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PROKLAMASIE

*van die Staatspresident van die Republiek van
Suid-Afrika*

No. R. 252, 1977

**REGULASIES VIR DIE ADMINISTRASIE VAN
DIE CISKEI**

Kragtens die bevoegdheid my verleen by artikel 25 van die Bantoe-administrasiewet, 1927 (Wet 38 van 1927), maak ek die regulasies vervat in die bygaande Bylae en verklaar ek dat ondanks andersluidende bepalings vervat in enige ander wet, hierdie regulasies die krag van wet het in die Ciskei.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sewe-en-twintigste dag van September Eenduisend Negehoenderd Sewe-en-sewentig.

N. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

BYLAE

**REGULASIES VIR DIE ADMINISTRASIE
VAN DIE CISKEI**

Woordomskrywing

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

“Ciskei” die gebied bedoel in artikel 2 van Proklamasie R. 187 van 1972, soos gewysig;

“hoofman” ’n hoofman of waarnemende hoofman aangestel kragtens artikel 2 (8) van die Bantoe-administrasie Wet, 1927;

“Kabinet” die Kabinet van die Ciskei;

“kaptein” ’n hoofkaptein, kaptein of onderkaptein aangestel of erken kragtens artikel 2 (7) van genoemde Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), en sluit in ’n waarnemende kaptein aangestel kragtens artikel 2 (8) van genoemde Bantoe-administrasie Wet, 1927;

“Minister” die Minister van Justisie van die Ciskei;

“persoon” ’n Bantoe soos omskryf in artikel 35 van genoemde Bantoe-administrasie Wet, 1927;

“Polisie” enige polisiemag ingestel kragtens enige wet of enige lid van genoemde polisiemag;

PROCLAMATION

*by the State President of the Republic of
South Africa*

No. R. 252, 1977

**REGULATIONS FOR THE ADMINISTRATION OF
THE CISKEI**

Under and by the virtue of the powers vested in me by section 25 of the Bantu Administration Act, 1927 (Act 38 of 1927), I make the regulations contained in the Schedule hereto and declare that, notwithstanding anything to the contrary contained in any other law, these regulations shall have the force of law in the Ciskei.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-seventh day of September, One thousand Nine hundred and Seventy-seven.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

SCHEDULE

**REGULATIONS FOR THE ADMINISTRATION OF
THE CISKEI**

Definitions

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

“Ciskei” means the area referred to in section 2 of Proclamation R. 187 of 1972, as amended;

“headman” means a headman or acting headman appointed in terms of section 2 (8) of the said Bantu Administration Act, 1927;

“Cabinet” means the Cabinet of the Ciskei;

“chief” means a paramount chief, a chief or subchief appointed or recognised in terms of section 2 (7) of the Bantu Administration Act, 1927 (Act 38 of 1927), and includes an acting chief appointed in terms of section 2 (8) of the said Bantu Administration Act, 1927;

“Minister” means the Minister of Justice of the Ciskei;

“person” means a Bantu as defined in section 35 of the said Bantu Administration Act, 1927;

“Police” means any police force established in terms of any law or any member of such police force;

"Regering" die Regering van die Ciskei;
 "vergadering" 'n vergadering, byeenkoms of samekoms waarby meer as tien persone op enige besondere tydstop aanwesig is.

Toepassing van regulasies

2. Waar ook al enigiets in enige ander wet vervat, strydig is met hierdie regulasies, geld die bepalings van hierdie regulasies, vir solank hulle van krag is, bo die bepalings van enige sodanige ander wet.

Vergaderings, byeenkomste en samekomste

3. (1) Behoudens die bepalings van hierdie regulasies is enige vergadering onwettig, tensy—

(a) die hou daarvan skriftelik deur die Magistraat van die distrik waarin dit gehou word, gemagtig is;

(b) dit gehou word op 'n tyd en plek en ooreenkomstig sulke ander voorwaardes as wat genoemde Magistraat mag voorskryf, soos hy hierby gemagtig word om te doen.

(2) 'n Magistraat, 'n offisier of onderoffisier van die Polisie kan die persone wat op 'n onwettige vergadering aanwesig is, beveel om uiteen te gaan en om onverwyld te vertrek van die plek van sodanige vergadering en hy kan sodanige verdere bevel gee as wat hy nodig ag om 'n verdere onwettige vergadering deur sodanige persone te voorkom.

(3) 'n Persoon wat versuim of nalaat om 'n bevel kragtens subregulasie (2) gegee, te gehoorsaam, begaan 'n misdryf.

(4) Indien 'n bevel kragtens subregulasie (2) gegee, nie onverwyld gehoorsaam word nie, kan die persoon wat dié bevel gee, niesteenstaande die bepalings van subregulasie (3), enige stappe doen of die doen van enige stappe magtig wat na sy oordeel nodig is om uitvoering van die bevel te bewerkstellig.

(5) Die bepalings van subregulasie (1) is nie van toepassing nie op 'n vergadering—

(a) gehou vir die doel van 'n bona fide kerkdiens of begrafnis;

(b) gehou in verband met die reëling van die huishoudelike sake van 'n huishouding;

(c) van die lede van 'n by wet ingestelde liggaam van persone wat uitsluitlik vir die verrigting van besigheid van daardie liggaam gehou word;

(d) gehou vir die doel van onderrig wat ingevolge 'n wet gegee word;

(e) synde 'n bona fide sportbyeenkoms, konsert of vermaaklikheid;

(f) van die Wetgewende Vergadering, enige stam-, gemeenskap- of streeksowerheid ingestel kragtens die Wet op Bantoe-owerhede, 1951 (Wet 68 van 1951);

(g) gehou vir amptelike administratiewe of geregtelike doeleindes:

Met dien verstande dat 'n magistraat, 'n offisier of onderoffisier van die Polisie te enige tyd die hou van enige bepaalde vergadering van 'n kategorie in paragrawe (a) tot en met (e) genoem, kan verbied, waarna sodanige vergadering onwettig geag word vir doeleindes van hierdie regulasies.

(6) 'n Magistraat kan, sonder voorafgaande kennisgewing aan enige betrokke persoon, skriftelik onder sy handtekening enige persoon belet om 'n vergadering ingevolge subregulasie (1) gemagtig of in paragrawe (a) tot en met (g) van subregulasie (5) genoem, te hou, daarop voor te sit, dit toe te spreek of daarop aanwesig te wees.

(7) 'n Persoon wat 'n onwettige vergadering hou, daarop voorsit, dit toespreek of daarop aanwesig is, of daardie vergadering belê het, of wat toelaat dat 'n onwettige vergadering in sy huis, hut of kraal of op 'n ander perseel of grond onder sy beheer, gehou word, of wat versuim of nalaat om 'n voorwaarde ingevolge subregulasie (1) (b)

"Government" means the Government of the Ciskei;
 "meeting" means a meeting, gathering or assembly at which more than 10 persons are present at any one time.

Application of regulations

2. Wherever anything contained in any other law is inconsistent with these regulations, the provisions of these regulations shall for as long as they are in force, prevail over the provisions of any such other law.

Meetings, gatherings and assemblies

3. (1) Subject to the provisions of these regulations any meeting shall be unlawful, unless—

(a) the holding thereof has been authorised in writing by the Magistrate of the district in which it is held;

(b) it is held at the time and place and in accordance with such other conditions as such Magistrate may specify, as he is hereby authorised to do.

(2) A Magistrate, a commissioned or non-commissioned officer of the Police, may order the persons present at any unlawful meeting to disperse and forthwith to depart from the place of such meeting and he may give such further order as he may deem necessary to prevent a further unlawful meeting by such persons.

(3) Any person who fails or neglects to obey an order given in terms of subregulation (2) shall be guilty of an offence.

(4) If an order given in terms of subregulation (2) is not obeyed forthwith, the person giving such order may, notwithstanding the provisions of subregulation (3), take such steps or authorise the taking of such steps as in his opinion are necessary to effect execution of the order.

(5) The provisions of subregulation (1) shall not apply to any meeting—

(a) held for the purpose of a bona fide church service or a funeral;

(b) held in connection with the regulation of the domestic affairs of any household;

(c) of the members of a statutory body of persons, held exclusively for the purpose of transacting any business of that body;

(d) held for the purpose of instruction imparted under any law;

(e) being a bona fide sports gathering, concert or entertainment;

(f) of the Legislative Assembly, any tribal, community or regional authority established in terms of the Bantu Authorities Act, 1951 (Act 68 of 1951);

(g) held for official, administrative or judicial purposes:

Provided that a Magistrate, a commissioned or non-commissioned officer of the Police may at any time prohibit the holding of any specific meeting of a category referred to in paragraphs (a) to and including (e) whereupon such meeting shall be deemed to be unlawful for the purposes of these regulations.

(6) A Magistrate may, without prior notice to any person concerned, by writing under his hand prohibit any person from holding, presiding at, addressing or being present at any meeting authorised in terms of subregulation (1) or referred to in paragraphs (a) to and including (g) of subregulation (5).

(7) Any person who holds, presides at addresses or is present at any unlawful meeting or who convened such meeting, or who permits an unlawful meeting to be held in his house, hut or kraal or on other premises or land under his control, or who fails or neglects to comply with any condition imposed in terms of subregulation (1) (b), or

opgelê, na te kom, of wat, nadat hy kragtens subregulasie (6) verbied is, in vergadering genoem in subregulasie (6) hou, daarop voorsit, dit toespreek of daarop aanwesig is, begaan 'n misdryf.

(8) In enige geding ingevolge hierdie regulasie waarin die vraag ontstaan of 'n vergadering onwettig of nie onwettig was nie, word veronderstel dat, tensy die teendeel bewys word, sodanige vergadering onwettig was.

Ondermynende of intimiderende verklarings of optrede

4. 'n Persoon wat—

(a) 'n verklaring, mondelings of skriftelik, doen of enige handeling verrig waarvan die bedoeling is of die waarskynlike uitwerking sal wees die ondermyning van of inmenging met die gesag van die Regering of 'n amptenaar [insluitende 'n amptenaar ingevolge die bepalings van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), toegewys om die Regering behulpzaam te wees], in diens van die Regering of van 'n kaptein of hoofman;

(b) 'n verklaring, mondelings of skriftelik doen, of enige handeling verrig, wat bestaan uit 'n dreigement of 'n dreigement bevat, dat 'n persoon in die Ciskei aan 'n boikot onderwerp sal word of dat geweld, verlies benadeling of ongerief hom aangedoen sal word, hetsy aan sy persoon of eiendom of aan die persoon of eiendom van enige lid van sy familie of huishouding;

(c) 'n boikot organiseer of deelneem aan 'n georganiseerde boikot van 'n vergadering belê deur 'n amptenaar van die Regering of deur 'n kaptein of hoofman;

(d) 'n boikot organiseer of deelneem aan 'n georganiseerde boikot met die doel om verlies, nadeel of ongerief aan engeen of enige liggaam te doen;

(e) 'n kaptein of hoofman aan wie se gesag hy onderworpe is, met oneerbiedigheid, minagting of bespotting bejeën of nalaat of versuim om daardie eerbied en gehoorsaamheid te betoon aan en sodanige dienste te verrig vir sodanige kaptein of hoofman as wat ooreenkomstig Bantoereg en -gewoonte betoon of verrig moet word;

begaan 'n misdryf.

Verbodsbevele

5. (1) Die Minister kan, met die goedkeuring van die Kabinet en sonder voorafgaande kennisgewing aan die betrokke persoon, 'n bevel uitreik teen sodanige persoon wat hom verbied om enige deel van die Ciskei soos in die bevel mag word, binne te gaan, daarin te wees of daarin te vertoef vir sodanige tydperk as wat die Minister mag bepaal.

(2) 'n Persoon wat nalaat of weier om aan enige bevel gemaak ingevolge subregulasie (1), te voldoen, begaan 'n misdryf.

Uitvoering van bevele

6. Die Polisie word hierby gemagtig om hulp te verleen, insluitende die toepassing van die nodige geweld, aan 'n Magistraat in verband met die uitoefening van enige mag by hierdie regulasies aan hom opgedra.

Vrywaring

7. Geen siviele geding hoegenaamd ten opsigte van 'n eiisoorsaak wat ontstaan uit of in verband met die werking van hierdie regulasies kan teen die Regering, Kabinet of 'n Minister van die Ciskei, 'n amptenaar in paragraaf (a) in regulasie 4 bedoel, of 'n persoon wat optree kragtens die gesag of lasgewing van 'n Magistraat, of die Polisie.

Arres en aanhouding

8. (1) Ondanks andersluidende wetsbepalings mag geen persoon in die Ciskei—

(a) enige persoon afskrik van die wettige handhawing van wet en orde nie;

who, having been prohibited in terms of subregulation (6), holds, presides at, addresses or is present at any meeting referred to in the said subregulation (6), shall be guilty of an offence.

(8) In any proceedings under this regulation involving the question whether a meeting was or was not unlawful, it shall be presumed, unless the contrary is proved, that such meeting was unlawful.

Subversive or intimidating statements or actions

4. Any person who—

(a) makes any statement, verbally or in writing, or performs any act which is intended or is likely to have the effect of subverting or interfering with the authority of the Government or any officer [including an officer designated to assist the Government in terms of the provisions of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971)], in the employ of the Government, or of any chief or headman;

(b) makes any statement, verbally or in writing, or performs any act which consists of or contains any threat that any person in the Ciskei will be subjected to any boycott, or will suffer any violence, loss, disadvantage or inconvenience to his person or property or to the person or in the property of any member of his family or household;

(c) organises or takes part in any organised boycott of any meeting convened by an officer of the Government or by any chief or headman;

(d) organises any boycott, or takes part in any organised boycott, with the object of causing loss, disadvantage or inconvenience to anyone or any body;

(e) treats the chief or headman to whose authority he is subject with disrespect, contempt or ridicule, or fails or neglects to show that respect and obedience and to render such services to such chief or headman as should be shown or rendered in accordance with Bantu law and custom;

shall be guilty of an offence.

Prohibition orders

5. (1) The Minister, on the authority of the Cabinet, may, without prior notice to the person concerned, issue an order against such person, prohibiting him from entering into, being in or remaining in any part of the Ciskei as may be specified in such order for such period as the Minister may determine.

(2) Any person who neglects or refuses to comply with any order made in terms of subregulation (1), shall be guilty of an offence.

Execution of orders

6. The Police are hereby authorised to render assistance, including the application of the necessary force, to any Magistrate in respect of the exercise of any power, conferred upon him by these regulations.

Indemnity

7. No civil action whatsoever in respect of any cause of action arising out of or in connection with the operation of these regulations shall be capable of being instituted against the Government, the Cabinet or any Minister of the Ciskei, any officer contemplated in paragraph (a) of regulation 4 or any person acting under the authority or by direction of a magistrate or the Police.

Arrest and detention

8. (1) Notwithstanding anything to the contrary in any other law contained no person in the Ciskei may—

(a) hamper or deter any person from the lawful maintenance of law and order;

(b) die verwesenliking van enige onwettige oogmerk deur vreesaanjagting bevorder nie;

(c) 'n opstand of gewelddadige verset teen die Regering veroorsaak, aanmoedig of bevorder nie;

(d) deur geweld of gewelddadige wyse die verwesenliking deur enige persoon van enige politieke oogmerk, insluitende die teweegbring van enige maatskaplike of ekonomiese verandering, aanmoedig of bevorder nie;

(e) ooreenkomstig die voorskrifte of onder leiding van of in samewerking met of met die hulp van enige buitelandse regering of enige buitelandse of internasionale liggaam of instelling die verwesenliking van enige politieke oogmerk deur enige persoon insluitende die teweegbring van enige maatskaplike of ekonomiese verandering, bevorder of aanmoedig nie;

(f) sonder grondige redes die Regering, die Kabinet of enige amptenaar in paragraaf (a) van regulasie 4 bedoel in die verleentheid stel met betrekking tot die administrasie van die sake van die Regering nie.

(2) Die Minister kan, met die goedkeuring van die Kabinet, enige offisier van die Polisie skriftelik beveel om 'n persoon wat enige van die bepalings van subregulasie (1) oortree het of met 'n persoon saamgesweer het of 'n persoon aangeraai het om enige van die bepalings van subregulasie (1) te oortree of wat die Minister om grondige redes vermoed aldus opgetree het, te arresteer en aan te hou of laat arresteer en aan te hou.

(3) 'n Kragtens subregulasie (2) aangehoudene mag in enige polisieplek, polisie toesluitingsplek of gevangenis vir 'n maksimum tydperk van 90 dae aangehou word of totdat sy vrylating deur die Minister beveel word, watter tydperk ookal die kortste is.

(4) Geen persoon sal, behalwe met die toestemming van die Minister, toegang hê tot 'n kragtens subregulasie (2) aangehoudene nie: Met dien verstande dat sodanige persoon ten minste eenkeer per week besoek word deur die Magistraat, Addisionele Magistraat of Assistent Magistraat van die distrik waarin hy aangehou word.

(5) Geen hof is bevoeg om die vrylating uit hegtenis van enige persoon wat kragtens subregulasie (2) aangehou is, te beveel nie.

Verbod op interdikte

9. Geen interdik of ander geregtelike prosesstukke word uitgevaardig vir die opskorting van 'n bevel uitgereik, besluit geneem of lasgewing uitgereik ingevolge hierdie regulasies, en sodanige bevel, besluit of lasgewing word ook nie opgeskort as gevolg van 'n appél teen 'n skuldigbevinding ingevolge hierdie regulasies nie.

Strafbepalings

10. (1) Enigeen wat aan 'n misdryf ingevolge hierdie regulasies skuldig bevind is by skuldigbevinding strafbaar met 'n boete van hoogstens R600, of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens drie jaar, of met sodanige gevangenisstraf sonder die keuse van 'n boete, of met sowel sodanige boete as gevangenisstraf.

(2) 'n Magistraatshof het regspraak om enige straf op te lê wat by hierdie regulasies voorgeskryf word.

(Lêer R203/5)

(b) promote by intimidation, the achievement of any unlawful object;

(c) cause, encourage, or further insurrection against, or forcible resistance to, the Government;

(d) by violence or forcible means, further or encourage the achievement of any political aim by any person, including the bringing about of any social or economic change;

(e) in accordance with the direction or under the guidance of or in co-operation with or with the assistance of any foreign government or any foreign or international body or institution, further or encourage the achievement of any political aim by any person, including the bringing about of any social or economic change;

(f) without good cause, embarrass the Government, the Cabinet or any officer contemplated in paragraph (a) of regulation 4 in relation to the administration of the affairs of the Government.

(2) The Minister may, with the approval of the Cabinet, order in writing any commissioned officer of the Police to arrest and detain, or cause to be arrested and detained, any person who has or whom the Minister, on good grounds, suspects of having, contravened any of the provisions of sub-regulation (1), or who conspires with or incites, or advises any person to contravene any of the provisions of subregulation (1).

(3) Any person detained in terms of subregulation (2) may be lodged in any police cell, police lock-up or prison for a maximum period of 90 days or until such time as his release is ordered by the Minister, whichever is the sooner.

(4) No person shall, except with the consent of the Minister, have access to any person detained in terms of subregulation (2): Provided that not less than once each week such person shall be visited by the Magistrate, Additional Magistrate or Assistant Magistrate of the district in which he is detained.

(5) No court shall have jurisdiction to order the release from custody of any person detained in terms of subregulation (2).

Prohibition of interdicts

9. No interdict or other legal process shall be issued for the stay of any order issued, decision made or direction given under these regulations, nor shall any such order, decision or direction be suspended by reason of any appeal against a conviction under these regulations.

Penalties

10. (1) Any person convicted of any offence under these regulations shall be liable on conviction to a fine not exceeding R600 or in default of payment, to imprisonment for a period not exceeding three years, or to such imprisonment without the option of a fine, or to both such fine and imprisonment.

(2) A Magistrate's court shall have jurisdiction to impose the penalties prescribed by this regulation.

(File R203/5)

INHOUD

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