



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 3118.

9 November 1992

No. 3118.

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

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

No. 151 van 1992: Wet op Verdere Vrywaring, 1992.

No. 151 of 1992: Further Indemnity Act, 1992.

WET

Om ander voorsiening te maak vir die vrylating van sekere gevangenes wat lewenslange of ander gevangenisstraf uitdien; en ander voorsiening te maak vir die verlening van vrywaring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 November 1992.)

Aanhef

NADEMAAL die Wet op Vrywaring, 1990 (Wet No. 35 van 1990), op 18 Mei 1990 ingevoer is met die doel om tydelike vrystelling of permanente vrywaring te verleen;

EN NADEMAAL verskeie persone daarna kragtens vermelde Wet en ooreenkomstig sekere riglyne in die *Staatskoerant* gepubliseer, sodanige vrystelling of vrywaring verleen is of andersins vrygelaat is;

EN NADEMAAL sekere persone ook handelinge met 'n politieke oogmerk aangeraai, gebied, beveel, gelas of verrig het welke handelinge daartoe kan lei dat kriminele aanklagte teen en arrestasies van sodanige persone hangend of moontlik is of welke handelinge daartoe gelei het dat 'n aantal persone strafregtelik vervolg, skuldig bevind en gevonniss is;

EN NADEMAAL laasgenoemde persone nie gekwalifiseer het om kragtens vermelde Wet en ooreenkomstig vermelde riglyne vrygestel of gevrywaar of vrygelaat te word nie;

EN NADEMAAL dit nou nodig geword het, ten einde versoening en vreedsame oplossings te bevorder, om van tyd tot tyd verdere vrywaring van arrestasie, vervolging, aanhouding en geregtelike verrigtinge aan sodanige persone te verleen of om sodanige persone wat reeds gevonniss is, vry te laat:

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- | | |
|--|----|
| (i) “handeling met 'n politieke oogmerk” enige handeling of versuim wat— | 5 |
| (a) met die oog op die bereiking van 'n politieke oogmerk; of | |
| (b) ter bevordering of bekamping van 'n oogmerk of belang van 'n organisasie, instelling of liggaam van 'n politieke aard; of | |
| (c) met die <i>bona fide</i> -geloof dat sodanige oogmerk of belang gedien sal word; of | 10 |
| (d) met die goedkeuring of in opdrag of in ooreenstemming met die beleid van so 'n organisasie, instelling of liggaam, of in reaksie daarop aangeraai, gebied, beveel, gelas of verrig is; (i) | |
| (ii) “Minister” die Minister van Justisie; (iv) | |
| (iii) “Raad” die Nasionale Raad op Vrywaring by artikel 5 ingestel; (iii) | 15 |
| (iv) “voorgeskrewe” by regulasie kragtens hierdie Wet voorgeskryf; (v) | |
| (v) “voorsitter” die voorsitter van die Raad ingevolge artikel 6(2) aangewys of die ander lid wat op 'n vergadering van die Raad voorsit. (ii) | |

ACT

To make other provision for the release of certain prisoners serving life or other imprisonment; and to make other provision for the granting of indemnity; and to provide for matters in connection therewith.

(Afrikaans text signed by the State President.)

(Assented to 4 November 1992.)

Preamble

WHEREAS the Indemnity Act, 1990 (Act No. 35 of 1990), commenced on 18 May 1990 with the purpose of granting temporary immunity or permanent indemnity;

AND WHEREAS several persons were thereafter granted such immunity or indemnity under the said Act and in accordance with certain guide-lines published in the *Gazette* or were otherwise released;

AND WHEREAS certain persons also advised, directed, commanded, ordered or performed acts with a political object which acts may result in criminal charges against and the arrest of such persons being pending or possible or which acts resulted in the criminal prosecution, conviction and sentence of a number of persons;

AND WHEREAS the last-mentioned persons did not qualify to be granted immunity or indemnity or to be released under the said Act and in accordance with the said guide-lines;

AND WHEREAS it has now become necessary, in order to promote reconciliation and peaceful solutions, from time to time to grant to such persons further indemnity against arrest, prosecution, detention and legal process or to release such persons who have already been sentenced:

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

Definitions

1. In this Act, unless the context otherwise indicates—

- 5 (i) “act with a political object” means any act or omission which has been advised, directed, commanded, ordered or performed—
 - (a) with a view to the achievement of a political object; or
 - (b) for the promotion or combating of an object or interest of any organization, institution or body of a political nature; or
 - 10 (c) with the *bona fide* belief that such object or interest will be served; or
 - (d) with the approval or on instruction or in accordance with the policy of such organization, institution or body, or in reaction thereto; (i)
- 15 (ii) “chairman” means the chairman of the Council designated in terms of section 6(2) or the other member presiding at a meeting of the Council; (v)
- (iii) “Council” means the National Council on Indemnity established by section 5; (iii)
- (iv) “Minister” means the Minister of Justice; (ii)
- 20 (v) “prescribed” means prescribed by regulation under this Act. (iv)

HOOFSTUK I***Vrylating van sekere gevangenes wat lewenslange of ander
gevangenisstraf uiddien*****Vrylating deur Staatspresident van sekere gevangenes**

2. (1) Ondanks die bepalings van artikel 64 van die Wet op Korrektiewe 5
Dienste, 1959 (Wet No. 8 van 1959), of enige ander wet, maar behoudens die
bepalings van subartikel (2), kan die Staatspresident na oorleg met die Raad—
(a) 'n gevangene wat tot lewenslange gevangenisstraf gevonnis is; of
(b) uit eie beweging, 'n gevangene wat tot gevangenisstraf gevonnis is,
onvoorwaardelik of op die voorwaardes wat hy bepaal, vrylaat indien hy van 10
oordeel is dat—
(i) die misdryf ten opsigte waarvan daardie gevangene skuldig bevind en
gevangenisstraf opgelê is, met 'n politieke oogmerk aangeraai, gebied,
beveel, gelas of verrig is; en
(ii) sodanige vrylating versoening en vreedsame oplossings kan bevorder. 15
(2) Die Staatspresident kan 'n gevangene slegs kragtens subartikel (1) vrylaat
indien die misdryf ten opsigte waarvan daardie gevangene skuldig bevind en
gevonnis is, gedurende die tydperk wat 12:00 op 8 Oktober 1990 voorafgaan,
gepleeg is: Met dien verstande dat die Staatspresident vermelde tydperk met die
instemming van al drie Huise van die Parlement by proklamasie in die 20
Staatskoerant kan verleng.
(3) 'n Gevangene in subartikel (1)(a) of (b) bedoel wat gedurende die tydperk
8 Oktober 1990 tot en met die datum van inwerkingtreding van hierdie Hoofstuk
ooreenkomstig die riglyne in subartikel (1)(i) en (ii) bedoel kragtens enige wet
vrygelaat is of heet te wees, word geag kragtens die bepalings van hierdie 25
Hoofstuk behoorlik vrygelaat te wees.

HOOFSTUK II***Verlening van vrywaring deur Staatspresident na oorleg met
Nasionale Raad op Vrywaring*****Staatspresident kan vrywaring verleen 30**

3. (1) Die Staatspresident kan na oorleg met die Raad vrywaring verleen aan
enige persoon, hetsy onvoorwaardelik of op die voorwaardes wat hy goedvind,
ten opsigte van enige handeling met 'n politieke oogmerk wat voor 12:00 op
8 Oktober 1990 deur so 'n persoon aangeraai, gebied, beveel, gelas of verrig is.
(2) Geen proses, hetsy siviël of strafregtelik, word in enige geregshof ingestel 35
of voortgesit teen enige persoon ten opsigte van enige handeling waarvoor
vrywaring kragtens subartikel (1) aan hom verleen is nie, en so 'n persoon word
nie ingevolge enige wet ten opsigte van daardie handeling aangehou nie.

Aansoek om vrywaring

4. (1) 'n Persoon wat uit hoofde van die bepalings van artikel 3(1) op vrywaring 40
wil aanspraak maak, kan op die voorgeskrewe wyse by die Minister 'n aansoek
indien om deur die Staatspresident gevrywaar te word.
(2) Die Minister moet so 'n aansoek tesame met enige ander tersaaklike stuk so
gou doenlik aan die Raad ter oorweging voorlê.

Instelling van Raad 45

5. Hierby word 'n raad met die naam die Nasionale Raad op Vrywaring ingestel.

Samestelling van Raad

6. (1) Die Raad bestaan uit die getal lede wat die Staatspresident nodig ag en
deur hom aangestel word.

CHAPTER I***Release of certain prisoners serving life or other imprisonment*****Release by State President of certain prisoners**

2. (1) Notwithstanding the provisions of section 64 of the Correctional Services Act, 1959 (Act No. 8 of 1959), or any other law, but subject to the provisions of subsection (2), the State President may, after consultation with the Council—

- (a) release any prisoner sentenced to life imprisonment; or
- (b) of his own accord, release any prisoner sentenced to imprisonment, unconditionally or on such conditions as he may determine if he is of the opinion that—
 - (i) the offence in respect of which that prisoner was convicted and sentenced to imprisonment was advised, directed, commanded, ordered or performed with a political object; and
 - (ii) such release may promote reconciliation and peaceful solutions.

(2) The State President may only release a prisoner under subsection (1) if the offence in respect of which that prisoner was convicted and sentenced was committed during the period preceding 12:00 on 8 October 1990: Provided that the State President may extend the said period by proclamation in the *Gazette* with the concurrence of all three Houses of Parliament.

(3) Any prisoner referred to in subsection (1)(a) or (b) who has been or is purported to have been released under any law during the period 8 October 1990 up to and including the date of commencement of this Chapter in accordance with the guide-lines referred to in subsection (1)(i) and (ii), shall be deemed to have been properly released under the provisions of this Chapter.

CHAPTER II***Granting of indemnity by State President after consultation with National Council on Indemnity*****State President may grant indemnity**

3. (1) The State President may, after consultation with the Council, grant indemnity to any person, either unconditionally or on such conditions as he may think fit, in respect of any act with a political object advised, directed, commanded, ordered or performed by such person before 12:00 on 8 October 1990.

(2) No proceedings, either civil or criminal, shall be instituted or continued in any court of law against any person in respect of any act for which he has been granted indemnity under subsection (1), and such person shall not be detained in terms of any law in respect of that act.

Application for indemnity

4. (1) Any person wishing to claim indemnity by virtue of the provisions of section 3(1) may lodge an application with the Minister in the prescribed manner to be indemnified by the State President.

(2) The Minister shall submit such application together with any other relevant document to the Council for consideration as soon as practicable.

Establishment of Council

5. There is hereby established a council to be known as the National Council on Indemnity.

Constitution of Council

6. (1) The Council shall consist of the number of members which the State President may deem necessary and who are appointed by him.

(2) Die Staatspresident wys een van die lede van die Raad as die voorsitter daarvan aan.

(3) 'n Lid van die Raad beklee sy amp vir solank dit die Staatspresident behaag, maar kan by skriftelike kennisgewing aan die Staatspresident bedank.

(4) 'n Lid van die Raad wat nie in die heeltidse diens van die Staat is nie kan die besoldiging en toelaes betaal word wat die Minister met die instemming van die Minister van Staatsbesteding bepaal. 5

(5) Die Staatspresident kan iemand aanstel om in die plek van 'n lid van die Raad waar te neem.

Werksaamhede van Raad

7. (1) Die Raad moet die geval van 'n gevangene in artikel 2 bedoel, tesame met enige tersaaklike stuk wat aan hom voorgelê word, oorweeg en moet—

(a) 'n bevinding uitbring oor die vraag of die gevangene kwalifiseer om kragtens die bepalings van daardie artikel vrygelaat te word; en

(b) die Staatspresident skriftelik van sy bevinding, en aanbeveling, as daar is, in kennis stel. 15

(2) Die Raad moet elke aansoek wat ooreenkomstig die bepalings van artikel 4(2) aan hom voorgelê word, oorweeg, waarna die Raad—

(a) 'n bevinding uitbring oor die vraag of die aansoeker kwalifiseer om kragtens die bepalings van artikel 3(1) deur die Staatspresident gevrywaar te word; en 20

(b) die Staatspresident skriftelik van sy bevinding, en aanbeveling, as daar is, in kennis stel.

(3) Die Raad moet die geval van elke persoon in artikel 11(1) bedoel wat na hom verwys word, oorweeg, en moet— 25

(a) 'n bevinding uitbring oor die vraag of daardie persoon kwalifiseer om kragtens die bepalings van artikel 3(1) deur die Staatspresident gevrywaar te word; en

(b) die griffier of klerk van die betrokke hof en die Staatspresident skriftelik van sy bevinding in kennis stel. 30

(4) Die Raad moet elke vraag wat ooreenkomstig die bepalings van artikel 12 na hom verwys word, oorweeg en die Staatspresident skriftelik van sy bevinding en aanbeveling in verband daarmee in kennis stel.

Vergaderings van Raad

8. (1) 'n Vergadering van die Raad word gehou op die tyd en plek wat die voorsitter bepaal. 35

(2) Wanneer die voorsitter van 'n bepaalde vergadering afwesig is of nie in staat is om sy werksaamhede as voorsitter te verrig nie, sit 'n ander lid van die Raad deur die voorsitter aangewys, op daardie vergadering voor.

(3) Die meerderheid van die lede van die Raad maak 'n kworum vir 'n vergadering van die Raad uit. 40

(4) Die besluit van die meerderheid van die lede van die Raad wat op 'n vergadering daarvan aanwesig is, is 'n besluit van die Raad: Met dien verstande dat in die geval van 'n staking van stemme die voorsitter 'n beslissende stem benewens sy beraadslagende stem het. 45

(5) Die wyse waarop die Raad sy werksaamhede verrig, word behoudens die bepalings van hierdie Wet deur die voorsitter in die algemeen of met betrekking tot 'n bepaalde geval bepaal.

Administratiewe personeel

9. Die werk verbonde aan die verrigting van sy werksaamhede deur die Raad word verrig deur een of meer beamptes in diens van die Departement van Justisie wat die Direkteur-generaal: Justisie vir dié doel aanwys. 50

Geprivilegieerde inligting

10. (1) Niemand, behalwe die voorsitter of 'n lid van die Raad wat in die heeltidse diens van die Staat is, neem sitting as so 'n lid nie tensy hy die eed of verklaring van geheimhouding bedoel in subartikel (7) afgelê of gedoen het. 55

(2) The State President shall designate one of the members of the Council as the chairman thereof.

(3) Any member of the Council shall remain in office at the State President's pleasure, but may resign by notice in writing to the State President.

5 (4) Any member of the Council who is not in the full-time service of the State may be paid such remuneration and allowances as the Minister may determine with the concurrence of the Minister of State Expenditure.

(5) The State President may appoint a person to act in the place of a member of the Council.

10 Functions of Council

7. (1) The Council shall consider the case of any prisoner referred to in section 2 together with any relevant document submitted to it, and shall—

(a) make a finding regarding the question whether the prisoner qualifies to be released under the provisions of that section; and

15 (b) notify the State President in writing of its finding, and recommendation, if any.

(2) The Council shall consider every application submitted to it in accordance with the provisions of section 4(2), whereafter the Council shall—

(a) make a finding regarding the question whether the applicant qualifies to be indemnified by the State President under the provisions of section 3(1); and

(b) notify the State President in writing of its finding, and recommendation, if any.

25 11(1) (3) The Council shall consider the case of every person referred to in section 11(1) which is referred to it and shall—

(a) make a finding regarding the question whether that person qualifies to be indemnified by the State President under the provisions of section 3(1); and

30 (b) notify the registrar or clerk of the court concerned and the State President in writing of its finding.

(4) The Council shall consider every question referred to it in accordance with the provisions of section 12 and notify the State President in writing of its finding and recommendation in connection therewith.

Meetings of Council

35 8. (1) A meeting of the Council shall be held at such time and place as the chairman may determine.

(2) Whenever the chairman is absent from a particular meeting or is unable to perform his functions as chairman, another member of the Council designated by the chairman shall preside at that meeting.

40 (3) The majority of the members of the Council shall be a quorum for any meeting of the Council.

(4) The decision of the majority of the members of the Council present at a meeting thereof shall be a decision of the Council: Provided that in the case of an equality of votes the chairman shall have a casting vote in addition to his
45 deliberative vote.

(5) The manner in which the Council shall perform its functions shall, subject to the provisions of this Act, be determined by the chairman in general or in relation to any particular case.

Administrative staff

50 9. The work connected with the performance of its functions by the Council shall be performed by one or more officers in the service of the Department of Justice designated for that purpose by the Director-General: Justice.

Privileged information

55 10. (1) No person, except the chairman or a member of the Council in the full-time service of the State, shall take his seat as such a member unless he has taken the oath or made a declaration of secrecy referred to in subsection (7).

(2) Niemand mag die verrigtinge van die Raad bywoon nie, behalwe met verlof van die voorsitter of ingevolge 'n voorgeskrewe aansegging.

(3) Die voorsitter kan gelas dat enige verlof deur hom kragtens subartikel (2) aan iemand verleen, nie van krag word nie tensy so iemand die eed of verklaring van geheimhouding bedoel in subartikel (7) afgelê of gedoen het. 5

(4) Niemand mag sonder die vooraf verkreeë toestemming van die Staatspresident enige besonderhede van—

(a) die verrigtinge van of voor die Raad, met inbegrip van die inhoud van enige getuienis of verklaring wat voor die Raad afgelê of aan die Raad voorgelê is; of 10

(b) 'n bevinding of aanbeveling van die Raad in artikel 7 bedoel, openbaar maak nie, behalwe vir sover dit vir die behoorlike uitvoering van die bepalings van hierdie Wet nodig mag wees.

(5) Niemand mag sonder die vooraf verkreeë toestemming van die voorsitter insae verkry in— 15

(a) enige oorkonde van die Raad, met inbegrip van enige opname van enige verrigtinge van of voor die Raad, nie; of

(b) enige stuk of enigiets anders in die bewaring of onder die beheer van die Raad waarop of waarin inligting op watter wyse ook al vervat of vasgelê is, terwyl so 'n stuk of iets anders in die bewaring of onder die beheer van die Raad is nie, 20

behalwe vir sover dit vir die behoorlike uitvoering van die bepalings van hierdie Wet nodig mag wees.

(6) Die beskikking oor en hantering van—

(a) enige oorkonde van die Raad, met inbegrip van enige opname van enige verrigtinge van of voor die Raad; of 25

(b) enige stuk of enigiets anders in die bewaring of onder die beheer van die Raad waarop of waarin inligting op watter wyse ook al vervat of vasgelê is, geskied ooreenkomstig die voorskrifte wat die Hoofregter of 'n regter deur hom aangewys in die algemeen of in 'n bepaalde geval uitreik. 30

(7) 'n Persoon in subartikel (1) of (3) bedoel, moet 'n eed of verklaring van geheimhouding in die volgende vorm voor die voorsitter van die Raad aflê of doen en onderteken:

Ek, A.B., verklaar hierby onder eed/bevestig en verklaar hierby dat ek die verbod op die openbaarmaking van inligting vervat in subartikel (4), sal eerbiedig en nie in stryd daarmee sal handel nie. 35

(8) Die inhoud van enige getuienis of verklaring wat vir die doeleindes van vrywaring aan die Raad voorgelê of voor die Raad afgelê word, is geprivilegieerd en geen getuienis in verband daarmee is by enige geregtelike verrigtinge toelaatbaar nie.

(9) Iemand wat 'n bepaling van hierdie artikel 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 12 maande. 40

HOOFTUK III

Verwysing van geval deur hof na Nasionale Raad op Vrywaring vir bevinding betreffende vrywaring 45

Hof kan saak na Raad vir bevinding verwys

11. (1) Indien daar op enige stadium van siviele of strafregtelike verrigtinge in enige geregshof deur 'n party of die beskuldigde beweer word dat hy met betrekking tot die skuldoorsaak of aanklag uit hoofde van die bepalings van artikel 3(1) op vrywaring aanspraak maak maar nog nie daarom aansoek gedoen het nie, kan die hof na die aanhoor van getuienis *in camera* sodanige verrigtinge opskort en die geval na die Raad vir sy oorweging en bevinding verwys. 50

(2) Indien die Raad se bevinding is dat die betrokke persoon met betrekking tot die skuldoorsaak of aanklag—

(a) kwalifiseer om kragtens die bepalings van artikel 3(1) deur die Staatspresident gevrywaar te word en die Staatspresident hom aldus vrywaar, verval die verrigtinge in subartikel (1) bedoel en word dit geag nietig te wees; of 55

(b) nie aldus kwalifiseer nie, gaan daardie verrigtinge voort vanwaar dit opgeskort is.

(2) No person shall attend the proceedings of the Council, except with the permission of the chairman or in terms of a prescribed direction.

(3) The chairman may order that any permission granted by him to any person under subsection (2) shall not be valid unless such person has taken the oath or
5 made a declaration of secrecy referred to in subsection (7).

(4) No person shall, without the prior consent of the State President, disclose any particulars of—

(a) the proceedings of or before the Council, including the contents of any evidence or statement given or deposed before the Council or submitted to the Council; or
10

(b) a finding or recommendation of the Council referred to in section 7, except in so far as it may be necessary for the proper carrying out of the provisions of this Act.

(5) No person shall, without the prior consent of the chairman, inspect—

(a) any record of the Council, including any recording of any proceedings of or before the Council; or
15

(b) any document or anything else in the custody or under the control of the Council on or in which information is in any manner whatsoever contained or embodied, while such document or something else is in
20 the custody or under the control of the Council,

except in so far as it may be necessary for the proper carrying out of the provisions of this Act.

(6) The disposal and handling of—

(a) any record of the Council, including any record of any proceedings of or before the Council; or
25

(b) any document or anything else in the custody or under the control of the Council on or in which information is in any manner whatsoever contained or embodied,

shall be in accordance with the directions which the Chief Justice or a judge
30 designated by him may issue in general or in a specific case.

(7) Any person referred to in subsection (1) or (3) shall take or make and subscribe before the chairman an oath or declaration of secrecy in the following form:

I, A.B., hereby declare under oath/affirm and declare that I shall
35 honour the prohibition on the disclosure of information contained in subsection (4) and shall not act in contradiction thereof.

(8) The contents of any evidence or statement submitted to or given or deposed before the Council for the purposes of indemnity shall be privileged and no evidence in connection therewith shall be admissible in any judicial proceedings.

(9) Any person who contravenes or fails to comply with any provision of this
40 section shall be guilty of an offence and be liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

CHAPTER III

Referral of case by court to National Council on Indemnity for 45 finding regarding indemnity

Court may refer case to Council for finding

11. (1) If at any stage of civil or criminal proceedings in any court of law a party or the accused alleges that he is entitled to indemnity in relation to the cause of action or charge by virtue of the provisions of section 3(1) but has not yet applied
50 therefor, the court may, after hearing evidence *in camera*, suspend such proceedings and refer the case to the Council for its consideration and finding.

(2) If the finding of the Council is that in relation to the cause of action or charge the person concerned—

(a) qualifies to be indemnified by the State President under the provisions of section 3(1) and the State President so indemnifies him, the proceedings referred to in subsection (1) shall lapse and be deemed to be null and void; or
55

(b) does not so qualify, those proceedings shall continue from the stage at which they were suspended.

HOOFSTUK IV**Verwysing deur Staatspresident van sekere aangeleenthede na Nasionale Raad op Vrywaring****Staatspresident kan sekere aangeleenthede na Raad verwys**

12. Die Staatspresident kan, behoudens die bepalings van artikel 4 van die Wet op Vrywaring, 1990 (Wet No. 35 van 1990), by die uitoefening van die bevoegdheid aan hom verleen by artikel 2 van daardie Wet, enige vraag in verband met 'n aangeleentheid in laasgenoemde artikel vermeld wat in verband staan met die riglyne in artikel 3(1) van hierdie Wet bedoel, na die Raad vir sy oorweging, bevinding en aanbeveling verwys.

HOOFSTUK V**Algemene bepalings****Regulasies**

13. (1) Die Staatspresident kan regulasies uitvaardig met betrekking tot enige aangeleentheid—

- (a) wat ingevolge hierdie Wet voorgeskryf moet of kan word; of
- (b) waarop hierdie Wet betrekking het, indien hy dit nodig of dienstig ag ten einde die oogmerke van hierdie Wet te bereik, met inbegrip van regulasies wat vir *ex gratia*-betalings voorsiening maak.

(2) Enige regulasie wat uitgawe uit die Staatsinkomstefonds tot gevolg het, word uitgevaardig nadat die Minister die instemming van die Minister van Staatsbesteding verkry het.

(3) Verskillende regulasies kan met betrekking tot verskillende Hoofstukke van hierdie Wet en met ingang van verskillende datums uitgevaardig word.

Kort titel en inwerkingtreding

14. (1) Hierdie Wet heet die Wet op Verdere Vrywaring, 1992, en tree behoudens die bepalings van subartikels (2) en (3) in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Die bepalings van artikel 2 word geag op 25 September 1992 in werking te getree het.

(3) Verskillende datums kan ingevolge subartikel (1) bepaal word ten opsigte van verskillende bepalings van hierdie Wet.

CHAPTER IV

Referral by State President of certain matters to National Council on Indemnity

State President may refer certain matters to Council

- 5 **12.** The State President may, subject to the provisions of section 4 of the Indemnity Act, 1990 (Act No. 35 of 1990), in the exercising of the power conferred upon him by section 2 of that Act, refer any question in connection with any matter mentioned in the last-mentioned section connected with the guide-lines referred to in section 3(1) of this Act to the Council for its
10 consideration, finding and recommendation.

CHAPTER V

General provisions

Regulations

- 15 **13.** (1) The State President may make regulations in relation to any matter—
 (a) which shall or may be prescribed in terms of this Act; or
 (b) to which this Act relates, if he deems it necessary or expedient in order to achieve the objects of this Act, including regulations providing for *ex gratia* payments.
 (2) Any regulation resulting in expenditure from the State Revenue Fund shall
20 be made after consultation by the Minister with the Minister of State Expenditure.
 (3) Different regulations may be made in relation to different Chapters of this Act and with effect from different dates.

Short title and commencement

- 25 **14.** (1) This Act shall be called the Further Indemnity Act, 1992, and shall, subject to the provisions of subsections (2) and (3), come into operation on a date fixed by the State President by proclamation in the *Gazette*.
 (2) The provisions of section 2 shall be deemed to have commenced on 25 September 1992.
30 (3) Different dates may be fixed in terms of subsection (1) in respect of different provisions of this Act.

CHAPTER IV

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CHAPTER V

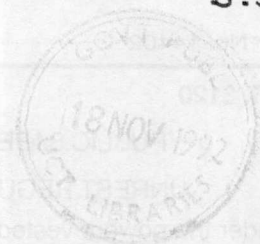
General provisions

Regulations

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OF
SOUTH AFRICAREPUBLIEK
VAN
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GOVERNMENT NOTICES

MINISTRY OF LAW AND ORDER

No. R. 3119

6 November 1992

PUBLIC SAFETY ACT, 1953

DECLARATION OF UNREST AREAS

Whereas I am of the opinion that public disturbance, disorder, riot and public violence are occurring or threatening in the areas mentioned in the Schedule and that measures additional to the ordinary law of the land are necessary to enable the Government to ensure the safety of the public and the maintenance of public order and to combat or prevent such public disturbance, disorder, riot and public violence;

I, Hermanus Jacobus Kriel, Minister of Law and Order, therefore, under section 5A (1) of the Public Safety Act, No. 3 of 1953, declare the areas mentioned in the Schedule to be unrest areas as from 6 November 1992.

H. J. KRIEL,
Minister of Law and Order.

SCHEDULE

The Magisterial District of Richmond, as demarcated and described in The Natal Government Gazette No. 3351 of 8 September 1903.

The Magisterial District of Umbumbulu, as demarcated and described in Government Notice No. 1406 of 16 August 1968.

GOEWERMENSKENNISGEWINGS

MINISTERIE VAN WET EN ORDE

No. R. 3119

6 November 1992

WET OP OPENBARE VEILIGHEID, 1953

VERKLARING VAN ONRUSGEBIEDE

Nademaal ek van oordeel is dat openbare rusverstorend, wanordelikheid, oproer en openbare geweldpleging in die gebiede in die Bylae vermeld voorkom of dreig, en dat maatreëls bykomend tot die gewone landswette nodig is om die Regering in staat te stel om die veiligheid van die publiek en die handhawing van die openbare orde te verseker en sodanige openbare rusverstorend, wanordelikheid, oproer en openbare geweldpleging te bekamp of te voorkom;

Verklaar ek, Hermanus Jacobus Kriel, Minister van Wet en Orde, derhalwe hierby kragtens artikel 5A (1) van die Wet op Openbare Veiligheid, No. 3 van 1953, die gebiede in die Bylae vermeld tot onrusgebiede vanaf 6 November 1992.

H. J. KRIEL,
Minister van Wet en Orde.

BYLAE

Die landdrostdistrik van Richmond, soos afgebaken en omskryf in "The Natal Government Gazette" No. 3351 van 8 September 1903.

Die landdrostdistrik van Umbumbulu, soos afgebaken en omskryf in Goewermenskennisgewing No. 1406 van 16 Augustus 1968.

No. R. 3120

6 November 1992

PUBLIC SAFETY ACT, 1953

UNREST REGULATIONS, 1992

Under the powers vested in me by section 5A of the Public Safety Act, No. 3 of 1953, I, Hermanus Jacobus Kriel, Minister of Law and Order, make with effect from 6 November 1992, in the areas mentioned in Schedule I, which have been declared to be unrest areas under section 5A (1) of the said Act as from 6 November 1992, the regulations in Schedule II, and declare regulation 2A (3) of the said regulations to apply also in any area outside the areas mentioned in Schedule A to regulation 2A and regulation 12 of the said regulations to apply also in any area outside the areas mentioned in Schedule I in the Republic of South Africa with effect from 6 November 1992.

H. J. KRIEL,

Minister of Law and Order.

SCHEDULE I

The Magisterial District of Richmond, as demarcated and described in The Natal Government Gazette No. 3351 of 8 September 1903.

The Magisterial District of Umbumbulu, as demarcated and described in Government Notice No. 1406 of 16 August 1968.

SCHEDULE II**Definitions**

1. (1) In these regulations, unless the context otherwise indicates—

“Act” means the Public Safety Act, No. 3 of 1953;

“Commissioner” means the Commissioner of the South African Police, and for the purposes of the application of a provision of Regulations 4A, 7 and 8 of these regulations in or in respect of—

(a) a region as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), the said Commissioner or the Regional Commissioner designated under that Act for that region;

(b) a self-governing territory, the said Commissioner or the Commissioner or other officer in charge of the police force of the Government of that self-governing territory;

“gathering” means any gathering, concourse or procession of any number of persons;

“Minister” means the Minister of Law and Order;

“officer” means a person in the service of the State, and also a member of a security force who is not otherwise in the service of the State;

“print” means to produce by printing, typing or by any other method of reproduction;

“prison” means a prison referred to in section 20 (1) of the Prisons Act, No. 8 of 1959, and also a police cell or lock-up;

No. R. 3120

6 November 1992

WET OP OPENBARE VEILIGHEID, 1953

ONRUSREGULASIES, 1992

Kragtens die bevoegdheid my verleen by artikel 5A van die Wet op Openbare Veiligheid, No. 3 van 1953, vaardig ek, Hermanus Jacobus Kriel, Minister van Wet en Orde, hierby met ingang van 6 November 1992 in die gebiede in Bylae I vermeld, wat kragtens artikel 5A (1) van genoemde Wet vanaf 6 November 1992 tot onrusgebiede verklaar is, die regulasies in Bylae II uit, en verklaar ek regulasie 2A (3) van genoemde regulasies ook in enige gebied buite die gebiede van Bylae A by regulasie 2A bedoel, en regulasie 12 van genoemde regulasies ook in enige gebied buite die gebied in Bylae I bedoel, in die Republiek van Suid-Afrika van toepassing met ingang van 6 November 1992.

H. J. KRIEL,

Minister van Wet en Orde.

BYLAE I

Die landdrostdistrik van Richmond, soos afgebaken en omskryf in “The Natal Government Gazette” No. 3351 van 8 September 1903.

Die landdrostdistrik van Umbumbulu, soos afgebaken en omskryf in Goewermentskennisgewing No. 1406 van 16 Augustus 1968.

BYLAE II**Woordomskrywing**

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“beampte” ’n persoon in diens van die Staat, en ook ’n lid van ’n veiligheidsmag wat nie andersins in diens van die Staat is nie;

“byeenkoms” enige byeenkoms, toeloop of optog van enige getal persone;

“druk” om deur druk, tik of op enige ander wyse van reproduksie voort te bring;

“geskrif” ook enige metode waarvolgens letters, syfers, tekens of simbole in sigbare vorm voorgestel of weergegee word;

“gevangenis” ’n gevangenis bedoel in artikel 20 (1) van die Wet op Gevangenis, No. 8 van 1959, en ook ’n polisieel of -opsluitplek;

“Kommissaris” die Kommissaris van die Suid-Afrikaanse Polisie, en by die toepassing van ’n bepaling van regulasies 4A, 7 en 8 binne of ten opsigte van—

(a) ’n streek soos omskryf in artikel 1 van die Polisiewet, No. 7 van 1958, bedoelde Kommissaris of die Streekkommissaris wat kragtens daardie Wet vir daardie streek aangewys is;

"security force" means—

- (a) the South African Police referred to in the definition of "the Force" in section 1 of the Police Act, No. 7 of 1958, including members of a police unit as referred to in section 17C of the said Act;
- (b) any part of the said South African Police of which the control, organisation and administration have been transferred to the Government of a self-governing territory;
- (c) any police force established by or under a law of a self-governing territory;
- (d) the South African Defence Force referred to in section 5 of the Defence Act, No. 44 of 1957; or
- (e) the Prisons Service established by section 2 of the Prisons Act, No. 8 of 1959,

and also any part of a force referred to in paragraph (a) to (e) or any combination of two or more of such forces or of parts of such forces;

"self-governing territory" means a territory declared under section 26 of the National States Constitution Act, No. 21 of 1971, to be a self-governing territory within the Republic;

"unrest area" means an area mentioned in Schedule I;

"writing" includes any mode of representing or depicting letters, figures, signs or symbols in visible form.

(2) No provision of these regulations conferring a power on an authority specified in such provision, shall be construed as purporting to authorize such authority to exercise the relevant power in conflict with section 3 (3) of the Act.

Maintenance of order

2. (1) Whenever a member of a security force is of the opinion that the presence or conduct of any person or persons at any place in an unrest area contributes or may contribute to public disturbance, disorder, riot or public violence or endangers or may endanger the maintenance or restoration of public order, he shall in a loud voice in each of the official languages order such person or persons to proceed to a place indicated by him, or to desist from such conduct, and shall warn such person or persons that force will be used if the order is not obeyed immediately.

(2) If an order referred to in subregulation (1), is not obeyed immediately, such member of a security force may apply, or order the application of, such force as he under the circumstances may deem necessary in order to ward off or prevent the danger existing in his opinion.

- (b) 'n selfregerende gebied, bedoelde Kommissaris of die Kommissaris of ander offisier in bevel van die polisiemag van die Regering van daardie selfregerende gebied;

"Minister" die Minister van Wet en Orde;

"onrusgebied" 'n gebied in Bylae I vermeld;

"selfregerende gebied", 'n gebied wat kragtens artikel 26 van die Grondwet van die Nasionale State, No. 21 van 1971, tot 'n selfregerende gebied binne die Republiek verklaar is;

"veiligheidsmag"—

- (a) die Suid-Afrikaanse Polisie bedoel in die omskrywing van "die Mag" in artikel 1 van die Polisiwet, No. 7 van 1958, insluitende lede van 'n Polisie-eenheid soos bedoel in artikel 17C van genoemde Wet;
- (b) enige deel van genoemde Suid-Afrikaanse Polisie waarvan die beheer, organisasie en administrasie aan die Regering van 'n selfregerende gebied oorgedra is;
- (c) 'n polisiemag by of kragtens 'n Wet van 'n selfregerende gebied ingestel;
- (d) die Suid-Afrikaanse Weermag bedoel in artikel 5 van die Verdedigingswet, No. 44 van 1957; of
- (e) die Gevangenisdiens ingestel by artikel 2 van die Wet op Gevangenis, No. 8 van 1959,

en ook enige deel van 'n mag bedoel in paragraaf (a) tot (e) of enige samestelling van twee of meer van sodanige magte of van dele van sodanige magte;

"Wet" die Wet op Openbare Veiligheid, No. 3 van 1953.

(2) Geen bepaling van hierdie regulasies wat 'n bevoegdheid verleen aan 'n gesag in die bepalings vermeld, word uitgelê as sou dit die gesag heet te magtig om die betrokke bevoegdheid strydig met artikel 3 (3) van die Wet uit te oefen nie.

Handhawing van orde

2. (1) Wanneer 'n lid van 'n veiligheidsmag van oordeel is dat die aanwesigheid of gedrag van 'n persoon of persone by enige plek in 'n onrusgebied bydra tot openbare rusverstoring, wanordelike, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde in gevaar stel of in gevaar mag stel, moet hy met luide stem in elkeen van die amptelike tale daardie persoon of persone beveel om na 'n plek wat hy aandui, te gaan of om daardie gedrag te staak, en moet hy daardie persoon of persone waarsku dat geweld aangewend sal word indien die bevel nie onmiddellik gehoorsaam word nie.

(2) Indien 'n bevel in subregulasie (1) bedoel nie onmiddellik gehoorsaam word nie, kan dié lid van 'n veiligheidsmag die geweld toepas, of die toepassing daarvan beveel, wat hy onder die omstandighede nodig ag, ten einde die gevaar wat volgens sy oordeel bestaan, af te weer of te voorkom.

(3) If a member of a security force is of the opinion that it is necessary for the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, he may summarily order a person present in an unrest area or part of such area, and who is not normally resident therein, to leave that unrest area or part of such area immediately, and if that person fails to leave that unrest area or part of such area immediately, that member may arrest the person concerned or cause him to be arrested and may remove him from that unrest area or part of such area or cause him to be so removed.

Curfew

2A. (1) No person shall in an unrest area mentioned in Schedule A to this regulation during the hours 21:00 to 04:00, be present beyond the limits of any residential site in such an area.

(2) The prohibition referred to in subregulation (1), shall not apply to a person who—

(a) is a member of a security force in the exercise of any power or the performance of any duty in his capacity as a member of such a security force;

(b) in the opinion of a member of a security force submits sufficient reasons for the non-compliance with the said prohibition; or

(c) if such person is an employee, is in possession of a written proof signed and issued by his employer, wherein the following is stated:

(i) The full name and address of the person to whom the written proof has been issued;

(ii) the full name, business address and telephone number of his employer;

(iii) the full name, address, capacity and telephone number of the person who issued the written proof; and

(iv) the nature of the task of the employee together with an exposition of the working and travel times and a statement of reasons why the provisions of subregulation (1) cannot be complied with by the employee:

Provided that an exemption as referred to in paragraph (c) shall only apply during the working and travel times as set out by the employer in the written proof.

(3) No written proof referred to in subregulation 2 (c) shall be issued by an employer unless the compliance with the provisions of subregulation (1) would prevent an employee from performing his conditions of service properly.

(4) A member of a security force may, for the purpose of this regulation, request a person to display the written proof as referred to in subregulation 2 (c).

(5) If a member of a security force is of the opinion that a written proof as referred to in subregulation 2 (c) is false or untrue or has not been issued to the carrier thereof, the member may arrest or cause to be arrested the person who submits such proof, without a warrant and detain him for a period not exceeding 12 hours, in order to ascertain the validity thereof.

(3) Indien 'n lid van 'n veiligheidsmag van oordeel is dat dit nodig is vir die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, kan hy 'n persoon wat in 'n onrusgebied, of deel van so 'n gebied aanwesig is en wat nie sy gewone verblyfplek daar het nie, summier beveel om daardie onrusgebied, of deel van so 'n gebied, onmiddellik te verlaat, en indien daardie persoon versuim om daardie onrusgebied, of deel van so 'n gebied, onmiddellik te verlaat, kan daardie lid die betrokke persoon arresteer of laat arresteer en uit daardie onrusgebied, of deel van so 'n gebied, verwyder of laat verwyder.

Aandklokmaatreeël

2A. (1) Geen persoon mag in 'n onrusgebied vermeld in Bylae A by hierdie regulasie gedurende die ure 21:00 tot 04:00, buite die grense van enige woonperseel in so 'n gebied aanwesig wees nie.

(2) Die verbod in subregulasie (1) bedoel, is nie van toepassing nie op 'n persoon wat—

(a) 'n lid is van 'n veiligheidsmag by die uitoefening van enige bevoegdheid of die uitvoering van enige plig in sy hoedanigheid as 'n lid van so 'n veiligheidsmag;

(b) na die oordeel van 'n lid van 'n veiligheidsmag voldoende redes aanvoer vir die nie-nakoming van die bedoelde verbod; of

(c) indien so 'n persoon 'n werknemer is, in besit is van 'n skriftelike bewys onderteken en uitgereik deur sy werkgever, waarin die volgende vermeld word:

(i) Volle naam en adres van die persoon aan wie die skriftelike bewys uitgereik is;

(ii) volle naam, besigheidsadres en telefoonnommer van sy werkgever;

(iii) volle naam, adres, hoedanigheid en telefoonnommer van die persoon wat die skriftelike bewys uitgereik het; en

(iv) die aard van die werknemer se werksaamhede tesame met 'n uiteensetting van werk- en reistye en 'n opgawe van redes waarom die bepalings van subregulasie (1) nie deur die werknemer nagekom kan word nie:

Met dien verstande dat 'n vrystelling bedoel in paragraaf (c) slegs van toepassing is gedurende die werk- en reistye deur die werkgever in die skriftelike bewys uiteengesit.

(3) Geen skriftelike bewys bedoel in subregulasie 2 (c) mag deur 'n werkgever uitgereik word nie tensy die nakoming van die bepalings van subregulasie (1) sou verhinder dat 'n werknemer sy diensvoorwaardes behoorlik kan nakom.

(4) 'n Lid van 'n veiligheidsmag kan, by die toepassing van hierdie regulasie, 'n persoon versoek om die skriftelike bewys bedoel in subregulasie 2 (c) te toon.

(5) Indien 'n lid van 'n veiligheidsmag van oordeel is dat 'n skriftelike bewys bedoel in subregulasie 2 (c) vals of onjuis is of nie aan die draer daarvan uitgereik is nie, kan die lid die persoon deur wie sodanige bewys voorgelê word, sonder 'n lasbrief in hegtenis neem of laat neem en hom vir 'n tydperk van hoogstens 12 ure aanhou ten einde die geldigheid daarvan te bepaal.

SCHEDULE A

The Magisterial District of Richmond, as demarcated and described in Government Notice No. 3351 of 8 September 1903.

The Magisterial District of Umbumbulu, as demarcated and described in Government Notice No. 1406 of 16 August 1968.

Arrest and detention of persons

3. (1) A member of a security force may, in an unrest area, without warrant of arrest, arrest or cause to be arrested any person whose detention is, in the opinion of such member, necessary for the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, and may, under a written order signed by any member of a security force, detain or cause to be detained any such person in custody in a prison, whether such a prison be within or outside an unrest area.

(2) No person shall be detained in terms of subregulation (1) for a period exceeding 30 days from the date of his arrest, unless that period is extended by the Minister under subregulation (3).

(3) The Minister may, without notice to any person and without hearing any person, under a notice signed by him and addressed to the head of a prison, order that a person arrested and detained in terms of subregulation (1), be further detained, and in that prison, for the period specified in the notice or for as long as these regulations remain in force, whichever occurs first.

(4) A written, printed, telegraphic or similar communication purporting to be from the Minister or an officer acting under his authority, stating that a notice has been issued under subregulation (3) in respect of a particular person, shall have the effect of the said notice: Provided that if such a written, printed, telegraphic or similar communication is used in lieu of the notice in question, the Minister or the said officer shall as soon as possible forward the notice to the head of the prison referred to in subregulation (3) where the person to whom the notice applies is to be detained under such notice.

BYLAE A

Die landdrosdistrik van Richmond, soos afgebaken en omskryf in "The Natal Government Gazette" No. 3351 van 8 September 1903.

Die landdrosdistrik van Umbumbulu, soos afgebaken en omskryf in Goewermentskennisgewing No. 1406 van 16 Augustus 1968.

Arres en aanhouding van persone

3. (1) 'n Lid van 'n veiligheidsmag kan, in 'n onrusgebied, enige persoon wie se aanhouding na die oordeel van daardie lid nodig is vir die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, sonder lasbrief arresteer of laat arresteer, en kan so 'n persoon, kragtens 'n skriftelike bevel deur enige lid van 'n veiligheidsmag onderteken, in bewaring in 'n gevangenis aanhou of laat aanhou, hetsy so 'n gevangenis binne of buite 'n onrusgebied geleë is.

(2) Geen persoon word ingevolge subregulasie (1) aangehou vir 'n tydperk van langer as 30 dae vanaf die datum van sy arres nie, tensy daardie tydperk deur die Minister kragtens subregulasie (3) verleng word.

(3) Die Minister kan, sonder kennisgewing aan enigiemand en sonder om enigiemand aan te hoor, kragtens 'n kennisgewing deur hom onderteken en gerig aan die hoof van 'n gevangenis, gelas dat 'n persoon wat ingevolge subregulasie (1) gearresteer is en aangehou word, verder, en in daardie gevangenis, aangehou word vir die tydperk in die kennisgewing vermeld of vir solank hierdie regulasies van krag bly, wat ookal die eerste gebeur.

(4) 'n Geskrewe, gedrukte, telegrafiese of dergelike mededeling wat van die Minister of 'n beamppte wat op sy gesag handel, afkomstig heet te wees en waarin gemeld word dat 'n kennisgewing ten opsigte van 'n bepaalde persoon kragtens subregulasie (3) uitgereik is, het die uitwerking van bedoelde kennisgewing: Met dien verstande dat indien so 'n geskrewe, gedrukte, telegrafiese of dergelike mededeling in plaas van die betrokke kennisgewing gebruik word, die Minister of bedoelde beamppte die kennisgewing so spoedig doenlik moet stuur aan die in subregulasie (3) bedoelde hoof van die gevangenis waar die persoon op wie die kennisgewing van toepassing is kragtens die kennisgewing aangehou moet word.

(5) A person detained in a prison in terms of this regulation may, if the Minister or a commissioned officer, as defined in section 1 of the Police Act, No. 7 of 1958, or the head of that prison, in writing so directs, be removed in custody from that prison for detention in any other prison, or for any other purposes mentioned in such direction.

(6) A member of a security force may, with a view to the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, interrogate any person arrested or who is detained in terms of this regulation.

(7) Any person detained in terms of the provisions of this regulation shall be so detained in accordance with the provisions of the Prisons Act, No. 8 of 1959, which relate to unconvicted prisoners awaiting trial for an alleged offence.

(8) The Minister may at any time under a notice signed by him, order that a person who is detained in terms of this regulation be released from detention.

Threats of harm, hurt or loss

4. No person shall in an unrest area—

- (a) by word or conduct threaten to inflict upon any other person, or upon any of such person's relatives or dependants, any harm, hurt or loss, whether to his or their person or property or in any other way; or
- (b) prepare, compile, print, publish, transmit, possess or disseminate, or assist in the preparation, compilation, printing, publication, transmission or dissemination of any writing which threatens the infliction upon any other person, or upon any of such person's relatives or dependants, of any harm, hurt or loss, whether to his or their person or property or in any other way.

Prohibition concerning the carrying of certain weapons and objects

4A. (1) Subject to subregulation (2), no person shall in an unrest area mentioned in Schedule A to this regulation at any time in or on any public place in such an area—

(a) carry or convey any weapon mentioned in Column 1 of Schedule B to this regulation; or

(b) carry any object mentioned in Column 2 of Schedule B to this regulation under circumstances which reasonably indicate that he carries such object as a weapon.

(2) The provisions of subregulation (1) shall not apply to—

(a) a member of a security force in the exercise of any power or the performance of any duty in his capacity as a member of such a security force; or

(b) a person to whom the Commissioner or a Regional Commissioner beforehand granted permission in writing to carry or convey any weapon or object referred to in subregulation (1) subject to the conditions specified in the permission; or

(5) 'n Persoon wat ingevolge hierdie regulasie in 'n gevangenis aangehou word, kan, indien die Minister of 'n offisier, soos omskryf in artikel 1 van die Polisiewet, No. 7 van 1958, of die hoof van daardie gevangenis, skriftelik aldus gelas, uit daardie gevangenis in hegtenis verwyder word vir aanhouding in enige ander gevangenis, of vir enige ander doeleindes in sodanige lasgewing vermeld.

(6) 'n Lid van 'n veiligheidsmag kan enige persoon wat ingevolge hierdie regulasie gearresteer is of aangehou word, met die oog op die bekamping of voorkoming van openbare rusverstoring, wanordelikeheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, ondervra.

(7) 'n Persoon wat ingevolge die bepalings van hierdie regulasie aangehou word, word ooreenkomstig die bepalings van die Wet op Gevangenis, No. 8 van 1959, wat betrekking het op onveroordeelde gevangenes wat hul verhoor weens 'n beweerde misdryf afweg, aldus aangehou.

(8) Die Minister kan te eniger tyd kragtens 'n kennisgewing deur hom onderteken, gelas dat 'n persoon wat ingevolge hierdie regulasie aangehou word, uit aanhouding vrygelaat word.

Dreigemente van skade, letsel of verlies

4. Niemand mag, in 'n onrusgebied—

- (a) deur woord of gedrag dreig om 'n ander persoon, of enige van so 'n persoon se familiebetrekkinge of afhanklikes, skade, letsel of verlies toe te bring, hetsy aan sy of hulle persoon of eiendom of op enige ander wyse nie; of
- (b) enige geskrif wat met die toediening van enige skade, letsel of verlies dreig aan 'n ander persoon of aan enige van so 'n persoon se familiebetrekkinge of afhanklikes, hetsy aan sy of hulle persoon of eiendom of op enige ander wyse, voorberei, saamstel, druk, uitgee, versend, besit of versprei, of by die voorbereiding, samestelling, druk, uitgee, versending of verspreiding van so 'n geskrif hulp verleen nie.

Verbod betreffende die dra van sekere wapens en voorwerpe

4A. (1) Behoudens subregulasie (2), mag geen persoon in 'n onrusgebied vermeld in Bylae A by hierdie regulasie te eniger tyd in of op enige openbare plek in so 'n gebied—

(a) enige wapen vermeld in Kolom 1 van Bylae B by hierdie regulasie dra of vervoer nie; of

(b) enige voorwerp vermeld in Kolom 2 van Bylae B by hierdie regulasie dra onder omstandighede wat redelikerwys daarop dui dat hy sodanige voorwerp as 'n wapen dra nie.

(2) Die bepalings van subregulasie (1) is nie van toepassing nie op—

(a) 'n lid van 'n veiligheidsmag by die uitoefening van enige bevoegdheid of die uitvoering van enige plig in sy hoedanigheid as 'n lid van so 'n veiligheidsmag;

(b) 'n persoon aan wie die Kommissaris of 'n Streekkommissaris vooraf skriftelike toestemming verleen het om enige wapen of voorwerp bedoel in subregulasie (1) te dra, of vervoer behoudens die voorwaardes in die toestemming uiteengesit; of

(c) a category of persons exempted from the said provisions by the Commissioner or a Regional Commissioner subject to such conditions as may be determined by him.

(3) A member of a security force may, for the purpose of this regulation, request a person to produce a written permission referred to in subregulation 2 (b).

(4) If a member of the security force is of the opinion that a written permission referred to in subregulation (2) (b) is false or untrue or has not been issued to the carrier thereof, the member may arrest or cause to be arrested the person who produces such permission, without a warrant and detain him for a period not exceeding 12 hours in order to ascertain the validity of the permission.

(5) In this regulation "public place" shall mean any place to which the public normally has a right of access.

SCHEDULE A

The Magisterial District of Richmond, as demarcated and described in The Natal Government Gazette No. 3351 of 8 September 1903.

The Magisterial District of Umbumbulu, as demarcated and described in Government Notice No. 1406 of 16 August 1968.

SCHEDULE B

Column 1	Column 2
Assegai.	Axe.
Bow and arrow.	Brick.
Club.	Chain.
Cross-bow.	Gaff.
Dagger.	Gardenfork.
Firearm (including a machine gun) or a replica thereof.	Hammer.
Knobkierrie.	Hoe.
Panga.	Knife (excluding a pocket knife).
Petrol bomb.	Metal pipe.
Spear.	Metal rod.
Sword.	Pick.
	Pick handle.
	Pitchfork.
	Screwdriver.
	Scythe.
	Sharp pointed stick or staff.
	Sickle.
	Spade.
	Spanner.
	Stick shod with metal.
	Stone.
	Tyre or tube.

(c) 'n kategorie persone wat deur die Kommissaris of 'n Streekkommissaris behoudens die voorwaardes deur hom bepaal van genoemde bepalings vrygestel is.

(3) 'n Lid van 'n veiligheidsmag kan, by die toepassing van hierdie regulasie, 'n persoon versoek om 'n skriftelike toestemming bedoel in subregulasie (2) (b) te toon.

(4) Indien 'n lid van 'n veiligheidsmag van oordeel is dat 'n skriftelike toestemming bedoel in subregulasie 2 (b), vals of onjuis is of nie aan die draer daarvan uitgereik is nie, kan die lid die persoon deur wie sodanige toestemming voorgelê word, sonder 'n lasbrief in hegtenis neem of laat neem en hom vir 'n tydperk van hoogstens 12 ure aanhou ten einde die geldigheid van die toestemming te bepaal.

(5) In hierdie regulasie beteken "openbare plek" enige plek waartoe die publiek normaalweg toegang het.

BYLAE A

Die landdrosdistrik van Richmond, soos afgebaken en omskryf in "The Natal Government Gazette" No. 3351 van 8 September 1903.

Die landdrosdistrik van Umbumbulu, soos afgebaken en omskryf in Goewermmentskennisgewing No. 1406 van 16 Augustus 1968.

BYLAE B

Kolom 1	Kolom 2
Assegai.	Baksteen.
Dolk.	Band of binneband.
Knopkierrie.	Byl.
Knuppel.	Gaffel.
Kruisboog.	Graaf.
Panga.	Hamer.
Petrolbom.	Hooivurk.
Pyl-en-boog.	Ketting.
Spies.	Klip.
Swaard.	Mes (uitsluitend 'n knipmes).
Vuurwapen (insluitend 'n masjiengeweer) of 'n replika daarvan.	Moersleutel.
	Pik.
	Piksteel.
	Sekel.
	Sens.
	Skerppuntige stok of staf.
	Skoffelpik.
	Skroewedraaier.
	Stok met metaal beslaan.
	Tuinvurk.
	Metaalpyl.
	Metaalstaaf.

Power of entry, search and seizure

5. (1) If a member of a security force is of the opinion that it is necessary for the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, he may, in an unrest area, without warrant but subject to subregulation (3)—

- (a) enter or cause to be entered any area, premises, building, vehicle, vessel or aircraft and thereon or therein take or cause to be taken any steps which he is by a provision of these regulations or any other law authorized to take;
- (b) search or cause to be searched any person or any area, premises, building, vehicle, vessel or aircraft or any receptacle, object or other article; or
- (c) seize or cause to be seized any vehicle, vessel or aircraft or any receptacle, object or other article.

(2) Anything seized under subregulation (1) (c) shall be dealt with in accordance with the direction of the Minister which may be issued by him at his discretion with a view to the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, either generally or with reference to a particular seizure.

(3) The provisions of sections 27 and 29 of the Criminal Procedure Act, No. 51 of 1977, with reference to the search or entry of premises and the search of persons by a police official, shall apply *mutatis mutandis* to any search or entry under this regulation by a member of a security force.

Request for name and address of a person

6. A member of a security force may in the exercise of any power or the carrying out of any duty conferred or imposed by, under or pursuant to these regulations, request any person in an unrest area to furnish such member with his full name and address.

Orders by Commissioner

7. (1) The Commissioner may for the purpose of the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, and without prior notice to any person and without hearing any person, issue orders not inconsistent with these regulations—

- (a) relating to—
 - (i) the closing off of an unrest area or part of such area in order to control entry to or departure from such area or part thereof;
 - (ii) the control of entry to or departure from an unrest area or part of such area;
 - (iii) the control of traffic in an unrest area;
 - (iv) the temporary closing of any public or private place or any business or industrial undertaking in an unrest area; or

Reg van betreding, deursoeking en beslaglegging

5. (1) Indien 'n lid van 'n veiligheidsmag van oordeel is dat dit nodig is vir die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, kan hy, in 'n onrusgebied, sonder lasbrief maar behoudens subregulasie (3)—

- (a) enige gebied, perseel, gebou, voertuig, vaartuig of lugvaartuig betree of laat betree en daarop daarin enige stappe doen of laat doen wat hy by 'n bepaling van hierdie regulasies of enige ander wet gemagtig is om te doen;
- (b) enige persoon of enige gebied, perseel, gebou, voertuig, vaartuig of lugvaartuig of enige houer, voorwerp of ander artikel deursoek of laat deursoek; of
- (c) beslag lê of laat beslag lê op enige voertuig, vaartuig of lugvaartuig of enige houer, voorwerp of ander artikel.

(2) Met enigiets waarop daar kragtens subregulasie (1) (c) beslag gelê is, word daar gehandel ooreenkomstig die opdrag van die Minister wat hy na goeie dinge met die oog op die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, hetsy in die algemeen of met verwysing na 'n bepaalde beslaglegging, kan uitreik.

(3) Die bepalings van artikels 27 en 29 van die Strafproseswet, No. 51 van 1977, met betrekking tot die deursoeking of betreding van persele en die deursoeking van persone deur 'n polisiebeampte, is *mutatis mutandis* van toepassing op enige betreding of deursoeking kragtens hierdie regulasie deur 'n lid van 'n veiligheidsmag.

Versoek om naam en adres van 'n persoon

6. 'n Lid van 'n veiligheidsmag kan by die uitoefening van enige bevoegdheid of die uitvoering van enige plig deur, kragtens of uit hoofde van hierdie regulasies verleen of opgelê, enige persoon in 'n onrusgebied versoek om sy volle naam en adres aan sodanige lid te verstrek.

Bevele deur Kommissaris

7. (1) Die Kommissaris kan vir die doel van die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, en sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, bevele wat nie met hierdie regulasies onbestaanbaar is nie, uitreik—

- (a) met betrekking tot—
 - (i) die afsluiting van 'n onrusgebied of deel van so 'n gebied ten einde toegang tot of vertrek uit so 'n gebied of deel daarvan te beheer;
 - (ii) die beheer van toegang tot of vertrek uit 'n onrusgebied of deel van so 'n gebied;
 - (iii) die beheer van verkeer in 'n onrusgebied;
 - (iv) die tydelike sluiting van enige openbare of private plek of enige besigheds- of nywerheidsonderneming in 'n onrusgebied; of

- (v) the control of any essential services and the security and safety of any installation or works connected therewith in an unrest area;
- (b) whereby any person is prohibited, or is prohibited without the consent of the Commissioner in an unrest area, from—
- (i) bringing into that area or part of such area any object or article specified in the order or being in possession thereof;
 - (ii) performing any act or carrying on any activity specified in the order in that area or part of such area;
 - (iii) being outside the boundaries of that area or part of such area at any time;
 - (iv) being outside the boundaries of his residential premises at any time;
 - (v) putting in motion or driving or being in or upon a vehicle that is in motion in that area or part of such area at any time; or
 - (vi) entering that area or part of such area if he is not normally resident there;
- (c) whereby a particular gathering, or any gathering of a particular nature, class or kind, is prohibited in an unrest area at a place or in an area specified in the order; or
- (d) (i) prohibiting the holding of a particular gathering, or any gathering of a particular nature, class or kind, in an area in an unrest area, specified in the order otherwise than in accordance with conditions likewise specified, which conditions may include conditions requiring the Commissioner's prior approval for the time, date and place of the gathering, prescribing the hours of the day or the days of the week during which the gathering may or may not take place, limiting the number of persons who may attend the gathering and prohibiting persons not belonging to a specified category of persons from making speeches at the gathering;
- (ii) prohibiting persons from committing at a gathering referred to in subparagraph (i) acts specified in the order, or from attending, or from remaining present at, a gathering in respect of which a condition specified in the order has not been or is not being complied with;
 - (iii) requiring, in the case of a gathering which takes the form of a procession or a funeral procession, that the procession or funeral procession shall not proceed along a route other than the route determined by the Commissioner or that the persons forming the procession or funeral procession shall proceed in vehicles only.
- (v) die beheer van enige noodsaaklike dienste en die bewaring en veiligheid van enige installasies of werke wat daarmee in verband staan in 'n onrusgebied;
- (b) waarby enige persoon verbied word om, of verbied word om sonder die toestemming van die Kommissaris in 'n onrusgebied—
- (i) enige voorwerp of artikel in die bevel vermeld in daardie gebied of deel van so 'n gebied in te bring of in besit daarvan te wees;
 - (ii) enige handeling of bedrywigheid in die bevel vermeld in daardie gebied of deel van so 'n gebied te verrig of te beoefen;
 - (iii) te eniger tyd buite die grense van daardie gebied of deel van so 'n gebied te wees;
 - (iv) te eniger tyd buite die grense van sy woonperseel te wees;
 - (v) te eniger tyd in daardie gebied of deel van so 'n gebied 'n voertuig in beweging te bring of te bestuur of in of op 'n bewegende voertuig te wees; of
 - (vi) daardie gebied of deel van so 'n gebied binne te gaan indien hy nie sy gewone verblyfplek daar het nie;
- (c) waarby 'n bepaalde byeenkoms, of enige byeenkoms van 'n bepaalde aard, klas of soort, op 'n plek of in 'n gebied in die bevel vermeld, in 'n onrusgebied verbied word; of
- (d) (i) wat verbied dat 'n bepaalde byeenkoms, of enige byeenkoms van 'n bepaalde aard, klas of soort, in 'n gebied in die bevel vermeld, in 'n onrusgebied, gehou word behalwe ooreenkomstig voorwaardes ingelyks vermeld, watter voorwaardes voorwaardes kan insluit wat die Kommissaris se voorafverkreë goedkeuring vir die tyd, datum en plek van die byeenkoms vereis, wat die ure van die dag of die dae van die week voorskryf waartydens die byeenkoms mag plaasvind of nie mag plaasvind nie, wat 'n beperking plaas op die getal persone wat die byeenkoms mag bywoon en wat 'n verbod plaas op persone wat nie tot 'n vermelde kategorie persone behoort nie om toesprake by die byeenkoms te hou;
- (ii) wat persone verbied om handelinge in die bevel vermeld by 'n byeenkoms in subparagraaf (i) bedoel, te verrig of om so 'n byeenkoms ten opsigte waarvan 'n voorwaarde in die bevel vermeld nie aan voldoen is of word nie, by te woon of daarby aanwesig te bly;
 - (iii) wat, in die geval van so 'n byeenkoms wat die vorm van 'n optog of begrafnisstoet aanneem, vereis dat die optog of begrafnisstoet nie langs 'n ander roete mag beweeg as die roete deur die Kommissaris bepaal nie of dat die persone wat die optog of begrafnisstoet uitmaak slegs in voertuie mag beweeg.

(2) An order issued under subregulation (1) —

- (a) may be of force generally or relate to a person specified in the order, or to a category of persons specified in the order, or to any person or persons not belonging to a particular category specified in the order; and
- (b) shall be of force during a period specified in the order or, if no period is so specified, until the order is withdrawn or until the declaration of the area concerned to be an unrest area is withdrawn or expires, whichever occurs first.

(3) (a) A consent contemplated in subregulation (1) (b) may be granted by the Commissioner on such conditions as he may determine.

(b) No consent contemplated in subregulation (1) (b) shall be granted by the Commissioner unless he is convinced that the granting of such consent will not result in the public disturbance, disorder, riot or public violence not being combated or prevented, or the public order not being maintained or restored.

(4) In any proceedings before a court of law in which it is relevant whether or not the Commissioner has issued a particular order, a copy of the order certified under the Commissioner's hand shall be accepted as conclusive proof of the issuing and contents of the order concerned.

Promulgation of orders

8. Any order issued under regulation 7 shall be promulgated—

- (a) by publishing that order in a newspaper circulating in the area in respect of which the order applies;
- (b) by making that order known by means of radio or television;
- (c) by distributing that order in a written form among members of the public and by affixing it on public buildings or at prominent public places in the area concerned;
- (d) where that order is directed to a particular person by handing or tendering it or causing it to be handed or tendered in a written form to that person;
- (e) by oral announcement to any particular person, or to members of the public in general, in the area concerned in a manner deemed fit by the Commissioner whenever, due to the urgency thereof or for any other reason whatsoever, it can, in the opinion of the Commissioner, not be published, made known, distributed or announced in accordance with the provisions of paragraph (a), (b), (c), (d) or (f); or
- (f) by publishing that order by notice in the *Government Gazette*.

Offences

9. Any person who—

- (a) contravenes or fails to comply with any order, direction or request under a provision of these regulations;

(2) 'n Bevel kragtens subregulasie (1) uitgereik —

- (a) kan algemeen van krag wees of betrekking hê op 'n persoon in die bevel vermeld, of op 'n kategorie persone in die bevel vermeld, of op enige persoon of persone wat nie tot 'n bepaalde kategorie in die bevel vermeld, behoort nie; en
- (b) is van krag gedurende 'n tydperk in die bevel vermeld of, indien 'n tydperk nie aldus vermeld word nie, totdat die bevel ingetrek word of totdat die verklaring van die betrokke gebied as onrusgebied, ingetrek word of verval, wat ook al die eerste gebeur.

(3) (a) 'n Toestemming beoog in subregulasie (1) (b) kan deur die Kommissaris verleen word op die voorwaardes wat hy bepaal.

(b) Geen toestemming beoog in subregulasie (1) (b) word deur die Kommissaris verleen nie tensy hy oortuig is dat die verlening van die toestemming nie tot gevolg sal hê nie dat openbare rusverstoring, wanorde, oproer of openbare geweldpleging nie bekamp of voorkom word nie of dat die openbare orde nie gehandhaaf of herstel word nie.

(4) By enige verrigtinge voor 'n geregshof waarby dit ter sake is of die Kommissaris 'n bepaalde bevel uitgevaardig het, al dan nie, word 'n afskrif van die bevel onder die Kommissaris se handtekening gewaarmerk, as afdoende bewys van die uitvaardiging en inhoud van die betrokke bevel aanvaar.

Afkondiging van bevele

8. Enige bevel kragtens regulasie 7 uitgereik, word afgekondig deur daardie bevel—

- (a) in 'n koerant te publiseer wat in omloop is in die gebied ten opsigte waarvan die bevel van toepassing is;
- (b) deur middel van radio of televisie bekend te maak;
- (c) in die betrokke gebied in 'n skriftelike vorm tussen lede van die publiek te versprei en op openbare geboue of op opvallende openbare plekke in die gebied aan te bring;
- (d) waar dit aan 'n bepaalde persoon gerig is, in 'n skriftelike vorm aan daardie persoon te oorhandig of aan te bied of te laat oorhandig of aanbied;
- (e) deur mondelinge aankondiging aan 'n bepaalde persoon, of aan lede van die publiek in die algemeen, in die betrokke gebied bekend te maak op 'n wyse wat die Kommissaris dienstig ag, wanneer dit, na die oordeel van die Kommissaris, vanweë die dringendheid daarvan of om enige ander rede ook al, nie ooreenkomstig die bepalings van paragraaf (a), (b), (c), (d) of (f) gepubliseer, bekendgemaak, versprei of aangekondig kan word nie; of
- (f) by kennisgewing in die *Staatskoerant* te publiseer.

Misdrywe

9. Iemand wat—

- (a) 'n bevel, opdrag of versoek kragtens 'n bepaling van hierdie regulasies, oortree of versuim om daaraan te voldoen;

- (b) contravenes or fails to comply with any condition imposed in respect of him under regulation 7 (3);
- (c) contravenes a provision of regulation 2A, 4 or 4A;
- (d) hinders any other person in the carrying out of any duty or the exercise of any power or the performance of any function imposed or conferred by, under or pursuant to any provision of these regulations; or
- (e) destroys, defaces or falsifies any notice or other writing issued or purporting to have been issued under these regulations,

shall be guilty of an offence.

Penalties

10. (a) Any person convicted of an offence under these regulations with the exception of an offence under regulation 9 (c), read with regulation 2A and 4A, shall be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding ten years or to such imprisonment without the option of a fine, and the court convicting him may declare any goods, property or instrument by means of which or in connection with which the offence was committed, to be forfeited to the State.

(b) Any person convicted of an offence under regulation 9 (c), read with regulation 2A and 4A, shall be liable to a fine not exceeding R1 000 or to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.

Proof of certain facts

11. If in any proceedings before a court of law the question arises whether the Minister, in respect of steps taken or purported to have been taken by him under regulation 3 (3), was of the opinion, within the meaning of that regulation, that such steps were necessary for the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, a document being or purporting to be an affidavit made by a person who in that document alleges that he was the Minister at the time when such steps were taken and that he had taken such steps after he was of the opinion that such steps were necessary for the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order, as the case may be, shall, on its mere production at the said proceedings by any person, be accepted as conclusive proof of the facts stated therein.

Limitation of liability

12. (1) No civil or criminal proceedings shall be instituted or continued in any court of law against—

- (a) the State;
- (b) the State President;
- (c) any member of the Cabinet or a Ministers' Council;
- (d) any member of a security force;
- (e) any person in the service of the State; or
- (f) any person acting by direction or with the approval of any member or person referred to in the preceding paragraphs of this subregulation,

(b) 'n voorwaarde ten opsigte van hom kragtens regulasie 7 (3) opgelê, oortree of versuim om daaraan te voldoen;

- (c) 'n bepaling van regulasie 2A, 4 of 4A oortree;
- (d) iemand anders in die uitvoering van enige plig of die uitoefening van enige bevoegdheid of die ver rigting van enige werksaamheid deur, kragtens of uit hoofde van 'n bepaling van hierdie regulasies opgelê of verleen, belemmer; of
- (e) 'n kennisgewing of ander geskrif wat kragtens hierdie regulasies uitgereik is of daarkragtens uit gereik heet te wees, vernietig, skend of vervals,

is aan 'n misdryf skuldig.

Strawwe

10. (a) Iemand wat skuldig bevind word aan 'n misdryf kragtens hierdie regulasies, uitgesonderd 'n misdryf kragtens regulasie 9 (c) saamgelees met regulasie 2A en 4A, is strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens tien jaar of met daardie gevangenisstraf sonder die keuse van 'n boete, en die hof wat hom skuldig bevind, kan enige goed, eiendom of instrument deur middel waarvan of in verband waarmee die misdryf gepleeg is, aan die Staat verbeurd verklaar.

(b) Iemand wat skuldig bevind word aan 'n misdryf kragtens regulasie 9 (c), saamgelees met regulasie 2A en 4A, is strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie gevangenisstraf sonder die keuse van 'n boete.

Bewys van sekere feite

11. Indien by enige verrigtinge voor 'n geregshof die vraag ontstaan of die Minister, ten opsigte van stappe wat deur hom kragtens regulasie 3 (3) gedoen is of heet te wees, van oordeel was, ooreenkomstig die bedoeling van daardie regulasie, dat daardie stappe nodig was vir die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, word 'n geskrif wat 'n beëdigde verklaring is of heet te wees van 'n persoon wat in daardie geskrif beweer dat hy die Minister was op die tydstip toe die stappe gedoen is en dat hy die stappe gedoen het nadat hy van oordeel was dat daardie stappe nodig was vir die bekamping of voorkoming van openbare rusverstoring, wanordelikheid, oproer of openbare geweldpleging of die handhawing of herstel van die openbare orde, na gelang van die geval, by blote voorlegging daarvan by bedoelde verrigtinge deur enige persoon, as afdoende bewys van die feite daarin vermeld, aanvaar.

Beperking van aanspreeklikheid

12. (1) Geen siviele of strafregtelike geding word in enige geregshof ingestel of voortgesit nie teen—

- (a) die Staat;
- (b) die Staatspresident;
- (c) 'n lid van die Kabinet of 'n Ministersraad;
- (d) 'n lid van 'n veiligheidsmag;
- (e) iemand wat in diens van die Staat is; of
- (f) iemand wat op las of met die goedkeuring van 'n in die voorgaande paragrawe van hierdie subregulasie bedoelde lid of persoon handel,

by reason of any act in good faith advised, commanded, ordered, directed or performed by any person in the carrying out of his duties or the exercise of his powers or the performance of his functions in terms of these regulations or any other regulations made under section 5A of the Act, with the intent to combat or to prevent public disturbance, disorder, riot or public violence or to maintain or to restore public order, or for dealing with any circumstances which in his opinion have arisen or are likely to arise as a result of such public disturbance, disorder, riot or public violence or the combating or prevention thereof.

(2) (a) Whenever the court in which any proceedings have been instituted, is of the opinion that by virtue of subregulation (1) the proceedings may not be continued, the court shall make a finding to that effect.

(b) Whenever the court has made such a finding, such proceedings shall lapse and be deemed to be void.

(3) No interdict or other process shall be issued for the staying or setting aside of any order, rule or notice made or issued under these regulations or any other regulations made under section 5A of the Act or any condition determined thereunder, and no such order, rule, notice or condition shall be stayed on the grounds of an appeal against a conviction under these or such other regulations.

(4) If in any proceedings instituted against any member or person referred to in subregulation (1), or the State, the question arises whether any act advised, commanded, ordered, directed or performed by any person was advised, commanded, ordered, directed or performed by him in good faith, it shall be presumed, until the contrary is proved, that such act was advised, commanded, ordered, directed or performed by him in good faith.

(5) The provisions of this regulation shall apply also in respect of any default by any person or member referred to in subregulation (1) in complying with any provision of any law in connection with advising, commanding, ordering, directing or performing any such act aforesaid.

Short title

13. These regulations shall be called the **Unrest Regulations, 1992**.

op grond van 'n handeling wat deur iemand by die uitvoering van sy pligte of die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede ingevolge hierdie regulasies of enige ander regulasies uitgevaardig kragtens artikel 5A van die Wet, te goeder trou aangeraai, gebied, beveel, gelas of verrig is, met die bedoeling om openbare rusverstoring, wanordelikeid, oproer of openbare geweldpleging te bekamp of te voorkom of om die openbare orde te handhaaf of te herstel of om te handel met omstandighede wat na sy oordeel as gevolg van sodanige openbare rusverstoring, wanordelikeid, oproer of openbare geweldpleging, of die bekamping of voorkoming daarvan, ontstaan het of waarskynlik sal ontstaan.

(2) (a) Wanneer die hof waarin 'n geding ingestel is, van mening is dat die geding uit hoofde van subregulasie (1) nie voortgesit mag word nie, moet die hof 'n bevinding in dier voege maak.

(b) Wanneer die hof so 'n bevinding gemaak het, vervel sodanige geding en word dit geag nietig te wees.

(3) Geen interdik of ander prosesstuk word uitgereik vir die opskorting of nietigverklaring van 'n bevel, reël of kennisgewing uitgereik of uitgevaardig kragtens hierdie regulasies of enige ander regulasies uitgevaardig kragtens artikel 5A van die Wet of enige voorwaarde daarkragtens bepaal nie, en geen sodanige bevel, reël, kennisgewing of voorwaarde word op grond van 'n appèl teen 'n skuldigbevinding kragtens hierdie of sodanige ander regulasies opgeskort nie.

(4) Indien by 'n geding ingestel teen 'n in subregulasie (1) vermelde persoon of lid, of die Staat, die vraag ontstaan of 'n handeling wat deur iemand aangeraai, gebied, beveel, gelas of verrig is, deur hom te goeder trou aangeraai, gebied, beveel, gelas of verrig is, word vermoed, totdat die teendeel bewys word, dat daardie handeling deur hom te goeder trou aangeraai, gebied, beveel, gelas of verrig is.

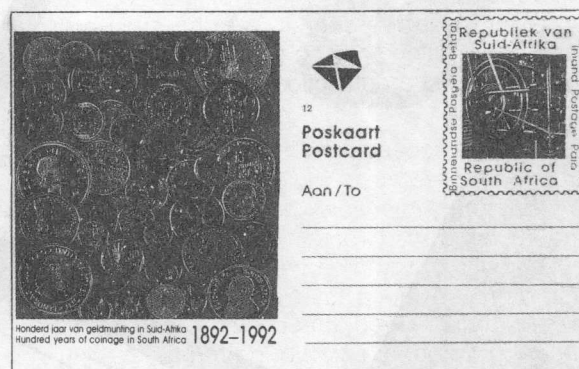
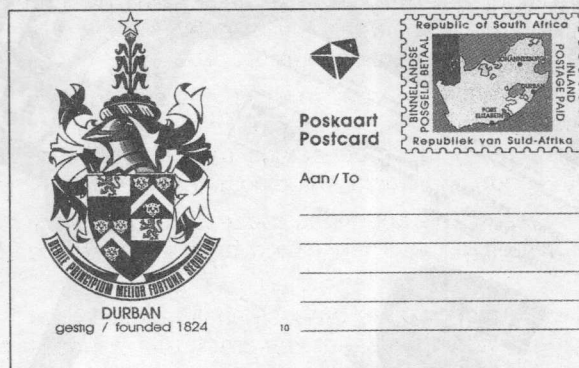
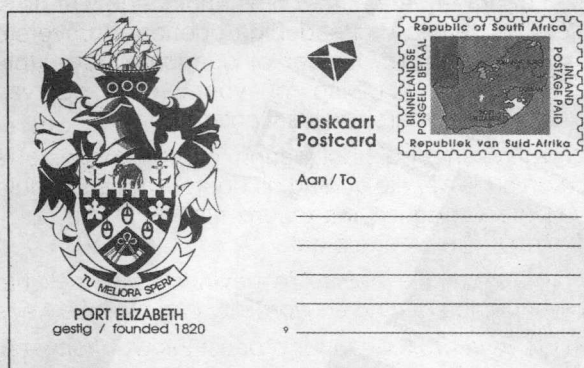
(5) Die bepalings van hierdie regulasie is ook van toepassing ten aansien van enige versuim deur 'n in subregulasie (1) vermelde persoon of lid om in verband met die aanraai, gebied, beveel, gelas of verrig van 'n voormelde handeling 'n voorskrif van 'n wet na te kom.

Kort titel

13. Hierdie regulasies heet die **Onrusregulasies, 1992**.

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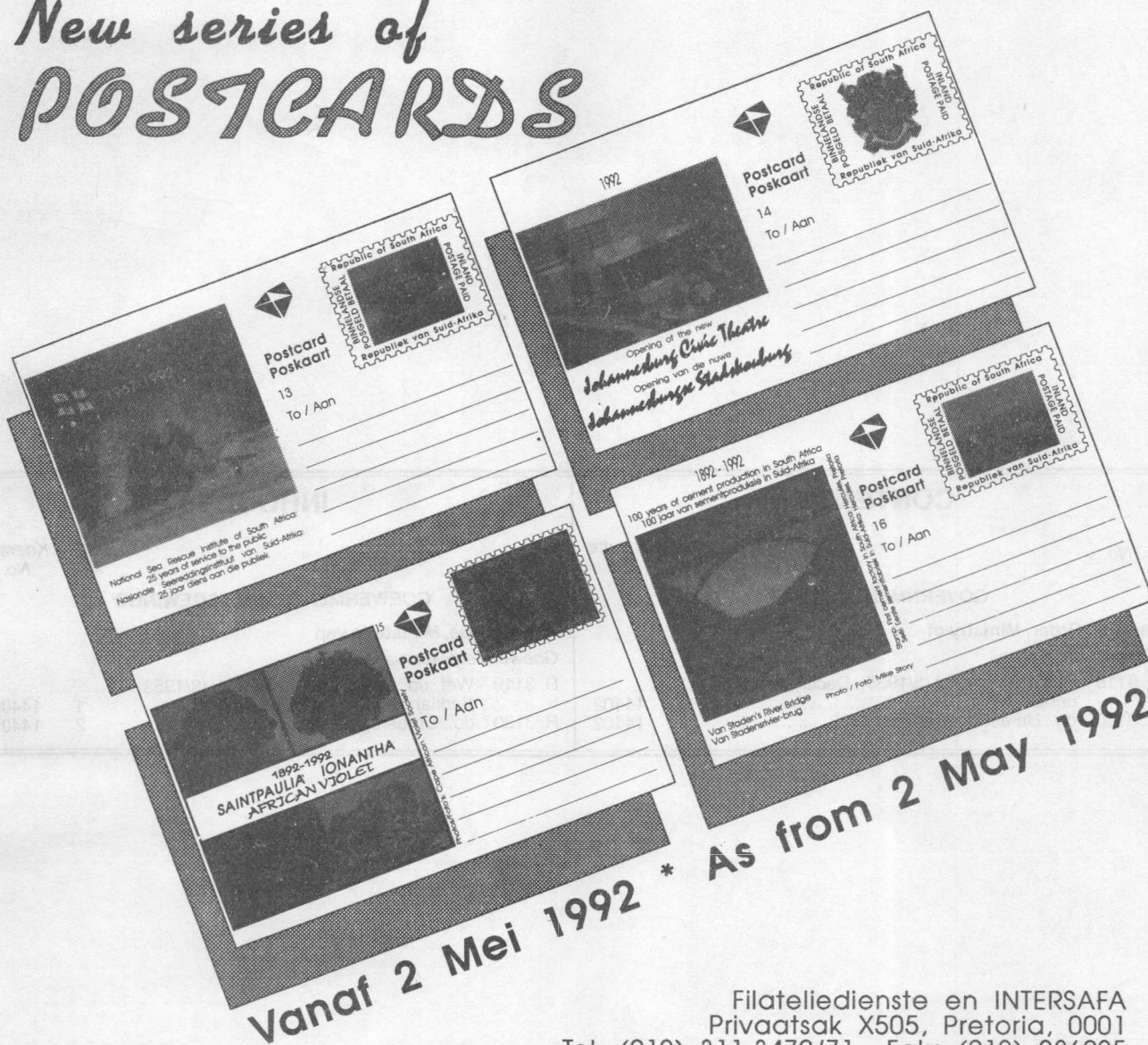
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