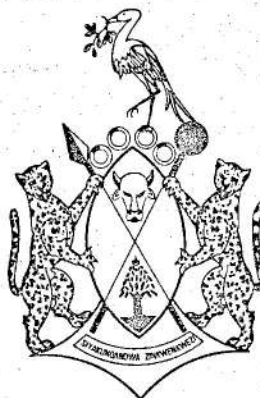


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REPUBLIC OF
CISKEI

GOVERNMENT
GAZETTE



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OFFICE OF THE PRESIDENCY

GOVERNMENT NOTICE No. 54

IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY
PUBLISHED FOR GENERAL INFORMATION:-

ELITE UNIT ACT, 1986

ACT No. 18 OF 1986

ELITE UNIT ACT, 1986

ACT

To provide for the establishment and organisation of the Elite Unit and to provide for incidental matters.

(English text signed by the President. Assented to on 16 July 1986).

BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:-

1. **Definitions.** - In this Act, unless the context otherwise indicates -
 - "Ciskei" means the Republic of Ciskei;
 - "Ciskeian Police" means the police force established under section 2 of the Police Act, 1983 (Act 32 of 1983);
 - "departmental intelligence" means information which relates to any function concerning the security of Ciskei which by any law has been assigned to a department of State, other than the Unit and which information may be required by such department in the discharge of any such function;
 - "evaluate" means the process of determining whether information is possibly correct, probably correct or factually correct.
 - "intelligence estimate" with reference to the Unit means the process of considering and weighing up the possibilities, probabilities and facts disclosed by national security intelligence with reference to any particular situation, and of drawing conclusions from such possibilities, probabilities or facts;
 - "national security intelligence" means information which relates to or may be relevant to any threat or potential threat to the security of Ciskei in any field;
 - "President" means the President of the Republic of Ciskei.
 - "Unit" means the Elite Unit established under section 2;
2. **Establishment and composition of Elite Unit.** - There is hereby established a Unit to be known as the Elite Unit which shall consist of -
 - (a) the members of the Ciskeian Police who are appointed to the Unit; and
 - (b) such persons as may be appointed as members of the Unit.
3. **General duties, powers and functions of the Unit.** - In addition to the duties, powers and functions of the Ciskeian Police prescribed in section 3 of the Police Act, 1983 the duties, powers and functions of the Unit shall be *inter alia* -
 - (a) to collect, evaluate, correlate and interpret national security intelligence for the purpose of -
 - (i) detecting and identifying any threat or potential threat to the security of Ciskei; and
 - (ii) advising the President of any such threat;
 - (b) to collect departmental intelligence at the request of any interested department of State, and without delay to evaluate and transmit such intelligence and any other intelligence at its disposal and which constitutes departmental intelligence, to the department concerned;
 - (c) to prepare and to interpret, for the consideration of the President, a national intelligence estimate relating to any threat to the security of Ciskei, and in this regard to advise the President of any other intelligence at its disposal which may have an influence on any State policy relating to the combating of any such threat;
 - (d) to formulate, for approval by the President, a policy relating to national security intelligence, and after consultation with the departments of State entrusted with any aspect of the maintenance of the Security of Ciskei, to co-ordinate the flow of security intelligence between such departments;
 - (e) to make recommendations to the President on intelligence priorities;
 - (f) to investigate any complaint regarding any political or administrative head of any State department, local authority, institution, board or corporation or any official thereof;
 - (g) to suppress any form of bribery and corruption in Ciskei generally; and
 - (h) to protect personal rights of Ciskeian citizens.

ELITE UNIT ACT, 1986

4. Functions and duties of other departments of State with reference to security intelligence. - (1) Where any law expressly or by implication requires any department of State other than the Unit, to perform any function with reference to the Security of Ciskei or the combating of any threat to the security of Ciskei, such law shall be deemed to empower such department to collect departmental intelligence, and to evaluate, correlate and interpret such intelligence for the purpose of discharging such function: Provided that such a department of State, other than the Ciskeian Defence Force in time of war as defined in section 1 of the Defence Act, 1981 (Act 1 of 1981), or when discharging counter-intelligence responsibilities entrusted to its Military Intelligence Section, and other than a police force established under any law, when a member of such last-mentioned force is investigating any offence relating to the security of Ciskei or is performing any other function relating to the security of Ciskei, shall not collect departmental intelligence within Ciskei in a covert manner: Provided further that such a department of State, other than the Ciskeian Defence Force in time of war as so defined or its Military Intelligence Section when acting with the knowledge and approval of the Unit, is investigating any offence relating to the security of Ciskei, shall not collect departmental intelligence outside Ciskei in a covert manner.

(2) It shall be the duty of any department of State which comes into possession of national security intelligence or of other intelligence which may be of value in the preparation of the national intelligence estimate referred to in section 3(c) without delay to transmit such intelligence to the Unit in unevaluated form, but with an indication of the reliability of the source of such intelligence.

5. Organisation of the Unit. - (1) Subject to applicable provisions of the laws governing the public service and the Police Act, 1983 the President -

(a) shall determine the fixed establishment of the Unit;

(b) may divide the Unit into such branches, units or groups as he may deem necessary; and

(c) shall determine the functions to be exercised by, the number and grading of posts in and the distribution of the strength of the Unit among the branches, units or groups into which the Unit may have been divided under paragraph (b).

6. Appointment of the Unit. - (1) Subject to the provisions of the Police Act, 1983 and the applicable provisions of the laws governing the public service there shall from time to time be appointed on the fixed establishment of the Unit -

(a) by the President, in consultation with the Executive Council, an officer, who shall have passed at least a bachelor's degree in law or an examination equivalent thereto, to be styled the Chief of the Elite Unit together with such other commissioned officers as may be necessary for the effective control and administration of the Unit; and

(b) by the Chief, in consultation with the Commissioner of the Ciskeian Police and on the recommendation of the President, such number of fit and proper persons as may be required to fill any vacancies in the ranks of non-commissioned officers.

(2) The President may, in consultation with the Executive Council, whenever he deems it expedient and subject to such conditions as to service, remuneration and allowance as he may stipulate, appoint fit and proper persons by reason of their professional qualifications to serve on the Unit.

(3) All the members of the Unit shall serve as such at the pleasure of the President in consultation with the Executive Council: Provided that on the termination of service a member shall retain the rank he held immediately before such termination.

7. Powers and duties of Chief. - (1) The power of command, superintendence and control over the Unit shall vest in the Chief who shall exercise such power subject to the directions of the President.

(2) For the purposes of the application of the provisions of subsection (1) the Chief shall be directly responsible to the President for the due performance by the Unit of its lawful functions.

8. Short Title. - This Act shall be called the Elite Unit Act, 1986 and shall come into operation on a date to be fixed by the President by a proclamation in the *Gazette*

OFFICE OF THE PRESIDENCY

PROCLAMATION No. 8 OF 1986
by the President of the Republic of Ciskei

ELITE UNIT ACT, 1986 (ACT 18 OF 1986): DATE OF COMMENCEMENT

Under and by virtue of the powers vested in me by section 8 of the Elite Unit Act, 1986 I declare that the said Act shall come into operation on 1 August 1986.

Given under my Hand the Seal of the Republic of Ciskei on this sixteenth day of July One Thousand Nine Hundred and Eighty-six.

LL SEBE
PRESIDENT

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ELITE UNIT ACT, 1986

ACT No. 18 OF 1986