REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

# GOVERNMENT GAZETTE

## OF THE REPUBLIC OF SOUTH AFRICA

*As 'n Nuusblad by die Poskantoor Geregistreer* *Registered at the Post Office as a Newspaper*

**R1,00** Prys • Price
**R0,10** Plus 10% BTW • VAT
**R1,10** Verkoopprys • Selling price
Buitelands **R1,40** Other countries
Posvry • Post free

VOL. 325

KAAPSTAD, 10 JULIE 1992
CAPE TOWN, 10 JULY 1992

No. 14130

KANTOOR VAN DIE STAATSPRESIDENT

No. 1914. 10 Julie 1992

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

No. 126 van 1992: Tweede Strafregwysigingswet, 1992.

STATE PRESIDENT'S OFFICE

No. 1914. 10 July 1992

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

No. 126 of 1992: Criminal Law Second Amendment Act, 1992.

**ALGEMENE VERDUIDELIKENDE NOTA:**

**[ ]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

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

# WET

**Tot wysiging van die Strafproseswet, 1977, ten einde sekere verouderde uitdrukkings te skrap; en Deel III van Bylae 2 uit te brei; tot wysiging van die Wet op Intimidasie, 1982, ten einde voorsiening te maak dat 'n handeling of optrede wat by 'n waarnemer daarvan vrees inboesem die misdryf van intimidasie uitmaak indien bewys word dat vrees ingeboesem is; en 'n verdere misdryf te skep; tot wysiging van die Wet op Binnelandse Veiligheid, 1982, ten einde die bevoegdheid van die prokureur-generaal om vrylating op borgtog of op waarskuwing te verbied, te skrap; die aanhouding van getuies kragtens lasbrief deur die prokureur-generaal uitgereik, te skrap; en 'n sekere misdryf verder te reël; om voorsiening te maak dat die organisering, opleiding, toerusting of bewapening van lede of ondersteuners van organisasies in sekere gevalle verbied word; voorsiening te maak dat 'n prokureur-generaal ten opsigte van sekere misdrywe 'n sertifikaat kan uitreik ten effekte dat 'n spesiale strafprosedure ten aansien van die verhoor van genoemde misdrywe gevolg word; aan 'n geregshof spesiale bevoegdhede te verleen met betrekking tot die verhoor van genoemde misdrywe; voorsiening te maak vir 'n spesiale pleitprosedure ten opsigte van genoemde misdrywe; voorsiening te maak dat 'n persoon wat op grond van die beweerde pleging van so 'n misdryf gearresteer is, slegs met die skriftelike magtiging van die prokureur-generaal op borgtog of op waarskuwing vrygelaat kan word; voorsiening te maak vir die oplê van 'n voorgeskrewe vonnis vir die onwettige besit van wapentuig in bepaalde gevalle; en voorsiening te maak vir die aanhouding van persone in sekere gevalle vir ondervraging ten aansien van sekere wapentuig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

*(Engelse teks deur die Staatspresident geteken.)*
*(Goedgekeur op 2 Julie 1992.)*

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

## HOOFSTUK 1

*Wysiging van Strafproseswet, 1977*

**Wysiging van artikel 59 van Wet 51 van 1977, soos gewysig deur artikel 3 van Wet 26 van 1987**

**1.** Artikel 59 van die Strafproseswet, 1977, word hierby gewysig deur in subartikel (1) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* 'n Beskuldigde wat in bewaring is ten opsigte van 'n misdryf, behalwe 'n in Deel II of Deel III van Bylae 2 **[of 'n in Bylae 3 by die Wet op Binnelandse**

**GENERAL EXPLANATORY NOTE:**

**[ ]** Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

# ACT

**To amend the Criminal Procedure Act, 1977, so as to delete certain obsolete expressions; and to extend Part III of Schedule 2; to amend the Intimidation Act, 1982, so as to provide that an act or conduct which inspires fear in the observer thereof constitutes the offence of intimidation if proved that fear was inspired; and to create an additional offence; to amend the Internal Security Act, 1982, so as to delete the attorney-general's power to prohibit release on bail or on warning; to delete the detention of witnesses under warrant issued by the attorney-general; and to further regulate a certain offence; to provide that the organizing, training, equipping or arming of members or supporters of organizations is prohibited in certain cases; to provide that an attorney-general may issue a certificate in respect of certain offences to the effect that a special criminal procedure be followed in respect of the trial of such offences; to grant special powers to a court of law with regard to the hearing of such offences; to provide for a special plea procedure in respect of such offences; to provide that a person who has been arrested on account of the alleged commission of such an offence, may only on the written authorization of the attorney-general be released on bail or warning; to provide for the imposition of a prescribed sentence for the unlawful possession of weaponry in specified instances; and to provide for the detention of persons in certain cases for interrogation in respect of certain weaponry; and to provide for matters connected therewith.**

*(English text signed by the State President.)*
*(Assented to 2 July 1992.)*

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

## CHAPTER 1

*Amendment of Criminal Procedure Act, 1977*

**Amendment of section 59 of Act 51 of 1977, as amended by section 3 of Act 26 of 1987**

**1.** Section 59 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

"*(a)* An accused who is in custody in respect of any offence, other than an offence referred to in Part II or Part III of Schedule 2 **[or in Schedule 3**

**Veiligheid, 1982 (Wet 74 van 1982),]** bedoelde misdryf, kan, voor sy eerste verskyning in 'n laer hof, deur 'n polisiebeampte met of bo die rang van onder-offisier ten opsigte van so 'n misdryf op borgtog vrygelaat word indien die beskuldigde by 'n polisiekantoor die bedrag geld deponeer wat deur bedoelde polisiebeampte bepaal word.".

**Wysiging van artikel 72 van Wet 51 van 1977, soos gewysig deur artikel 7 van Wet 33 van 1986 en artikel 5 van Wet 26 van 1987**

**2.** Artikel 72 van die Strafproseswet, 1977, word hierby gewysig deur in subartikel (1) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"Indien 'n beskuldigde ten opsigte van 'n misdryf in bewaring is en 'n polisiebeampte of 'n hof die beskuldigde ten opsigte van daardie misdryf ingevolge artikel 59 of 60, na gelang van die geval, op borgtog kan vrylaat, kan bedoelde polisiebeampte of bedoelde hof, na gelang van die geval, in plaas van borgtog en indien die misdryf, in die geval van bedoelde polisiebeampte, nie 'n in Deel II of Deel III van Bylae 2 **[of 'n in Bylae 3 by die Wet op Binnelandse Veiligheid, 1982 (Wet 74 van 1982),]** bedoelde misdryf is nie—".

**Wysiging van artikel 184 van Wet 51 van 1977**

**3.** Artikel 184 van die Strafproseswet, 1977, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Wanneer iemand waarskynlik wesenlike getuienis by strafregtelike verrigtinge met betrekking tot 'n ander as 'n in Deel III van Bylae 2 **[of 'n in die Bylae by die Wet op Binnelandse Veiligheid, 1950 (Wet 44 van 1950),]** bedoelde misdryf sal kan aflê, kan 'n landdros, streeklanddros of regter van die hof waarin die betrokke verrigtinge hangende is, op skriftelike inligting onder eed dat bedoelde persoon op die punt staan om te vlug, 'n lasbrief vir sy inhegtenisneming uitreik.".

**Wysiging van artikel 189 van Wet 51 van 1977, soos gewysig deur artikel 20 van Wet 59 van 1983**

**4.** Artikel 189 van die Strafproseswet, 1977, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Indien iemand wat by strafregtelike verrigtinge aanwesig is, aangesê word om getuienis by daardie verrigtinge af te lê en weier om as 'n getuie ingesweer te word of 'n bevestiging te doen, of, nadat hy as 'n getuie ingesweer is of 'n bevestiging gedoen het, weier om op 'n aan hom gestelde vraag te antwoord of weier of versuim om 'n boek, stuk of dokument waarvan die voorlegging van hom vereis word, voor te lê, kan die hof op 'n summiere wyse na bedoelde weiering of versuim ondersoek instel en, tensy die persoon wat aldus weier of versuim 'n voldoende verskoning vir sy weiering of versuim het, hom vonnis tot gevangenisstraf vir 'n tydperk van hoogstens twee jaar of, waar die betrokke strafregtelike verrigtinge betrekking het op 'n in Deel III van Bylae 2 **[of 'n in Bylae 3 by die Wet op Binnelandse Veiligheid, 1982 (Wet No. 74 van 1982),]** bedoelde misdryf, tot gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.".

**Vervanging van Deel III van Bylae 2 by Wet 51 van 1977**

**5.** Deel III van Bylae 2 by die Strafproseswet, 1977, word hierby deur die volgende Deel vervang:

"**DEEL III**

**(Artikels 59, 61, 72, 184, 185, 189)**

Oproer.
Openbare geweld.

**to the Internal Security Act, 1982 (Act 74 of 1982),]** may, before his first appearance in a lower court, be released on bail in respect of such offence by any police official of or above the rank of non-commissioned officer, if the accused deposits at a police station the sum of money determined by such police official.".

**Amendment of section 72 of Act 51 of 1977, as amended by section 7 of Act 33 of 1986 and section 5 of Act 26 of 1987**

**2.** Section 72 of the Criminal Procedure Act, 1977, is hereby amended by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"(1) If an accused is in custody in respect of any offence and a police official or a court may in respect of such offence release the accused on bail under section 59 or 60, as the case may be, such police official or such court, as the case may be, may, in lieu of bail and if the offence is not, in the case of such police official, an offence referred to in Part II or Part III of Schedule 2 **[or in Schedule 3 to the Internal Security Act, 1982 (Act 74 of 1982)—]**.".

**Amendment of section 184 of Act 51 of 1977**

**3.** Section 184 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for subsection (1) of the following subsection:

"Whenever any person is likely to give material evidence in criminal proceedings with reference to any offence, other than an offence referred to in Part III of Schedule 2 **[or in the Schedule to the Internal Security Act, 1950 (Act 44 of 1950),]** any magistrate, regional magistrate or judge of the court before which the relevant proceedings are pending may, upon information in writing and on oath that such person is about to abscond, issue a warrant for his arrest.".

**Amendment of section 189 of Act 51 of 1977, as amended by section 20 of Act 59 of 1983**

**4.** Section 189 of the Criminal Procedure Act, 1977, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) If any person present at criminal proceedings is required to give evidence at such proceedings and refuses to be sworn or to make an affirmation as a witness, or, having been sworn or having made an affirmation as a witness, refuses to answer any question put to him or refuses or fails to produce any book, paper or document required to be produced by him, the court may in a summary manner enquire into such refusal or failure and, unless the person so refusing or failing has a just excuse for his refusal or failure, sentence him to imprisonment for a period not exceeding two years or, where the criminal proceedings in question relate to an offence referred to in Part III of Schedule 2 **[or in Schedule 3 to the Internal Security Act, 1982 (Act No. 74 of 1982)]**, to imprisonment for a period not exceeding five years.".

**Substitution of Part III of Schedule 2 to Act 51 of 1977**

**5.** The following Part is hereby substituted for Part III of Schedule 2 to the Criminal Procedure Act, 1977:

"**PART III**

**(Sections 59, 61, 72, 184, 185, 189)**

Sedition.

Public violence.

Brandstigting.
Moord.
Menseroof.
Kinderdiefstal.
Roof.
Huisbraak, hetsy ingevolge die gemene reg of 'n statutêre bepaling, met die opset om 'n misdryf te pleeg.
Oortreding van die bepalings van artikel 1 en 1A van die Wet op Intimidasie, 1982 (Wet No. 72 van 1982).
'n Sameswering, uitlokking of poging om **['n in hierdie Deel bedoelde misdryf]** enigeen van bogenoemde misdrywe te pleeg.
Hoogverraad.".

## HOOFSTUK 2

*Wysiging van Wet op Intimidasie, 1982*

**Wysiging van artikel 1 van Wet 72 van 1982, soos gewysig deur artikel 32 van Wet 138 van 1991**

**6.** Artikel 1 van die Wet op Intimidasie, 1982, word hierby gewysig deur in subartikel (1) subparagraaf (ii) van paragraaf *(b)* te skrap.

**Invoeging van artikel 1A in Wet 72 van 1982**

**7.** Die volgende artikel word hierby in die Wet op Intimidasie, 1982, na artikel 1 ingevoeg:

**"Intimidasie van algemene publiek, bepaalde gedeelte van bevolking of inwoners van bepaalde gebied**

**1A.** (1) Iemand wat met die opset om die algemene publiek, 'n bepaalde gedeelte van die bevolking of die inwoners van 'n bepaalde gebied in die Republiek bevrees te maak, te demoraliseer of te beweeg om iets te doen of nie te doen nie, in die Republiek of elders—

*(a)* 'n daad van geweld pleeg of dreig of poog om dit te doen;

*(b)* 'n handeling verrig wat daarop gerig is om so 'n daad of dreigement van geweld te veroorsaak, te bewerkstellig of te bevorder of om daartoe by te dra, of poog, inwillig of stappe doen om so 'n handeling te verrig;

*(c)* met 'n ander persoon saamsweer om 'n daad of dreigement bedoel in paragraaf *(a)* of 'n handeling bedoel in paragraaf *(b)* of *(c)* te pleeg, te bewerkstellig of te verrig, of om by die pleging, bewerkstelliging of verrigting daarvan behulpsaam te wees; of

*(d)* 'n ander persoon uitlok, aanstig, beveel, hulp verleen, aanraai, aanmoedig of verkry om so 'n daad, dreigement of handeling te pleeg, te bewerkstellig of te verrig,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete wat die hof goedvind of met gevangenisstraf vir 'n tydperk van hoogstens 25 jaar of met sodanige boete sowel as sodanige gevangenisstraf.

(2) Indien daar by 'n vervolging weens 'n misdryf ingevolge subartikel (1) bewys word dat die beskuldigde 'n handeling verrig het wat hom in die klagstaat ten laste gelê word, en indien daardie handeling die bereiking van die een of ander van die doelstellinge vermeld in subartikel (1) tot gevolg gehad het of waarskynlik tot gevolg kon gehad het, word daar vermoed, tensy die teendeel bewys word, dat die beskuldigde daardie handeling verrig het met die opset om daardie doelstelling te bereik.

(3) Indien by 'n vervolging weens 'n misdryf ingevolge subartikel (1) die handeling wat die beskuldigde ten laste gelê word daaruit bestaan en daar bewys word dat hy enige outomatiese of semi-outomatiese geweer, masjiengeweer, submasjiengeweer, masjienpistool, vuurpylrigter, terugslaglose kanon of mortier, of enige ammunisie vir of

Arson.
Murder.
Kidnapping.
Childstealing.
Robbery.
Housebreaking, whether under the common law or a statutory provision, with intent to commit an offence.
Contravention of the provisions of section 1 and 1A of the Intimidation Act, 1982 (Act No. 72 of 1982).
Any conspiracy, incitement or attempt to commit any **[offence referred to in this Part]** of the above-mentioned offences.
Treason.".

## CHAPTER 2

*Amendment of Intimidation Act, 1982*

**Amendment of section 1 of Act 72 of 1982, as amended by section 32 of Act 138 of 1991**

**6.** Section 1 of the Intimidation Act, 1982, is hereby amended by the deletion in subsection (1) of subparagraph (ii) of paragraph *(b)*.

**Insertion of section 1A in Act 72 of 1982**

**7.** The following section is hereby inserted in the Intimidation Act, 1982, after section 1:

**"Intimidation of general public, particular section of population or inhabitants of particular area**

**1A.** (1) Any person who with intent to put in fear or to demoralize or to induce the general public, a particular section of the population or the inhabitants of a particular area in the Republic to do or to abstain from doing any act, in the Republic or elsewhere—

*(a)* commits an act of violence or threatens or attempts to do so;

*(b)* performs any act which is aimed at causing, bringing about, promoting or contributing towards such act or threat of violence, or attempts, consents or takes any steps to perform such act;

*(c)* conspires with any other person to commit, bring about or perform any act or threat referred to in paragraph *(a)* or act referred to in paragraph *(b)*, or to aid in the commission, bringing about or performance thereof; or

*(d)* incites, instigates, commands, aids, advises, encourages or procures any other person to commit, bring about or perform such act or threat,

shall be guilty of an offence and liable on conviction to a fine which the court may in its discretion deem fit or to imprisonment for a period not exceeding 25 years or to both such fine and such imprisonment.

(2) If in any prosecution for an offence in terms of subsection (1) it is proved that the accused has committed any act alleged in the charge, and if such act resulted or was likely to have resulted in the achievement of any of the objects specified in subsection (1), it shall be presumed, unless the contrary is proved, that the accused has committed that act with intent to achieve such object.

(3) If in any prosecution for an offence in terms of subsection (1) the act with which the accused is charged, consists thereof, and it is proved, that he unlawfully had in his possession any automatic or semi-automatic rifle, machine gun, sub-machine gun, machine pistol, rocket launcher, recoilless gun or mortar, or any ammunition

samestellende deel van genoemde wapentuig, of enige granaat, myn, bom of ontplofbare stof onwettig in sy besit gehad het, word daar vermoed, tensy die teendeel bewys word, dat die beskuldigde bedoelde wapentuig, ammunisie, samestellende deel, granaat, myn, bom of ontplofbare stof in sy besit gehad het met die opset om, ten einde die een of ander van die doelstellinge vermeld in subartikel (1) te bereik, daarmee of in verband daarmee in die Republiek die een of ander van die dade beoog in paragrawe *(a)* tot en met *(d)* van subartikel (1) te pleeg.

(4) By die toepassing van hierdie artikel beteken 'geweld' ook die besering of doding van, of die ingevaarstelling van die veiligheid van, iemand, of die beskadiging, vernietiging of ingevaarstelling van goed.".

## HOOFSTUK 3

*Wysiging van Wet op Binnelandse Veiligheid, 1982*

**Herroeping van artikels 30, 31 en 32 van Wet 74 van 1982**

**8.** Artikels 30, 31 en 32 van die Wet op Binnelandse Veiligheid, 1982, word hierby herroep.

**Wysiging van artikel 54 van Wet 74 van 1982**

**9.** Artikel 54 van die Wet op Binnelandse Veiligheid, 1982, word hierby gewysig deur—

*(a)* paragraaf *(d)* van subartikel (1) te skrap; en

*(b)* deur in subartikel (2) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"Iemand wat met die opset om enige van die doelstellinge vermeld in paragrawe *(a)* tot en met **[***(d)***]** *(c)* van subartikel (1) te bereik—".

**Wysiging van artikel 69 van Wet 74 van 1982**

**10.** Artikel 69 van die Wet op Binnelandse Veiligheid, 1982, word hierby gewysig deur subartikels (5) en (6) deur onderskeidelik die volgende subartikels te vervang:

"(5) Indien daar by 'n vervolging weens 'n misdryf ingevolge artikel 54(1) of (2) bewys word dat die beskuldigde 'n handeling verrig het wat hom in die klagstaat ten laste gelê word, en indien daardie handeling die bereiking van die een of ander van die doelstellinge vermeld in artikel 54(1)*(a)* tot en met **[***(d)***]** *(c)* tot gevolg gehad het of waarskynlik kon gehad het, word daar vermoed, tensy die teendeel bewys word, dat die beskuldigde daardie handeling verrig het met die opset om daardie doelstelling te bereik.

(6) *(a)* Indien by 'n vervolging weens 'n misdryf ingevolge artikel 54(1) die handeling wat die beskuldigde ten laste gelê word daaruit bestaan en daar bewys word dat hy enige outomatiese of semi-outomatiese geweer, masjiengeweer, submasjiengeweer, masjienpistool, vuurpylrigter, terugslaglose kanon of mortier, of enige ammunisie vir of samestellende deel van genoemde wapentuig, of enige granaat, myn, bom of ontplofbare stof onwettig in sy besit gehad het, word daar vermoed, tensy die teendeel bewys word, dat die beskuldigde bedoelde wapentuig, ammunisie, samestellende deel, granaat, myn, bom of ontplofbare stof in sy besit gehad het met die opset om, ten einde die een of ander van die doelstellinge vermeld in artikel 54(1)*(a)* tot en met **[***(d)***]** *(c)* te bereik, daarmee of in verband daarmee in die Republiek die een of ander van die dade beoog in artikel 54(1)(i) tot en met (iv) te pleeg.

*(b)* Indien by 'n vervolging weens 'n misdryf ingevolge artikel 54(1) die handeling wat die beskuldigde ten laste gelê word daaruit bestaan en daar bewys word dat hy 'n ander vuurwapen of ander ammunisie as 'n vuurwapen of as ammunisie in paragraaf *(a)* bedoel of meer as een sodanige ander vuurwapen onwettig in sy besit gehad het, en die hof van oordeel is dat die aard van daardie ander vuurwapen of vuurwapens of van daardie ammunisie of die omstandighede waaronder die beskuldigde dit aldus in sy besit gehad

for or component part of such weaponry, or any grenade, mine, bomb or explosive, it shall be presumed, unless the contrary is proved, that the accused had the said weaponry, ammunition, component part, grenade, mine, bomb or explosive in his possession with intent to commit therewith or in connection therewith in the Republic, in order to achieve any of the objects specified in subsection (1), any of the acts contemplated in paragraphs *(a)* to *(d)* inclusive.

(4) For the purposes of this section 'violence' includes the inflicting of bodily harm upon or killing of, or the endangering of the safety of, any person, or the damaging, destruction or endangering of property.".

## CHAPTER 3

*Amendment of Internal Security Act, 1982*

**Repeal of sections 30, 31 and 32 of Act 74 of 1982**

**8.** Sections 30, 31 and 32 of the Internal Security Act, 1982, are hereby repealed.

**Amendment of section 54 of Act 74 of 1982**

**9.** Section 54 of the Internal Security Act, 1982, is hereby amended—

*(a)* by the deletion of paragraph *(d)* of subsection (1); and

*(b)* by the substitution in subsection (2) for the words preceding paragraph *(a)* of the following words:

"Any person who with intent to achieve any of the objects specified in paragraphs *(a)* to **[***(d)***]** *(c)*, inclusive, of subsection (1)—".

**Amendment of section 69 of Act 74 of 1982**

**10.** Section 69 of the Internal Security Act, 1982, is hereby amended by the substitution for subsections (5) and (6) of the following subsections, respectively:

"(5) If in any prosecution for an offence in terms of section 54(1) or (2) it is proved that the accused has committed any act alleged in the charge, and if such act resulted or was likely to have resulted in the achievement of any of the objects specified in section 54(1)*(a)* to **[***(d)***]** *(c)*, inclusive, it shall be presumed, unless the contrary is proved, that the accused has committed that act with intent to achieve such object.

(6) *(a)* If in any prosecution for an offence in terms of section 54(1) the act with which the accused is charged, consists thereof, and it is proved, that he unlawfully had in his possession any automatic or semi-automatic rifle, machine gun, sub-machine gun, machine pistol, rocket launcher, recoilless gun or mortar, or any ammunition for or component part of such weaponry, or any grenade, mine, bomb or explosive, it shall be presumed, unless the contrary is proved, that the accused had the said weaponry, ammunition, component part, grenade, mine, bomb or explosive in his possession with intent to commit therewith or in connection therewith in the Republic, in order to achieve any of the objects specified in section 54(1)*(a)* to **[***(d)***]** *(c)*, inclusive, any of the acts contemplated in section 54(1)(i) to (iv), inclusive.

*(b)* If in any prosecution for an offence in terms of section 54(1) the act with which the accused is charged consists thereof, and it is proved, that he unlawfully had in his possession any firearm or ammunition other than any firearm or ammunition referred to in paragraph *(a)*, or so unlawfully had in his possession more than one such other firearm, and if in the opinion of the court the nature of that other firearm or firearms or of that ammunition or the circumstances in which the accused so had such other firearm, firearms

het of die hoeveelheid daarvan wat die beskuldigde aldus in sy besit gehad het die afleiding kan regverdig dat die beskuldigde dit aldus in sy besit gehad het met die opset om daarmee of in verband daarmee in die Republiek die een of ander van die dade beoog in artikel 54(1)(i) tot en met (iv) te pleeg, word daar vermoed, tensy die teendeel bewys word, dat die beskuldigde bedoelde ander vuurwapen, vuurwapens of ammunisie in sy besit gehad het met die opset om, ten einde die een of ander van die doelstellings vermeld in artikel 54(1)*(a)* tot en met **[***(d)***]** *(c)* te bereik, daarmee of in verband daarmee in die Republiek die een of ander van die dade beoog in artikel 54(1)(i) tot en met (iv) te pleeg.".

**Herroeping van Bylae 3 by Wet 74 van 1982**

**11.** Bylae 3 by die Wet op Binnelandse Veiligheid, 1982, word hierby herroep.

## HOOFSTUK 4

*Misdrywe met betrekking tot organisasies met militêre of soortgelyke karakter*

**Woordomskrywing**

**12.** In hierdie Hoofstuk, tensy uit die samehang anders blyk, beteken "organisasie" enige vereniging van persone, met of sonder regspersoonlikheid en ongeag of hy ooreenkomstig 'n wet geregistreer is al dan nie, en ook enige tak, afdeling of komitee van so 'n organisasie of enige plaaslike, streeks- of hulpliggaam wat deel van so 'n organisasie uitmaak.

**Verbod met betrekking tot sekere organisering, opleiding, toerusting of bewapening van lede of ondersteuners van organisasies**

**13.** Niemand mag—

*(a)* deelneem aan die beheer, administrasie of bestuur van enige organisasie nie;

*(b)* die lede of ondersteuners van enige organisasie organiseer, oplei, toerus of bewapen nie;

*(c)* opleiding in enige organisasie ondergaan nie,

indien die lede of ondersteuners van daardie organisasie georganiseer, opgelei, toegerus of bewapen word ten einde sommige van of al die werksaamhede—

(i) van die Suid-Afrikaanse Polisie soos bedoel in artikel 5 van die Polisiewet, 1958 (Wet No. 7 van 1958);

(ii) waarvoor die Suid-Afrikaanse Weermag in diens gestel kan word soos bedoel in artikel 3(2) van die Verdedigingswet, 1957 (Wet No. 44 van 1957),

vir hulself of sodanige organisasie aan te matig.

**Vermoede**

**14.** Indien daar by 'n vervolging ingevolge artikel 13 bewys word dat—

*(a)* 'n persoon 'n leiersposisie beklee in of 'n posisie beklee in die een of ander uitvoerende struktuur van die betrokke organisasie; en

*(b)* die lede of ondersteuners van die betrokke organisasie georganiseer, opgelei, toegerus of bewapen word soos bedoel in artikel 13,

word daar vermoed, tensy die teendeel bewys word, dat daardie persoon deelgeneem het aan die beheer, administrasie of bestuur van die betrokke organisasie en dat daardie persoon daarvan bewus was dat die lede of ondersteuners van die betrokke organisasie aldus georganiseer, opgelei, toegerus of bewapen word.

**Misdrywe en strawwe**

**15.** Iemand wat 'n bepaling van artikel 13 oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar.

or ammunition in his possession or the quantity thereof which the accused so had in his possession can justify the inference that the accused so had possession thereof with intent to commit therewith or in connection therewith in the Republic any of the acts contemplated in section 54(1)(i) to (iv), inclusive, it shall be presumed, unless the contrary is proved, that the accused had the said other firearm, firearms or ammunition in his possession with intent to commit therewith or in connection therewith in the Republic, in order to achieve any of the objects specified in section 54(1)*(a)* to **[***(d)***]** *(c)*, inclusive, any of the acts contemplated in section 54(1)(i) to (iv), inclusive.".

**Repeal of Schedule 3 to Act 74 of 1982**

**11.** Schedule 3 to the Internal Security Act, 1982, is hereby repealed.

## CHAPTER 4

*Offences in respect of organizations with military or similar character*

**Definitions**

**12.** In this Chapter, unless the context otherwise indicates, "organization" means any association of persons, incorporated or unincorporated and regardless of whether or not it has been registered in terms of a statute, and also any branch, section or committee of such an organization or any local, regional or subsidiary body which forms part of such an organization.

**Prohibition regarding certain organization, training, equipment or armament of members or supporters of organizations**

**13.** No person shall—

*(a)* take part in the control, administration or management of any organization;

*(b)* organize, train, equip or arm the members or supporters of any organization;

*(c)* undergo training in any organization,

if the members or supporters of that organization are organized, trained, equipped or armed in order to usurp some or all of the functions—

(i) of the South African Police as contemplated in section 5 of the Police Act, 1958 (Act No. 7 of 1958);

(ii) for which the South African Defence Force may be employed as contemplated in section 3(2) of the Defence Act, 1957 (Act No. 44 of 1957),

for themselves or such organization.

**Presumption**

**14.** If in criminal proceedings under section 13 it is proved that—

*(a)* any person holds a position of leadership in or holds a position in any executive structure of the organization concerned; and

*(b)* the members or supporters of the organization concerned are organized, trained, equipped or armed as contemplated in section 13,

it shall be presumed, unless the contrary is proved, that such person participated in the control, administration or management of the organization concerned and that such person was aware of the fact that the members or supporters of the organization concerned are so organized, trained, equipped or armed.

**Offences and penalties**

**15.** Any person who contravenes or fails to comply with a provision of section 13, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 10 years.

**Magtiging van prokureur-generaal nodig vir vervolging**

**16.** Geen vervolging weens 'n misdryf bedoel in artikel 15 word sonder die skriftelike magtiging van die prokureur-generaal ingestel nie.

## HOOFSTUK 5

*Verhoor van spesiale misdrywe*

**Woordomskrywings**

**17.** In hierdie hoofstuk, tensy uit die samehang anders blyk, beteken—
"sertifikaat" 'n sertifikaat wat deur die prokureur-generaal ingevolge artikel 18(1) uitgereik is;
"spesiale misdryf" 'n misdryf bedoel in artikel 18(1) ten opsigte waarvan die prokureur-generaal 'n sertifikaat uitgereik het.

**Identifisering van spesiale misdrywe deur prokureur-generaal**

**18.** (1) Indien die prokureur-generaal van oordeel is dat 'n misdryf waarvan iemand aangekla word of staan te word, 'n misdryf is waarby moord, roof met verswarende omstandighede, geweld of intimidasie betrokke is, kan daardie prokureur-generaal, ongeag wat die werklike aanklag is, te eniger tyd voor sodanige persoon op die aanklag pleit 'n sertifikaat uitreik ten effekte dat sodanige misdryf 'n spesiale misdryf is.

(2) Die sertifikaat word by die hof ingelewer deur die staatsaanklaer en maak deel uit van die oorkonde van daardie hof.

(3) Die bepalings van die Strafproseswet, 1977 (Wet No. 51 van 1977), geld by die verhoor van 'n spesiale misdryf, behalwe vir sover daar in hierdie Hoofstuk anders bepaal word.

**Bevoegdhede van hof met betrekking tot verhoor van spesiale misdrywe**

**19.** (1) Ondanks andersluidende bepalings van die een of ander wet moet 'n hof wat 'n spesiale misdryf verhoor, ten einde te verseker dat daardie verhoor so spoedig moontlik afgehandel word, op enige dag van die week sitting hê.

(2) Indien die Staat nie binne 60 dae na die datum van die uitreiking van die sertifikaat gereed is om met die aanbieding van sy saak te begin nie, en indien die hof oortuig is dat die Staat versuim het om alle redelike stappe te doen om met die aanbieding van sy saak te begin, moet die hof—

*(a)* die saak van die rol verwyder en die beskuldigde vrylaat; of

*(b)* indien die beskuldigde reeds op die aanklag gepleit het, die beskuldigde op borgtog of op waarskuwing vrylaat.

(3) Indien die Staat binne 60 dae na die datum van die uitreiking van die sertifikaat gereed is om met die aanbieding van sy saak te begin, maar die beskuldigde nie gereed is om voort te gaan nie, moet die hof gelas dat die verhoor by die vroegste geleentheid, maar op 'n datum nie later nie as 90 dae na die uitreiking van vermelde sertifikaat, voortgesit word.

**Pleit by verhoor van spesiale misdrywe**

**20.** (1) Indien 'n beskuldigde op 'n spesiale misdryf teregstaan, moet die klagstaat of akte van beskuldiging, na gelang van die geval, vergesel gaan van 'n opsomming van die wesenlike feite waarop die Staat steun.

(2) Waar 'n beskuldigde in 'n verhoor van 'n spesiale misdryf in enige hof skuldig pleit aan 'n spesiale misdryf, of aan 'n misdryf waaraan hy op die aanklag skuldig bevind kan word, en die staatsaanklaer daardie pleit aanvaar, moet die voorsittende regter, streeklanddros of landdros by die beskuldigde vasstel of hy die opsomming van die wesenlike feite aanvaar en die beskuldigde met betrekking tot die beweerde feite van die saak ondervra ten einde vas te stel of hy die bewerings in die aanklag waarop hy skuldig gepleit het, erken, en indien hy oortuig is dat die beskuldigde skuldig is aan die misdryf waaraan hy skuldig gepleit

**Authority of attorney-general required for prosecution**

**16.** No prosecution for an offence contemplated in section 15 shall be instituted without the written authority of the attorney-general.

## CHAPTER 5

*Trial of special offences*

**Definitions**

**17.** In this Chapter, unless the context otherwise indicates—
"certificate" means a certificate issued by the attorney-general in terms of section 18(1);
"special offence" means an offence referred to in section 18(1) in respect of which the attorney-general has issued a certificate.

**Identification of special offences by attorney-general**

**18.** (1) If the attorney-general is of the opinion that an offence with which any person is charged or is to be charged, is an offence in which murder, robbery with aggravating circumstances, violence or intimidation is involved, that attorney-general may, irrespective of what the actual charge is, at any time before such person pleads to the charge issue a certificate to the effect that such an offence is a special offence.

(2) The certificate shall be handed in at the court by the state prosecutor and forms part of the record of that court.

(3) The provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall apply at the trial of a special offence, except in so far as is otherwise provided in this Chapter.

**Powers of court in respect of trial of special offences**

**19.** (1) Notwithstanding anything to the contrary in any law contained, a court that tries a special offence shall, in order to ensure that that trial be concluded as soon as possible, sit on any day of the week.

(2) If the State is not ready to commence with the presentation of its case within 60 days of the date of the issue of the certificate, and if the court is satisfied that the State has failed to take all reasonable steps to commence with the presentation of its case, the court shall—

*(a)* strike the case from the roll and release the accused; or

*(b)* if the accused has already pleaded to the charge, release the accused on bail or on warning.

(3) If the State is ready to commence with the presentation of its case within 60 days of the date of the issue of the certificate, but the accused is not ready to commence, the court shall order that the trial be proceeded with at the earliest opportunity, but on a date not later than 90 days after the issue of the said certificate.

**Plea at trial of special offences**

**20.** (1) If an accused stands trial on a special offence, the charge sheet or indictment, as the case may be, shall be accompanied by a summary of the substantial facts on which the State relies.

(2) Where an accused at a trial of a special offence in any court pleads guilty to a special offence, or to an offence on which he may be convicted on the charge, and the public prosecutor accepts the plea, the presiding judge, regional magistrate or magistrate shall enquire from the accused whether he accepts the summary of the substantial facts and question the accused with reference to the alleged facts of the case in order to ascertain whether he admits the allegations in the charge to which he has pleaded guilty and, if satisfied that the accused is

het, kan hy die beskuldigde op sy pleit van skuldig aan daardie misdryf skuldig bevind en 'n geoorloofde vonnis oplê.

(3) Indien die hof in enige stadium van die verrigtinge ingevolge subartikel (2) en voordat vonnis opgelê word, in twyfel verkeer of die beskuldigde regtens skuldig is aan die misdryf waaraan hy skuldig gepleit het of oortuig is dat 'n pleit van skuldig nie deur die beskuldigde aangebied behoort te gewees het nie, moet die hof 'n pleit van onskuldig aanteken, waarna die prosedure bedoel in subartikel (4) toepassing vind: Met dien verstande dat 'n bewering wat regtens deur die beskuldigde erken is tot by die stadium waarop 'n hof 'n pleit van onskuldig aanteken, bly staan as bewys in 'n hof van so 'n bewering.

(4) *(a)* Waar 'n beskuldigde in 'n verhoor van 'n spesiale misdryf in enige hof onskuldig pleit, moet die voorsittende regter, streeklanddros of landdros die beskuldigde versoek om aan te dui—

(i) wat die basis van sy verdediging op die aanklag is;

(ii) in watter opsig hy die feite soos uiteengesit in die opsomming van die wesenlike feite bedoel in subartikel (1), betwis of nie betwis nie.

*(b)* Indien die beskuldigde versuim om aan te dui soos in paragraaf *(a)* bedoel—

(i) kan die hof na goeddunke 'n ongunstige afleiding oor sodanige versuim maak met betrekking tot sy geloofwaardigheid of optrede indien hy van oordeel is dat so 'n afleiding in die lig van al die getuienis wat by die verhoor aangevoer is, geregverdig is; en

(ii) moet die hof die beskuldigde inlig dat hy so 'n afleiding kan maak.

(5) Indien 'n beskuldigde ingevolge subartikel (4) aandui dat hy nie die bewerings of sommige daarvan soos vervat in die opsomming van die wesenlike feite betwis nie, moet die voorsittende regter, streeklanddros of landdros by hom vasstel of hy toestem dat die bewerings wat hy nie betwis nie as formele erkennings genotuleer kan word, en indien die beskuldigde aldus toestem, word sodanige erkennings geag erkennings te wees wat ingevolge artikel 220 van die Strafproseswet, 1977, genotuleer is.

**Borgtog ten opsigte van spesiale misdrywe**

**21.** (1) Behoudens die bepalings van artikel 19(2) en van subartikel (3) word 'n beskuldigde wat in bewaring is en teregstaan op 'n aanklag ten opsigte waarvan die prokureur-generaal 'n sertifikaat uitgereik het, vir 'n tydperk van 120 dae vanaf die datum waarop sodanige sertifikaat uitgereik is, nie sonder die magtiging van daardie prokureur-generaal op borgtog of op waarskuwing soos in die Strafproseswet, 1977 (Wet No. 51 van 1977), beoog, vrygelaat nie.

(2) Wanneer iemand wat in hegtenis geneem is, aansoek doen om op borgtog of op waarskuwing vrygelaat te word en die staatsaanklaer die hof by wie aansoek gedoen word, meedeel dat die aangeleentheid na die betrokke prokureur-generaal verwys is of verwys gaan word vir die uitreiking van 'n sertifikaat, word so iemand, in afwagting van die beslissing van die prokureur-generaal, nie op borgtog of op waarskuwing vrygelaat nie: Met dien verstande dat indien so 'n sertifikaat nie binne die tydperk van 14 dae wat onmiddellik volg op die datum waarop bedoelde hof aldus meegedeel word, uitgereik word nie, so iemand weer aansoek kan doen om op borgtog of op waarskuwing vrygelaat te word en, behoudens die bepalings van die een of ander wet, aldus vrygelaat kan word.

(3) Die betrokke prokureur-generaal kan te eniger tyd voor die verstryking van die tydperke genoem in subartikel (1) of (2), magtiging verleen dat die verbod op vrylating opgehef word, waarna die betrokke beskuldigde aansoek kan doen om op borgtog of op waarskuwing vrygelaat te word en, behoudens die bepalings van die een of ander wet, aldus vrygelaat kan word.

(4) 'n Beskuldigde wat ingevolge subartikel (1) of (2) in bewaring aangehou word, kan in enige stadium van die verrigtinge skriftelik vertoë tot die betrokke prokureur-generaal rig waarin sodanige prokureur-generaal versoek word om magtiging te verleen dat die verbod op vrylating opgehef word, en die hof moet 'n beskuldigde van sy reg in dié verband inlig.

guilty of the offence to which he has pleaded guilty, convict the accused on his plea of guilty of that offence and impose any competent sentence.

(3) If the court at any stage of the proceedings under subsection (2) and before sentence is passed, is in doubt whether the accused is in law guilty of the offence to which he has pleaded guilty or is satisfied that a plea of guilty should not have been tendered by the accused, the court shall record a plea of not guilty, after which the procedure contemplated in subsection (4) shall apply: Provided that any allegation legally admitted by the accused up to the stage at which the court records a plea of not guilty, shall stand as proof in any court of such allegation.

(4) *(a)* Where an accused at a trial of a special offence in any court pleads not guilty, the presiding judge, regional magistrate or magistrate shall request the accused to indicate—

(i) what the basis of his defence to the charge is;

(ii) to what extent he disputes or does not dispute the facts as set out in the summary of substantial facts referred to in subsection (1).

*(b)* If the accused fails to indicate as contemplated in paragraph *(a)*—

(i) the court may at will, in respect of his credibility or conduct, draw an unfavourable inference regarding such failure if it is of the opinion that such an inference is justified in the light of all the evidence that was adduced at the trial; and

(ii) the court shall inform the accused that it may draw such an inference.

(5) If an accused indicates in terms of subsection (4) that he does not dispute the allegations or some thereof as contained in the summary of the substantial facts, the presiding judge, regional magistrate or magistrate shall enquire from him whether he consents that the allegations that he does not dispute may be recorded as formal admissions, and if the accused so consents, such admissions shall be deemed to be admissions that have been recorded in terms of section 220 of the Criminal Procedure Act, 1977.

**Bail in respect of special offences**

**21.** (1) Subject to the provisions of section 19(2) and of subsection (3), an accused who is in custody and stands trial on a charge in respect of which the attorney-general has issued a certificate, shall not be released on bail or on warning as contemplated in the Criminal Procedure Act, 1977 (Act No. 51 of 1977), without the written authorization of that attorney-general for a period of 120 days from the date on which such certificate was issued.

(2) Whenever any person who has been arrested, applies to be released on bail or on warning and the public prosecutor informs the court to which the application is made that the matter has been referred or is going to be referred to the attorney-general concerned with a view to the issuing of a certificate, such person shall, pending the decision of the attorney-general, not be released on bail or on warning: Provided that if no such certificate is issued within the period of 14 days immediately following upon the date on which such court is so informed, such person may again apply to be released on bail or on warning and may, subject to the provisions of any law, be so released.

(3) The attorney-general concerned may at any time before the expiration of the periods referred to in subsection (1) or (2), authorize that the prohibition on release be cancelled, after which the accused concerned may apply to be released on bail or on warning and, subject to the provisions of any law, be so released.

(4) An accused detained in terms of subsection (1) or (2), may at any stage of the proceedings submit representations in writing to the attorney-general concerned in which such attorney-general is requested to authorize that the prohibition on release be cancelled, and the court shall inform the accused of his right in this regard.

## HOOFSTUK 6

*Aangeleenthede in verband met onwettige besit van wapentuig*

**Voorgeskrewe vonnis vir onwettige besit van wapentuig in sekere gevalle**

**22.** (1) Indien 'n persoon aan die oortreding van artikel 32 van die Wet op Wapens en Ammunisie, 1969 (Wet No. 75 van 1969), skuldig bevind word en daar bewys word dat sodanige persoon die betrokke wapentuig gebruik het by die pleeg van enige ander misdryf, word sodanige persoon, ondanks die bepalings van daardie Wet, weens daardie oortreding gevonnis tot gevangenisstraf vir 'n tydperk van minstens vyf jaar, maar hoogstens 25 jaar.

(2) Die Minister van Justisie kan, na oorleg met die Minister van Wet en Orde, by kennisgewing in die *Staatskoerant* fabrikate of klasse wapentuig voorskryf vir die doeleindes van die bepalings van subartikel (1).

**Aanhouding van persone vir ondervraging ten aansien van die besit van sekere wapentuig**

**23.** (1) Wanneer dit aan 'n landdros blyk op grond van inligting deur die staatsaanklaer aan hom onder eed voorgelê, dat daar rede is om te vermoed dat 'n persoon enige inligting met betrekking tot sy besit van enige wapentuig soos bedoel in artikel 32 van die Wet op Wapens en Ammunisie, 1969 (Wet No. 75 van 1969), van 'n polisiebeampte weerhou, kan hy op versoek van die staatsaanklaer 'n lasbrief vir die inhegtenisneming en aanhouding van bedoelde persoon uitreik.

(2) Ondanks andersluidende bepalings van die een of ander wet word 'n persoon wat uit hoofde van 'n lasbrief ingevolge subartikel (1) in hegtenis geneem word so spoedig moontlik na die in die lasbrief vermelde plek geneem en aldaar of op enige ander plek en op die voorwaardes wat die landdros van tyd tot tyd bepaal, in hegtenis vir ondervraging aangehou totdat die landdros sy vrylating beveel wanneer hy oortuig is dat die aangehoudene alle vrae by dié ondervraging bevredigend beantwoord het of dat dit nutteloos sal wees om hom langer aan te hou.

(3) *(a)* 'n Persoon wat ingevolge 'n subartikel (1) uitgereikte lasbrief in hegtenis geneem is, word binne 48 uur na sodanige inhegtenisneming en daarna minstens een keer elke 10 dae voor die landdros gebring.

*(b)* Die landdros moet by elke sodanige verskyning van bedoelde persoon voor hom ondersoek instel of bedoelde persoon alle vrae by sy ondervraging bevredigend beantwoord het en of dit enige nut sal dien om hom langer aan te hou.

*(c)* 'n Ingevolge subartikel (1) aangehoudene kan te eniger tyd aan die landdros skriftelike vertoë met betrekking tot sy aanhouding of vrylating rig.

*(d)* Die prokureur-generaal binne wie se regsgebied iemand ingevolge subartikel (1) aangehou word, kan te eniger tyd die ondervraging van so iemand stopsit, waarna bedoelde persoon onmiddellik uit hegtenis vrygelaat word.

(4) Geen persoon word ingevolge die bepalings van hierdie artikel vir 'n periode van langer as 30 dae aangehou nie.

(5) Geen persoon, behalwe 'n beampte in diens van die Staat wat by die verrigting van sy ampspligte optree, het toegang tot 'n ingevolge subartikel (1) aangehoudene, of is op enige amptelike inligting met betrekking tot of verkry van so 'n aangehoudene geregtig nie: Met dien verstande dat die regsverteenwoordiger van so 'n aangehoudene toegang tot hom het.

## HOOFSTUK 7

*Algemene bepalings*

**Voorbehoud**

**24.** (1) Die bepalings van Hoofstukke 5 en 6 hou, behoudens die bepalings van subartikels (2) en (3), op om van krag te wees na die verloop van een jaar vanaf die inwerkingtreding van daardie Hoofstukke.

(2) Die tydperk in subartikel (1) vermeld, kan deur die Staatspresident, met die instemming van die Parlement, by proklamasie in die *Staatskoerant* vir een jaar op 'n keer verleng word.

## CHAPTER 6

*Matters relating to unlawful possession of weaponry*

**Prescribed sentence for unlawful possession of weaponry in certain cases**

**22.** (1) If any person is convicted on a charge of contravening section 32 of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), and it is proved that such person used the weaponry concerned in the commission of any other offence, such person shall, notwithstanding the provisions of that Act, be sentenced for that contravention to a period of imprisonment of not less than five years, but not exceeding 25 years.

(2) The Minister of Justice may by notice in the *Gazette*, after consultation with the Minister of Law and Order, prescribe certain makes or classes of weaponry for the purposes of the provisions of subsection (1).

**Detention of persons for interrogation in respect of the possession of certain weaponry**

**23.** (1) Whenever it appears to a magistrate on the ground of information as submitted to him upon oath by the public prosecutor that there is reason to believe that any person is withholding from a policeman any information relating to his possession of any weaponry referred to in section 32 of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), he may at the request of the public prosecutor issue a warrant for the arrest and detention of such person.

(2) Notwithstanding anything to the contrary in any law contained, any person arrested by virtue of a warrant under subsection (1), shall as soon as possible be taken to the place mentioned in the warrant, and detained there or at any other place and subject to such conditions as the magistrate may from time to time determine, in custody for interrogation until the magistrate orders his release when satisfied that the detainee has satisfactorily replied to all questions at the said interrogation or that no useful purpose will be served by his further detention.

(3) *(a)* Any person arrested in terms of a warrant issued under subsection (1), shall be brought before a magistrate within 48 hours of such arrest and thereafter not less than once every 10 days.

*(b)* The magistrate shall at every such appearance of such person before him enquire whether such person has satisfactorily replied to all questions at his interrogation and whether it will serve any useful purpose to detain him further.

*(c)* Any person detained under subsection (1) may at any time make representation in writing to the magistrate relating to his detention or release.

*(d)* The attorney-general in whose area of jurisdiction any person is being detained under subsection (1) may at any time stop the interrogation of such person, and thereupon such person shall be released from custody immediately.

(4) No person shall in terms of this section be detained for a period in excess of 30 days.

(5) No person, other than an officer in the service of the State acting in the performance of his official duties, shall have access to a person detained under subsection (1), or shall be entitled to any official information relating to or obtained from such detainee: Provided that the legal representative of a person so detained shall have access to him.

## CHAPTER 7

*General provisions*

**Saving**

**24.** (1) The provisions of Chapters 5 and 6 shall, subject to the provisions of subsections (2) and (3), cease to have effect after the expiry of one year from the commencement of those Chapters.

(2) The period referred to in subsection (1) may be extended by the State President, with the concurrence of Parliament, by proclamation in the *Gazette* for one year at a time.

(3) Enige vervolging weens 'n spesiale misdryf bedoel in Hoofstuk 5 wat voor die datum waarop die bepalings van Hoofstuk 5 ophou om van krag te wees 'n aanvang geneem het, en enige appèl, aansoek of verrigtinge in of in verband met so 'n vervolging, word voortgesit en afgehandel asof Hoofstuk 5 te alle redelike tye in werking is.

**Kort titel en inwerkingtreding**

**25.** (1) Hierdie Wet heet die Tweede Strafregwysigingswet, 1992, en die bepalings daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet en gebiede in die Republiek bepaal word.

(3) Any prosecution of a special offence referred to in Chapter 5 which commenced before the date upon which the provisions of Chapter 5 ceased to have effect, and any appeal, application or proceedings in or in respect of such a prosecution, shall be continued and concluded as if Chapter 5 had at all relevant times been in operation.

**Short title and commencement**

**25.** (1) This Act shall be called the Criminal Law Second Amendment Act, 1992, and its provisions shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be fixed in terms of subsection (1) in respect of different provisions of this Act and areas in the Republic.

GEDRUK DEUR CREDA PRESS, KAAPSTAD, VIR DIE STAATSDRUKKER, PRETORIA, TEL. (012) 323-9731 X267—13100
PRINTED BY CREDA PRESS, CAPE TOWN, FOR THE GOVERNMENT PRINTER, PRETORIA, TEL. (012) 323-9731 X267—13100