



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

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Vol. 354

KAAPSTAD, 2 DESEMBER 1994

No. 16128

CAPE TOWN, 2 DECEMBER 1994

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KANTOOR VAN DIE PRESIDENT

OFFICE OF THE PRESIDENT

No. 2080.

2 Desember 1994

No. 2080.

2 December 1994

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

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

No. 39 van 1994: Wet op Nasionale Strategiese Intelligensie, 1994.

No. 39 of 1994: National Strategic Intelligence Act, 1994.

# WET

Om die werksaamhede van lede van die Nasionale Intelligensiestrukture te omskryf; 'n Nasionale Intelligensiekoördineringskomitee in te stel en sy werksaamhede ten opsigte van intelligensie met betrekking tot die veiligheid van die Republiek te omskryf; en voorsiening te maak vir die aanstelling van 'n Intelligensiekoördineerder as voorsitter van die Nasionale Intelligensiekoördineringskomitee, en sy of haar werksaamhede te omskryf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)  
(Goedgekeur op 23 November 1994.)*

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

## Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
  - (i) “Agentskap” die Nasionale Intelligensie-agentskap ingestel by artikel 3 van die Wet op Intelligensiedienste, 1994; (i) 5
  - (ii) “bedekte insameling” die verkryging van informasie wat nie op openlike wyse bekom kan word nie en waarvoor volledige en voortdurende geheimhouding 'n vereiste is; (vi)
  - (iii) “binnelandse intelligensie” intelligensie aangaande enige interne bedrywigheid, faktor of ontwikkeling wat vir die nasionale stabiliteit van die Republiek nadelig is, sowel as bedreigings of potensiele bedreigings van die staatsbestel van die Republiek en die veiligheid en welsyn van sy mense; (ix) 10
  - (iv) “binnelandse militêre intelligensie” intelligensie wat vir die beplanning en uitvoering van militêre operasies in die Republiek nodig is ten einde stabiliteit en veiligheid vir sy mense te verseker; (x) 15
  - (v) “buitelandse intelligensie” intelligensie aangaande enige eksterne bedreiging of potensiele bedreiging van die nasionale belange van die Republiek en sy mense, en intelligensie aangaande geleenthede met betrekking tot die beskerming en bevordering van daardie nasionale belange ongeag of dit by die formulering van die buitelandse beleid van die Republiek gebruik kan word of nie; (xii) 20
  - (vi) “buitelandse militêre intelligensie” intelligensie aangaande die oorlogspotensiaal en militêre getalsterkte van vreemde lande (met inbegrip van hulle vermoëns, bedoelings, strategieë en taktiekë) wat deur die Republiek by die beplanning van sy militêre magte in vredestryd en die uitvoering van militêre operasies in oorlogstryd, gebruik kan word; (xiii) 25
  - (vii) “departementele intelligensie” intelligensie aangaande enige bedreiging of potensiele bedreiging van die nasionale veiligheid en stabiliteit van die Republiek wat binne die werksaamhede van 'n Staatsdepartement val, en ook intelligensie wat deur so 'n departement benodig word ten einde so 'n bedreiging te neutraliseer; (viii) 30
  - (viii) “Diens” die Suid-Afrikaanse Geheimeidiens ingestel by artikel 3 van die Wet op Intelligensiedienste, 1994; (xx) 35
  - (ix) “valueer” die proses waarby bepaal en beraam word of informasie moontlik juis, waarskynlik juis of feitelik juis is; (xi)
  - (x) “Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993); (iii)
  - (xi) “hierdie Wet” ook die regulasies; (xxii) 40
  - (xii) “Intelligensiekoördineerder” die persoon kragtens artikel 5 aangestel; (iv)
  - (xiii) “Kabinet” die Kabinet van die Republiek van Suid-Afrika soos bedoel in artikel 88 van die Grondwet; (ii)

# ACT

To define the functions of members of the National Intelligence Structures; to establish a National Intelligence Co-ordinating Committee and to define its functions in respect of intelligence relating to the security of the Republic; and to provide for the appointment of a Co-ordinator for Intelligence as chairperson of the National Intelligence Co-ordinating Committee, and to define his or her functions; and to provide for matters connected therewith.

*(English text signed by the President.)*  
*(Assented to 23 November 1994.)*

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. In this Act, unless the context otherwise indicates—
- 5 (i) “Agency” means the National Intelligence Agency established by section 3 of the Intelligence Services Act, 1994; (i)
- (ii) “Cabinet” means the Cabinet of the Republic of South Africa referred to in section 88 of the Constitution; (xiii)
- 10 (iii) “Constitution” means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993); (x)
- (iv) “Co-ordinator for Intelligence” means the person appointed under section 5; (xii)
- 15 (v) “counter-intelligence” means measures and activities conducted, instituted or taken to impede and to neutralise the effectiveness of foreign or hostile intelligence operations, to protect classified intelligence and to counter subversion, sabotage and terrorism aimed at, or against personnel, strategic installations or resources of the Republic; (xxii)
- 20 (vi) “covert collection” means the acquisition of information which cannot be obtained by overt means and for which complete and continuous secrecy is a requirement; (ii)
- (vii) “crime intelligence” means intelligence used in the prevention of crime or to conduct criminal investigations and to prepare evidence for the purpose of law enforcement and the prosecution of offenders; (xiv)
- 25 (viii) “departmental intelligence” means intelligence about any threat or potential threat to the national security and stability of the Republic which falls within the functions of a department of State, and includes intelligence needed by such department in order to neutralise such a threat; (vii)
- 30 (ix) “domestic intelligence” means intelligence on any internal activity, factor or development which is detrimental to the national stability of the Republic, as well as threats or potential threats to the constitutional order of the Republic and the safety and the well-being of its people; (iii)
- 35 (x) “domestic military intelligence” means intelligence required for the planning and conduct of military operations within the Republic to ensure security and stability for its people; (iv)
- (xi) “evaluate” means the process of determining and assessing whether or not information is possibly correct, probably correct or factually correct; (ix)
- 40 (xii) “foreign intelligence” means intelligence on any external threat or potential threat to the national interests of the Republic and its people,

- (xiv) “misdaadinligting” informasie wat ter voorkoming van misdaad of die hou van misdaadondersoek gebruik word en om getuieis vir die doel van wetstoepassing en die vervolging van oortreders voor te berei; (vii)
- (xv) “Nasionale Intelligensiestruktuur”— 5
- (a) Nikok;
- (b) die Inligtingsafdeling van die Nasionale Weermag ingestel kragtens die Verdedigingswet, 1957 (Wet No. 44 van 1957);
- (c) die Nasionale Ondersoekdiens van die Suid-Afrikaanse Polisiediens;
- (d) die Agentskap; en
- (e) die Diens; (xv) 10
- (xvi) “nasionale intelligensiewaardering” die resultaat van die proses van beoordeling en opweging van die moontlikhede, waarskynlikhede en feite wat deur nasionale veiligheidsintelligensie met betrekking tot enige situasie aan die lig gebring word, en waarby tot gevolgtrekkings op grond van sulke moontlikhede, waarskynlikhede en feite geraak word; (xiv) 15
- (xvii) “nasionale strategiese intelligensie” omvattende, geïntegreerde en vooruitskouende intelligensie aangaande alle huidige en langtermyn-aspekte van nasionale veiligheid wat van besondere belang vir strategiese beplanning en die formulering en implementering van beleid en strategie op nasionale vlak is; (xvii) 20
- (xviii) “nasionale veiligheidsintelligensie” intelligensie wat betrekking het op of relevant kan wees by die beoordeling van enige bedreiging of potensiele bedreiging vir die veiligheid van die Republiek op enige terrein; (xvi)
- (xix) “Nikok” die Nasionale Intelligensiekoördineringskomitee by artikel 4 ingestel; (xviii) 25
- (xx) “regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig; (xix)
- (xxi) “Suid-Afrikaanse Polisiediens” die diens bedoel in artikel 214 van die Grondwet; (xxi)
- (xxii) “teenintelligensie” maatreëls en bedrywighede verrig, ingestel of getref om die doeltreffendheid van buitelandse of vyandelike intelligensiebedrywighede te belemmer en te neutraliseer, om geklassifiseerde intelligensie te beskerm en om ondermyning, sabotasie en terrorisme wat teen personeel, strategiese installasies of hulpbronne van die Republiek gerig is, teen te werk. (v) 30
- Werkzaamhede betreffende intelligensie** 35
2. (1) Die werkzaamhede van die Agentskap is, behoudens artikel 3—
- (a) om binnelandse intelligensie in te samel, te korreleer, te evalueer en te ontleed ten einde—
- (i) enige bedreiging of potensiele bedreiging vir die veiligheid van die Republiek of sy mense te identifiseer; 40
- (ii) intelligensie aangaande enige sodanige bedreiging aan Nikok te verstrek;
- (b) om die nasionale teenintelligensieverantwoordelikhede na te kom en vir dié doel teenintelligensie te bedryf en te koördineer en om informasie betreffende teenintelligensie in te samel, te korreleer, te evalueer, te ontleed en te vertolk ten einde— 45
- (i) enige bedreiging of potensiele bedreiging vir die veiligheid van die Republiek of sy mense te identifiseer;
- (ii) die President aangaande so ’n bedreiging in te lig;
- (iii) (waar nodig) intelligensie betreffende enige sodanige bedreiging aan die Suid-Afrikaanse Polisiediens te voorsien vir die doeleindes van enige ondersoek van ’n misdryf of beweerde misdryf; en 50
- (c) om departementele intelligensie in te samel op versoek van enige belanghebbende Staatsdepartement, en om sonder versuim sodanige intelligensie en enige ander intelligensie tot die beskikking van die Agentskap en wat departementele intelligensie uitmaak, te evalueer en aan die betrokke departement deur te stuur. 55
- (2) Dit is, behoudens artikel 3, die werkzaamhede van die Diens—
- (a) om buitelandse intelligensie, maar nie ook buitelandse militêre intelligensie nie, in te samel, te korreleer, te evalueer en te ontleed ten einde— 60
- (i) enige bedreiging of potensiele bedreiging vir die veiligheid van die Republiek of sy mense te identifiseer;

- and intelligence regarding opportunities relevant to the protection and promotion of such national interests irrespective of whether or not it can be used in the formulation of the foreign policy of the Republic; (v)
- 5 (xiii) "foreign military intelligence" means intelligence regarding the war potential and military establishment of foreign countries (including their capabilities, intentions, strategies and tactics) which can be used by the Republic in the planning of its military forces in time of peace and for the conduct of military operations in time of war; (vi)
- 10 (xiv) "national intelligence estimate" means the product of the process of considering and weighing the possibilities, probabilities and facts disclosed by national security intelligence with regard to any situation, and of drawing conclusions from such possibilities, probabilities and facts; (xvi)
- (xv) "National Intelligence Structures" means—
- 15 (a) Nicoc;
- (b) the Intelligence Division of the National Defence Force, established under the Defence Act, 1957 (Act No. 44 of 1957);
- (c) the National Investigation Service of the South African Police Service;
- 20 (d) the Agency; and
- (e) the Service; (xv)
- (xvi) "national security intelligence" means intelligence which relates to or may be relevant to the assessment of any threat or potential threat to the security of the Republic in any field; (xviii)
- 25 (xvii) "national strategic intelligence" means comprehensive, integrated and estimative intelligence on all the current and long-term aspects of national security which are of special concern to strategic decision-making and the formulation and implementation of policy and strategy at national level; (xvii)
- (xviii) "Nicoc" means the National Intelligence Co-ordinating Committee established by section 4; (xix)
- 30 (xix) "regulation" means a regulation made under this Act; (xx)
- (xx) "Service" means the South African Secret Service established by section 3 of the Intelligence Services Act, 1994; (viii)
- (xxi) "South African Police Service" means the service referred to in section 35 214 of the Constitution; (xxi)
- (xxii) "this Act" includes the regulations. (xi)

#### Functions relating to intelligence

2. (1) The functions of the Agency shall, subject to section 3, be—
- 40 (a) to gather, correlate, evaluate and analyse domestic intelligence, in order to—
- (i) identify any threat or potential threat to the security of the Republic or its people;
- (ii) supply intelligence regarding any such threat to Nicoc;
- 45 (b) to fulfil the national counter-intelligence responsibilities and for this purpose to conduct and co-ordinate counter-intelligence and to gather, correlate, evaluate, analyse and interpret information regarding counter-intelligence in order to—
- (i) identify any threat or potential threat to the security of the Republic or its people;
- 50 (ii) inform the President of any such threat;
- (iii) supply (where necessary) intelligence relating to any such threat to the South African Police Service for the purposes of investigating any offence or alleged offence; and
- 55 (c) to gather departmental intelligence at the request of any interested department of State, and, without delay to evaluate and transmit such intelligence and any other intelligence at the disposal of the Agency and which constitutes departmental intelligence, to the department concerned.
- (2) It shall, subject to section 3, be the functions of the Service—
- 60 (a) to gather, correlate, evaluate and analyse foreign intelligence, excluding foreign military intelligence, in order to—
- (i) identify any threat or potential threat to the security of the Republic or its people;

- (ii) intelligensie betreffende nasionale strategiese intelligensie aan Nikok te verstrek;
- (b) om teenintelligensiematreëls in die Diens in te stel; en
- (c) om departementele intelligensie in te samel op versoek van enige belanghebbende Staatsdepartement, en om sonder versuim sodanige intelligensie en enige ander intelligensie tot die beskikking van die Diens en wat departementele intelligensie uitmaak, te evalueer en aan die betrokke departement deur te stuur. 5
- (3) Dit is die werksaamheid van die Suid-Afrikaanse Polisie diens, behoudens artikel 3— 10
- (a) om misdaadinligting in te samel, te korreleer, te evalueer en te gebruik ter ondersteuning van die werksaamhede van die Suid-Afrikaanse Polisie diens beoog in artikel 215 van die Grondwet; en
- (b) om teenintelligensiematreëls binne die Suid-Afrikaanse Polisie diens in te stel, 15
- ten einde misdaadinligting betreffende nasionale strategiese intelligensie aan Nikok te verstrek.
- (4) Die Nasionale Weermag moet, behoudens artikel 3—
- (a) buitelandse militêre intelligensie insamel, korreleer, evalueer en gebruik en buitelandse militêre intelligensie betreffende nasionale strategiese intelligensie aan Nikok verstrek, maar die Nasionale Weermag mag nie intelligensie van 'n nie-militêre aard op 'n bedekte wyse insamel nie; 20
- (b) binnelandse militêre intelligensie maar nie ook bedekte insameling nie, behalwe wanneer dit vir diens bedoel in artikel 227(1)(e) van die Grondwet in diens gestel is en in omstandighede bedoel in artikel 3(2) van hierdie Wet insamel, korreleer, evalueer en gebruik en sodanige inligting aan Nikok verstrek; en 25
- (c) teenintelligensiematreëls binne die Nasionale Weermag instel.

### Werksaamhede van ander Staatsdepartemente met betrekking tot nasionale veiligheidsintelligensie 30

3. (1) Indien 'n wet uitdruklik of by implikasie van 'n ander Staatsdepartement as die Agentskap of die Diens vereis om enige werksaamheid met betrekking tot die veiligheid van die Republiek of die bekamping van enige bedreiging vir die veiligheid van die Republiek te verrig, word so 'n wet geag aan so 'n departement die bevoegdheid te verleen om departementele intelligensie in te samel en dit te evalueer, te korreleer en te vertolk ten einde bedoelde werksaamheid te verrig: Met dien verstande dat so 'n Staatsdepartement— 35
- (a) behalwe die Nasionale Weermag wanneer dit vir diens bedoel in artikel 227(1)(a), (b) of (e) van die Grondwet in diens gestel is of wanneer dit die teenintelligensieverantwoordelikhede nakom wat aan sy Inligtingsafdeling opgedra is; en 40
- (b) behalwe 'n polisie diens kragtens 'n Wet van die Parlement ingestel, wanneer 'n lid van so 'n diens besig is om 'n misdryf met betrekking tot die veiligheid van die Republiek te ondersoek of 'n ander funksie met betrekking tot die veiligheid van die Republiek te verrig, 45
- nie departementele intelligensie binne die Republiek op 'n bedekte wyse mag insamel nie: Met dien verstande voorts dat so 'n Staatsdepartement—
- (i) behalwe die Nasionale Weermag deur middel van sy Inligtingsafdeling; 50
- (ii) behalwe 'n polisie diens kragtens 'n Wet van die Parlement ingestel, wanneer 'n lid van so 'n diens besig is om, met die wete en goedkeuring van Nikok, 'n misdryf met betrekking tot die veiligheid van die Republiek te ondersoek of 'n ander funksie met betrekking tot die veiligheid van die Republiek te verrig;
- (iii) behalwe die Agentskap, wanneer 'n lid van die agentskap enige teenintelligensieverantwoordelikhede beoog in artikel 2(1)(b) verrig, met die wete en goedkeuring van die Diens, 55
- nie departementele intelligensie buite die Republiek op 'n bedekte wyse mag insamel nie.
- (2) Ondanks subartikel (1), kan die Nasionale Weermag deur middel van sy Inligtingsafdeling, telkens as die President op advies van die Minister van 60

- (ii) supply intelligence relating to national strategic intelligence to Nicoc;
- (b) to institute counter-intelligence measures within the Service; and
- (c) to gather departmental intelligence at the request of any interested department of State, and, without delay to evaluate and transmit such intelligence and any other intelligence at the disposal of the Service and which constitutes departmental intelligence, to the department concerned.
- (3) It shall be the function of the South African Police Service, subject to section 3—
- (a) to gather, correlate, evaluate and use crime intelligence in support of the functions of the South African Police Service as contemplated in section 215 of the Constitution; and
- (b) to institute counter-intelligence measures within the South African Police Service,
- in order to supply crime intelligence relating to national strategic intelligence to Nicoc.
- (4) The National Defence Force shall, subject to section 3—
- (a) gather, correlate, evaluate and use foreign military intelligence, and supply foreign military intelligence relating to national strategic intelligence to Nicoc, but the National Defence Force shall not gather intelligence of a non-military nature in a covert manner;
- (b) gather, correlate, evaluate and use domestic military intelligence excluding covert collection, except when employed for service referred to in section 227(1)(e) of the Constitution and under conditions set out in section 3(2) of this Act, and supply such intelligence to Nicoc; and
- (c) institute counter-intelligence measures within the National Defence Force.

### 30 **Functions of other departments of State with reference to national security intelligence**

3. (1) If any law expressly or by implication requires any department of State, other than the Agency or the Service, to perform any function with regard to the security of the Republic or the combating of any threat to the security of the Republic, such law shall be deemed to empower such department to gather departmental intelligence, and to evaluate, correlate and interpret such intelligence for the purpose of discharging such function: Provided that such department of State—

- (a) other than the National Defence Force when employed for service referred to in section 227(1)(a), (b) or (e) of the Constitution or when discharging the counter-intelligence responsibilities entrusted to its Intelligence Division; and
- (b) other than a police service established under any Act of Parliament, when a member of such service is investigating any offence relating to the security of the Republic or is performing any other function relating to the security of the Republic,

shall not gather departmental intelligence within the Republic in a covert manner: Provided further that such department of State—

- (i) other than the National Defence Force through its Intelligence Division;
- (ii) other than a police service established under any Act of Parliament, when a member of such a service is, with the knowledge and approval of Nicoc, investigating an offence relating to the security of the Republic or is performing any other function relating to the security of the Republic;
- (iii) other than the Agency, when a member of the Agency is performing its counter-intelligence responsibility contemplated in section 2(1)(b), with the knowledge and approval of the Service,

shall not gather departmental intelligence outside the Republic in a covert manner.

(2) Notwithstanding subsection (1), the National Defence Force through its Intelligence Division may, whenever the President on the advice of the Minister

Verdediging van oordeel is dat omstandighede sodanig is dat genoemde Mag homself moet voorberei vir moontlike indiensstelling bedoel in artikel 227(1)(e) van die Grondwet en nadat hy daartoe gemagtig is deur die Intelligensiekoördineerder handelende met die instemming van Nikok en die Kabinet, binnelandse militêre intelligensie op 'n bedekte wyse mag insamel binne die geografiese gebied en die tydskale in so 'n magtiging uiteengesit. 5

(3) Dit is die plig van enige Staatsdepartement wat in besit kom van nasionale veiligheidsintelligensie of informasie wat van waarde kan wees by die opstel van die nasionale intelligensiewaardering bedoel in artikel 4(2)(c) om sodanige intelligensie en informasie sonder versuim, met 'n aanduiding van die betroubaarheid van die bron van die informasie, aan die betrokke diens wat deel van die Nasionale Intelligensiestrukture uitmaak, deur te stuur. 10

(4) Subartikel (3) word nie uitgelê dat dit die voortbestaan en werking of die instelling van 'n intelligensiediens by enige Staatsdepartement vir die doeleindes van die verrigting van sy departementele intelligensiewerksaamhede kragtens hierdie Wet raak nie. 15

### **Instelling van Nasionale Intelligensiekoördineringskomitee**

4. Daar word hierby 'n Nasionale Intelligensiekoördineringskomitee ingestel, wat bestaan uit—

- (a) die Intelligensiekoördineerder kragtens artikel 5 aangestel; 20
  - (b) die Direkteur-generaal van die Agentskap;
  - (c) die hoof van die Inligtingsafdeling van die Nasionale Weermag;
  - (d) die hoof van die Nasionale Ondersoekdiens van die Suid-Afrikaanse Polisiediens;
  - (e) die Direkteur-generaal van die Diens, 25
- of hulle plaasvervangers, en die lede van Staatsdepartemente wat deur Nikok op 'n heelydse of 'n *ad hoc*-grondslag gekoöpteer word.

(2) Dit is die werksaamheid van Nikok—

- (a) om die intelligensie wat deur die lede van die Nasionale Intelligensiestrukture aan Nikok verstrekk is, te koördineer en nasionale strategiese intelligensie te vertolk vir gebruik deur die Staat en die Kabinet vir die doeleindes van— 30
  - (i) die opsporing en identifisering van enige bedreiging of potensiële bedreiging vir die nasionale veiligheid van die Republiek;
  - (ii) die beskerming en bevordering van die nasionale belange van die Republiek; 35
  - (iii) advisering van die Kabinet;
- (b) vir die doeleindes van die werksaamhede in paragraaf (a) beoog, om— 40
  - (i) intelligensiebedrywighede binne die Nasionale Intelligensiestrukture te koördineer en voorkeure te bepaal;
  - (ii) die Kabinet aangaande die intelligensiebeleid en werksaamhede binne die Nasionale Intelligensiestrukture in te lig;
- (c) om 'n nasionale intelligensiewaardering vir die doeleindes in paragraaf (a) bedoel vir oorweging deur die Kabinet op te stel en te vertolk;
- (d) om lopende intelligensie wat 'n invloed kan hê op enige staatsbeleid met betrekking tot aangeleenthede in paragraaf (a) bedoel, te voorsien en te versprei; 45
- (e) om 'n beleid met betrekking tot nasionale strategiese intelligensie vir goedkeuring deur die Kabinet te formuleer en, na oorleg met die Staatsdepartemente belas met die instandhouding van die veiligheid van die Republiek, die vloeï van nasionale strategiese intelligensie tussen sodanige departemente te koördineer; en 50
- (f) om aanbevelings aangaande intelligensievoorkeure aan die Kabinet te doen.

(3) Die Agentskap moet die logistiese, tegniese en administratiewe ondersteuning van Nikok verskaf. 55

### **Intelligensiekoördineerder**

5. (1) Die President stel 'n persoon as Intelligensiekoördineerder aan, wat die voorsitter van Nikok is.



of Defence is of the opinion that conditions are such that the said Force has to prepare itself for possible employment for service referred to in section 227(1)(e) of the Constitution and upon having been authorised by the Co-ordinator for Intelligence acting with the concurrence of Nicoc and the Cabinet, gather  
5 domestic military intelligence in a covert manner within the geographical area and the time-scales specified in such authorisation.

(3) It shall be the duty of any department of State that comes into possession of national security intelligence or information which may be of value in the preparation of the national intelligence estimate referred to in section 4(2)(c) to  
10 transmit such intelligence and information without delay to the relevant service forming part of the National Intelligence Structures, with an indication of the reliability of the source of such information.

(4) Subsection (3) shall not be construed as affecting the continued existence and functioning or the establishment of any intelligence service by any depart-  
15 ment of State for the purpose of performing its departmental intelligence functions under this Act.

#### Establishment of National Intelligence Co-ordinating Committee

4. (1) There is hereby established a National Intelligence Co-ordinating Committee, which shall consist of—

- 20 (a) the Co-ordinator for Intelligence appointed under section 5;  
(b) the Director-General of the Agency;  
(c) the chief of the Intelligence Division of the National Defence Force;  
(d) the head of the National Investigation Service of the South African Police Service;  
25 (e) the Director-General of the Service,  
or their alternates, and such members of departments of State who are co-opted by Nicoc on a permanent or an *ad hoc* basis.

(2) It shall be the function of Nicoc—

- 30 (a) to co-ordinate the intelligence supplied by the members of the National Intelligence Structures to Nicoc and interpret national strategic intelligence for use by the State and the Cabinet for the purposes of—  
(i) the detection and identification of any threat or potential threat to the national security of the Republic;  
35 (ii) the protection and promotion of the national interests of the Republic;  
(iii) advising the Cabinet;  
(b) for the purposes of the functions contemplated in paragraph (a) to—  
(i) co-ordinate and prioritise intelligence activities within the National Intelligence Structures;  
40 (ii) advise the Cabinet on the intelligence policy and functions within the National Intelligence Structures;  
(c) to prepare and interpret a national intelligence estimate for purposes referred to in paragraph (a) for consideration by the Cabinet;  
(d) to produce and disseminate current intelligence which may have an  
45 influence on any state policy with regard to matters referred to in paragraph (a);  
(e) to formulate for approval by the Cabinet, a policy relating to national strategic intelligence and, after consultation with the departments of State entrusted with the maintenance of the security of the Republic, to  
50 co-ordinate the flow of national security intelligence between such departments; and  
(f) to make recommendations to the Cabinet on intelligence priorities.

(3) The Agency shall provide the logistical, technical and administrative support of Nicoc.

#### 55 Co-ordinator for Intelligence

5. (1) The President shall appoint a person as Co-ordinator for Intelligence, who shall be the chairperson of Nicoc.

- (2) Die Intelligensiekoördineerder—
- (a) is verantwoordelik vir die werksaamhede van Nikok in artikel 4 bedoel;
  - (b) moet met die Kabinet skakel en die Kabinet inlig en adviseer aangaande die bedrywighede van Nikok met betrekking tot aangeleentheid wat op nasionale strategiese intelligensie betrekking het; 5
  - (c) moet, na oorleg met die President, die strukture en komitees instel wat vir die administrasie en tydige en doeltreffende benutting van nasionale, streeks- en plaaslike intelligensie nodig is;
  - (d) is aan die President verantwoordelik;
  - (e) moet nasionale strategiese intelligensie aan die President verstrek; en 10
  - (f) moet op versoek van 'n Staatsdepartement die Agentskap gelas om die insameling van departementele intelligensie te koördineer en sonder versuim sodanige intelligensie en enige ander intelligensie wat tot die beskikking is van die Nasionale Intelligensiestrukture en wat departementele intelligensie uitmaak, te evalueer en aan die betrokke departement deur te stuur. 15

### Regulasies

6. Die President kan regulasies uitvaardig aangaande enige aangeleentheid wat nodig of dienstig is om voor te skryf ten einde die oogmerke van hierdie Wet te bereik. 20

### Herroeping van wette

7. Die Wet op Veiligheidsinligting en die Staatsveiligheidsraad, 1972 (Wet No. 64 van 1972), word hierby herroep.

### Kort titel en inwerkingtreding

8. Hierdie Wet heet die Wet op Nasionale Strategiese Intelligensie, 1994, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal. 25

- (2) The Co-ordinator for Intelligence shall—
- (a) be responsible for the functions of Nicoc referred to in section 4;
  - (b) liaise with and inform and advise the Cabinet of the activities of Nicoc on matters pertaining to national strategic intelligence;
  - 5 (c) establish after consultation with the President such structures and committees as are necessary for the administration and timeous and efficient utilisation of national, regional and local intelligence;
  - (d) be accountable to the President;
  - (e) provide national strategic intelligence to the President; and
  - 10 (f) on request of any department of State, task the Agency to co-ordinate the gathering of departmental intelligence and without delay to evaluate and transmit such intelligence and any other intelligence at the disposal of the National Intelligence Structures and which constitutes departmental intelligence to the department concerned.

### 15 Regulations

6. The President may make regulations as to any matter which is necessary or expedient to be prescribed in order that the purpose of this Act may be achieved.

### Repeal of laws

7. The Security Intelligence and State Security Council Act, 1972 (Act No. 64 of 1972), is hereby repealed.

### Short title and commencement

8. This Act shall be called the National Strategic Intelligence Act, 1994, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

