



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1515.

25 Julie 1980.

No. 1515.

25 July 1980.

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

No. 102 van 1980: Wet op Nasionale Sleutelpunte, 1980.

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

No. 102 of 1980: National Key Points Act, 1980.

WET

Om voorsiening te maak vir Nasionale Sleutelpunte en die beveiliging daarvan en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Julie 1980.)*

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

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- (i) „eienaar” met betrekking tot ’n plek of gebied wat kragtens artikel 2 tot ’n Nasionale Sleutelpunt verklaar is, ook—
 - (a) die persoon wat geregistreer is as die eienaar van die grond wat sodanige plek of gebied uitmaak; 10
 - (b) die persoon wat uit hoofde van ’n reg van ’n in paragraaf (i) bedoelde persoon verkry sodanige plek of gebied wettiglik okkupeer;
 - (c) waar die in paragraaf (i) of (ii) bedoelde persoon oorlede, minderjarig, insolvent, kranksinnig of 15 andersins regtens onbevoeg is, ’n eksekuteur, administrateur, voog, trustee, likwidateur, kurator of ander persoon wat die boedel en bates van daardie persoon beheer of hom verteenwoordig;
 - (d) waar die Staat sodanige plek of gebied besit of 20 okkupeer, die hoof van die departement onder wie se beheer die plek of gebied is;
 - (e) ’n persoon onder wie se beheer of bestuur sodanige plek of gebied is; (v)
 - (ii) „gebied” enige grond of wateroppervlakte, hetsy daar 25 ’n gebou, installasie of struktuur daarop is of nie, en ook enige plek;
 - (iii) „hierdie Wet” ook ’n regulasie daarkragtens uitgevaardig; (i)
 - (iv) „insident” enige gebeurtenis wat voortspruit uit of wat 30 betrekking het op terroristiese bedrywighede, sabotasie, spioenasie of ondermyning; (ii)
 - (v) „Minister” die Minister van Verdediging; (iii)
 - (vi) „Nasionale Sleutelpunt” of „Sleutelpunt” enige plek of gebied wat kragtens artikel 2 tot ’n Nasionale Sleutelpunt verklaar is; (iv) 35
 - (vii) „plek” enige perseel, gebou, installasie of nywerheidskompleks. (vi)

Verklaring van enige plek of gebied tot ’n Nasionale Sleutelpunt.

2. (1) Indien dit te eniger tyd aan die Minister blyk dat ’n plek of gebied van sodanige belang is dat die verlies, beskadiging, 40 ontwrigting of immobilisering daarvan die Republiek kan benadeel, of wanneer hy dit vir die veiligheid van die Republiek of in

NATIONAL KEY POINTS ACT, 1980

Act No. 102, 1980

ACT

To provide for National Key Points and the safeguarding thereof and for matters connected therewith.

*(English text signed by the State President.)
(Assented to 1 July 1980.)*

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

1. In this Act, unless the context otherwise indicates— Definitions.
 - 5 (i) "area" means any soil or water surface, whether with a building, installation or structure thereon or not, and includes any place; (ii)
 - (ii) "incident" means any occurrence arising out of or relating to terroristic activities, sabotage, espionage or subversion; (iv)
 - 10 (iii) "Minister" means the Minister of Defence; (v)
 - (iv) "National Key Point" or "Key Point" means any place or area which has under section 2 been declared a National Key Point; (vi)
 - 15 (v) "owner", in relation to a place or area declared a National Key Point under section 2, includes—
 - (a) the person registered as the owner of the land constituting such place or area;
 - 20 (b) the person who by virtue of any right acquired from a person referred to in paragraph (a), lawfully occupies such place or area;
 - (c) where the person referred to in paragraph (a) or (b) is deceased, a minor, insolvent, insane or otherwise legally incompetent, an executor, administrator, guardian, trustee, liquidator, curator or other person who controls the estate and assets of that person or represents him;
 - 25 (d) where the State owns or occupies such place or area, the head of the department under the control of which the place or area is;
 - 30 (e) any person under whose control or management such place or area is; (i)
 - (vi) "place" means any premises, building, installation or industrial complex; (vi)
 - 35 (vii) "this Act" includes any regulation made thereunder. (iii)
2. (1) If it appears to the Minister at any time that any place or area is so important that its loss, damage, disruption or immobilization may prejudice the Republic, or whenever he
 - 40 considers it necessary or expedient for the safety of the Republic

Declaration of
any place or
area as a
National Key
Point.

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WET OP NASIONALE SLEUTELPUNTE, 1980

die openbare belang nodig of dienstig ag, kan hy daardie plek of gebied tot 'n Nasionale Sleutelpunt verklaar.

(2) Die eienaar van enige plek of gebied wat aldus tot 'n Nasionale Sleutelpunt verklaar is, word onverwyld by skriftelike kennisgewing verwittig van bedoelde verklaring.

5

Pligte van
eienaar met
betrekking tot
Sleutelpunt.

3. (1) By ontvangs van 'n kennisgewing in artikel 2 (2) vermeld, moet die eienaar van die betrokke Nasionale Sleutelpunt stappe ten genoë van die Minister doen ten opsigte van die sekerheid van genoemde Sleutelpunt.

(2) Indien genoemde eienaar versuim om genoemde stappe te 10 doen, kan die Minister hom by skriftelike kennisgewing gelas om binne 'n tydperk in die kennisgewing vermeld, die stappe ten opsigte van die sekerheid van genoemde Sleutelpunt te doen wat in die kennisgewing vermeld word.

(3) Indien genoemde eienaar versuim om sonder redelike 15 oorsaak die stappe in genoemde kennisgewing vermeld binne die tydperk daarin vermeld, te doen, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf, en 20 daarbenewens kan die Minister genoemde stappe doen of laat doen en die koste daarvan op die eienaar verhaal.

Verstreking van
inligting aan
Minister.

4. (1) Die Minister kan met die oog op die uitoefening van 'n bevoegdheid wat kragtens hierdie Wet aan hom verleen word, enige persoon skriftelik gelas om binne 'n bepaalde tyd enige 25 inligting waaroor hy beskik met betrekking tot of in verband met enige plek of gebied aan hom te verstrek.

(2) Iemand wat—

(a) in antwoord op 'n lasgewing bedoel in subartikel (1) inligting verstrek wat in enige wesentlike opsig vals of 30 onjuis is; of

(b) inligting verstrek ingevolge subartikel (1), aan iemand bekend maak, behalwe by die toepassing van hierdie Wet of as getuie in 'n geregshof tydens 'n vervolging 35 ingevolge hierdie Wet,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met daardie boete sowel as daardie gevangenisstraf.

(3) Die bepalinge van subartikel (2) verbied nie die verstreking 40 van inligting nie—

(a) deur iemand in soverre dit streng noodsaaklik is vir die verrigting van sy werksaamhede ten opsigte van sy diens in verband met, of sy eienaarskap van, die betrokke plek; 45

(b) wanneer deur die Minister gemagtig.

Verrigting van
werksaamhede
engevolge
hierdie Wet.

5. (1) Die Minister kan op die voorwaardes wat hy met die instemming van die Minister van Finansies bepaal, die persone aanstel wat hy nodig ag om hom by te staan by die verrigting van sy werksaamhede ingevolge hierdie Wet. 50

(2) 'n Lid van die Suid-Afrikaanse Weermag kan verplig word om werksaamhede ingevolge hierdie Wet te verrig asof hulle werksaamhede is wat hy ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), verplig kan word om te verrig. Met dien verstande dat werksaamhede aldus verrig, geag word ingevolge 55 genoemde Verdedigingswet verrig te gewees het.

(3) Die Minister kan 'n beampte in 'n Staatsdepartement of provinsiale administrasie met die instemming van die Minister of Administrateur wat daardie departement of administrasie administreer, aanwys om die werksaamhede ingevolge hierdie Wet te 60 verrig wat die Minister bepaal.

Aanstelling van
komitees en be-
soldiging van
lede.

6. (1) Die Minister kan die komitees aanstel wat hy goetvind om aan hom verslag te doen of om hom van advies te dien of om enige bevoegdheid wat kragtens hierdie Wet aan hom verleen word, uit te oefen, behalwe 'n bevoegdheid wat ingevolge artikel 65 9 uitgesluit is.

NATIONAL KEY POINTS ACT, 1980

Act No. 102, 1980

or in the public interest, he may declare that place or area a National Key Point.

(2) The owner of any place or area so declared a National Key Point shall forthwith be notified by written notice of such declaration.

3. (1) On receipt of a notice mentioned in section 2 (2), the owner of the National Key Point concerned shall take steps to the satisfaction of the Minister in respect of the security of the said Key Point.

Duties of owner in relation to Key Point.

10 (2) If the said owner fails to take the said steps, the Minister may by written notice order him to take, within a period specified in the notice, such steps in respect of the security of the said Key Point as may be specified in the notice.

15 (3) If the said owner fails without reasonable cause to take the steps specified in the said notice within the period specified therein, he shall be guilty of an offence and be liable on conviction to a fine not exceeding R20 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment, and in addition the Minister may take or cause to
20 be taken the said steps and recover the cost thereof from that owner.

4. (1) The Minister may with a view to the exercise of a power granted to him by this Act, order any person in writing to furnish him within a specified time with any information at his disposal
25 relating to or in connection with any place or area.

Furnishing Minister with information.

(2) Any person who—

(a) in response to an order referred to in subsection (1) furnishes information which is false or incorrect in any material respect; or
30 (b) makes known any information furnished in terms of subsection (1) to any person, except for the purposes of this Act or as a witness in a court of law during a prosecution in terms of this Act,

shall be guilty of an offence and liable on conviction to a fine not
35 exceeding R10 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

(3) The provisions of subsection (2) shall not prohibit the disclosure of information—

40 (a) by any person in so far as it is strictly necessary for the performance of his functions in regard to his employment in connection with, or his ownership of, the place concerned;
(b) when authorized by the Minister.

5. (1) The Minister may on such conditions as he may
45 determine with the concurrence of the Minister of Finance, appoint such persons as he may consider necessary to assist him in the performance of his functions in terms of this Act.

Performance of functions in terms of this Act.

50 (2) Any member of the South African Defence Force may be compelled to perform functions in terms of this Act as if they are functions which he can be compelled to perform in terms of the Defence Act, 1957 (Act No. 44 of 1957): Provided that any functions so performed shall be deemed to have been performed in terms of the said Defence Act.

55 (3) The Minister may designate any officer of any department of State or provincial administration with the concurrence of the Minister or Administrator administering that department or administration, to perform such functions in terms of this Act as the Minister may determine.

60 6. (1) The Minister may appoint such committees as he may deem fit to report to him or to advise him or to exercise any power conferred on him under this Act, except a power excluded in terms of section 9.

Appointment of committees and remuneration of members.

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(2) Aan 'n lid van so 'n komitee wat nie 'n beamppte soos omskryf in artikel 1 van die Staatsdienswet, 1957 (Wet No. 54 van 1957), is nie, word die vergoeding en toelaes betaal wat die Minister met die instemming van die Minister van Finansies bepaal. 5

(3) Behoudens die voorskrifte van die Minister, bepaal so 'n komitee sy eie prosedure.

Vrywaring teen
verlies of skade.

7. Die Staat of die Minister of 'n persoon in diens van die Staat is nie aanspreeklik vir enige verlies of skade as gevolg van liggaamlike besering, lewensverlies of verlies van of skade aan eiendom, wat veroorsaak word deur of ontstaan uit of in verband met enige handeling gelas, verrig of uitgevoer kragtens hierdie Wet nie. 10

Bevoegdhede van
eienaar van 'n
Nasionale Sleutel-
punt.

8. Die bepalinge van hierdie Wet verhinder nie 'n eienaar van 'n plek of gebied wat tot 'n Nasionale Sleutelpunt verklaar is nie om, benewens enige stappe wat ingevolge hierdie Wet vereis word of gelas is, die maatreëls te tref of te laat tref wat hy nodig ag vir die doeltreffende sekerheid van daardie Sleutelpunt en enige goed wat daarop of daarin is. 15

Delegering van
bevoegdhede.

9. Die Minister kan op die voorwaardes wat hy goedvind, 20 iemand skriftelik magtig om namens hom enige van die bevoegdhede, behalwe 'n bevoegdheid bedoel in artikel 5, 6 of 11, uit te oefen wat by hierdie Wet aan hom verleen word.

Misdrywe en
strawwe.

10. (1) Iemand wat by, op, in verband met of ten opsigte van 'n Nasionale Sleutelpunt 'n handeling verrig wat, indien daardie handeling 'n misdryf ingevolge die Wet op Amptelike Geheime, 1956 (Wet No. 16 van 1956), sou uitmaak as dit by, op, in verband met of ten opsigte van 'n verbode plek, soos omskryf in artikel 1 van daardie Wet, verrig of uitgevoer sou word, is aan 'n misdryf skuldig en strafbaar met die strawwe wat vir daardie handeling in daardie Wet voorgeskryf word. 25 30

(2) Iemand wat—

- (a) 'n eienaar hinder, belemmer of dwarsboom by die doen van enige stappe wat ingevolge hierdie Wet vereis word of gelas is met betrekking tot die doeltreffende sekerheid van 'n Nasionale Sleutelpunt; 35
- (b) enige persoon hinder, belemmer of dwarsboom by die doen van enigiets wat ingevolge hierdie Wet gedoen moet word;
- (c) op enige wyse hoegenaamd inligting verstrek met betrekking tot die sekerheidsmaatreëls wat by, op of ten opsigte van 'n Nasionale Sleutelpunt van toepassing is of ten opsigte van enige insident wat daar plaasgevind het, sonder dat hy regtens daartoe verplig is of kan word, of sonder dat die bekendmaking of publikasie van genoemde inligting deur of op gesag van die Minister gemagtig is, of behalwe soos streng noodsaaklik mag wees vir die verrigting van sy werksaamhede ten opsigte van sy diens in verband met, of sy eienaarskap van, die betrokke plek of soos nodig mag wees om dit te beskerm, 40 45 50

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met daardie boete sowel as daardie gevangenisstraf. 55

Regulasies.

11. (1) Die Minister kan regulasies uitvaardig aangaande—

- (a) die aanstel van wagte deur eienaars van Sleutelpunte;
- (b) die bevoegdhede van sodanige wagte ten opsigte van die visenteer van persone, ondersoek van en beslaglegging op artikels in die besit van persone, inhegtenisneming van persone en die aanwending van redelike geweld, met inbegrip van die gebruik van vuurwapens, op persone, in verband met sodanige persone se aanwesigheid op of in die omgewing van Sleutelpunte; 60
- (c) oor die algemeen sodanige wagte se bevoegdhede ten opsigte van die sekerheid van Sleutelpunte; 65

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(2) There shall be paid to any member of any such committee who is not an officer as defined in section 1 of the Public Service Act, 1957 (Act No. 54 of 1957), such remuneration and allowances as the Minister may determine with the concurrence of the Minister of Finance.

(3) Any such committee shall, subject to the directions of the Minister, determine its own procedure.

7. The State or the Minister or any person in the service of the State shall not be liable for any loss or damage as a result of bodily injury, loss of life or damage to property caused by or arising out of or in connection with any act ordered, performed or executed under this Act. Indemnity against loss or damage.

8. The provisions of this Act shall not prevent any owner of any place or area declared a National Key Point from taking or causing to be taken, in addition to any steps required or ordered in terms of this Act, such measures as he may consider necessary for the efficient security of that Key Point and any goods thereon or therein. Powers of owner of a National Key Point.

9. The Minister may on such conditions as he may deem fit, in writing empower any person to exercise on his behalf any of the powers conferred on him by this Act, except a power referred to in section 5, 6 or 11. Delegation of powers.

10. (1) Any person who at, on, in connection with or in respect of any National Key Point performs any act which, if such act would have constituted an offence in terms of the Official Secrets Act, 1956 (Act No. 16 of 1956), if performed or executed at, on, in connection with or in respect of any prohibited place, as defined in section 1 of that Act, shall be guilty of an offence and liable to the penalties prescribed for that act in that Act. Offences and penalties.

(2) Any person who—

- (a) hinders, obstructs or thwarts any owner in taking any steps required or ordered in terms of this Act in relation to the efficient security of any National Key Point;
- (b) hinders, obstructs or thwarts any person in doing anything required to be done in terms of this Act;
- (c) furnishes in any manner whatsoever any information relating to the security measures applicable at or in respect of any National Key Point or in respect of any incident that occurred there, without being legally obliged or entitled to do so, or without the disclosure or publication of the said information being empowered by or on the authority of the Minister, or except as may be strictly necessary for the performance of his functions in regard to his employment in connection with, or his ownership of, or as may be necessary to protect, the place concerned,

shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

11. (1) The Minister may make regulations as to—

- (a) the appointment of guards by owners of Key Points;
- (b) the powers of such guards in respect of the searching of persons, examination and seizure of articles in the possession of persons, arrest of persons and the application of reasonable force, including the use of firearms, to persons, in connection with such persons' presence at or in the vicinity of Key Points;
- (c) in general, the powers of such guards in respect of the security of Key Points;

Regulations.

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- (d) geldelike bystand, as daar is, aan 'n eienaar van 'n Nasionale Sleutelpunt met betrekking tot stappe in artikel 3 vermeld, wat deur hom gedoen is;
- (e) oor die algemeen enigiets wat volgens sy oordeel nodig is om voor te skryf ten einde die oogmerke van hierdie Wet te bereik. 5

(2) Regulasies kragtens subartikel (1) uitgevaardig, kan strawwe voorskryf vir die oortreding daarvan of versuim om daaraan te voldoen wat die strawwe in artikel 10 voorgeskryf, nie oorskry nie. 10

Betreding van
plekke en gebiede.

12. Die Minister of iemand deur hom daartoe gemagtig, kan enige plek of gebied betree ten einde enige inligting wat ingevolge artikel 4 verstrekk is, te verifieer of om inligting in te win of om enige stappe wat ingevolge hierdie Wet gedoen word of moet word, na te gaan. 15

Sekere bepalings
bind die Staat.

13. Die bepalings van artikels 2, 3 (1), 3 (2) en 12 bind die Staat.

Kort titel.

14. Hierdie Wet heet die Wet op Nasionale Sleutelpunte, 1980.

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- (d) financial aid, if any, for an owner of a National Key Point in relation to steps, mentioned in section 3, taken by him;
- 5 (e) in general, anything which in his opinion it is necessary to prescribe so as to achieve the objects of this Act.
- (2) Regulations made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding the penalties prescribed in section 10.
- 10 12. The Minister or any person authorized thereto by him may enter upon any place or area so as to verify any information furnished in terms of section 4 or to gather information or to check any steps being or to be taken in terms of this Act. Entry upon places and areas.
13. The provisions of sections 2, 3 (1), 3 (2) and 12 shall bind the State. Certain provisions bind the State.
- 15 14. This Act shall be called the National Key Points Act, 1980. Short title.

