



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

ISBN 0 621 00240 2

Vol. 85.]

KAAPSTAD, 5 JULIE 1972.
CAPE TOWN, 5TH JULY, 1972.

[No. 3609.]

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1187. 5 Julie 1972.

No. 1187. 5th July, 1972.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 101 van 1972: Poswysigingswet, 1972.

No. 101 of 1972: Post Office Amendment Act, 1972.

Wet No. 101, 1972

POSWYSIGINGSWET, 1972.

WET

Om artikel 118A in die Poswet, 1958, in te voeg ten einde voorsiening te maak vir die onderskepping van posstukke, telegramme en mededelings per telefoon waar dit vir die handhawing van die veiligheid van die Republiek noodsaaklik is; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Junie 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Invoeging van
artikel 118A in
Wet 44 van 1958.

1. Die volgende artikel word hierby na artikel 118 van die Poswet, 1958, ingevoeg:

„Onder-
skepping van
posstuk,
telegram of
mededeling
per telefoon
in die belang
van staats-
veiligheid.

- 118A.** (1) (a) Die Minister of 'n Minister wat 'n lid is van die Staatsveiligheidsraad by die Wet op Veiligheidsinligting en die Staatsveiligheidsraad, 1972, ingestel of 'n beampte deur die Minister daartoe gedelegeer (hieronder die funksionaris genoem), kan op versoek van 'n in subartikel (2) bedoelde persoon om die onderskepping van 'n bepaalde posstuk, telegram of mededeling per telefoon of van alle posstukke, telegramme of mededelings per telefoon aan of vanaf 'n bepaalde persoon, liggaam of organisasie, gelas dat so 'n bepaalde posstuk, telegram of mededeling onderskep word of dat alle sodanige posstukke, telegramme of mededelings vir die tydperk onderskep word wat die betrokke funksionaris bepaal.
- (b) 'n Lasgewing ingevolge paragraaf (a) uitgereik vir die onderskepping van 'n mededeling per telefoon, word geag die beskikbaarstelling in te sluit van fasiliteite aan die persoon wat die betrokke versoek doen, om na die betrokke mededeling in te luister.
- (2) (a) Bedoelde Staatsveiligheidsraad wys van tyd tot tyd die persoon of persone in diens van die Staat aan wat die in subartikel (1) bedoelde versoek kan doen.
- (b) So 'n persoon doen die versoek slegs indien hy glo dat die betrokke onderskepping vir die handhawing van die veiligheid van die Republiek noodsaaklik is, en so 'n versoek vermeld—
- (i) die gronde waarop so 'n persoon glo dat bedoelde onderskepping vir die handhawing van die veiligheid van die Republiek noodsaaklik is;
 - (ii) waar toepaslik, die tydperk ten opsigte waarvan bedoelde onderskepping verlang word; en
 - (iii) voldoende besonderhede om enige betrokke posstuk, telegram of mededeling te

POST OFFICE AMENDMENT ACT, 1972.

Act No. 101, 1972

ACT

To insert section 118A in the Post Office Act, 1958, in order to provide for the interception of postal articles, telegrams and communications by telephone where necessary for the maintenance of the security of the Republic; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 16th June, 1972.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The following section is hereby inserted after section 118 of the Post Office Act, 1958:

Insertion of
section 118A in
Act 44 of 1958.

“Intercep-
tion of
postal
article, tele-
gram or
communi-
cation by
telephone in
the interests
of State
security.

118A. (1) (a) The Minister or a Minister who is a member of the State Security Council established under the Security Intelligence and State Security Council Act, 1972, or an officer delegated thereto by the Minister (hereinafter referred to as the functionary), may, at the request of any person referred to in subsection (2) for the interception of any particular postal article, telegram or communication by telephone or of all postal articles, telegrams or communications by telephone to or from any particular person, body or organization, direct that such particular postal article, telegram or communication be intercepted or that all such postal articles, telegrams or communications be intercepted for such period as the functionary concerned may specify.

(b) A direction issued under paragraph (a) for the interception of any communication by telephone, shall be deemed to include the making available to the person making the request in question of facilities to listen in to the communication in question.

(2) (a) The said State Security Council shall from time to time designate the person or persons in the service of the State who may make the request referred to in subsection (1).

(b) Such a person shall make the request only if he believes that the interception in question is necessary for the maintenance of the security of the Republic, and such request shall state—

(i) the grounds upon which such a person believes that such interception is necessary for the maintenance of the security of the Republic;

(ii) where applicable, the period in respect of which such interception is required; and

(iii) sufficient particulars to identify any postal article, telegram or communication in-

Wet No. 101, 1972

POSWYSIGINGSWET, 1972.

identifiseer, met inbegrip van besonderhede betreffende die naam en, waar bekend, die adres van die betrokke persoon, liggaam of organisasie, en enige nommer wat deur die departement ten opsigte van enige betrokke telefoondiens toegeken is.

- (3) (a) 'n Funksionaris reik 'n lasgewing ingevolge subartikel (1) uit slegs indien hy oortuig is dat die betrokke onderskepping in belang van die veiligheid van die Republiek noodsaaklik is, en hy kan, by die bepaling van 'n tydperk waarin bedoelde onderskepping mag geskied, 'n tydperk bepaal wat korter is as die in subartikel (2) (b) (ii) bedoelde tydperk, indien hy oortuig is dat die onderskepping vir 'n langer tydperk as die aldus bepaalde tydperk nie geregverdig is nie.
- (b) Die betrokke funksionaris of, indien hy nie beskikbaar is nie, enige ander funksionaris kan, op die skriftelike aansoek van die betrokke persoon, 'n tydperk verleng wat ingevolge subartikel (1) bepaal is, indien hy oortuig is dat die verlenging in belang van die veiligheid van die Republiek noodsaaklik is.
- (4) Waar 'n funksionaris 'n lasgewing ingevolge subartikel (1) uitreik, kan die persoon wat die betrokke versoek gedoen het of iemand uitdruklik deur hom daartoe gemagtig, besit neem van enige betrokke posstuk of telegram en dit ondersoek, of, na gelang van die geval, inluister na enige betrokke mededeling.
- (5) Indien 'n versoek of lasgewing ingevolge hierdie artikel nie skriftelik gedoen of uitgereik word op die tydstip wanneer dit gedoen of uitgereik word nie, moet so 'n versoek of lasgewing so spoedig doenlik daarna skriftelik gedoen of uitgereik word.
- (6) (a) 'n In subartikel (2) bedoelde persoon met betrekking tot wie se versoek 'n lasgewing ingevolge hierdie artikel uitgereik is, moet onverwyld—
 - (i) 'n posstuk of telegram wat ingevolge hierdie artikel onderskep is, aan die departement terugbesorg of laat terugbesorg vir versending aan die betrokke geadresseerde, indien so 'n posstuk of telegram, na die oordeel van bedoelde persoon, sonder benadeling van die veiligheid van die Republiek aldus terugbesorg kan word;
 - (ii) 'n versoek wat ingevolge subartikel (1) gedoen is, skriftelik intrek indien die betrokke onderskepping, na sy oordeel, nie langer in belang van die veiligheid van die Republiek noodsaaklik is nie.
- (b) Indien bedoelde persoon van oordeel is dat 'n posstuk of telegram wat ingevolge hierdie artikel onderskep is, nie sonder benadeling van die veiligheid van die Republiek aan die departement terugbesorg kan word vir versending aan die betrokke geadresseerde nie, kan daardie persoon oor die betrokke posstuk of telegram beskik op die wyse wat die veiligheidsbelange van die Republiek vereis.”

Kort titel.

2. Hierdie Wet heet die Poswysigingswet, 1972.

POST OFFICE AMENDMENT ACT, 1972.

Act No. 101, 1972

volved, including particulars relating to the name and, where known, the address of the person, body or organization concerned, and any number allocated by the department in respect of any telephone service involved.

- (3) (a) A functionary shall issue a direction under subsection (1) only if he is satisfied that the interception in question is necessary in the interests of the security of the Republic, and he may, in determining a period during which such interception may take place, specify a period which is shorter than the period referred to in subsection (2) (b) (ii) if he is satisfied that the interception for a longer period than the period so specified is not justified.
- (b) The functionary concerned or, if he is not available, any other functionary may, upon the written application of the person concerned, extend any period specified under subsection (1) if he is satisfied that the extension is necessary in the interests of the security of the Republic.
- (4) Where a functionary issues a direction under subsection (1), the person who made the request in question or any person expressly authorized thereto by him may take possession of and examine any postal article or telegram in question or, as the case may be, listen in to any communication in question.
- (5) If any request or direction under this section is not made or given in writing at the time it is made or given, such request or direction shall as soon as possible thereafter be made or given in writing.
- (6) (a) Any person referred to in subsection (2) with reference to whose request a direction has been issued under this section, shall forthwith—
 - (i) return any postal article or telegram intercepted under this section, or cause it to be returned, to the department for transmission to the addressee concerned, if such postal article or telegram, in the opinion of such person, may be so returned without prejudice to the security of the Republic;
 - (ii) in writing withdraw any request made under subsection (1) if, in his opinion, the interception in question is no longer necessary in the interests of the security of the Republic.
- (b) If such person is of the opinion that any postal article or telegram intercepted under this section cannot, without prejudice to the security of the Republic, be returned to the department for transmission to the addressee concerned, such person may dispose of the postal article or telegram in question in such manner as the interests of the security of the Republic may require.”.

2. This Act shall be called the Post Office Amendment Act, Short title. 1972.

