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VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1372.

26 Junie 1986

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

No. 66 van 1986: Wysigingswet op Binnelandse Veiligheid, 1986.

No. 1372.

26 June 1986

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

No. 66 of 1986: Internal Security Amendment Act, 1986.

Wet No. 66, 1986

WYSIGINGSWET OP BINNELANDSE VEILIGHEID, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Binnelandse Veiligheid, 1982, ten einde voorsiening te maak vir tydelik geldende maatreëls ter bekamping of voorkoming van 'n toestand van openbare rusverstoring, wanordelikhede, oproer of openbare geweldpleging; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 24 Junie 1986.)

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

Invoeging van
artikel 50A in
Wet 74 van 1982.

1. Die Wet op Binnelandse Veiligheid, 1982 (Wet No. 74 van 1982), word hierby gewysig deur na artikel 50 die volgende artikel in te voeg:

50A. (1) Indien 'n polisiebeampte met die rang van adjudant-offisier of 'n hoër rang van oordeel is dat die aanhouding van 'n bepaalde persoon sal bydra tot die beëindiging, bekamping of voorkoming van openbare rusverstoring, wanordelikhede, oproer of openbare geweldpleging op enige plek in die Republiek, kan hy daardie persoon sonder lasbrief in hegtenis neem of laat in hegtenis neem en vir 'n tydperk van hoogstens 48 uur sonder 'n aanhoudingslasbrief in 'n gevangenis soos bedoel in artikel 20 (1) van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), met inbegrip van 'n polisiecel of -opsluitplek, laat aanhou.

(2) Indien 'n offisier soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958), met of bo die rang van luitenant-kolonel van oordeel is dat die verdere aanhouding van 'n persoon in subartikel (1) bedoel, sal bydra tot die beëindiging, bekamping of voorkoming van openbare rusverstoring, wanordelikhede, oproer of openbare geweldpleging op enige plek in die Republiek, kan gemelde offisier kragtens 'n skriftelike bevel deur hom onderteken, daardie persoon aldus laat aanhou vir sodanige verdere tydperk in die skriftelike bevel gelas, of totdat daardie persoon se vroeëre vrylating deur enige sodanige offisier beveel word: Met dien verstande dat geen sodanige persoon by 'n bepaalde geleentheid wanneer hy ingevolge die bepalings van hierdie artikel aangehou word, vir 'n tydperk van langer as 180 dae vanaf die datum van sy inhegtenisneming aldus aangehou word nie.

(3) 'n Persoon wat kragtens 'n bevel bedoel in subartikel (2) aangehou word, kan te eniger tyd skrifte-

INTERNAL SECURITY AMENDMENT ACT, 1986

Act No. 66, 1986

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Internal Security Act, 1982, so as to provide for temporarily operative measures for the combating or prevention of a state of public disturbance, disorder, riot or public violence; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 24 June 1986.)*

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

1. The Internal Security Act, 1982 (Act No. 74 of 1982), is hereby amended by the insertion after section 50 of the following section:

Insertion of section 50A in Act 74 of 1982.

“Temporarily operative powers of detention.

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50A. (1) If a police officer of or above the rank of warrant officer is of the opinion that the detention of a particular person will contribute to the termination, combating or prevention of public disturbance, disorder, riot or public violence at any place within the Republic, he may without warrant arrest that person or cause him to be arrested and cause him to be detained without a warrant of detention for a period not exceeding 48 hours in a prison as referred to in section 20 (1) of the Prisons Act, 1959 (Act No. 8 of 1959), including a police cell or lock-up.

(2) If a commissioned officer as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), of or above the rank of lieutenant-colonel is of the opinion that the further detention of a person referred to in subsection (1) will contribute to the termination, combating or prevention of public disturbance, disorder, riot or public violence at any place within the Republic, such officer may, under a written order signed by him, have such person so detained for the further period ordered in the written order or until that person's earlier release is ordered by any such officer: Provided that no such person shall, on any particular occasion when he is being detained in terms of the provisions of this section, be so detained for a period exceeding 180 days as from the date of his arrest.

(3) Any person detained under an order referred to in subsection (2) may at any time make represen-

like vertoë met betrekking tot sy aanhouding tot die Minister rig, en die Minister kan te eniger tyd sodanige persoon se vrylating gelas.

(4) 'n Persoon wat kragtens 'n bevel bedoel in subartikel (2) aangehou word, kan, indien die Minister, of iemand deur die Minister daartoe gemagtig, skriftelik aldus gelas, uit die gevangenis waarin hy aangehou word in hegtenis verwyder word na, en aangehou word in, enige ander gevangenis.

(5) Die Minister van Justisie kan regulasies uitvaardig ter reëling van die omstandighede waarin persone bedoel in subartikels (1) en (2) aangehou word.

(6) In die geval van 'n botsing tussen 'n regulasie kragtens subartikel (5) uitgevaardig en 'n bepaling van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), of 'n regulasie of Gevangensidiensorder kragtens genoemde Wet uitgevaardig, of enige amptelike opdrag, bevel of ander handeling van of deur die Kommissaris van Gevangenis, geld genoemde regulasie.

(7) (a) Iemand wat 'n regulasie kragtens subartikel (5) uitgevaardig, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(b) Die bepalings van artikels 52 (a) en 54 van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), met betrekking tot onderskeidelik 'n misdryf en 'n oortreding van of 'n versuim om aan 'n regulasie daarin bedoel, te voldoen, is *mutatis mutandis* van toepassing ten opsigte van 'n misdryf in paragraaf (a) bedoel.

(8) Die Kommissaris moet, so spoedig moontlik na die inhegtenisneming van 'n persoon ingevolge die bepalings van subartikel (1), die naam van daardie persoon en die plek waar hy aangehou word aan die Minister mededeel tensy daardie persoon, voordat die Kommissaris redelikerwys bedoelde mededeling kon doen, ingevolge die bepalings van hierdie artikel uit aanhouding vrygelaat is.

(9) (a) Indien 'n persoon wat kragtens 'n bevel bedoel in subartikel (2) aangehou word, by verstryking van 'n tydperk van drie maande vanaf die datum van sy inhegtenisneming nog nie uit aanhouding ingevolge hierdie artikel vrygelaat is nie, moet die Kommissaris self of 'n polisiebeampte wat deur hom vir dié doel aangewys is, voor 'n hersieningsraad redes aanvoer waarom bedoelde persoon nie vrygelaat moet word nie.

(b) By verrigtinge vir die aanhoor van redes wat ingevolge paragraaf (a) voor hom aangevoer word, oorweeg die hersieningsraad enige skriftelike vertoë, indien daar is, wat die persoon wie se verdere aanhouding ingevolge hierdie artikel ter sprake is, in verband met die aangeleentheid wil voorlê, en kan die hersieningsraad na goeddunke ook mondelinge getuienis of vertoë van bedoelde persoon aanhoor.

(c) Na afloop van die verrigtinge bedoel in paragraaf (b) moet die hersieningsraad 'n skriftelike verslag aangaande die verrigtinge en sy bevindings aan die Minister voorlê.

(d) Die bepalings van artikel 8 (8) is *mutatis mutandis* van toepassing ten opsigte van die verrigtinge van die hersieningsraad soos in paragraaf (b) bedoel.

(10) (a) Hierdie artikel is slegs van toepassing indien die Staatspresident die bepalings daarvan by proklamasie in die *Staatskoerant* van toepassing verklaar.

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tations in writing to the Minister relating to his detention, and the Minister may at any time order the release of such a person.

(4) Any person being detained under an order referred to in subsection (2) may be removed, in custody, from the prison in which he is being detained, to and be detained in any other prison, should the Minister, or a person authorized thereto by the Minister, so order in writing.

(5) The Minister of Justice may make regulations to regulate the circumstances in which persons referred to in subsections (1) and (2) may be detained.

(6) In case of a conflict between any regulation made under subsection (5) and any provision of the Prisons Act, 1959 (Act No. 8 of 1959), or any regulation or Prisons Service Order made under the said Act, or any official instruction, order or other act of or by the Commissioner of Prisons, the said regulation shall apply.

(7) (a) Any person who contravenes or fails to comply with any regulation made under subsection (5), shall be guilty of an offence.

(b) The provisions of sections 52 (a) and 54 of the Prisons Act, 1959 (Act No. 8 of 1959), with reference to an offence, and a contravention of or failure to comply with a regulation referred to therein, respectively, shall *mutatis mutandis* apply with respect to an offence referred to in paragraph (a).

(8) The Commissioner shall, as soon as possible after the arrest of any person in terms of the provisions of subsection (1), notify the Minister of the name of that person and the place where he is being detained unless such person has in terms of the provisions of this section been released from detention before the Commissioner could reasonably have effected such notification.

(9) (a) If a person detained under an order referred to in subsection (2) has at the expiration of a period of three months as from the date of his arrest not yet been released from detention in terms of this section, the Commissioner in person or a police officer designated by him for that purpose shall adduce reasons before a board of review as to why the said person shall not be released.

(b) At proceedings for the hearing of reasons adduced before it in terms of paragraph (a), the board of review shall consider such written representations, if any, as the person whose further detention in terms of this section is in issue, wishes to submit in connection with the matter, and may in its discretion also hear oral evidence or representations from that person.

(c) At the conclusion of the proceedings referred to in paragraph (b), the board of review shall submit to the Minister a written report with regard to the proceedings and its findings.

(d) The provisions of section 8 (8) shall *mutatis mutandis* apply in respect of the proceedings of the board of review as contemplated in paragraph (b).

(10) (a) This section shall only be applied if the State President by proclamation in the *Gazette* declares the provisions thereof to be applicable.

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- (b) 'n Proklamasie bedoel in paragraaf (a) kan van tyd tot tyd deur die Staatspresident uitgevaardig word en kan te eniger tyd deur hom by dergelike proklamasie ingetrek word.
- (c) 'n Proklamasie kragtens paragraaf (a) uitgevaardig, word binne 14 dae na publikasie daarvan in die *Staatskoerant* in die Parlement ter Tafel gelê indien die Parlement dan in gewone sitting is, of nie, binne 14 dae na die aanvang van sy eersvolgende gewone sitting.”

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Kort titel.

2. Hierdie Wet heet die Wysigingswet op Binnelandse Veiligheid, 1986.

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- 5 (b) Any proclamation referred to in paragraph (a) may from time to time be issued by the State President and may at any time in like manner be withdrawn by him.
- 10 (c) Any proclamation issued under paragraph (a) shall be tabled in Parliament within 14 days after publication thereof in the *Gazette* if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session."

2. This Act shall be called the Internal Security Amendment Act, 1986. Short title.

