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No. 9877

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 121, 1985

**REGULATIONS IN TERMS OF THE PUBLIC SAFETY
 ACT, 1953**

By virtue of the powers vested in me by section 3 (1) (a) of the Public Safety Act, 1953 (Act 3 of 1953), I hereby make with effect from 21 July 1985, in the magisterial districts mentioned in Schedule I, in which the existence of a state of emergency has been declared in terms of section 2 of the said Act as from 21 July 1985, the regulations contained in Schedule II, and in terms of section 3 (1) (b) of the said Act I hereby declare regulation 11 of the said regulations to apply also in all the other magisterial districts in the Republic of South Africa with effect from 21 July 1985.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twentieth day of July, One thousand Nine hundred and Eighty-five.

P. W. BOTHA,
 State President.

By Order of the State President-in-Cabinet:
 L. LE GRANGE.

SCHEDULE I

Magisterial districts Adelaide, Albany, Alexandria, Bathurst, Bedford, Cradock, Fort Beaufort, Graaff-Reinet, Hankey, Humansdorp, Jansenville, Kirkwood, Pearston, Port Elizabeth, Somerset East, Steytlerville and Uitenhage, Cape of Good Hope;

Sasolburg, Orange Free State;

Alberton, Balfour, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Nigel, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria, Transvaal.

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 121, 1985

**REGULASIES KRAGTENS DIE WET OP OPENBARE
 VEILIGHEID, 1953**

Kragtens die bevoegdheid my verleen by artikel 3 (1) (a) van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), vaardig ek hierby met ingang van 21 Julie 1985, in die landdrosdistrikte in Bylae I vermeld, waarin die bestaan van 'n noodtoestand kragtens artikel 2 van genoemde Wet vanaf 21 Julie 1985 verklaar is, die regulasies uit wat in Bylae II vervat is, en kragtens artikel 3 (1) (b) van genoemde Wet verklaar ek regulasie 11 van genoemde regulasies ook in al die ander landdrosdistrikte in die Republiek van Suid-Afrika van toepassing met ingang van 21 Julie 1985.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Twintigste dag van Julie Eenduisend Negehonderd Vyf-en-tagtig.

P. W. BOTHA,
 Staatspresident.

Op las van die Staatspresident-in-Kabinet:
 L. LE GRANGE.

BYLAE I

Landdrosdistrikte Adelaide, Albany, Alexandria, Bathurst, Bedford, Cradock, Fort Beaufort, Graaff-Reinet, Hankey, Humansdorp, Jansenville, Kirkwood, Pearston, Port Elizabeth, Somerset-Oos, Steytlerville en Uitenhage, Kaap die Goeie Hoop;

Sasolburg, Oranje-Vrystaat;

Alberton, Balfour, Benoni, Boksburg, Brakpan, Delmas, Germiston, Heidelberg, Johannesburg, Kempton Park, Nigel, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria, Transvaal.

SCHEDULE II**Definitions**

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

- (i) "Act" means the Public Safety Act, 1953 (Act 3 of 1953); (iv)
- (ii) "Force" means the South African Police referred to in the definition of "the Force" in section 1 of the Police Act, 1958 (Act 7 of 1958), the South African Railways Police Force established under section 43 of the South African Transport Services Act, 1981 (Act 65 of 1981), the South African Defence Force referred to in section 5 of the Defence Act, 1957 (Act 44 of 1957), or the Prisons Service established by section 2 (1) of the Prisons Act, 1959 (Act 8 of 1959); (ii)
- (iii) "Minister" means the Minister of Law and Order; (iii)
- (iv) "prison" means a prison referred to in paragraph (a) or (b) of section 20 (1) of the Prisons Act, 1959 (Act 8 of 1959), including a police cell or lock-up. (i)

Maintenance of order

2. (1) Whenever any commissioned, warrant or non-commissioned officer in a Force is of the opinion that the presence or conduct of any person or persons at any place in a magisterial district mentioned in Schedule I, endangers or may endanger the safety of the public or the maintenance of public order, or exposes or may expose life or property to danger, he shall in a loud voice in each of the official languages order such person or persons to proceed to a place indicated in the order, or to desist from such conduct, and shall warn such person or persons that force will be used if the order is not obeyed forthwith.

(2) If any such order is not obeyed forthwith, the commissioned, warrant or non-commissioned officer, as the case may be, 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 suspected danger.

Arrest and detention of persons

3. (1) A member of a Force may, without warrant of arrest, arrest or cause to be arrested any person whose detention is, in the opinion of such member, necessary for the maintenance of public order or the safety of the public or that person himself, or for the termination of the state of emergency, and may, under a written order signed by any member of a Force, detain, or cause to be detained, any such person in custody in a prison.

(2) No person shall be detained in terms of subregulation (1) for a period exceeding 14 days from the date of his detention, unless that period is extended by the Minister in terms of subregulation (3).

(3) The Minister may by written notice signed by him and addressed to the head of a prison, order that any person arrested and detained in terms of subsection (1) be detained in that prison during the further period mentioned in the notice.

(4) A person detained in a prison pursuant to an order referred to in subregulation (1), or a notice referred to in subregulation (3), may be removed in custody from that prison to, and detained in, any other prison, should the Minister or a person authorized by him so order in writing.

BYLAE II**Woordomskrywing**

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

- (i) "gevangenis" 'n gevangenis bedoel in paragraaf (a) of (b) van artikel 20 (1) van die Wet op Gevangenis, 1959 (Wet 8 van 1959), met inbegrip van 'n polisieel of -opsluitplek; (iv)
- (ii) "Mag" die Suid-Afrikaanse Polisie bedoel in die omskrywing van "die Mag" in artikel 1 van die Polisiewet, 1958 (Wet 7 van 1958), die Suid-Afrikaanse Spoorwegpolisiemag ingestel kragtens artikel 43 van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet 65 van 1981), die Suid-Afrikaanse Weermag bedoel in artikel 5 van die Verdedigingswet, 1957 (Wet 44 van 1957), of die Gevangenisdiens ingestel by artikel 2 (1) van die Wet op Gevangenis, 1959 (Wet 8 van 1959); (ii)
- (iii) "Minister" die Minister van Wet en Orde; (iii)
- (iv) "Wet" die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953). (i)

Handhawing van orde

2. (1) Wanneer 'n offisier, adjudant-offisier of 'n onder-offisier in 'n Mag van oordeel is dat die aanwesigheid of gedrag van 'n persoon of persone by enige plek in 'n landrostdistrik in Bylae I vermeld die veiligheid van die publiek of die handhawing van die openbare orde in gevaar stel of in gevaar mag stel, of lewe of eiendom aan gevaar blootstel of mag blootstel, moet hy met luide stem in elkeen van die amptelike tale daardie persoon of persone beveel om na 'n plek in die bevel aangedui, 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 so 'n bevel nie onmiddellik gehoorsaam word nie, kan die offisier, adjudant-offisier of onderoffisier, na gelang van die geval, die geweld toepas, of die toepassing daarvan beveel, wat hy onder die omstandighede nodig ag, ten einde die vermeende gevaar af te weer of te voorkom.

Arres en aanhouding van persone

3. (1) 'n Lid van 'n Mag kan enige persoon wie se aanhouding na die oordeel van daardie lid nodig is vir die handhawing van die openbare orde, of die veiligheid van die publiek of daardie persoon self, of ter beëindiging van die noodtoestand, sonder lasbrief arresteer of laat arresteer, en kan so 'n persoon by wyse van 'n skriftelike bevel deur enige lid van 'n Mag onderteken, in bewaring in 'n gevangenis aanhou, of laat aanhou.

(2) Niemand word ingevolge subregulasie (1) vir 'n tydperk van langer as 14 dae vanaf die datum van sy aanhouding aangehou nie, tensy daardie tydperk deur die Minister kragtens subregulasie (3) verleng word.

(3) Die Minister kan by wyse van 'n skriftelike 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, vir die verdere tydperk in die kennisgewing vermeld, in daardie gevangenis aangehou word.

(4) 'n Persoon wat uit hoofde van 'n bevel bedoel in subregulasie (1), of 'n kennisgewing bedoel in subregulasie (3), in 'n gevangenis aangehou word, kan, indien die Minister of iemand deur hom gemagtig skriftelik aldus gelas, uit daardie gevangenis in hegtenis verwyder word na, en aangehou word in, enige ander gevangenis.

(5) A member of a Force may, with a view to the maintenance of public order, the safety of the public or the termination of the state of emergency, interrogate any person arrested or detained in terms of this regulation.

(6) The Minister may at any time by a notice in writing signed by him order that a person detained in terms of this regulation, be released on any condition or conditions, if any, as may be determined by the Minister in such notice.

(7) The Minister shall cause to be delivered to the person concerned a copy of a notice referred to in subregulation (6) and in which conditions contemplated in that subregulation are determined.

(8) Any person who contravenes or fails to comply with any condition determined in terms of subregulation (6), shall be guilty of an offence.

(9) (a) The Minister of Justice may make rules to regulate the detention of persons in terms of this regulation.

(b) In case of a conflict between any such rule and any provision of the Prisons Act, 1959 (Act 8 of 1959), or of a regulation or a Prisons Service Order made in terms of the said Act, or any official instruction, order or other act of or by the Commissioner of Prisons, the said rule shall apply.

(c) (i) Any person who contravenes or fails to comply with any rule made in terms of paragraph (a), shall be guilty of an offence.

(ii) The provisions of paragraph (a) of section 52, and of section 54, of the Prisons Act, 1959 (Act 8 of 1959), with reference to an offence, and a contravention of or failure to comply with a regulation referred to therein, respectively, shall *mutatis mutandis* apply with respect to an offence referred to in subparagraph (i).

(10) No person, other than the Minister or a person acting by virtue of his office in the service of the State—

(a) shall have access to any person detained in terms of the provisions of this regulation, except with the consent of and subject to such conditions as may be determined by the Minister or the Commissioner of the South African Police; or

(b) shall be entitled to any official information relating to such person, or to any information of whatever nature obtained from such person.

Threats of harm, hurt or loss

4. Any person who directly or indirectly—

(a) verbally threatens to inflict upon any other person any harm, hurt or loss, whether to his person or his property or in any other way; or

(b) prepares, compiles, prints, publishes, transmits, possesses or disseminates, or assists in the preparation, compilation, printing, publication, transmission or dissemination of any writing which threatens the infliction upon any other person of any harm, hurt or loss, whether to his person or his property or in any other way,

shall be guilty of an offence.

Right of search

5. (1) A member of a Force may at any time search or cause to be searched any person, premises or place, or any vehicle, vessel, aircraft or receptacle, and such member may during such search seize—

(a) any article which is concerned or intended to be used, or on reasonable grounds believed to be concerned or intended to be used, in the commission or suspected commission of an offence; or

(5) 'n Lid van 'n Mag kan enige persoon wat ingevolge hierdie regulasie gearresteer is of aangehou word, met die oog op die handhawing van die openbare orde, die veiligheid van die publiek of die beëindiging van die noodtoestand ondervra.

(6) Die Minister kan te eniger tyd by wyse van 'n skriftelike kennisgewing deur hom onderteken, gelas dat 'n persoon wat ingevolge hierdie regulasie aangehou word, vrygelaat word op die voorwaarde of die voorwaardes, as daar is, wat die Minister na goeie dinge in sodanige kennisgewing bepaal.

(7) Die Minister moet 'n afskrif van 'n kennisgewing in subregulasie (6) bedoel en waarin voorwaardes in daardie subregulasie beoog, bepaal is, aan die betrokke persoon laat oorhandig.

(8) Iemand wat 'n voorwaarde ingevolge subregulasie (6) bepaal, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(9) (a) Die Minister van Justisie kan reëls uitvaardig om die aanhouding van persone kragtens hierdie regulasie te reël.

(b) In die geval van 'n botsing tussen so 'n reël en 'n bepaling van die Wet op Gevangenis, 1959 (Wet 8 van 1959), of van 'n regulasie of 'n Gevangenisdiensorder kragtens genoemde Wet uitgevaardig, of enige amptelike opdrag, bevel of ander handeling van of deur die Kommissaris van Gevangenis, geld genoemde reël.

(c) (i) Iemand wat 'n reël kragtens paragraaf (a) uitgevaardig, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(ii) Die bepalings van paragraaf (a) van artikel 52, en van artikel 54, van die Wet op Gevangenis, 1959 (Wet 8 van 1959), met betrekking tot onderskeidelik 'n misdryf, en 'n oortreding van of 'n versuim om aan 'n regulasie daarin bedoel te voldoen, is *mutatis mutandis* van toepassing ten opsigte van 'n misdryf in subparagraaf (i) bedoel.

(10) Niemand, behalwe die Minister of iemand wat uit hoofde van sy betrekking in diens van die Staat optree—

(a) het toegang tot 'n persoon wat ingevolge die bepalings van hierdie regulasie aangehou word nie, behalwe met die toestemming van en op die voorwaardes bepaal deur die Minister of die Kommissaris van die Suid-Afrikaanse Polisie; of

(b) is op enige amptelike inligting met betrekking tot so 'n persoon, of op enige inligting van welke aard ook al verkry van so 'n persoon, geregtig nie.

Dreigemente van skade, letsel of verlies

4. Iemand wat regstreeks of onregstreeks—

(a) mondelings dreig om iemand anders skade, letsel of verlies toe te bring, hetsy aan sy persoon of sy eiendom of op enige ander wyse; of

(b) enige geskrif wat die toediening van enige skade, letsel of verlies aan 'n ander bedreig, hetsy aan sy persoon of sy eiendom of op enige ander wyse, voorberei, saamstel, druk, uitgee, versend, besit of versprei, of wat by die voorbereiding, samestelling, druk, uitgee, versending of verspreiding daarvan hulp verleen,

is aan 'n misdryf skuldig.

Reg van visentering

5. (1) 'n Lid van 'n Mag kan te eniger tyd enige persoon, perseel of plek, of enige voertuig, vaartuig, lugvaartuig of houer visenteer of laat visenteer, en so 'n lid kan tydens sodanige visentering beslag lê op—

(a) enige artikel wat betrokke is of bestem is om gebruik te word, of op redelike gronde vermoed word betrokke te wees of bestem te wees om gebruik te word, by die pleging of vermeende pleging van 'n misdryf; of

- (b) any article which may afford evidence of the commission or suspected commission of an offence,

and the member shall deal with anything seized by him in terms of this regulation, in accordance with directions issued from time to time either generally or with reference to any particular case, by the Minister or a person acting on his authority.

(2) If a member of a Force has reason to suspect that any person who may be arrested under regulation 3 of these regulations, or who has been arrested or detained under regulation 3 and has escaped from custody, is upon any premises or at any place or in any vehicle, vessel or aircraft, he may enter and search or cause to be entered and searched such premises or that place, vehicle, vessel or aircraft, and any person who as a result of a search in terms of this regulation, finds any such person, shall arrest him and shall as soon as possible bring him or cause him to be brought to any prison.

(3) The provisions of section 27 of the Criminal Procedure Act, 1977 (Act 51 of 1977), with reference to the search or entry of premises by a police official, shall apply *mutatis mutandis* to any search or entry in terms of this regulation by a member of a Force.

Orders

6. (1) The Commissioner of the South African Police or any person acting on his authority, may with reference to any area in a magisterial district mentioned in Schedule I, issue orders not inconsistent with these regulations relating to—

- (a) the demarcation of areas;
- (b) the closing off of any particular area or part of such area in order to control entrance to or departure from such area;
- (c) the control of entrance to or departure from any particular area or part of such area;
- (d) the control of all traffic;
- (e) the closing of any public or private place or any business or industry;
- (f) the removal of any person or any section of the public out of or to any particular area in the interest of public order or safety of the public or the termination of the state of emergency;
- (g) the control of essential services and the security and safety of any installation and works connected therewith;
- (h) the periods and hours during which persons may or may not be in streets or other public places;
- (i) the control, regulation or prohibition of the announcement, dissemination, distribution, taking or sending of any comment on or news in connection with these regulations, or the declaration of a state of emergency in terms of section 2 (1) of the Act, or any conduct of a Force or any member of a Force regarding the maintenance of the safety of the public or the public order or the termination of the state of emergency; and
- (j) any other matter which in his opinion is necessary or expedient in connection with the safety of any member or members of the public or the maintenance of the public order, or in order to terminate the state of emergency, the generality of the powers conferred by this paragraph not being restricted by the provisions of the preceding paragraphs.

- (b) enige artikel wat tot bewys van die pleging of vermeende pleging van 'n misdryf kan strek,

en die lid moet met enigiets waarop hy ingevolge hierdie regulasie beslag gelê het, handel ooreenkomstig opdragte wat van tyd tot tyd in die algemeen of met verwysing na 'n bepaalde geval, deur die Minister of iemand wat op sy gesag handel, uitgereik word.

(2) Indien 'n lid van 'n Mag rede het om te vermoed dat iemand wat kragtens regulasie 3 van hierdie regulasies gearresteer kan word, of wat kragtens regulasie 3 gearresteer of aangehou is en uit hegtenis ontvlug het, hom op enige perseel of plek of in enige voertuig, vaartuig of lugvaartuig bevind, kan hy daardie perseel, plek, voertuig, vaartuig of lugvaartuig betree en visenteer of laat betree en visenteer, en enige persoon wat as gevolg van visentering ingevolge hierdie regulasie, so iemand vind, moet hom arresteer en hom so spoedig moontlik na enige gevangenis neem of laat neem.

(3) Die bepalinge van artikel 27 van die Strafproseswet, 1977 (Wet 51 van 1977), met betrekking tot die deursoeking of betreding van persele deur 'n polisiebeampte, is *mutatis mutandis* van toepassing op enige visentering of betreding kragtens hierdie regulasie deur 'n lid van 'n Mag.

Bevele

6. (1) Die Kommissaris van die Suid-Afrikaanse Polisie of iemand wat op sy gesag handel, kan met betrekking tot 'n gebied in 'n landdrosdistrik in Bylae I vermeld, bevele wat nie met hierdie regulasies onbestaanbaar is nie, uitvaardig met betrekking tot—

- (a) die afbakening van gebiede;
- (b) die afsluiting van 'n bepaalde gebied of deel van so 'n gebied ten einde toegang daartoe of vertrek daarvan te beheer;
- (c) die beheer van toegang tot of vertrek van 'n bepaalde gebied of deel van so 'n gebied;
- (d) die beheer van alle verkeer;
- (e) die sluiting van enige openbare of private plek of enige besigheid of nywerheid;
- (f) die verwydering van enige persoon of enige deel van die publiek uit of na enige besondere gebied in belang van die openbare orde of veiligheid van die publiek of die beëindiging van die noodtoestand;
- (g) die beheer van noodsaaklike dienste en die bewaring en veiligheid van enige installasie en werke wat daarmee in verband staan;
- (h) die tydperke en ure wanneer persone in strate of ander openbare plekke mag wees of nie mag wees nie;
- (i) die beheer, reëling of verbod van die bekendmaking, verspreiding, uitdeel, neem of stuur van enige kommentaar op of nuus in verband met hierdie regulasies, of die verklaring van 'n noodtoestand ingevolge artikel 2 (1) van die Wet, of enige optrede van 'n Mag of enige lid van 'n Mag met betrekking tot die handhawing van die veiligheid van die publiek of die openbare orde of ter beëindiging van die noodtoestand; en
- (j) enige ander aangeleentheid wat na sy oordeel noodsaaklik of dienstig is met betrekking tot die veiligheid van enige lid of lede van die publiek of die handhawing van die openbare orde, of ten einde die noodtoestand te beëindig, sonder dat die algemeenheid van die bevoegdhede wat deur hierdie paragraaf verleen word deur die bepalinge van die voorafgaande paragraawe beperk word.

(2) In any proceedings before a court of law in which it is relevant whether or not the Commissioner of the South African Police or a person acting on his authority has issued a particular order, a copy of the order certified under the Commissioner's or such person's hand shall be accepted as conclusive proof of the issuing and contents of the order concerned.

Promulgation of orders

7. Any order issued under regulation 6, shall be promulgated by—

- (a) publication of the order by notice in the *Government Gazette*;
- (b) publication of the order in a newspaper circulating in the area in respect of which the order applies;
- (c) making the order known by means of radio or television;
- (d) distribution of the order in writing amongst members of the public and by affixing it upon public buildings or prominent public places in the area concerned; or
- (e) oral announcement in that area in a manner deemed fit by the Commissioner of Police or a person acting on his authority, whenever, due to the urgency thereof or for any other reason whatsoever, it can, in the opinion of the Commissioner or any such person, not be published, made known, distributed or announced in accordance with the provisions of paragraph (a), (b), (c) or (d).

Offences

8. Any person who—

- (a) fails to comply with any order or direction issued under these regulations;
- (b) 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;
- (c) destroys, defaces or falsifies any notice or other writing issued or purporting to have been issued under these regulations;
- (d) without the written consent of the Minister or a person authorized thereto by him, in any manner discloses the name or identity of any person arrested in terms of any provision of these regulations or detained under any provision of the Act or of these regulations, unless the Minister or a person authorized thereto by him has already disclosed the name or identity of that person,

shall be guilty of an offence.

Penalties

9. Any person convicted of an offence under these regulations, except regulation 3 (9) (c) (i), shall be liable to a fine not exceeding R20 000 or imprisonment for a period not exceeding 10 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 has been committed, to be forfeited to the State.

Direction of attorney-general required for prosecution

10. No prosecution for an offence under these regulations, except regulation 3 (9) (c) (i), shall be instituted except by the express direction of an attorney-general or a person authorized by him.

(2) By enige geding voor 'n geregshof waarby dit ter sake is of die Kommissaris van die Suid-Afrikaanse Polisie of 'n persoon wat op sy gesag handel 'n bepaalde bevel uitgevaardig het, al dan nie, word 'n afskrif van die bevel onder die Kommissaris van die Suid-Afrikaanse Polisie of sodanige persoon se handtekening gewaarmerk, as afdoende bewys van die uitvaardiging en inhoud van die betrokke bevel aanvaar.

Afkondiging van bevel

7. Enige bevel kragtens regulasie 6 uitgereik, word afgekondig deur daardie bevel—

- (a) by kennisgewing in die *Staatskoerant* te publiseer;
- (b) in 'n koerant te publiseer wat in omloop is in die gebied ten opsigte waarvan die bevel van toepassing is;
- (c) deur middel van radio of televisie bekend te maak;
- (d) 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; of
- (e) deur mondelinge aankondiging in daardie gebied bekend te maak op 'n wyse wat die Kommissaris van Polisie of iemand wat op sy gesag handel, dienlik ag, wanneer dit, na die oordeel van die Kommissaris of so 'n persoon, vanweë die dringendheid daarvan of om enige ander rede ook al, nie ooreenkomstig die bepalings van paragraaf (a), (b), (c) of (d) gepubliseer, bekend gemaak, versprei of aangekondig kan word nie.

Misdrywe

8. Iemand wat—

- (a) versuim om aan enige bevel of opdrag kragtens hierdie regulasies uitgevaardig, te voldoen;
- (b) iemand anders in die uitvoering van enige plig of die uitoefening van enige bevoegdheid of die verrigting van enige werksaamheid deur, kragtens of uit hoofde van 'n bepaling van hierdie regulasies opgelê of verleen, belemmer;
- (c) 'n kennisgewing of ander geskrif wat kragtens hierdie regulasies uitgereik is of daarkragtens heet uitgereik te wees, vernietig, skend of vervals;
- (d) sonder die skriftelike toestemming van die Minister of iemand deur hom daartoe gemagtig, die naam of identiteit van enige persoon wat kragtens 'n bepaling van hierdie regulasies gearresteer is of kragtens 'n bepaling van die Wet of hierdie regulasies aangehou word op enige wyse bekend maak, tensy die Minister of 'n persoon deur hom daartoe gemagtig reeds die naam of identiteit van daardie persoon bekend gemaak het,

is aan 'n misdryf skuldig.

Strafbepalings

9. Iemand wat skuldig bevind word aan 'n misdryf kragtens hierdie regulasies, uitgesonderd regulasie 3 (9) (c) (i), is strafbaar met 'n boete van hoogstens R20 000 of gevangenisstraf van hoogstens 10 jaar of met daardie gevangenisstraf sonder die keuse van 'n boete, en die hof wat hom skuldig bevind kan enige goed, eiendom of instrument waarmee of in verband waarmee die misdryf gepleeg is, aan die Staat verbeurd verklaar.

Opdrag van prokureur-generaal vereis vir vervolging

10. Geen vervolging weens 'n misdryf ingevolge hierdie regulasies, uitgesonderd regulasie 3 (9) (c) (i), word ingestel nie behalwe ingevolge uitdruklike opdrag van 'n prokureur-generaal of iemand deur hom gemagtig.

Indemnity

11. (1) No civil or criminal proceedings shall be brought in any court of law against—

- (a) the State;
- (b) the State President;
- (c) any member of the Cabinet of the Republic;
- (d) any member of a 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,

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, with intent to ensure the safety of the public, the maintenance of public order or the termination of the state of emergency in any area where the existence of a state of emergency has been declared in pursuance of section 2 (1) of the Act, or in order to deal with circumstances which have arisen or are likely to arise as a result of the aforementioned state of emergency.

(2) No interdict or other process shall issue for the staying or setting aside of any order, rule or notice issued under these regulations 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 regulations.

(3) If in any proceedings brought 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.

Vrywaring

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

- (a) die Staat;
- (b) die Staatspresident;
- (c) 'n lid van die Kabinet van die Republiek;
- (d) 'n lid van 'n Mag;
- (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,

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, te goeder trou aangeraai, gebied, beveel, gelas of verrig is, met die bedoeling om die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand in enige gebied waar die bestaan van 'n noodtoestand kragtens artikel 2 (1) van die Wet verklaar is, te verseker, of om met omstandighede te handel wat as gevolg van voornoemde noodtoestand ontstaan het of waarskynlik sal ontstaan.

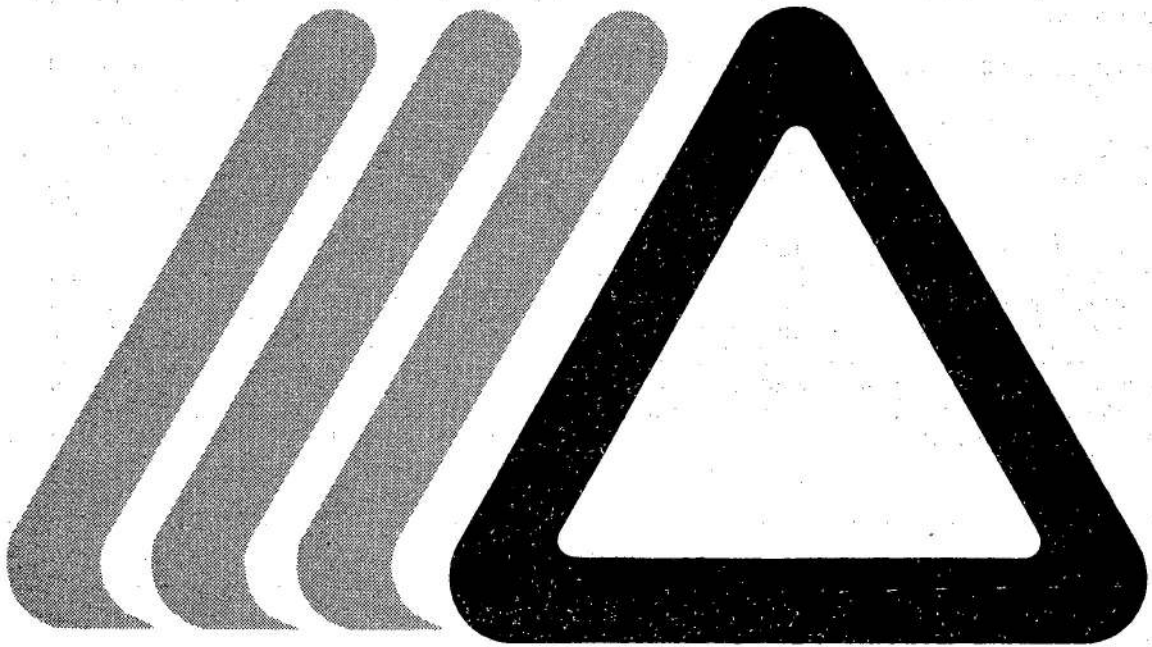
(2) Geen interdik of ander prosesstuk word uitgereik vir die opskorting of nietigverklaring van 'n bevel, reël of kennisgewing kragtens hierdie regulasies uitgevaardig of enige voorwaarde daarkragtens bepaal nie, en geen sodanige bevel, reël, kennisgewing of voorwaarde word op grond van 'n appèl teen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

(3) 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.

Please, acquaint yourself thoroughly with the "Conditions for Publication" of legal notices in the *Government Gazette*, as well as the new tariffs in connection therewith

Maak uself asseblief deeglik vertrouwd met die "Voorwaardes vir Publikasie" van wetlike kennisgewings in die *Staatskoerant*, asook met die nuwe tariewe wat daarmee in verband staan

**Drinking and driving is a criminal
offence**



**Drink en bestuur is 'n kriminele
oortreding**

CONTENTS			INHOUD		
No.		Page No.	No.		Bladsy No.
	PROCLAMATION			PROKLAMASIE	
R. 121	Public Safety Act (3/1953): Regulations.....	1	R. 121	Wet op Openbare Veiligheid (3/1953): Re- gulasies	1
		9877			9877