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UNIE VAN SUID-AFRIKA

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PROCLAMATION

BY HIS EXCELLENCY THE HONOURABLE CHARLES ROBERTS SWART, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

No. R. 413, 1960.]

REGULATIONS FOR THE ADMINISTRATION OF THE TRANSKEIAN TERRITORIES.

Under and by virtue of the powers vested in me by law, I hereby declare that the regulations contained in the First Schedule to Proclamation No. R. 400 of 1960 are hereby amended in accordance with the accompanying Schedule.

GOD SAVE THE QUEEN.

Given under my Hand and Great Seal at Brandfort on this Twelfth day of December, One thousand Nine hundred and Sixty.

C. R. SWART,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

M. D. C. DE WET NEL.

SCHEDULE.

REGULATION 3.

1. (a) In sub-regulation (2) after the words "South African Police" insert the word "or of the South African Defence Force"; and

(b) in the proviso to sub-regulation (5) after the words "South African Police" insert the words "or of the South African Defence Force".

REGULATION 4.

2. In paragraph (d) of sub-regulation (6) after the words "Transkeian Territories" insert the words "or a commissioned officer of the South African Defence Force in the said Territories".

REGULATION 15.

3. Substitute for the words "The South African Police Force" the words "Any officer or member of the South African Police Force or of the South African Defence Force".

REGULATION 16.

4. (a) Insert the following heading immediately above regulation 16:—

"INDEMNITY";

(b) after the words "employee of the State" insert the words "any officer or member of the South African Defence Force"; and

(c) after the words "South African Police" insert the words "or of the South African Defence Force".

REGULATION 16 bis.

5. Insert the following regulation after regulation 16:—

"16 bis. (1) No criminal action shall be capable of being instituted against any person referred to in regulation 16 by reason of any act in good faith advised, commanded or done by him in the execution of his powers or the performance of his duties in

PROKLAMASIE

VAN SY EKSELLENSIE DIE EDELE CHARLES ROBERTS SWART, GOEWERNEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

No. R. 413, 1960.]

REGULASIES VIR DIE ADMINISTRASIE VAN DIE TRANSKEISE GEBIEDE.

Kragtens die bevoegdheid my by wet verleen, verklaar ek hierby dat die regulasies vervat in die Eerste Bylae van Proklamasie No. R. 400 van 1960 ooreenkomstig bygaande Bylae gewysig word.

GOD BEHOEDE, DIE KONINGIN.

Gegee onder my Hand en Grootseël te Brandfort, op hede die Twaalfde dag van Desember Eenduisend Nege-honderd-en-sestig.

C. R. SWART,
Goewerneur-generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

M. D. C. DE W. NEL.

BYLAE.

REGULASIE 3.

1. (a) Voeg die woorde „of van die Suid-Afrikaanse Weermag” in na die woorde „Suid-Afrikaanse Polisie” in subregulasie (2); en

(b) voeg die woorde „of van die Suid-Afrikaanse Weermag” in na die woorde „Suid-Afrikaanse Polisie” in die voorbehoudsbepaling van subregulasie (5).

REGULASIE 4.

2. Voeg die woorde „of ’n offisier van die Suid-Afrikaanse Weermag in genoemde gebiede” in na die woorde „Transkeise gebiede” in paragraaf (d) van sub-regulasie (6).

REGULASIE 15.

3. Vervang die woorde „Die Suid-Afrikaanse Polisie-mag” deur die woorde „Enige offisier of lid van die Suid-Afrikaanse Polisiemag of van die Suid-Afrikaanse Weermag”.

REGULASIE 16.

4. (a) Voeg die volgende opskrif onmiddellik bokant regulasie 16 in:—

„VRYWARING.”;

(b) voeg die woorde „’n offisier of lid van die Suid-Afrikaanse Weermag” na die woorde „werknemer van die Staat” in; en

(c) voeg die woorde „of van die Suid-Afrikaanse Weermag” na die woorde „Suid-Afrikaanse Polisie” in.

REGULASIE 16 bis.

5. Voeg die volgende regulasie na regulasie 16 in:—

„16. bis (1) Geen kriminele geding kan teen ’n in regulasie 16 vermelde persoon weens ’n handeling wat te goeder trou deur hom aangeraai, bevel of verrig is by die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede ingevolge hierdie

pursuance of these regulations or for dealing with circumstances which have arisen or are likely to arise from the application of these regulations.

(2) If in any action brought against any person referred to in this regulation the question arises whether any act advised, commanded or done by him was advised, commanded or done by him in good faith, it shall be presumed, until the contrary is proved, that that act was advised, commanded or done by him in good faith."

REGULATION 18.

6. Insert the following heading immediately above regulation 18:—

"PENALTIES".

REGULATIONS 19, 20 AND 21.

7. After regulation 18, insert the following regulations:—

"MEASURES TO TRACE OFFENDERS.

19. (1) Whenever a Native Commissioner or a commissioned or non-commissioned officer of the South African Police, is satisfied that any person has committed an offence under these regulations or under any other law, or whenever the said Native Commissioner or commissioned or non-commissioned officer has reason to suspect that any person has or had the intention to commit such an offence the said Native Commissioner or commissioned or non-commissioned officer may without warrant arrest or cause to be arrested any person whom he suspects upon reasonable grounds of having taken part or intending or having intended to take part in the offence or intended offence in question or who in the opinion of the said Native Commissioner or commissioned or non-commissioned officer is in possession of any information relating to the said offence or intended offence, and the said Native Commissioner or commissioned or non-commissioned officer may question or cause to be questioned the said person in regard to any matter which has any bearing upon the said offence or intended offence and may detain or cause to be detained him at any place which the said Native Commissioner or commissioned or non-commissioned officer deems suitable for the purpose until the said Native Commissioner or commissioned or non-commissioned officer is satisfied that the said person has answered fully and truthfully all questions put to him which have any bearing upon the said offence or intended offence.

(2) The Minister may at any time upon such conditions as he may determine, cause to be released any person arrested and detained under sub-regulation (1), and if such person fails to comply with any such condition, he shall be guilty of an offence.

CONSULTATION WITH LEGAL ADVISERS.

20. No person who has been arrested and is being detained under regulation 19 shall, without the consent of the Minister or person acting under his authority, be allowed to consult with a legal adviser in connection with any matter relating to the arrest and detention of such person.

ARREST OF OFFENDERS.

21. A Native Commissioner, a commissioned or non-commissioned officer of the South African Defence Force or a peace officer as defined in section one of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), may with or without warrant cause to be arrested or himself arrest any person who has committed an offence under these regulations or who is suspected upon reasonable grounds of having committed such an offence."

regulasies of om met omstandighede te handel wat as gevolg van die toepassing van hierdie regulasies ontstaan het of waarskynlik sal ontstaan, ingestel word nie.

(2) Indien by enige geding ingestel teen enige persoon genoem in hierdie regulasie, die vraag ontstaan of 'n handeling wat deur hom aangeraai, beveel of verrig is, deur hom te goeder trou aangeraai, beveel of verrig is, word vermoed, totdat die teendeel bewys word, dat daardie handeling deur hom te goeder trou aangeraai, beveel of verrig is."

REGULASIE 18.

6. Voeg die volgende opskrif onmiddellik bokant regulasie 18 in:—

"STRAFBEPALINGS."

REGULASIES 19, 20 EN 21.

7. Voeg die volgende regulasies na regulasie 18 in:—

"MAATREËLS VIR DIE OPSPORING VAN OORTREDERS.

19. (1) Indien 'n Naturellekommissaris of 'n offisier of onderoffisier van die Suid-Afrikaanse Polisie daarvan oortuig is dat iemand 'n misdryf ingevolge hierdie regulasies of ingevolge enige ander wet, gepleeg het of indien bedoelde Naturellekommissaris of offisier of onderoffisier rede het om te vermoed dat iemand voornemens is of was om so 'n misdryf te pleeg kan bedoelde Naturellekommissaris of offisier of onderoffisier enigiemand wat hy op redelike gronde daarvan verdink dat hy deelgeneem het of van plan is of was om aan die pleging van daardie misdryf of voorgenome misdryf deel te neem of wat na die oordeel van bedoelde Naturellekommissaris of offisier of onderoffisier oor enige inligting met betrekking tot daardie misdryf of voorgenome misdryf beskik met of sonder lasbrief arresteer of laat arresteer, en bedoelde Naturellekommissaris of offisier of onderoffisier kan daardie persoon met betrekking tot enige aangeleentheid wat op daardie misdryf of voorgenome misdryf betrekking het ondervra of laat ondervra en hom in enige plek wat die bedoelde Naturellekommissaris of offisier of onderoffisier daarvoor geskik ag aanhou of laat aanhou totdat bedoelde Naturellekommissaris of offisier of onderoffisier daarvan oortuig is dat daardie persoon al die aan hom gestelde vrae wat op die bedoelde misdryf of voorgenome misdryf betrekking het, volledig en juis beantwoord het.

(2) Die Minister kan te eniger tyd iemand wat kragtens subregulasie (1) in hegtenis geneem is en aangehou word, op sulke voorwaardes as wat hy mag bepaal, laat vrystel en indien daardie persoon versuim om aan enige van bedoelde voorwaardes te voldoen, is hy aan 'n misdryf skuldig.

OORLEGPLEGING MET REGSADVISEURS.

20. Geen persoon wat kragtens regulasie 19 gearresteerd is en aangehou word, word sonder die goedkeuring van die Minister of iemand wat op sy gesag handel toegelaat om met 'n regsadviseur oorleg te pleg in verband met iets wat in verband staan met daardie persoon se arrestasie en aanhouding nie.

ARRES VAN OORTREDERS.

21. 'n Naturellekommissaris, 'n offisier of onderoffisier van die Suid-Afrikaanse Weermag of 'n vredesbeampte soos omskryf in artikel een van die Strafproseswet, 1955 (Wet No. 56 van 1955) kan iemand wat 'n misdryf kragtens hierdie regulasies begaan het of wat op redelike gronde daarvan verdink word dat hy so 'n misdryf begaan het, met of sonder lasbrief arresteer of laat arresteer."

CONTENTS.

No.	PAGE
PROCLAMATION.	
R. 413. Regulations for the Administration of the Transkeian Territories: Amendment ...	1

The Government Printer, Pretoria.

INHOUD

No.	BLADSY
PROKLAMASIE.	
R. 413. Regulasies vir die Administrasie van die Transkeise Gebiede: Wysiging ...	1

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