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GOVERNMENT GAZETTE

STAATSKOERANT

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PRESIDENT'S OFFICE

No. 1868. 15 November 1996

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

No. 90 of 1996: Safety Matters Rationalisation Act, 1996.

KANTOOR VAN DIE PRESIDENT

No. 1868. 15 November 1996

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

No. 90 van 1996: Wet op die Rasionalisering van Veiligheidsaangeleenthede, 1996.

GENERAL EXPLANATORY NOTE:

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

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

ACT

To provide for the rationalisation of certain laws relating to explosives, internal security, intimidation and the regulation of gatherings; to that end to amend certain laws relating to those matters; to repeal certain laws relating to those matters which apply in the former national territories of the former entities of Transkei, Bophuthatswana, Venda and Ciskei; to extend the operation of certain laws of the Republic relating to those matters to the whole of the national territory of the Republic, including the former national territories of the said entities; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 12 November 1996.)

BE IT ENACTED BY the Parliament of the Republic of South Africa, as follows:—

Amendment of laws

1. The laws of the Republic specified in Schedule 1 are hereby amended to the extent indicated in the third column thereof. 5

Repeal of laws

2. The laws specified in Schedule 2 are hereby repealed to the extent indicated in the third column thereof.

Extension of laws of Republic

3. The operation of the laws mentioned in Schedule 3 is hereby extended to all areas in the Republic, including the areas which previously constituted the national territories of Transkei, Bophuthatswana, Venda and Ciskei, and such laws, and all regulations and notices made or issued in terms of such laws, shall replace all laws, regulations and notices relating to explosives, internal security, intimidation and the regulation of gatherings applying in such areas. 10
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Pending proceedings

4. (1) No provision of this Act shall affect proceedings pending in a court of law at the commencement of this Act, and such proceedings may be continued and concluded in all respects as if this Act had not been passed.

(2) Proceedings shall for the purposes of this section be deemed to be pending at commencement of this Act— 5

- (a) in the case of civil proceedings, if a summons has been issued, but judgment has not been given; 10
- (b) in the case of criminal proceedings, if the accused has pleaded but judgment and sentence have not been given and imposed. 10

Saving

5. No provision of this Act shall—

- (a) affect the previous operation of any law repealed by section 2, or made applicable by section 3, or anything duly done or suffered under any law so made applicable or repealed; 15
- (b) affect any right, privilege, obligation or liability acquired, accrued or incurred under any law so made applicable or repealed;
- (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed in contravention of any law so made applicable or repealed;
- (d) affect any question as to whether any law was at the commencement of this Act in operation in any particular area, notwithstanding the inclusion of such law in or the omission thereof from Schedule 2 or 3; 20
- (e) affect any appointment to any office made under any law repealed by this Act, if a corresponding law mentioned in Schedule 3 also provides for such an appointment, and anything done in connection with or by virtue of any such appointment shall be deemed to have been done under such corresponding law. 25

Short title

6. This Act shall be called the Safety Matters Rationalisation Act, 1996.

SCHEDULE 1

LAWS AMENDED BY SECTION 1

No. and year of law	Short title	Extent of amendment
Act 74 of 1982	Internal Security Act, 1982 (Republic of South Africa)	<p>1. The deletion of all definitions in section 1, except that of "gathering";</p> <p>2. The repeal of sections 2, 4, 10, 12, 13, 14 and 50;</p> <p>3. The amendment of section 54—</p> <p>(a) by the deletion of paragraph (b) of subsection (6);</p> <p>(b) by the deletion of the definition of "Government of the Republic"; and</p> <p>(c) by the substitution in subsection (8) for the definition of "public building" of the following definition:</p> <p>" 'public building' means any building which or part of which is occupied by the State, any institution or body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), or any other body instituted by or under any law and to which local or other government functions have been assigned.";</p> <p>4. The repeal of sections 56, 62, 63, 65, 66, 67, 68, 69 and 73 and the Schedule.</p>
Act 205 of 1993	Regulation of Gatherings Act, 1993 (Republic of South Africa)	<p>Amendment of section 1—</p> <p>(a) by the deletion of the definition of "Commissioner";</p> <p>(b) by substitution for the definition of "local authority" of the following definition:</p> <p>" 'local authority' means any [local authority as defined in section 1 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983), within whose area of jurisdiction a gathering takes place or is to take place, but does not include a regional services council or a joint services board in respect of the area of jurisdiction of another local authority] local authority body established in terms of any law which applies in an area which forms part of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where only a regional authority body, established in terms of a law, has jurisdiction, that regional authority body;"</p> <p>(c) by the substitution for the definition of magistrate of the following definition:</p> <p>"magistrate" means a magistrate appointed in terms of the [Magistrates' Courts] Magistrates Act, 1993 (Act No. 90 of 1993);"</p>

Act No. 90, 1996

SAFETY MATTERS RATIONALISATION ACT, 1996

No. and year of law	Short title	Extent of amendment
		<p>(d) by the substitution for the definition of "Minister" of the following definition: " 'Minister' means the Minister [of Law and Order] for Safety and Security;"</p> <p>(e) by the insertion after the definition of "Minister" of the following definition: " 'National Commissioner' means the <u>National Commissioner referred to in section 6(1) of the South African Police Service Act, 1995 (Act No. 68 of 1995), and includes a Provincial Commissioner referred to in section 6(2) of the said Act;</u>"</p> <p>(f) by the deletion of the definition of "peace committee"; and</p> <p>(g) by the substitution for the definition of "Police" of the following definition: " 'Police' means the South African Police [mentioned in section 2 of the Police Act, 1958 (Act No. 7 of 1958)] <u>Service established by section 5(1) of the South African Police Service Act, 1995, and includes any body of persons established or enrolled under any law and exercising or performing the powers, duties and functions of a police</u> [force] <u>service, but does not include any body of traffic officers.</u>"</p> <p>2. The amendment of section 4, in subparagraph (iv) of paragraph (b) of subsection (2)—</p> <p>(a) by the insertion of the word "and" after "authorities"; and</p> <p>(b) by the deletion of the words "and peace committees".</p> <p>3. The amendment of section 5 by the deletion in subsection (1) of the words "peace committee or".</p> <p>4. The repeal of section 15.</p> <p>5. The substitution for section 16 of the following section: "This Act shall be called the Regulation of Gatherings Act, 1993, and shall come into operation on a date fixed by the [State] President [in consultation with the Transitional Executive Council established by section 2 of the Transitional Executive Council Act, 1993 (Act No. 151 of 1993)] by proclamation in the <i>Gazette</i>."</p>

SCHEDULE 2**LAWS OF FORMER ENTITIES REPEALED BY SECTION 2**

No. and year of law	Short title	Extension of repeal
Act 17 of 1956	Riotous Assemblies Act, 1956 (Transkei)	The whole
Act 26 of 1956	Explosives Act, 1956 (Transkei)	The whole
Act 30 of 1977	Public Security Act, 1977 (Transkei)	The whole
Act 20 of 1987	Intelligence Service and State Security Council Act, 1987 (Transkei)	The whole
Act 44 of 1950	Internal Security Act, 1950 (Venda)	Section 17 <i>bis</i>
Act 17 of 1956	Riotous Assemblies Act, 1956 (Venda)	The whole
Act 26 of 1956	Explosives Act, 1956 (Venda)	The whole
Act 13 of 1985	Maintenance of Law and Order Act, 1985 (Venda)	The whole
Proclamation 38 of 1990	Maintenance of Law and Order Amendment Proclamation, 1990 (Venda)	The whole
Proclamation 46 of 1990	Intimidation Proclamation, 1990 (Venda)	The whole
Act 17 of 1956	Riotous Assemblies Act, 1956 (Ciskei)	Sections 16 to 18, inclusive
Act 26 of 1956	Explosives Act, 1956 (Ciskei)	The whole
Decree 19 of 1993	National Security Decree, 1993 (Ciskei)	The whole, except sections 34, up to and including section 41, sections 53 and 57
Act 26 of 1956	Explosives Act, 1956 (Bophuthatswana)	The whole
Act 32 of 1979	Internal Security Act, 1979 (Bophuthatswana)	The whole
Act 21 of 1980	Internal Security Amendment Act, 1980 (Bophuthatswana)	The whole
Act 27 of 1981	National Security Council Act, 1981 (Bophuthatswana)	The whole
Act 22 of 1984	Internal Security Amendment Act, 1984 (Bophuthatswana)	The whole
Act 39 of 1985	Internal Security Amendment Act, 1985 (Bophuthatswana)	The whole
Act 40 of 1985	Security Clearance Act, 1985 (Bophuthatswana)	The whole
Act 5 of 1986	Internal Security Amendment Act, 1986 ((Bophuthatswana)	The whole
Act 13 of 1986	Security Laws Amendment Act, 1986 (Bophuthatswana)	The whole
Act 2 of 1988	Internal Security Amendment Act, 1988 (Bophuthatswana)	The whole
Act 43 of 1989	Police Special Account Act, 1989 (Bophuthatswana)	The whole

Act No. 90, 1996**SAFETY MATTERS RATIONALISATION ACT, 1996**

No. and year of law	Short title	Extension of repeal
Act 5 of 1991	Internal Security Amendment Act, 1991 (Bophuthatswana)	The whole
Act 23 of 1991	Intimidation Act, 1991 (Bophuthatswana)	The whole
Act 56 of 1992	Internal Security Amendment Act, 1992 (Bophuthatswana)	The whole
Act 57 of 1992	Internal Security Second Amendment Act, 1992 (Bophuthatswana)	The whole
Act 59 of 1992	Prevention and Control of Mass Action Act, 1992 (Bophuthatswana)	The whole

SCHEDULE 3

ACTS OF THE REPUBLIC OF SOUTH AFRICA THE OPERATION OF WHICH IS EXTENDED TO THE WHOLE OF THE NATIONAL TERRITORY BY SECTION 3

No. and year of law	Short title	Extent of application
Act 17 of 1956	Riotous Assemblies Act, 1956	The whole
Act 26 of 1956	Explosives Act, 1956	The whole
Act 72 of 1982	Intimidation Act, 1982	The whole
Act 74 of 1982	Internal Security Act, 1982	The whole (as amended in terms of section 1 of this Act)
Act 71 of 1982	Demonstrations in or near Court Buildings Prohibition Act, 1982	The whole
Act 205 of 1993	Regulation of Gatherings Act, 1993	The whole