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PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 123, 1987

REGULATIONS UNDER THE PUBLIC SAFETY ACT, 1953

Under the powers vested in me by section 3 of the Public Safety Act, 1953 (Act 3 of 1953), I hereby make the regulations contained in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-sixth day of August, One thousand Nine hundred and Eighty-seven.

P. W. BOTHA
State President.

By Order of the State President-in-Cabinet:

J. C. G. BOTHA
Minister of the Cabinet.

Schedule

Definition

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

“the Regulations” means the regulations published by Proclamation R. 97 of 1987.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion after the definition of “self-governing territory” of the following definition:

“ ‘series of issues’, in relation to—

- (a) a periodical which is a daily newspaper, means at least six different issues of that newspaper whether or not issued on consecutive days;

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 123, 1987

REGULASIES KRAGTENS DIE WET OP OPENBARE VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by artikel 3 van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), vaardig ek hierby die regulasies vervat in die Bylae uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Ses-en-twintigste dag van Augustus Eenduisend Negehoenderd Sewe-en-tagtig.

P. W. BOTHA
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

J. C. G. Botha
Minister van die Kabinet.

BYLAE

Woordomskrywing

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

“die Regulasies” die regulasies afgekondig by Proklamasie R. 97 van 1987.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig deur na die omskrywing van “publiseer” die volgende omskrywing in te voeg:

“ ‘reeks uitgawes’, met betrekking tot—

- (a) ’n periodieke publikasie wat ’n dagblad is, minstens ses verskillende uitgawes van daardie dagblad hetsy op agtereenvolgende dae uitgegee of nie;

- (b) a periodical, other than a daily newspaper, which is ordinarily issued at intervals of 10 days or less, means at least three different issues of that periodical whether or not issued during consecutive intervals;
- (c) a periodical which is ordinarily issued at intervals in excess of 10 days, means at least two different issues of that periodical whether or not issued during consecutive intervals;

Amendment of regulation 6 of the Regulations.

3. Regulation 6 of the Regulations is hereby amended by the insertion in subregulation (1) after the expression "regulation 3 (3)" of the expression "or 7A (3)".

Insertion of regulations 7A and 7B in the Regulations

4. The following regulations are hereby inserted in the Regulations after regulation 7:

"Systematic or repeated publishing of subversive propaganda"

7A. (1) If the Minister is of the opinion, solely on examination of any series of issues of a periodical—

- (a) that there is in that periodical a systematic or repeated publishing of matter, or a systematic or repeated publishing of matter in a way, which, in his opinion, has or is calculated to have the effect—
 - (i) of promoting or fanning revolution or uprisings in the Republic or other acts aimed at the overthrow of the Government otherwise than by constitutional means;
 - (ii) of promoting, fanning or sparking the perpetration of acts referred to in paragraph (b) or (c) of the definition of "unrest";
 - (iii) of promoting or fanning the breaking down of the public order in the Republic or in any area of the Republic or in any community;
 - (iv) of stirring up or fomenting feelings of hatred or hostility in members of the public towards a local authority or a security force, or towards members or employees of a local authority or members of a security force, or towards members of any population group or section of the public;
 - (v) of promoting the public image or esteem of any organisation which is an unlawful organisation under the Internal Security Act, 1982 (Act 74 of 1982);
 - (vi) of promoting the establishment or activities of structures referred to in paragraph (a) (viii) or (ix) of the definition of "subversive statement"; or
 - (vii) of promoting, fanning or sparking boycott actions, acts of civil disobedience, stay-aways or strikes referred to in paragraph (a) (iii), (iv) or (v) of the definition of "subversive statement"; and
- (b) that the said effect which such systematic or repeated publishing in his opinion has or is calculated to have is causing a threat to the safety of the public or to the maintenance of public order or is causing a delay in the termination of the state of emergency,

- (b) 'n periodieke publikasie, uitgesonderd 'n dagblad, wat gewoonlik met tussenpose van 10 dae of minder uitgegee word, minstens drie verskillende uitgawes van daardie publikasie hetsy gedurende agtereenvolgende tussenpose uitgegee of nie;
- (c) 'n periodieke publikasie wat gewoonlik met tussenpose van meer as 10 dae uitgegee word, minstens twee verskillende uitgawes van daardie publikasie hetsy gedurende agtereenvolgende tussenpose uitgegee of nie;

Wysiging van regulasie 6 van die Regulasies

3. Regulasie 6 van die Regulasies word hierby gewysig deur in subregulasie (1) na die uitdrukking "regulasie 3 (3)" die uitdrukking "of 7A (3)" in te voeg.

Invoeging van regulasies 7A en 7B in die Regulasies

4. Die volgende regulasies word hierby in die Regulasies na regulasie 7 ingevoeg:

"Stelselmatige of herhaalde publiserings van ondermynende propaganda"

7A. (1) Indien die Minister bloot by ondersoek van 'n reeks uitgawes van 'n periodieke publikasie van oordeel is—

- (a) dat daar in daardie periodieke publikasie 'n stelselmatige of herhaalde publiserings van stof, of 'n stelselmatige of herhaalde publiserings van stof op 'n wyse, is wat, volgens sy oordeel, die uitwerking het of bereken is om die uitwerking te hê—
 - (i) om rewolusie of opstande in die Republiek of ander dade gerig op die omverwerping van die Regering andersins as by wyse van grondwetlike metodes te bevorder of aan te blaas;
 - (ii) om die pleging van dade vermeld in paragraaf (b) of (c) van die omskrywing van "oproerigheid" te bevorder of aan te blaas of tot die pleging daarvan aanleiding te gee;
 - (iii) om die aftakeling van die openbare orde in die Republiek of enige gedeelte van die Republiek of in enige gemeenskap te bevorder of aan te blaas;
 - (iv) om 'n gevoel van haat of vyandigheid by lede van die publiek teen 'n plaaslike owerheid of 'n veiligheidsmag, of teen lede of werknemers van 'n plaaslike owerheid of lede van 'n veiligheidsmag, of teen lede van enige bevolkingsgroep of seksie van die publiek, op te wek of aan te wakker;
 - (v) om die openbare beeld of aansien van 'n organisasie wat 'n onwettige organisasie ingevolge die Wet op Binnelandse Veiligheid, 1982 (Wet 74 van 1982), is, te bevorder;
 - (vi) om die vestiging of bedrywighede van strukture bedoel in paragraaf (a) (viii) of (ix) van die omskrywing van "ondermynende verklaring" te bevorder; of
 - (vii) om boikotaksies, aksies van burgerlike ongehoorsaamheid, wegbly-aksies of stakings bedoel in paragraaf (a) (iii), (iv) of (v) van die omskrywing van "ondermynende verklaring" te bevorder of aan te blaas of tot sodanige aksies of stakings aanleiding te gee; en
- (b) dat bedoelde uitwerking wat sodanige stelselmatige of herhaalde publiserings volgens sy oordeel het of bereken is om te hê 'n bedreiging vir die veiligheid van die publiek of vir die handhawing van die openbare orde of 'n vertraging in die beëindiging van die noodtoestand veroorsaak,

he may, subject to subregulation (4), by notice in the *Gazette* issue a warning to persons concerned in the production, importation, compilation or publication of issues of that periodical that the matter published in that periodical or the way in which matter is published in that periodical, in his opinion, is causing a threat to the safety of the public or to the maintenance of public order or is causing a delay in the termination of the state of emergency.

(2) In any examination under subregulation (1) of a series of issues of a periodical, such series may include any issue of that periodical published before the commencement of Proclamation R. 123 of 1987 but after 11 June 1987.

(3) If the Minister is of the opinion, solely on examination of any issue or series of issues of a periodical published after a warning under subregulation (1) has been issued in respect of that periodical, that there is in the said issue or series of issues a continuation of a systematic or repeated publishing of matter, or of a systematic or repeated publishing of matter in a way, which, in his opinion, has or is calculated to have an effect described in paragraph (a) of that subregulation and that the said effect which such systematic or repeated publishing in his opinion has or is calculated to have is causing a threat to the safety of the public or to the maintenance of public order or is causing a delay in the termination of the state of emergency, he may, subject to subregulation (4), by notice in the *Gazette* issue an order—

(a) whereby the publication, during such period as may be specified in the order, but not exceeding three months at a time, of any further issue of that periodical is prohibited unless the matter to be published in any such issue and the way in which it is to be published in such issue has previously been approved for publication by a person specified in the order; or

(b) whereby the production, importation into the Republic or publication, during such period as may be specified in the order, but not exceeding three months at a time, of any further issue of that periodical is totally prohibited.

(4) No warning under subregulation (1) nor any order under subregulation (3) shall be published unless the Minister—

(a) has given notice in writing to the publisher or importer of the periodical concerned of the fact that action under subregulation (1) or (3), as the case may be, is being considered in respect of that periodical, stating the grounds of the proposed action; and

(b) has given that publisher or importer an opportunity of submitting to him in writing, within a period of two weeks, representations in connection with the proposed action.

(5) The provisions of regulation 7 (5) and (6) shall *mutatis mutandis* apply in respect of a periodical in respect of which an order under subregulation (3) (b) of this regulation has been issued.

Compulsory deposit of periodicals

7B. (1) The Minister may, if he deems it necessary for the proper administration of a provision of these regulations, by order under his hand direct the publisher or importer of a periodical to supply the Director-General: Home Affairs, Civitas Building, Struben Street, Private Bag

kan hy, behoudens subregulasie (4), by kennisgewing in die *Staatskoerant* 'n waarskuwing rig tot persone wat by die voortbrenging, invoer, samestelling of publisering van uitgawes van daardie periodieke publikasie betrokke is dat stof wat in daardie periodieke publikasie gepubliseer word, of die wyse waarop stof in daardie periodieke publikasie gepubliseer word, volgens sy oordeel, 'n bedreiging vir die veiligheid van die publiek of vir die handhawing van die openbare orde of 'n vertraging in die beëindiging van die noodtoestand veroorsaak.

(2) By 'n ondersoek kragtens subregulasie (1) van 'n reeks uitgawes van 'n periodieke publikasie, kan sodanige reeks 'n uitgawe van daardie periodieke publikasie insluit wat voor die inwerkingtreding van Proklamasie R. 123 van 1987, maar na 11 Junie 1987 gepubliseer is.

(3) Indien die Minister bloot by ondersoek van 'n uitgawe of reeks uitgawes van 'n periodieke publikasie wat gepubliseer is nadat 'n waarskuwing kragtens subregulasie (1) ten opsigte van daardie periodieke publikasie uitgereik is, van oordeel is dat daar in bedoelde uitgawe of reeks uitgawes 'n voortsetting van 'n stelselmatige of herhaalde publisering van stof, of van 'n stelselmatige of herhaalde publisering van stof op 'n wyse, is wat, volgens sy oordeel, 'n uitwerking beskryf in paragraaf (a) van daardie subregulasie het of bereken is om so 'n uitwerking te hê en dat bedoelde uitwerking wat sodanige stelselmatige of herhaalde publisering volgens sy oordeel het of bereken is om te hê 'n bedreiging vir die veiligheid van die publiek of vir die handhawing van die openbare orde of 'n vertraging in die beëindiging van die noodtoestand veroorsaak, kan hy, behoudens subregulasie (4), by kennisgewing in die *Staatskoerant* 'n bevel uitreik—

(a) waarby die publisering gedurende die tydperk in die bevel vermeld, maar hoogstens drie maande op 'n keer, van enige verdere uitgawe van daardie periodieke publikasie verbied word tensy die stof wat in so 'n uitgawe gepubliseer staan te word en die wyse waarop dit in die uitgawe gepubliseer staan te word vooraf deur 'n persoon in die bevel vermeld vir publikasie goedgekeur is; of

(b) waarby die voortbrenging, invoer in die Republiek of publikasie, gedurende 'n tydperk in die bevel vermeld, maar hoogstens drie maande op 'n keer, van enige verdere uitgawe van daardie periodieke publikasie geheel en al verbied word.

(4) Geen waarskuwing kragtens subregulasie (1) en geen bevel kragtens subregulasie (3) word gepubliseer nie tensy die Minister—

(a) die uitgewer of invoerder van die betrokke periodieke publikasie skriftelik kennis gegee het van die feit dat optrede kragtens subregulasie (1) of (3), na gelang van die geval, ten opsigte van daardie periodieke publikasie oorweeg word, met vermelding van die gronde vir die voorgestelde optrede; en

(b) daardie uitgewer of invoerder die geleentheid gebied het om binne 'n tydperk van twee weke skriftelike verhoë in verband met die voorgestelde optrede tot hom te rig.

(5) Die bepalings van regulasie 7 (5) en (6) is *mutatis mutandis* van toepassing ten opsigte van 'n periodieke publikasie ten opsigte waarvan 'n bevel kragtens subregulasie (3) (b) van hierdie regulasie uitgereik is.

Pliglewering van periodieke publikasies

7B. (1) Die Minister kan, indien hy dit nodig ag vir die behoorlike uitvoering van 'n bepaling van hierdie regulasies, die uitgewer of invoerder van 'n periodieke publikasie by bevel onder sy handtekening gelas om een eksemplaar van elke uitgawe van daardie periodieke publikasie wat in die Republiek gedurende 'n tydperk in die bevel vermeld,

X114, Pretoria, free of charge with one copy of each issue of that periodical which is published in the Republic during a period specified in the order.

(2) A copy of an issue of a periodical which in pursuance of an order under subregulation (1) is required to be supplied to the said Director-General, shall be supplied to him within three days from the date on which that issue is published in the Republic.

(3) In this regulation "issue", in relation to a periodical issuing different editions on the same day, means each edition of that periodical which is so issued.

(4) Any person who fails to comply with an order under subregulation (1), shall be guilty of an offence and on conviction be liable to a fine not exceeding R500."

Amendment of regulation 8 of the Regulations

5. Regulation 8 of the Regulations is hereby amended by the insertion in paragraph (b) after the expression "regulation 3 (3)" of the expression "or 7A (3)".

gepubliseer word, gratis aan die Direkteur-generaal: Binne-landse Sake, Civitasgebou, Strubenstraat, Privaatsak X114, Pretoria, te verskaf.

(2) 'n Eksemplaar van 'n uitgawe van 'n periodieke publikasie wat ingevolge 'n bevel kragtens subregulasie (1) aan genoemde Direkteur-generaal verskaf moet word, moet aan hom verskaf word binne drie dae vanaf die datum waarop daardie uitgawe in die Republiek gepubliseer word.

(3) In hierdie regulasie beteken 'uitgawe', met betrekking tot 'n periodieke publikasie wat verskillende uitgawes op dieselfde dag uitgee, elke uitgawe van daardie periodieke publikasie wat aldus uitgegee word.

(4) 'n Persoon wat versuim om aan 'n bevel kragtens subregulasie (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R500."

Wysiging van regulasie 8 van die Regulasies

5. Regulasie 8 van die Regulasies word hierby gewysig deur in paragraaf (b) na die uitdrukking "regulasie 3 (3)" die uitdrukking "of 7A (3)" in te voeg.

CONTENTS			INHOUD		
No.		Page No.	Gazette No.	No.	
					Bladsy No.
					Staats- koerant No.
PROCLAMATION			PROKLAMASIE		
R. 123	Public Safety Act (3/1953): Regulations.....	1	10880	R. 123	Wet op Openbare Veiligheid (3/1953): Re- gulasies.....
					1 10880