to any person and without hearing any person, under a notice signed by him and addressed to the head of a prison, order that a person arrested and detained in terms of subregulation (1), be further detained, and in that prison, for the period specified in the notice or for as long as these regulations remain in force, whichever occurs first.

(2) Geen bepaling van hierdie regulasies wat 'n bevoegdheid verleen aan 'n gesag in die bepalings vermeld, word uitgelê as sou dit die gesag heet te magtig om die betrokke bevoegdheid strydig met artikel 3 (3) van die Wet uit te oefen nie.

Handhawing van orde

2. (1) Wanneer 'n lid van 'n veiligheidsmag van oordeel is dat die aanwesigheid of gedrag van 'n persoon of persone by enige plek in 'n onrusgebied bydra tot mag bydra tot openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde in gevaar stel of in gevaar mag stel, moet hy met luide stem in elkeen van die amptelike tale daardie persoon of persone beveel om na 'n plek wat hy aandui, te gaan of om daardie gedrag te staak, en moet hy daardie persoon of persone waarsku dat geweld aangewend sal word indien die bevel nie onmiddellik gehoorsaam word nie.

(2) Indien 'n bevel in subregulasie (1) bedoel nie onmiddellik gehoorsaam word nie, kan dié lid van 'n veiligheidsmag die geweld toepas, of die toepassing daarvan beveel, wat hy onder die omstandighede nodig ag, ten einde die gevaar wat volgens sy oordeel bestaan, af te weer of te voorkom.

(3) Indien 'n lid van 'n veiligheidsmag van oordeel is dat dit nodig is vir die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, kan hy 'n persoon wat in 'n onrusgebied, of deel van so 'n gebied aanwesig is en wat nie sy gewone verblyfplek daar het nie, summier beveel om daardie onrusgebied, of deel van so 'n gebied, onmiddellik te verlaat, en indien daardie persoon versuim om daardie onrusgebied, of deel van so 'n gebied, onmiddellik te verlaat, kan daardie lid die betrokke persoon arresteer of laat arresteer en uit daardie onrusgebied, of deel van so 'n gebied, verwyder of laat verwyder.

Arres en aanhouding van persone

3. (1) 'n Lid van 'n veiligheidsmag kan, in 'n onrusgebied, enige persoon wie se aanhouding na die oordeel van daardie lid nodig is vir die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, sonder lasbrief arresteer of laat arresteer, en kan so 'n persoon, kragtens 'n skriftelike bevel deur enige lid van 'n veiligheidsmag onderteken, in bewaring in 'n gevangenis aanhou of laat aanhou, hetsy so 'n gevangenis binne of buite 'n onrusgebied geleë is.

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

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

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

(5) A person detained in a prison in terms of this regulation may, if the Minister or a commissioned officer, as defined in section 1 of the Police Act, No. 7 of 1958, or the head of that prison, in writing so directs, be removed in custody from that prison for detention in any other prison, or for any other purposes mentioned in such direction.

(6) A member of a security force may, with a view to the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, interrogate any person arrested or who is detained in terms of this regulation.

(7) Any person detained in terms of the provisions of this regulation shall be so detained in accordance with the provisions of the Prisons Act, No. 8 of 1959, which relate to unconvicted prisoners awaiting trial for an alleged offence.

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

Threats of harm, hurt or loss

4. No person shall in an unrest area—

- (a) by word or conduct threaten to inflict upon any other person, or upon any of such person's relatives or dependants, any harm, hurt or loss, whether to his or their person or property or in any other way; or
- (b) prepare, compile, print, publish, transmit, possess or disseminate, or assist in the preparation, compilation, printing, publication, transmission or dissemination of any writing which threatens the infliction upon any other person, or upon any of such person's relatives or dependants, of any harm, hurt or loss, whether to his or their person or property or in any other way.

Prohibition concerning the carrying of certain weapons and objects

4A. (1) Subject to subregulation (2), no person shall in an unrest area mentioned in Schedule A to this regulation at any time in or on any public place in such an area—

- (a) carry or convey any weapon mentioned in Column 1 of Schedule B to this regulation; or

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

(5) 'n Persoon wat ingevolge hierdie regulasie in 'n gevangenis aangehou word, kan, indien die Minister of 'n offisier, soos omskryf in artikel 1 van die Polisiewet, No. 7 van 1958, of die hoof van daardie gevangenis, skriftelik aldus gelas, uit daardie gevangenis in hegtenis verwyder word vir aanhouding in enige ander gevangenis, of vir enige ander doeleindes in sodanige lasgewing vermeld.

(6) 'n Lid van 'n veiligheidsmag kan enige persoon wat ingevolge hierdie regulasie gearresteer is of aangehou word, met die oog op die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, ondervra.

(7) 'n Persoon wat ingevolge die bepalinge van hierdie regulasie aangehou word, word ooreenkomstig die bepalinge van die Wet op Gevangenis, No. 8 van 1959, wat betrekking het op onveroordeelde gevangenes wat hul verhoor weens 'n beweerde misdryf afwag, aldus aangehou.

(8) Die Minister kan te eniger tyd kragtens 'n kennisgewing deur hom onderteken, gelas dat 'n persoon wat ingevolge hierdie regulasie aangehou word, uit aanhouding vrygelaat word.

Dreigemente van skade, letsel of verlies

4. Niemand mag, in 'n onrusgebied—

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

Verbod betreffende die dra van sekere wapens en voorwerpe

4A. (1) Behoudens subregulasie (2), mag geen persoon in 'n onrusgebied vermeld in Bylae A by hierdie regulasie te eniger tyd in of op enige openbare plek in so 'n gebied—

- (a) enige wapen vermeld in Kolom I van Bylae B by hierdie regulasie dra of vervoer nie; of

(b) carry any object mentioned in Column 2 of Schedule B to this regulation under circumstances which reasonably indicate that he carries such object as a weapon.

(2) The provisions of subregulation (1) shall not apply to—

(a) a member of a security force in the exercise of any power or the performance of any duty in his capacity as a member of such a security force; or

(b) a person to whom the Commissioner or a District Commissioner beforehand granted permission in writing to carry or convey any weapon or object referred to in subregulation (1) subject to the conditions specified in the permission; or

(c) a category of persons exempted from the said provisions by the Commissioner or a District Commissioner subject to such conditions as may be determined by him.

(3) A member of a security force may, for the purpose of this regulation, request a person to produce a written permission referred to in subregulation 2 (b).

(4) If a member of the security force is of the opinion that a written permission referred to in subregulation (2) (b) is false or untrue or has not been issued to the carrier thereof, the member may arrest or cause to be arrested the person who produces such permission, without a warrant and detain him for a period not exceeding 12 hours in order to ascertain the validity of the permission.

(5) In this regulation "public place" shall mean any place to which the public normally has a right of access.

SCHEDULE A

The Magisterial District of Johannesburg, as demarcated and described in Government Notice No. 1594 of 22 August 1975.

SCHEDULE B

Column 1	Column 2
Assegai.	Axe.
Bow and arrow.	Brick.
Club.	Chain.
Cross-bow.	Gaff.
Dagger.	Gardenfork.
Firearm (including a machine gun) or a replica thereof.	Hammer.
Knobkierrie.	Hoe.
Panga.	Knife (excluding a pocket knife).
Petrol bomb.	Metal pipe.
Spear.	Metal rod.
Sword.	Pick.
	Pick handle.
	Pitchfork.
	Screwdriver.
	Scythe.
	Sharp pointed stick or staff.
	Sickle.
	Spade.
	Spanner.
	Stick shod with metal.
	Stone.
	Tyre or tube.

(b) enige voorwerp vermeld in Kolom 2 van Bylae B by hierdie regulasie dra onder omstandighede wat redelikerwys daarop dui dat hy sodanige voorwerp as 'n wapen dra nie.

(2) Die bepalings van subregulasie (1) is nie van toepassing nie op—

(a) 'n lid van 'n veiligheidsmag by die uitoefening van enige bevoegdheid of die uitvoering van enige plig in sy hoedanigheid as 'n lid van so 'n veiligheidsmag;

(b) 'n persoon aan wie die Kommissaris of 'n Distrik-kommissaris vooraf skriftelike toestemming verleen het om enige wapen of voorwerp bedoel in subregulasie (1) te dra, of vervoer behoudens die voorwaardes in die toestemming uiteengesit; of

(c) 'n kategorie persone wat deur die Kommissaris of 'n Distrikkommissaris behoudens die voorwaardes deur hom bepaal van genoemde bepalings vrygestel is.

(3) 'n Lid van 'n veiligheidsmag kan, by die toepassing van hierdie regulasie, 'n persoon versoek om 'n skriftelike toestemming bedoel in subregulasie (2) (b) te toon.

(4) Indien 'n lid van 'n veiligheidsmag van oordeel is dat 'n skriftelike toestemming bedoel in subregulasie 2 (b), vals of onjuis is of nie aan die draer daarvan uitgereik is nie, kan die lid die persoon deur wie sodanige toestemming voorgelê word, sonder 'n lasbrief in hegtenis neem of laat neem en hom vir 'n tydperk van hoogstens 12 ure aanhou ten einde die geldigheid van die toestemming te bepaal.

(5) In hierdie regulasie beteken "openbare plek" enige plek waartoe die publiek normaalweg toegang het.

BYLAE A

Die landdrostdistrik van Johannesburg, soos afgebaan en omskryf in Goewermentskennisgewing No. 1594 van 22 Augustus 1975.

BYLAE B

Kolom 1	Kolom 2
Assegai.	Baksteen.
Dolk.	Band of binneband.
Knopkierrie.	Byl.
Knuppel.	Gaffel.
Kruisboog.	Graaf.
Panga.	Hamer.
Petrolbom.	Hooivurk.
Pyl-en-boog.	Ketting.
Spies.	Klip.
Swaard.	Mes (uitsluitend 'n knipmes).
Vuurwapen (insluitend 'n masjiengeweer) of 'n replika daarvan.	Moersleutel.
	Pik.
	Piksteel.
	Sekel.
	Sens.
	Skerppuntige stok of staf.
	Skoffelpik.
	Skroewedraaier.
	Stok met metaal beslaan.
	Tuinvurk.
	Metaalpyp.
	Metaalstaaf.

Power of entry, search and seizure

5. (1) If a member of a security force is of the opinion that it is necessary for the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, he may, in an unrest area, without warrant but subject to subregulation (3) —

- (a) enter or cause to be entered any area, premises, building, vehicle, vessel or aircraft and thereon or therein take or cause to be taken any steps which he is by a provision of these regulations or any other law authorized to take;
- (b) search or cause to be searched any person or any area, premises, building, vehicle, vessel or aircraft or any receptacle, object or other article; or
- (c) seize or cause to be seized any vehicle, vessel or aircraft or any receptacle, object or other article.

(2) Anything seized under subregulation (1) (c) 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 combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, either generally or with reference to a particular seizure.

(3) The provisions of sections 27 and 29 of the Criminal Procedure Act, No. 51 of 1977, with reference to the search or entry of premises and the search of persons by a police official, shall apply *mutatis mutandis* to any search or entry under this regulation by a member of a security force.

Request for name and address of a person

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

Orders by Commissioner

7. (1) The Commissioner may for the purpose of the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, and without prior notice to any person and without hearing any person, issue orders not inconsistent with these regulations —

- (a) relating to —
 - (i) the closing off of an unrest area or part of such area in order to control entry to or departure from such area or part thereof;
 - (ii) the control of entry to or departure from an unrest area or part of such area;
 - (iii) the control of traffic in an unrest area;
 - (iv) the temporary closing of any public or private place or any business or industrial undertaking in an unrest area; or

Reg van betreding, deursoeking en beslaglegging

5. (1) Indien 'n lid van 'n veiligheidsmag van oordeel is dat dit nodig is vir die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, kan hy, in 'n onrusgebied, sonder lasbrief maar behoudens subregulasie (3) —

- (a) enige gebied, perseel, gebou, voertuig, vaartuig of lugvaartuig betree of laat betree en daarop of daarin enige stappe doen of laat doen wat hy by 'n bepaling van hierdie regulasies of enige ander wet gemagtig is om te doen;
- (b) enige persoon of enige gebied, perseel, gebou, voertuig, vaartuig of lugvaartuig of enige houer, voorwerp of ander artikel deursoek of laat deursoek; of
- (c) beslag lê of laat beslag lê op enige voertuig, vaartuig of lugvaartuig of enige houer, voorwerp of ander artikel.

(2) Met enigiets waarop daar kragtens subregulasie (1) (c) beslag gelê is, word daar gehandel ooreenkomstig die opdrag van die Minister wat hy na goeë dunske met die oog op die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, hetsy in die algemeen of met verwysing na 'n bepaalde beslaglegging, kan uitreik.

(3) Die bepalings van artikels 27 en 29 van die Strafproseswet, No. 51 van 1977, met betrekking tot die deursoeking of betreding van persele en die deursoeking van persone deur 'n polisiebeampte, is *mutatis mutandis* van toepassing op enige betreding of deursoeking kragtens hierdie regulasie deur 'n lid van 'n veiligheidsmag.

Verseuk om naam en adres van 'n persoon

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

Bevele deur Kommissaris

7. (1) Die Kommissaris kan vir die doel van die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, en sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, bevele wat nie met hierdie regulasies onbestaanbaar is nie, uitreik —

- (a) met betrekking tot —
 - (i) die afsluiting van 'n onrusgebied of deel van so 'n gebied ten einde toegang tot of vertrek uit so 'n gebied of deel daarvan te beheer;
 - (ii) die beheer van toegang tot of vertrek uit 'n onrusgebied of deel van so 'n gebied;
 - (iii) die beheer van verkeer in 'n onrusgebied;
 - (iv) die tydelike sluiting van enige openbare of private plek of enige besigheids- of nywerheidsonderneming in 'n onrusgebied; of

- (v) the control of any essential services and the security and safety of any installation or works connected therewith in an unrest area;
- (b) whereby any person is prohibited, or is prohibited without the consent of the Commissioner in an unrest area, from—
 - (i) bringing into that area or part of such area any object or article specified in the order or being in possession thereof;
 - (ii) performing any act or carrying on any activity specified in the order in that area or part of such area;
 - (iii) being outside the boundaries of that area or part of such area at any time;
 - (iv) being outside the boundaries of his residential premises at any time;
 - (v) putting in motion or driving or being in or upon a vehicle that is in motion in that area or part of such area at any time; or
 - (vi) entering that area or part of such area if he is not normally resident there;
- (c) whereby a particular gathering, or any gathering of a particular nature, class or kind, is prohibited in an unrest area at a place or in an area specified in the order; or
- (d) (i) prohibiting the holding of a particular gathering, or any gathering of a particular nature, class or kind, in an area in an unrest area, specified in the order otherwise than in accordance with conditions likewise specified, which conditions may include conditions requiring the Commissioner's prior approval for the time, date and place of the gathering, prescribing the hours of the day or the days of the week during which the gathering may or may not take place, limiting the number of persons who may attend the gathering and prohibiting persons not belonging to a specified category of persons from making speeches at the gathering;
- (ii) prohibiting persons from committing at a gathering referred to in subparagraph (i) acts specified in the order, or from attending, or from remaining present at, a gathering in respect of which a condition specified in the order has not been or is not being complied with;
- (iii) requiring, in the case of a gathering which takes the form of a procession or a funeral procession, that the procession or funeral procession shall not proceed along a route other than the route determined by the Commissioner or that the persons forming the procession or funeral procession shall proceed in vehicles only;
- (v) die beheer van enige noodsaaklike dienste en die bewaring en veiligheid van enige installasies of werke wat daarmee in verband staan in 'n onrusgebied;
- (b) waarby enige persoon verbied word om, of verbied word om sonder die toestemming van die Kommissaris in 'n onrusgebied—
 - (i) enige voorwerp of artikel in die bevel vermeld in daardie gebied of deel van so 'n gebied in te bring of in besit daarvan te wees;
 - (ii) enige handeling of bedrywigheid in die bevel vermeld in daardie gebied of deel van so 'n gebied te verrig of te beoefen;
 - (iii) te eniger tyd buite die grense van daardie gebied of deel van so 'n gebied te wees;
 - (iv) te eniger tyd buite die grense van sy woonperseel te wees;
 - (v) te eniger tyd in daardie gebied of deel van so 'n gebied 'n voertuig in beweging te bring of te bestuur of in of op 'n bewegende voertuig te wees; of
 - (vi) daardie gebied of deel van so 'n gebied binne te gaan indien hy nie sy gewone verblyfplek daar het nie;
- (c) waarby 'n bepaalde byeenkoms, of enige byeenkoms van 'n bepaalde aard, klas of soort, op 'n plek of in 'n gebied in die bevel vermeld, in 'n onrusgebied verbied word; of
- (d) (i) wat verbied dat 'n bepaalde byeenkoms, of enige byeenkoms van 'n bepaalde aard, klas of soort, in 'n gebied in die bevel vermeld, in 'n onrusgebied, gehou word behalwe ooreenkomstig voorwaardes ingelyks vermeld, watter voorwaardes voorwaardes kan insluit wat die Kommissaris se voorafverkreë goedkeuring vir die tyd, datum en plek van die byeenkoms vereis, wat die ure van die dag of die dae van die week voorskryf waartydens die byeenkoms mag plaasvind of nie mag plaasvind nie, wat 'n beperking plaas op die getal persone wat die byeenkoms mag bywoon en wat 'n verbod plaas op persone wat nie tot 'n vermelde kategorie persone behoort nie om toesprake by die byeenkoms te hou;
- (ii) wat persone verbied om handelinge in die bevel vermeld by 'n byeenkoms in subparagraaf (i) bedoel, te verrig of om so 'n byeenkoms ten opsigte waarvan 'n voorwaarde in die bevel vermeld nie aan voldoen is of word nie, by te woon of daarby aanwesig te bly;
- (iii) wat, in die geval van so 'n byeenkoms wat die vorm van 'n optog of begrafnisstoet aanneem, vereis dat die optog of begrafnisstoet nie langs 'n ander roete mag beweeg as die roete deur die Kommissaris bepaal nie of dat die persone wat die optog of begrafnisstoet uitmaak slegs in voertuie mag beweeg.

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

- (a) may be of force generally or relate to a person specified in the order, or to a category of persons specified in the order, or to any person or persons not belonging to a particular category specified in the order; and
- (b) shall be of force during a period specified in the order or, if no period is so specified, until the order is withdrawn or until the declaration of the area concerned to be an unrest area is withdrawn or expires, whichever occurs first.

(3) (a) A consent contemplated in subregulation (1) (b) may be granted by the Commissioner on such conditions as he may determine.

(b) No consent contemplated in subregulation (1) (b) shall be granted by the Commissioner unless he is convinced that the granting of such consent will not result in the public disturbance, disorder, riot or public violence not being combated or prevented, or the public order not being maintained or restored.

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

Promulgation of orders

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

- (a) by publishing that order in a newspaper circulating in the area in respect of which the order applies;
- (b) by making that order known by means of radio or television;
- (c) by distributing that order in a written form among members of the public and by affixing it on public buildings or at prominent public places in the area concerned;
- (d) where that order is directed to a particular person by handing or tendering it or causing it to be handed or tendered in a written form to that person;
- (e) by oral announcement to any particular person, or to members of the public in general, in the area concerned in a manner deemed fit by the Commissioner whenever, due to the urgency thereof or for any other reason whatsoever, it can, in the opinion of the Commissioner, not be published, made known, distributed or announced in accordance with the provisions of paragraph (a), (b), (c), (d) or (f); or
- (f) by publishing that order by notice in the *Government Gazette*.

Offences

9. Any person who —

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

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

- (a) kan algemeen van krag wees of betrekking hê op 'n persoon in die bevel vermeld, of op 'n kategorie persone in die bevel vermeld, of op enige persoon of persone wat nie tot 'n bepaalde kategorie in die bevel vermeld, behoort nie; en
- (b) is van krag gedurende 'n tydperk in die bevel vermeld of, indien 'n tydperk nie aldus vermeld word nie, totdat die bevel ingetrek word of totdat die verklaring van die betrokke gebied as onrusgebied, ingetrek word of verval, wat ook al die eerste gebeur.

(3) (a) 'n Toestemming beoog in subregulasie (1) (b) kan deur die Kommissaris verleen word op die voorwaardes wat hy bepaal.

(b) Geen toestemming beoog in subregulasie (1) (b) word deur die Kommissaris verleen nie tensy hy oortuig is dat die verlening van die toestemming nie tot gevolg sal hê nie dat openbare rusverstoring, wanorde, oproer of openbare geweldpleging nie bekamp of voorkom word nie of dat die openbare orde nie gehandhaaf of herstel word nie.

(4) By enige verrigtinge voor 'n geregshof waarby dit ter sake is of die Kommissaris 'n bepaalde bevel uitgevaardig het, al dan nie, word 'n afskrif van die bevel onder die Kommissaris se handtekening gewaarmerk, as afdoende bewys van die uitvaardiging en inhoud van die betrokke bevel aanvaar.

Afkondiging van bevele

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

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

Misdrywe

9. Iemand wat —

- (a) 'n bevel, opdrag of versoek kragtens 'n bepaling van hierdie regulasies, oortree of versuim om daaraan te voldoen;

- (b) contravenes or fails to comply with any condition imposed in respect of him under regulation 7 (3);
 - (c) contravenes a provision of regulation 4 or 4A;
 - (d) hinders any other person in the carrying out of any duty or the exercise of any power or the performance of any function imposed or conferred by, under or pursuant to any provision of these regulations; or
 - (e) destroys, defaces or falsifies any notice or other writing issued or purporting to have been issued under these regulations,
- shall be guilty of an offence.

Penalties

10. (a) Any person convicted of an offence under these regulations with the exception of an offence under regulation 9 (c), read with regulation 4A, shall be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding ten years or to such imprisonment without the option of a fine, and the court convicting him may declare any goods, property or instrument by means of which or in connection with which the offence was committed, to be forfeited to the State.

(b) Any person convicted of an offence under regulation 9 (c), read with regulation 4A, shall be liable to a fine not exceeding R1 000 or to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.

Proof of certain facts

11. If in any proceedings before a court of law the question arises whether the Minister, in respect of steps taken or purported to have been taken by him under regulation 3 (3), was of the opinion, within the meaning of that regulation, that such steps were necessary for the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, a document being or purporting to be an affidavit made by a person who in that document alleges that he was the Minister at the time when such steps were taken and that he had taken such steps after he was of the opinion that such steps were necessary for the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, as the case may be, shall, on its mere production at the said proceedings by any person, be accepted as conclusive proof of the facts stated therein.

Limitation of liability

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

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

- (b) 'n voorwaarde ten opsigte van hom kragtens regulasie 7 (3) opgelê, oortree of versuim om daaraan te voldoen;
 - (c) 'n bepaling van regulasie 4 of 4A oortree;
 - (d) iemand anders in die uitvoering van enige plig of die uitoefening van enige bevoegdheid of die verrigting van enige werksaamheid deur, kragtens of uit hoofde van 'n bepaling van hierdie regulasies opgelê of verleen, belemmer; of
 - (e) 'n kennisgewing of ander geskrif wat kragtens hierdie regulasies uitgereik is of daarkragtens uitgereik heet te wees, vernietig, skend of vervals,
- is aan 'n misdryf skuldig.

Strawwe

10. (a) Iemand wat skuldig bevind word aan 'n misdryf kragtens hierdie regulasies, uitgesonderd 'n misdryf kragtens regulasie 9 (c) saamgelees met regulasie 4A, is strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens tien jaar of met daardie gevangenisstraf sonder die keuse van 'n boete, en die hof wat hom skuldig bevind, kan enige goed, eiendom of instrument deur middel waarvan of in verband waarmee die misdryf gepleeg is, aan die Staat verbeurd verklaar.

(b) Iemand wat skuldig bevind word aan 'n misdryf kragtens regulasie 9 (c), saamgelees met regulasie 4A, is strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie gevangenisstraf sonder die keuse van 'n boete.

Bewys van sekere feite

11. Indien by enige verrigtinge voor 'n geregshof die vraag ontstaan of die Minister, ten opsigte van stappe wat deur hom kragtens regulasie 3 (3) gedoen is of heet te wees, van oordeel was, ooreenkomstig die bedoeling van daardie regulasie, dat daardie stappe nodig was vir die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, word 'n geskrif wat 'n beëdigde verklaring is of heet te wees van 'n persoon wat in daardie geskrif beweer dat hy die Minister was op die tydstip toe die stappe gedoen is en dat hy die stappe gedoen het nadat hy van oordeel was dat daardie stappe nodig was vir die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, na gelang van die geval, by blote voorlegging daarvan by bedoelde verrigtinge deur enige persoon, as afdoende bewys van die feite daarin vermeld, aanvaar.

Beperking van aanspreeklikheid

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

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

by reason of any act in good faith advised, commanded, ordered, directed or performed by any person in the carrying out of his duties or the exercise of his powers or the performance of his functions in terms of these regulations or any other regulations made under section 5A of the Act, with the intent to combat or to prevent public disturbance, disorder, riot or public violence or to maintain or to restore public order, or for dealing with any circumstances which in his opinion have arisen or are likely to arise as a result of such public disturbance, disorder, riot or public violence or the combating or prevention thereof.

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

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

(3) No interdict or other process shall be issued for the staying or setting aside of any order, rule or notice made or issued under these regulations or any other regulations made under section 5A of the Act or any condition determined thereunder, and no such order, rule, notice or condition shall be stayed on the grounds of an appeal against a conviction under these or such other regulations.

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

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

Short title

13. These regulations shall be called the **Unrest Regulations, 1993**.

op grond van 'n handeling wat deur iemand by die uitvoering van sy pligte of die uitoefening van sy bevoegdheide of die verrigting van sy werksaamhede ingevolge hierdie regulasies of enige ander regulasies uitgevaardig kragtens artikel 5A van die Wet, te goeder trou aangeraai, gebied, beveel, gelas of verrig is, met die bedoeling om openbare rusverstoring, wanordelikeid, oproer of openbare geweldpleging te bekamp of te voorkom of om die openbare orde te handhaaf of te herstel of om te handel met omstandighede wat na sy oordeel as gevolg van sodanige openbare rusverstoring, wanordelikeid, oproer of openbare geweldpleging, of die bekamping of voorkoming daarvan, ontstaan het of waarskynlik sal ontstaan.

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

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

(3) Geen interdik of ander prosesstuk word uitgereik vir die opskorting of nietigverklaring van 'n bevel, reël of kennisgewing uitgereik of uitgevaardig kragtens hierdie regulasies of enige ander regulasies uitgevaardig kragtens artikel 5A van die Wet of enige voorwaarde daarkragtens bepaal nie, en geen sodanige bevel, reël, kennisgewing of voorwaarde word op grond van 'n appèl teen 'n skuldigbevinding kragtens hierdie of sodanige ander regulasies opgeskort nie.

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

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

Kort titel

13. Hierdie regulasies heet die **Onrusregulasies, 1993**.

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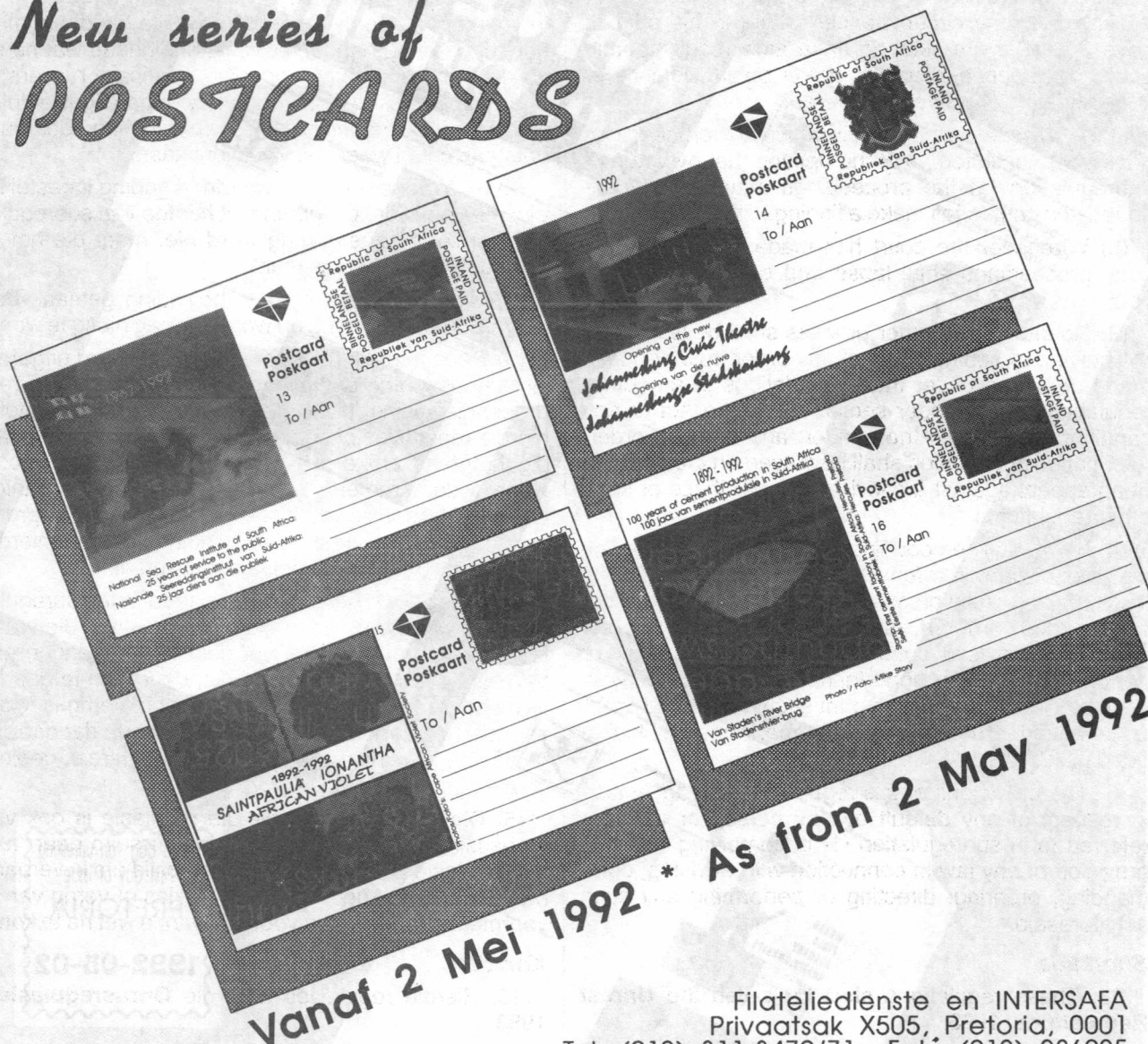
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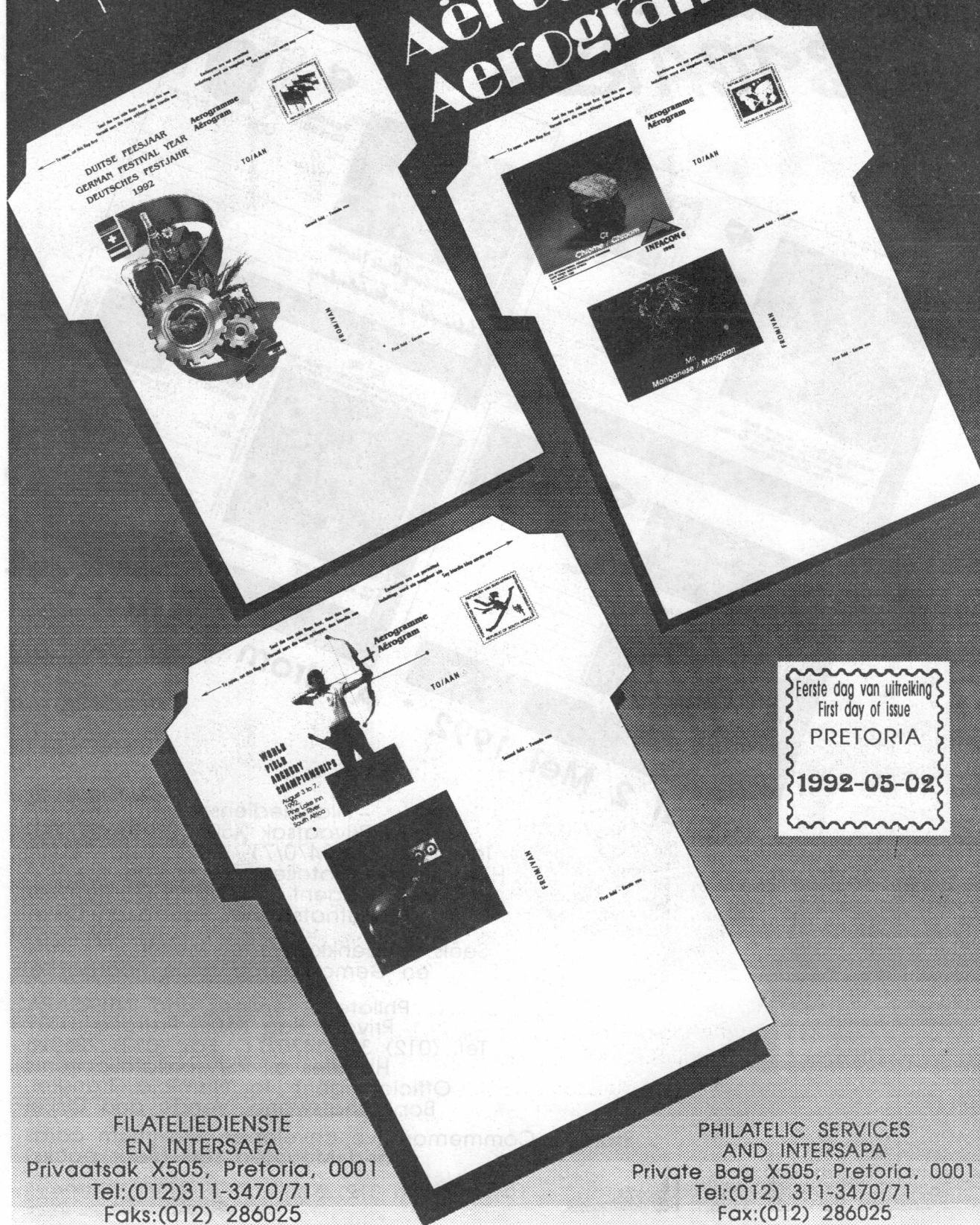
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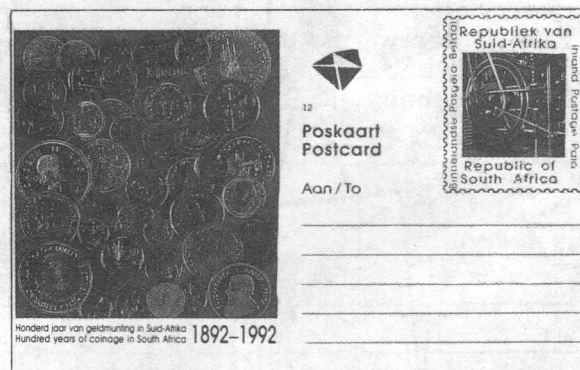
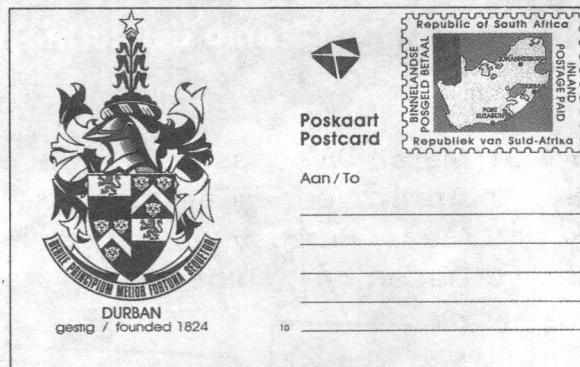
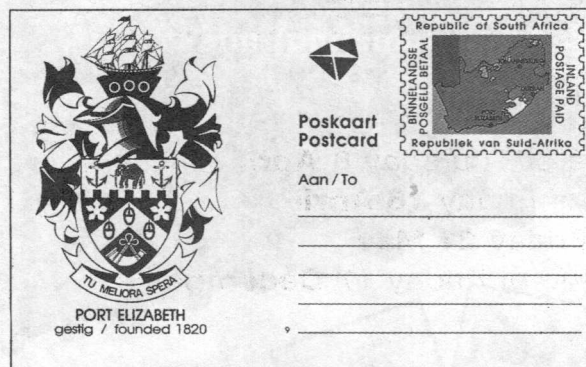
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Seëls, Gedenkkoeverte, Maksimumkaarte
en Gemonteerde stelle (jaarpakke)

As from 2 January 1992
Vanaf 2 Januarie 1992

IMPORTANT ANNOUNCEMENT

Closing times PRIOR TO PUBLIC HOLIDAYS for

LEGAL NOTICES
GOVERNMENT NOTICES **1993**

The closing time is 15:00 sharp on the following days:

- ▶ **31 March**, Wednesday, for the issue of Thursday **8 April**
- ▶ **7 April**, Wednesday, for the issue of Friday **16 April**
- ▶ **13 May**, Thursday, for the issue of Friday **21 May**
- ▶ **9 December**, Thursday, for the issue of Friday **17 December**

Late notices will be published in the subsequent issue. If, under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye VOOR VAKANSIEDAE vir

WETLIKE KENNISGEWINGS
GOEWERMENSKENNISGEWINGS **1993**

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **31 Maart**, Woensdag, vir die uitgawe van Donderdag **8 April**
- ▶ **7 April**, Woensdag, vir die uitgawe van Vrydag **16 April**
- ▶ **13 Mei**, Donderdag, vir die uitgawe van Vrydag **21 Mei**
- ▶ **9 Desember**, Donderdag, vir die uitgawe van Vrydag **17 Desember**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

CONTENTS

No.	Page No.	Gazette No.
GOVERNMENT NOTICES		
Law and Order, Ministry of		
<i>Government Notices</i>		
R. 172 Public Safety Act (3/1953): Declaration of unrest areas.....	1	14568
R. 173 do.: Unrest Regulations, 1992.....	1	14568

INHOUD

No.	Bladsy No.	Koerant No.
GOEWERMENSKENNISGEWINGS		
Wet en Orde, Ministerie van		
<i>Goewermenskennisgewings</i>		
R. 172 Wet op Openbare Veiligheid (3/1953): Verklaring van onrusgebiede	1	14568
R. 173 do.: Onrusregulasies, 1992.....	1	14568