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PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 23, 1988

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 23ste dag van Februarie Eenduisend Negehoenderd Agt-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. J. VLOK,
Minister van die Kabinet.

BYLAE

Woordskrywing

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

“die Regulasies” die regulasies afgekondig by Proklamasie R. 96 van 1987, soos gewysig deur die regulasies afgekondig by Proklamasie R. 106 van 1987.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig—

(a) deur voor die omskrywing van “beampste” die volgende omskrywing in te voeg:

“ ‘amptdraer’, met betrekking tot ’n organisasie, ’n lid van die beherende of uitvoerende liggaam van—

- (a) die organisasie; of
- (b) ’n tak of afdeling van die organisasie;”;

(b) deur na die omskrywing van “Minister” die volgende omskrywing in te voeg:

“ ‘organisasie’ ook enige vereniging of liggaam van persone ongeag of so ’n vereniging of liggaam met regs persoonlikheid beklee is en of dit ooreenkomstig ’n wet ingestel of geregistreer is of nie;” en

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 23, 1988

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 23rd day of February One thousand Nine hundred and Eighty-eight.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

A. J. VLOK,
Minister of the Cabinet.

SCHEDULE

Definition

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

“the Regulations” means the regulations published by Proclamation R. 96 of 1987, as amended by the regulations published by Proclamation R. 106 of 1987.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended—

(a) by the insertion after the definition of “Minister” of the following definition:

“ ‘office-bearer’, in relation to an organization, means a member of the governing or executive body of—

- (a) the organization; or
- (b) a branch or division of the organization;”;

(b) by the insertion after the definition of “officer” of the following definition:

“ ‘organization’ includes any association or body of persons irrespective of whether or not any such association or body has been incorporated and whether or not it has been established or registered in accordance with any law;” and

- (c) deur die volgende subregulasie by te voeg, terwyl die bestaande regulasie subregulasie (1) word:

“(2) Geen bepaling van hierdie regulasies wat ’n bevoegdheid verleen aan ’n gesag in die bepaling vermeld, word uitgelê as sou dit die gesag magtig om die betrokke bevoegdheid strydig met artikel 3 (3) van die Wet uit te oefen nie.”.

Invoeging van regulasies 6A en 6B in die Regulasies

3. Die volgende regulasies word hierby in die Regulasies na regulasie 6 ingevoeg:

“Beperking op bedrywighede of handelinge van organisasies

6A. (1) Indien die Minister van oordeel is dat dit nodig is vir die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, kan hy, sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, ’n bevel by kennisgewing in die *Staatskoerant* uitreik waarby ’n organisasie in die bevel vermeld, verbied word om, behoudens subregulasie (4)—

- (a) enige bedrywighede of handelinge hoegenaamd;
- (b) ’n bedrywigheid of handeling in die bevel vermeld; of
- (c) bedrywighede of handelinge van ’n aard, klas of soort in die bevel vermeld, te beoefen of te verrig.

(2) ’n Bevel kragtens subregulasie (1) uitgereik, is van krag vir die tydperk in die bevel vermeld of, indien ’n tydperk nie aldus vermeld word nie, totdat die bevel ingetrek word of totdat die verklaring dat ’n noodtoestand in die Republiek bestaan, ingetrek word of verval, wat ook al die eerste gebeur.

(3) Geen persoon mag terwyl ’n bevel kragtens subregulasie (1), saamgelees met subregulasie (4), ten opsigte van ’n organisasie van krag is—

- (a) ten behoeve of in die naam of in ’n hoedanigheid van ampsdraer van daardie organisasie ’n bedrywigheid beoefen of ’n handeling verrig wat die organisasie by bedoelde bevel verbied is om te beoefen of te verrig nie; of
- (b) deelneem aan ’n bedrywigheid of handeling van daardie organisasie wat die organisasie in stryd met bedoelde bevel beoefen of verrig nie.

(4) ’n Bevel kragtens subregulasie (1) word nie uitgelê as sou dit die organisasie ten opsigte van wie dit van krag is, verbied om—

- (a) sy bates in stand te hou nie;
- (b) sy boeke en rekords op datum te hou en administratiewe funksies wat daarmee in verband staan, te verrig nie;
- (c) aan ’n verpligting hom by of kragtens wet of deur ’n geregshof opgelê, te voldoen nie;
- (d) regsadvies in te win of geregtelike stappe te doen nie; of
- (e) sodanige bedrywighede te beoefen of sodanige handelinge te verrig waartoe die Minister toegestem het nie, vir sover sodanige bedrywighede beoefen of sodanige handelinge verrig word ooreenkomstig enige voorwaardes onderworpe waaraan die Minister die toestemming verleen het.

(5) (a) Geen toestemming beoog in subregulasie (4) (e) word deur die Minister verleen nie tensy hy oortuig is dat die verlening van die toestemming nie tot gevolg sal hê dat die veiligheid van die publiek of die handhawing van die openbare orde bedreig of die beëindiging van die noodtoestand vertraag word nie.

(b) Elke toestemming deur die Minister kragtens subregulasie (4) (e) verleen, word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak.

- (c) by the addition of the following subregulation, the existing regulation becoming subregulation (1):

“(2) No provision of these regulations conferring a power on an authority specified in such provision, shall be construed as authorizing such authority to exercise the relevant power in conflict with section 3 (3) of the Act.”.

Insertion of regulations 6A and 6B in the Regulations

3. The following regulations are hereby inserted in the Regulations after regulation 6:

“Restriction of activities or acts of organizations

6A. (1) If the Minister is of the opinion that it is necessary for the safety of the public, the maintenance of public order or the termination of the state of emergency, he may, without prior notice to any person and without hearing any person, issue an order by notice in the *Gazette* prohibiting an organization specified in the order, subject to subregulation (4), from carrying on or performing—

- (a) any activities or acts whatsoever;
- (b) an activity or act specified in the order; or
- (c) activities or acts of a nature, class or kind specified in the order.

(2) An order issued under subregulation (1) shall be of force for such period as may be specified in the order or, if no period is so specified, until the order is withdrawn or until the declaration that a state of emergency exists in the Republic is withdrawn or expires, whichever occurs first.

(3) No person shall while an order under subregulation (1), read with subregulation (4), is of force in respect of an organization—

- (a) on behalf or in the name or in a capacity as office-bearer of that organization carry on an activity or perform an act which the organization is prohibited by the said order from carrying on or performing; or
- (b) participate in an activity or act of that organization which the organization is carrying on or performing in contravention of the said order.

(4) An order under subregulation (1) shall not be construed as prohibiting the organization in respect of which it is of force from—

- (a) preserving its assets;
- (b) keeping up to date its books and records and performing administrative functions in connection therewith;
- (c) complying with an obligation imposed on it by or under any law or by a court of law;
- (d) taking legal advice or judicial steps; or
- (e) carrying on such activities or performing such acts as the Minister may have consented to, in so far as such activities are carried on or such acts are performed in accordance with any conditions subject to which the Minister has granted such consent.

(5) (a) No consent contemplated in subregulation (4) (e) shall be granted by the Minister unless he is convinced that the granting of such consent will not result in the safety of the public or the maintenance of public order being threatened or the termination of the state of emergency being delayed.

(b) Each consent granted by the Minister under subregulation (4) (e) shall be made known by the Minister by notice in the *Gazette*.

Beperking van bedrywighede of handeling van natuurlike persone

6B. (1) Indien die Minister van oordeel is dat dit nodig is vir die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, kan hy, sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, 'n bevel onder sy handtekening uitreik waarby 'n persoon in die bevel vermeld, verbied word om, of verbied word om sonder die skriftelike toestemming van die Kommissaris—

- (a) 'n bedrywigheid of handeling in die bevel vermeld, te beoefen of te verrig;
- (b) bedrywighede of handeling van 'n aard, klas of soort in die bevel vermeld, te beoefen of te verrig;
- (c) te eniger tyd of gedurende die ure in die bevel vermeld buite die grense van 'n gebied insgelyks vermeld, te wees; of
- (d) gedurende die ure in die bevel vermeld buite die grense van die perseel waar hy woon, te wees.

(2) 'n Bevel kragtens subregulasie (1) uitgereik, is van krag vir die tydperk in die bevel vermeld of, indien 'n tydperk nie aldus vermeld word nie, totdat die bevel ingetrek word of totdat die verklaring dat 'n noodtoestand in die Republiek bestaan, ingetrek word of verval, wat ook al die eerste gebeur.

(3) (a) 'n Toestemming beoog in subregulasie (1) kan deur die Kommissaris verleen word op die voorwaardes wat hy bepaal.

(b) Geen toestemming beoog in subregulasie (1) word deur die Kommissaris verleen nie tensy hy oortuig is dat die verlening van die toestemming nie tot gevolg sal hê dat die veiligheid van die publiek of die handhawing van die openbare orde bedreig of die beëindiging van die noodtoestand vertraag word nie.

(4) Die bepalinge van regulasies 7 (4) en 8 (e) is *mutatis mutandis* van toepassing ten opsigte van 'n bevel kragtens subregulasie (1) uitgereik, en by sodanige toepassing word 'n verwysing in genoemde bepalinge na die Kommissaris uitgelê as 'n verwysing na die Minister."

Wysiging van regulasie 7 van die Regulasies

4. Regulasie 7 van die Regulasies word hierby gewysig deur die volgende subregulasie na subregulasie (3) in te voeg:

- “(3A) (a) 'n Toestemming beoog in subregulasie (1) (b) kan deur die Kommissaris verleen word op die voorwaardes wat hy bepaal.
- (b) Geen toestemming beoog in subregulasie (1) (b) word deur die Kommissaris verleen nie tensy hy oortuig is dat die verlening van die toestemming nie tot gevolg sal hê dat die veiligheid van die publiek of die handhawing van die openbare orde bedreig of die beëindiging van die noodtoestand vertraag word nie.”

Wysiging van regulasie 9 van die Regulasies

5. Regulasie 9 van die Regulasies word hierby gewysig—

- (a) deur in paragraaf (b) na die uitdrukking “3 (9)” die uitdrukking “, 6A (4) (e), 6B (3) of 7 (3A)” in te voeg; en
- (b) deur na paragraaf (b) die volgende paragraaf in te voeg:

“(bA) 'n bepaling van regulasie 6A (3) oortree;”.

Inwerkingtreding

6. Hierdie regulasies word geag op 22 Februarie 1988 in werking te getree het.

Restriction of activities or acts of natural persons

6B. (1) If the Minister is of the opinion that it is necessary for the safety of the public, the maintenance of public order or the termination of the state of emergency, he may, without prior notice to any person and without hearing any person, issue an order under his hand whereby a person specified in the order is prohibited, or is prohibited without the written consent of the Commissioner, from—

- (a) carrying on an activity or performing an act specified in the order;
- (b) carrying on activities or performing acts of a nature, class or kind specified in the order;
- (c) being, at any time or during the hours specified in the order, outside the boundaries of an area likewise specified; or
- (d) being, during the hours specified in the order, outside the boundaries of the premises where he lives.

(2) An order issued under subregulation (1) shall be of force for such period as may be specified in the order or, if no period is so specified, until the order is withdrawn or until the declaration that a state of emergency exists in the Republic is withdrawn or expires, whichever occurs first.

(3) (a) A consent contemplated in subregulation (1) may be granted by the Commissioner on such conditions as he may determine.

(b) No consent contemplated in subregulation (1) shall be granted by the Commissioner unless he is convinced that the granting of such consent will not result in the safety of the public or the maintenance of public order being threatened or the termination of the state of emergency being delayed.

(4) The provisions of regulations 7 (4) and 8 (e) shall *mutatis mutandis* apply in respect of an order issued under subregulation (1), and in any such application a reference in the said provisions to the Commissioner shall be construed as a reference to the Minister.”

Amendment of regulation 7 of the Regulations

4. Regulation 7 of the Regulations is hereby amended by the insertion after subregulation (3) of the following subregulation:

- “(3A) (a) A consent contemplated in subregulation (1) (b) may be granted by the Commissioner on such conditions as he may determine.
- (b) No consent contemplated in subregulation (1) (b) shall be granted by the Commissioner unless he is convinced that the granting of such consent will not result in the safety of the public or the maintenance of public order being threatened or the termination of the state of emergency being delayed.”

Amendment of regulation 9 of the Regulations

5. Regulation 9 of the Regulations is hereby amended—

- (a) by the insertion in paragraph (b) after the expression “3 (9)” of the expression “, 6A (4) (e), 6B (3) or 7 (3A)”; and
 - (b) by the insertion after paragraph (b) of the following paragraph:
- “(bA) contravenes a provision of regulation 6A (3);”.

Commencement

6. These regulations shall be deemed to have come into operation on 22 February 1988.

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