

REPUBLIEK
VAN
SUID-AFRIKA



REPUBLIC
OF
SOUTH AFRICA

Staatskoerant Government Gazette

Verkoopprijs • Selling price
(AVB uitgesluit/GST excluded)

Plaaslik **70c** Local
Buitelands **R1,00** Other countries
Posvry • Post free

**Regulasiekoerant
Regulation Gazette**

No. 4504

As 'n Nuusblad by die
Poskantoor geregistreer
Registered at the Post Office
as a Newspaper

Vol. 300

PRETORIA, 8 JUNIE
JUNE 1990

No. 12524

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 97, 1990

WET OP OPENBARE VEILIGHEID, 1953

VEILIGHEIDSNOODREGULASIES

Kragtens die bevoegdheid my verleen by artikel 3 van die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953) —

- (a) vaardig ek hierby met ingang van 8 Junie 1990 in die gebied in Bylae I vermeld, waarin die bestaan van 'n noodtoestand kragtens artikel 2 van genoemde Wet vanaf 8 Junie 1990 verklaar is, die regulasies in Bylae II uit; en
- (b) verklaar ek regulasies 8 (7) en 16 van genoemde regulasies ook in enige gebied buite die gebied in paragraaf (a) bedoel in die Republiek van Suid-Afrika van toepassing met ingang van 8 Junie 1990.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sewende dag van Junie Eenduisend Negehoonderd-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. J. VLOK,
Minister van die Kabinet.

BYLAE I

Die provinsie Natal, insluitende daardie gedeelte van die selfregerende gebied KwaZulu binne die grense van die provinsie Natal.

974—A

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 97, 1990

PUBLIC SAFETY ACT, 1953

SECURITY EMERGENCY REGULATIONS

Under the powers vested in me by section 3 of the Public Safety Act, 1953 (Act No. 3 of 1953), I hereby—

- (a) make with effect from 8 June 1990, in the area 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 8 June 1990, the regulations contained in Schedule II; and
- (b) declare regulations 8 (7) and 16 of the said regulations to apply also in any area outside the area referred to in paragraph (a) in the Republic of South Africa with effect from 8 June 1990.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Seventh day of June, One thousand Nine hundred and Ninety.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

A. J. VLOK,
Minister of the Cabinet.

SCHEDULE I

The Province of Natal, including that part of the self-governing territory of KwaZulu within the boundaries of the Province of Natal.

12524—1

BYLAE II**Woordomskrywing**

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

“aangewese gebied” die gebied vermeld in Bylae I van hierdie Proklamasie;

“beampte” ’n persoon in diens van die Staat, en ook ’n lid van ’n veiligheidsmag wat nie andersins in diens van die Staat is nie;

“byeenkoms” enige byeenkoms, toeloop of optog van enige getal persone;

“druk” om deur druk, tik of op enige ander wyse van reproduksie voort te bring;

“geskrif” ook enige metode waarvolgens letters, syfers, tekens of simbole in sigbare vorm voorgestel of weergegee word;

“gevangenis” ’n gevangenis bedoel in artikel 20 (1) van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), en ook ’n polisieel of -opsluitplek;

“Kommissaris” die Kommissaris van die Suid-Afrikaanse Polisie, en by die toepassing van ’n bepaling van hierdie regulasies binne of ten opsigte van—

(a) ’n streek soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958), bedoelde Kommissaris of die Streekkommissaris wat kragtens daardie Wet vir daardie streek aangewys is; of

(b) KwaZulu, bedoelde Kommissaris of ander offisier in bevel van die Polisiemag van die Regering van KwaZulu;

“KwaZulu” die selfregerende gebied KwaZulu wat kragtens artikel 26 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), tot so ’n gebied binne die Republiek verklaar is;

“Minister” die Minister van Wet en Orde;

“veiligheidsmag”—

(a) die Suid-Afrikaanse Polisie bedoel in die omskrywing van “die Mag” in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958);

(b) enige deel van genoemde Suid-Afrikaanse Polisie waarvan die beheer, organisasie en administrasie aan die Regering van KwaZulu oorgedra is;

(c) die polisiemag kragtens die KwaZulu Polisiewet, 1980 (Wet No. 14 van 1980), van KwaZulu, ingestel;

(d) die Suid-Afrikaanse Weermag bedoel in artikel 5 van die Verdedigingswet, 1957 (Wet No. 44 van 1957);

(e) die Gevangenisdiens ingestel by artikel 2 van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959),

en ook enige deel van ’n mag bedoel in paragraaf (a) tot (e) of enige samestelling van twee of meer van sodanige magte of van dele van sodanige magte;

“Wet” die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953).

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

SCHEDULE II**Definitions**

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

“Act” means the Public Safety Act, 1953 (Act No. 3 of 1953);

“Commissioner” means the Commissioner of the South African Police, and for the purposes of the application of a provision of these regulations in or in respect of—

(a) a region as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), the said Commissioner or the Regional Commissioner designated under that Act for that region; or

(b) KwaZulu, the said Commissioner or other officer in charge of the Police Force of the Government of KwaZulu;

“designated area” means the area mentioned in Schedule I of this Proclamation;

“gathering” means any gathering, concourse or procession of any number of persons;

“KwaZulu” means the self-governing territory of KwaZulu declared under section 26 of the National States Constitution Act, 1971 (Act No. 21 of 1971), to be such a territory within the Republic;

“Minister” means the Minister of Law and Order;

“officer” means a person in the service of the State, and also a member of a security force who is not otherwise in the service of the State;

“print” means to produce by printing, typing or by any other method of reproduction;

“prison” means a prison referred to in section 20 (1) of the Prisons Act, 1959 (Act No. 8 of 1959), and also a police cell or lock-up;

“security force” means—

(a) the South African Police referred to in the definition of “the Force” in section 1 of the Police Act, 1958 (Act No. 7 of 1958);

(b) any part of the said South African Police of which the control, organization and administration have been transferred to the Government of KwaZulu;

(c) the police force established under the KwaZulu Police Act, 1980 (Act No. 14 of 1980), of KwaZulu;

(d) the South African Defence Force referred to in section 5 of the Defence Act, 1957 (Act No. 44 of 1957); or

(e) the Prisons Service established by section 2 of the Prisons Act, 1959 (Act No. 8 of 1959),

and also any part of a force referred to in paragraph (a) to (e) or any combination of two or more of such forces or of parts of such forces;

“writing” includes any mode of representing or depicting letters, figures, signs or symbols in visible form.

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

Handhawing van orde

2. (1) Wanneer 'n lid van 'n veiligheidsmag van oordeel is dat die aanwesigheid of gedrag van 'n persoon of persone by enige plek in die aangewese gebied die veiligheid van die publiek of die handhawing van die openbare orde in gevaar stel of in gevaar mag stel, moet hy met luide stem in elkeen van die amptelike tale daardie persoon of persone beveel om na 'n plek in die aangewese gebied wat hy aandui, 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 'n bevel in subregulasie (1) bedoel nie onmiddellik gehoorsaam word nie, kan dié lid van 'n veiligheidsmag die geweld toepas, of die toepassing daarvan beveel, wat hy onder die omstandighede nodig ag, ten einde die gevaar wat volgens sy oordeel bestaan, af te weer of te voorkom.

(3) Indien 'n lid van 'n veiligheidsmag 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 'n persoon wat in 'n bepaalde gebied in die aangewese gebied aanwesig is en wat nie sy gewone verblyfplek daar het nie, summier beveel om daardie bepaalde gebied onmiddellik te verlaat, en indien daardie persoon versuim om daardie gebied onmiddellik te verlaat, kan daardie lid die betrokke persoon arresteer of laat arresteer en uit daardie bepaalde gebied verwyder of laat verwyder.

Arres en aanhouding van persone

3. (1) 'n Lid van 'n veiligheidsmag kan in die aangewese gebied enige persoon wie se aanhouding na die oordeel van daardie lid nodig is vir die veiligheid van die publiek of die handhawing van die openbare orde 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 veiligheidsmag onderteken, in bewaring in 'n gevangenis aanhou of laat aanhou, hetsy so 'n gevangenis binne of buite die aangewese gebied geleë is.

(2) Geen persoon word ingevolge subregulasie (1) aangehou vir 'n tydperk van langer as 30 dae vanaf die datum van sy arres nie, tensy daardie tydperk deur die Minister kragtens subregulasie (3) verleng word.

(3) Die Minister kan, sonder kennisgewing aan enigiemand en sonder om enigiemand aan te hoor, by wyse van 'n 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, verder, en in daardie gevangenis, aangehou word vir die tydperk, nie vyf maande te bowe gaan nie, in die kennisgewing vermeld.

(4) Wanneer die Minister kragtens subregulasie (3) die aanhouding van 'n persoon gelas wat 'n vorige tydperk van aanhouding ondergaan het hetsy kragtens daardie subregulasie hetsy kragtens 'n ooreenstemmende bepaling in 'n regulasie wat te eniger tyd sedert 12 Junie 1986 kragtens die Wet in die aangewese gebied van krag was, kan hy in die kennisgewing in genoemde subregulasie (3) bedoel 'n tydperk van aanhouding vermeld wat nie vyf maande te bowe gaan nie ongeag of die tydperk van sodanige vorige aanhouding of op sigself of tesame met sodanige jongste tydperk van aanhouding die maksimum tydperk van vyf maande oorskry of nie.

Maintenance of order

2. (1) Whenever a member of a security force is of the opinion that the presence or conduct of any person or persons at any place in the designated area endangers or may endanger the safety of the public or the maintenance of public order, he shall in a loud voice in each of the official languages order such person or persons to proceed to a place in the designated area indicated by him, or to desist from such conduct, and shall warn such person or persons that force will be used if the order is not obeyed immediately.

(2) If an order referred to in subregulation (1), is not obeyed immediately, such member of a security force 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 danger existing in his opinion.

(3) If a member of a security force 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 summarily order a person present in a particular area in the designated area and who is not normally resident therein, to leave that particular area immediately, and if that person fails to leave that area immediately, that member may arrest the person concerned or cause him to be arrested and may remove him from that particular area or cause him to be so removed.

Arrest and detention of persons

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

(2) No person shall be detained in terms of subregulation (1) for a period exceeding 30 days from the date of his arrest, unless that period is extended by the Minister under subregulation (3).

(3) The Minister may, without notice to any person and without hearing any person, by notice signed by him and addressed to the head of a prison, order that a person arrested and detained in terms of subregulation (1), be further detained, and in that prison, for the period, not exceeding five months, specified in the notice.

(4) Whenever the Minister under subregulation (3) orders the detention of a person who has undergone a previous period of detention either under that subregulation or under a corresponding provision in a regulation which was in force in the designated area under the Act at any time since 12 June 1986, he may specify in the notice referred to in the said subregulation (3) a period of detention not exceeding five months irrespective whether or not such previous period of detention either in itself or together with such latest period of detention exceed the maximum period of five months.

(5) 'n Geskrewe, gedrukte, telegrafiese of dergelike mededeling wat van die Minister of 'n beampte wat op sy gesag handel, afkomstig heet te wees en waarin gemeld word dat 'n kennisgewing ten opsigte van 'n bepaalde persoon kragtens subregulasie (3) uitgereik is, het die uitwerking van bedoelde kennisgewing: Met dien verstande dat indien so 'n geskrewe, gedrukte, telegrafiese of dergelike mededeling in plaas van die betrokke kennisgewing gebruik word, die Minister of bedoelde beampte die kennisgewing so spoedig doenlik moet stuur aan die in subregulasie (3) bedoelde hoof van die gevangenis waar die persoon op wie die kennisgewing van toepassing is kragtens die kennisgewing aangehou moet word.

(6) 'n Persoon wat ingevolge hierdie regulasie in 'n gevangenis aangehou word, kan, indien die Minister of 'n offisier, soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958), of die hoof van daardie gevangenis, skriftelik aldus gelas, uit daardie gevangenis in hegtenis verwyder word vir aanhouding in enige ander gevangenis, of vir enige ander doeleindes in sodanige lasgewing vermeld.

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

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

(a) het toegang tot 'n persoon wat ingevolge hierdie regulasie aangehou word nie, behalwe met die toestemming van en op die voorwaardes bepaal deur die Minister of iemand deur hom daartoe gemagtig; of

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

(9) (a) Die verbod ingevolge subregulasie (8) op ongemagtigde toegang tot 'n persoon wat kragtens hierdie regulasie aangehou word, is, behoudens paragraaf (b), nie van toepassing nie—

(i) op 'n geneesheer of a spesialis of die personeel van 'n hospitaal of kliniek in soverre sodanige geneesheer, spesialis of personeel mediese of tandheelkundige behandeling aan 'n aangehoude persoon verskaf in die omstandighede beoog in, en ooreenkomstig die aanbeveling van die geneeskundige beampte handelende ingevolge regulasie 4 (3) van die Gevangenisnoodregulasies, 1990; of

(ii) op 'n regsverteenvoerder in soverre so 'n regsverteenvoerder die aangehoude persoon bystaan ten opsigte van 'n *bona fide*-regsangeleentheid waarby die aangehoude persoon 'n werklike belang het: Met dien verstande dat die besoek deur die regsverteenvoerder aan die aangehoude persoon moet geskied op sodanige tye en onderworpe aan sodanige voorwaardes as wat die Minister, of iemand deur hom daartoe gemagtig, in die algemeen of met verwysing na daardie bepaalde geval mag bepaal.

(5) A written, printed, telegraphic or similar communication purporting to be from the Minister or an officer acting under his authority, stating that a notice has been issued under subregulation (3) in respect of a particular person, shall have the effect of the said notice: Provided that if such a written, printed, telegraphic or similar communication is used in lieu of the notice in question, the Minister or the said officer shall as soon as possible forward the notice to the head of the prison referred to in subregulation (3) where the person to whom the notice applies is to be detained under such notice.

(6) A person detained in a prison in terms of this regulation may, if the Minister or a commissioned officer, as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), or the head of that prison, in writing so directs, be removed in custody from that prison for detention in any other prison, or for any other purposes mentioned in such direction.

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

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

(a) shall have access to a person detained in terms of this regulation except with the consent of and subject to such conditions as may be determined by the Minister or a person authorized thereto by him; or

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

(9) (a) The prohibition in terms of subregulation (8) on unauthorized access to a person detained under this regulation shall, subject to paragraph (b), not apply—

(i) to a medical practitioner or a specialist or the staff of a hospital or clinic insofar as such medical practitioner, specialist or staff provides medical or dental treatment to the detained person in the circumstances contemplated in, and in accordance with the recommendation of the medical officer acting in terms of regulation 4 (3) of the Prison Emergency Regulations, 1990; or

(ii) to a legal representative insofar as such legal representative aids the detained person in respect of a *bona fide* legal matter in which the detained person has a real interest: Provided that the visit by the legal representative to the detained person shall take place during such times and subject to such conditions as the Minister, or a person authorized thereto by him, may in general or with reference to that particular case determine.

(b) Paragraaf (a) onthef nie 'n geneesheer, spesialis, personeelid van 'n hospitaal of kliniek of 'n regsverteenwoordiger van die bepalings van subregulasie (8) nie indien hy 'n persoon is ten opsigte van wie stappe kragtens 'n bepaling van Hoofstuk 3 van die Wet op Binnelandse Veiligheid, 1982 (Wet No. 74 van 1982), of regulasie 8 van hierdie regulasies van krag is.

(10) Die Minister kan te eniger tyd by wyse van 'n kennisgewing deur hom onderteken, gelas dat 'n persoon wat ingevolge hierdie regulasie aangehou word, uit aanhouding vrygelaat word.

Aanstelling van spesiale adviseurs

4. (1) Die Minister kan 'n persoon by kennisgewing in die *Staatskoerant* as 'n spesiale adviseur aanstel om die werksaamhede in subregulasies (4) en (6) verrig.

(2) Indien die Minister kragtens subregulasie (1) meer as een persoon as 'n spesiale adviseur aanstel, kan hy in die kennisgewing bedoel in daardie subregulasie die gebied omskryf waarvoor so 'n persoon aldus aangestel word.

(3) Die aanstelling as spesiale adviseur van 'n persoon wat nie 'n beampte of werknemer in diens van die Staat of 'n persoon wat 'n openbare amp onder die Republiek beklee, is nie, is onderworpe aan die voorwaardes (met inbegrip van 'n voorwaarde betreffende die betaling van besoldiging en toelaes) wat die Minister met die instemming van die Minister van Finansies bepaal.

(4) 'n Spesiale adviseur moet—

- (a) so dikwels as wat deur die Minister in die algemeen of in 'n bepaalde geval vereis mag word, iedere persoon wat kragtens regulasie 3 in aanhouding is, of, indien sy aanstelling as spesiale adviseur tot 'n bepaalde gebied beperk is, in daardie gebied in aanhouding is, besoek;
- (b) hom daarvan vergewis dat die omstandighede van, en behandeling in, aanhouding van so 'n persoon in ooreenstemming is met die toepaslike statutêre en ander vereistes;
- (c) aan die Minister 'n skriftelike verslag voorlê oor enige aangeleentheid betreffende so 'n persoon se aanhouding wat, volgens die spesiale adviseur se oordeel, onder die aandag van die Minister gebring behoort te word;
- (d) aan die Minister enige vertoë in skriftelike vorm voorlê wat so 'n persoon in verband met sy aanhouding of vrylating aan die spesiale adviseur gerig of voorgelê het; en
- (e) die verdere werksaamhede verrig wat die Minister in die algemeen of met verwysing na 'n bepaalde aangehoude persoon aan hom mag opdra,

en kan, daarbenewens, enige aanbevelings wat hy in verband met 'n persoon se aanhouding of vrylating dienstig ag by die Minister doen.

(5) 'n Onderhoud gedurende 'n besoek bedoel in subregulasie (4) (a) tussen 'n spesiale adviseur en 'n aangehoude persoon, moet, indien die aangehoude persoon aldus versoek, buite gehoor van derde partye of bepaalde derde partye, soos wat die aangehoude persoon mag versoek, plaasvind.

(6) Indien 'n spesiale adviseur van oordeel is dat 'n misdryf ten opsigte van die fisiese of psigiese integriteit van 'n aangehoude persoon gepleeg mag gewees het terwyl so 'n persoon in aanhouding was, moet hy 'n verslag opstel betreffende die aard, besonderhede en omstandighede van die beweerde misdryf en die verslag aan die Minister en aan die Prokureur-generaal wat jurisdiksie ten opsigte van die beweerde misdryf besit, voorlê.

(b) Paragraph (a) shall not exempt a medical practitioner, specialist, staff member of a hospital or clinic or a legal representative from the provisions of subregulation (8) if he is a person in respect of whom steps under a provision of Chapter 3 of the Internal Security Act, 1982 (Act No. 74 of 1982), or regulation 8 of these regulations are in force.

(10) The Minister may at any time by notice signed by him, order that a person who is detained in terms of this regulation be released from detention.

Appointment of special advisers

4. (1) The Minister may by notice in the *Government Gazette* appoint a person as a special adviser to perform the functions referred to in subregulations (4) and (6).

(2) If the Minister appoints under subregulation (1) more than one person as a special adviser, he may in the notice referred to in that subregulation define the area for which such a person is so appointed.

(3) The appointment as special adviser of a person who is not an officer or employee in the service of the State or a person holding public office under the Republic, shall be subject to such conditions (including a condition relating to the payment of remuneration and allowances) as the Minister may with the concurrence of the Minister of Finance determine.

(4) A special adviser shall—

- (a) as often as may be required by the Minister in general or in a particular case, visit every person who is in detention under regulation 3, or, if his appointment as special adviser is limited to a particular area, is in that area in such detention;
- (b) satisfy himself that the circumstances of, and treatment in, detention of such a person are in accordance with the applicable statutory and other requirements;
- (c) submit to the Minister in writing a report on any matter relating to such a person's detention which, in the special adviser's opinion, ought to be brought to the Minister's attention;
- (d) submit to the Minister in written form any representations which such a person made to or lodged with the special adviser in connection with his detention or release; and
- (e) perform such further functions which the Minister may in general or with reference to a particular detained person assign to him,

and may, in addition, make such recommendations to the Minister in connection with a detained person's detention or release as he may deem expedient.

(5) An interview during a visit contemplated in subregulation (4) (a) between a special adviser and a detained person shall, if the detained person so requests, take place out of earshot of third parties or particular third parties, as the detained person may request.

(6) If a special adviser is of the opinion that an offence may have been committed in respect of the physical or psychological integrity of a detained person while such person was in detention, he shall compile a report on the nature, particulars and circumstances of the alleged offence and shall submit such report to the Minister and to the Attorney-General who has jurisdiction in respect of the alleged offence.

Dreigemente van skade, letsel of verlies

5. Niemand mag in die aangewese gebied—

- (a) deur woord of gedrag dreig om 'n ander persoon, of enige van so 'n persoon se familiebetrekkinge of afhanklikes, skade, letsel of verlies toe te bring hetsy aan sy of hulle persoon of eiendom of op enige ander wyse nie; of
- (b) enige geskrif wat met die toediening van enige skade, letsel of verlies dreig aan 'n ander persoon of aan enige van so 'n persoon se familiebetrekkinge of afhanklikes, hetsy aan sy of hulle persoon of eiendom of op enige ander wyse, voorberei, saamstel, druk, uitgee, versend, besit of versprei of by die voorbereiding samestelling, druk, uitgee, versending of verspreiding van so 'n geskrif hulp verleen nie.

Reg van betreding, deursoeking en beslaglegging

6. (1) Indien 'n lid van 'n veiligheidsmag 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, in die aangewese gebied, sonder lasbrief maar behoudens subregulasie (3)—

- (a) enige perseel, gebou, voertuig, vaartuig of lugvaartuig betree en daarop of daarin enige stappe doen wat hy by 'n bepaling van hierdie regulasies of enige ander wet gemagtig is om te doen;
 - (b) enige persoon of enige perseel, gebou, voertuig, vaartuig of lugvaartuig of enige houër, voorwerp of ander artikel deursoek; of
 - (c) beslag lê op enige voertuig, vaartuig of lugvaartuig of enige houër, voorwerp of ander artikel—
 - (i) wat betrokke is of bestem is om gebruik te word, of deur so 'n lid vermoed word betrokke te wees of bestem te wees om gebruik te word, by die pleging of vermeende pleging van 'n misdryf; of
 - (ii) wat as bewysstuk kan dien in strafregtelike verrigtinge.
- (2) Met enigiets waarop daar kragtens subregulasie (1) (c) beslag gelê is, word daar gehandel ooreenkomstig die opdrag van die Minister wat hy na goeëddunke met die oog op die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, hetsy in die algemeen of met verwysing na 'n bepaalde beslaglegging, kan uitreik.

(3) Die bepalings van artikels 27 en 29 van die Strafproseswet, 1977 (Wet No. 51 van 1977), met betrekking tot die deursoeking of betreding van persele en die deursoeking van persone deur 'n polisiebeampte, is *mutatis mutandis* van toepassing op enige betreding of deursoeking kragtens hierdie regulasie deur 'n lid van 'n veiligheidsmag.

Versoek om naam en adres van 'n persoon

7. 'n Lid van 'n veiligheidsmag kan by die uitoefening van enige bevoegdheid of die uitvoering van enige plig deur, kragtens of uit hoofde van hierdie regulasies verleen of opgelê, enige persoon in die aangewese gebied versoek om sy volle naam en adres aan sodanige lid te verstrek.

Threats of harm, hurt or loss

5. No person shall, in the designated area—

- (a) by word or conduct threaten to inflict upon any other person, or upon any of such person's relatives or dependants, any harm, hurt or loss, whether to his or their person or property or in any other way; or
- (b) prepare, compile, print, publish, transmit, possess or disseminate, or assist in the preparation, compilation, printing, publication, transmission or dissemination of any writing which threatens the infliction upon any other person, or upon any of such person's relatives or dependants, of any harm, hurt or loss, whether to his or their person or property or in any other way.

Power of entry, search and seizure

6. (1) If a member of a security force 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, in the designated area, without warrant but subject to subregulation (3)—

- (a) enter any premises, building, vehicle, vessel or aircraft and thereon or therein take any steps which he is by a provision of these regulations or any other law authorised to take;
- (b) search any person or any premises, building, vehicle, vessel or aircraft or any receptable, object or other article; or
- (c) seize any vehicle, vessel or aircraft or any receptable, object or other article—
 - (i) which is concerned or intended to be used, or believed by such member to be concerned or intended to be used, in the commission or suspected commission of an offence; or
 - (ii) which may be used as evidence in criminal proceedings.

(2) Anything seized under subregulation (1) (c) shall be dealt with in accordance with the direction of the Minister which may be issued by him at his discretion with a view to the safety of the public, the maintenance of public order or the termination of the state of emergency, either generally or with reference to a particular seizure.

(3) The provisions of sections 27 and 29 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), with reference to the search or entry of premises and the search of persons by a police official, shall apply *mutatis mutandis* to any search or entry under this regulation by a member of a security force.

Request for name and address of a person

7. A member of a security force may in the exercise of any power or the carrying out of any duty conferred or imposed by, under or pursuant to these regulations, request any person in the designated area to furnish such member with his full name and address.

Beperkings op bedrywighede of handelinge van natuurlike persone

8. (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 aangewese gebied in die bevel vermeld, verbied word om, of verbied word om sonder die skriftelike toestemming van die Minister of die Kommissaris, in die aangewese gebied—

- (a) 'n bedrywigheid of handeling in die bevel vermeld, te beoefen of te verrig;
- (b) bedrywighede of handelinge 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) kan van die persoon ten opsigte van wie dit uitgereik word, vereis om hom tussen die ure op die dag of dae in die bevel vermeld, by 'n polisiestasie in die aangewese gebied insgelyks vermeld aan te meld.

(3) '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 aangewese gebied bestaan, ingetrek word of verval, wat ook al die eerste gebeur.

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

(b) Geen toestemming beoog in subregulasie (1) word deur die Minister of die Kommissaris verleen nie tensy die Minister of die Kommissaris, na gelang van die geval, 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.

(5) Die bepalings van regulasie 10 (4) is *mutatis mutandis* van toepassing ten opsigte van 'n bevel kragtens subregulasie (1) uitgereik, en by sodanige toepassing word 'n verwysing in genoemde bepalings na die Kommissaris uitgelê as 'n verwysing na die Minister.

(6) Enige bevel kragtens subregulasie (1) ten opsigte van 'n persoon uitgereik, word deur die Minister aan daardie persoon bekendgemaak—

- (a) deur die inhoud van die bevel in die *Staatskoerant* of, waar van toepassing, in die *Amptelike Koerant* van KwaZulu te publiseer; of
- (b) deur die bevel, of 'n afskrif daarvan, aan daardie persoon te oorhandig of aan te bied of deur 'n lid van 'n veiligheidsmag aan hom te laat oorhandig of aanbied.

(7) 'n Persoon ten opsigte van wie 'n bevel kragtens subregulasie (1) (c) of (d) uitgereik is en wat—

- (a) op die tydstip waarop die bevel, of 'n afskrif daarvan, ooreenkomstig subregulasie (6) (b) aan hom oorhandig of aangebied word, hom op 'n plek bevind wat buite die grense van die gebied of perseel is waartoe hy ingevolge die bevel ingeperk word; of

Restrictions on activities or acts of natural persons

8. (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 in the designated area mentioned in the order is prohibited, or is prohibited without the written consent of the Minister or the Commissioner, in the designated area, 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 under subregulation (1) may require the person in respect of whom it is issued to report in person between the hours on the day or days specified in the order, to a police station in the designated area likewise specified.

(3) 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 designated area is withdrawn or expires, whichever occurs first.

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

(b) No consent contemplated in subregulation (1) shall be granted by the Minister or the Commissioner unless the Minister or the Commissioner, as the case may be, 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.

(5) The provisions of regulation 10 (4) 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.

(6) Any order issued in respect of a person under subregulation (1) shall be made known by the Minister to that person—

- (a) by publishing the order in the *Government Gazette* or, where applicable, the *Official Gazette* of KwaZulu; or
- (b) by handing or tendering such order, or a copy thereof, to that person or by causing such order or copy to be handed or tendered to that person by a member of a security force.

(7) A person in respect of whom an order has been issued under subregulation (1) (c) or (d) and who—

- (a) at the time when the order, or a copy thereof, is handed or tendered to him in accordance with subregulation (6) (b), happens to be at a place outside the boundaries of the area or premises to which he is restricted in terms of the order; or

- (b) te eniger tyd nadat die bevel ooreenkomstig subregulasie (6) (a) in die *Staatskoerant* of die *Amptelike Koerant* van KwaZulu, na gelang van die geval, gepubliseer is of nadat die bevel of 'n afskrif daarvan, ooreenkomstig subregulasie (6) (b), aan hom oorhandig of aangebied is, deur 'n lid van 'n veiligheidsmag gevind word op 'n plek buite die grense van die gebied of perseel waartoe hy ingevolge die bevel ingeperk is en sy aanwesigheid buite die grense van bedoelde gebied of perseel in stryd met die bevel is,

kan sonder 'n lasbrief gearresteer word deur 'n lid van 'n veiligheidsmag en in hegtenis verwyder word tot binne die grense van bedoelde gebied of perseel, na gelang van die geval, en so 'n persoon kan in afwagting van sy verwydering in hegtenis aangehou word.

Verbod op bepaalde bedrywighede of handelinge

9. (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 persone in die algemeen of persone wat behoort tot 'n kategorie persone in die bevel vermeld, verbied word om, of verbied word om sonder die skriftelike toestemming van die Minister of die Kommissaris, in die aangewese gebied—

- (a) 'n bedrywigheid of handeling in die bevel vermeld, te beoefen of te verrig;
- (b) bedrywighede of handelinge van 'n aard, klas of soort in die bevel vermeld, te beoefen of te verrig; of
- (c) op 'n plek of in 'n gebied of in omstandighede in die bevel vermeld—
 - (i) iets insgelyks vermeld by of aan hulle te hê; of
 - (ii) gekleed te wees in drag insgelyks vermeld.

(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 aangewese gebied bestaan, ingetrek word of verval, wat ook al die eerste gebeur.

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

(b) Geen toestemming beoog in subregulasie (1) word deur die Minister of die Kommissaris verleen nie tensy die Minister of die Kommissaris, na gelang van die geval, 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.

Bevele deur Kommissaris

10. (1) Die Kommissaris kan vir die doel van die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, bevele wat nie met hierdie regulasies onbestaanbaar is nie, uitreik—

- (a) met betrekking tot—
 - (i) die afbakening van gebiede in die aangewese gebied;

- (b) at any time after the order has in accordance with subregulation (6) (a) been published in the *Government Gazette* or the *Official Gazette* of KwaZulu, as the case may be, or after the order or a copy thereof, has in accordance with subregulation (6) (b), been handed or tendered to him, is found by a member of a security force at a place outside the boundaries of the area or premises to which he is restricted in terms of the order and his presence outside the boundaries of the said area or premises is in contravention of the order,

may without a warrant be arrested by a member of a security force and be removed in custody to within the boundaries of the said area or premises, as the case may be, and such a person may pending his removal be detained in custody.

Prohibition of particular activities or acts

9. (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 *Government Gazette* whereby persons in general or persons belonging to a category of persons specified in the order are prohibited, or are prohibited without the written consent of the Minister or the Commissioner, in the designated area, 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; or
- (c) (i) having with or on them a thing specified in the order; or
- (ii) being clothed in apparel specified in the order,

at a place or in an area or in circumstances likewise specified.

(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 designated area is withdrawn or expires, whichever occurs first.

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

(b) No consent contemplated in subregulation (1) shall be granted by the Minister or the Commissioner unless the Minister or the Commissioner, as the case may be, 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.

Orders by Commissioner

10. (1) The Commissioner may for the purpose of the safety of the public, the maintenance of public order or the termination of the state of emergency, and without prior notice to any person and without hearing any person, issue orders not inconsistent with these regulations—

- (a) relating to—
 - (i) the demarcation of areas in the designated area;

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| <p>(ii) die afsluiting van 'n bepaalde gebied of deel van so 'n gebied in die aangewese gebied ten einde toegang tot of vertrek uit so 'n gebied of deel daarvan te beheer;</p> <p>(iii) die beheer van toegang tot of vertrek uit 'n bepaalde gebied in die aangewese gebied of deel van so 'n gebied;</p> <p>(iv) die beheer van verkeer in die aangewese gebied;</p> <p>(v) die tydelike sluiting van enige openbare of private plek of enige besigheids- of nywerheidsonderneming in die aangewese gebied; of</p> <p>(vi) die beheer van enige noodsaaklike dienste en die bewaring en veiligheid van enige installasies of werke wat daarmee in verband staan in die aangewese gebied;</p> <p>(b) waarby enige persoon verbied word om, of verbied word om sonder die toestemming van die Kommissaris, in die aangewese gebied—</p> <p>(i) enige voorwerp of artikel in die bevel vermeld in 'n bepaalde gebied in te bring of in so 'n gebied in besit daarvan te wees;</p> <p>(ii) enige handeling of bedrywigheid in die bevel vermeld in 'n bepaalde gebied te verrig of te beoefen;</p> <p>(iii) te eniger tyd buite die grense van 'n bepaalde gebied te wees;</p> <p>(iv) te eniger tyd buite die grense van sy woonperseel in 'n bepaalde gebied te wees;</p> <p>(v) te eniger tyd in 'n bepaalde gebied 'n voertuig in beweging te bring of te bestuur of in of op 'n bewegende voertuig te wees; of</p> <p>(vi) 'n bepaalde gebied binne te gaan indien hy nie sy gewone verblyfplek in daardie gebied het nie;</p> <p>(c) waarby 'n bepaalde byeenkoms, of enige byeenkoms van 'n bepaalde aard, klas of soort op 'n plek of in 'n gebied in die bevel vermeld, in die aangewese gebied verbied word; of—</p> <p>(d) (i) wat verbied dat 'n bepaalde byeenkoms, of enige byeenkoms van 'n bepaalde aard, klas of soort, in 'n gebied in die bevel vermeld, in die aangewese gebied gehou word behalwe ooreenkomstig voorwaardes ingelyks vermeld, watter voorwaardes voorwaardes kan insluit wat die Kommissaris se voorafverkreë goedkeuring vir die tyd, datum en plek van die byeenkoms vereis, wat die ure van die dag of die dae van die week voorskryf waartydens die byeenkoms mag plaasvind of nie mag plaasvind nie, wat 'n beperking plaas op die getal persone wat die byeenkoms mag bywoon en wat 'n verbod plaas op persone wat nie tot 'n vermelde kategorie persone behoort nie om toesprake by die byeenkoms te hou;</p> <p>(ii) wat persone verbied om handelinge in die bevel vermeld by 'n byeenkoms in subparagraaf (i) bedoel, te verrig of om so 'n byeenkoms ten opsigte waarvan 'n voorwaarde in die bevel vermeld nie aan voldoen is of word nie, by te woon of daarby aanwesig te bly;</p> | <p>(ii) the closing off of a particular area or part of such area in the designated area in order to control entry to or departure from such area or part thereof;</p> <p>(iii) the control of entry to or departure from a particular area in the designated area or part of such area in the designated area;</p> <p>(iv) the control of traffic in the designated area;</p> <p>(v) the temporary closing of any public or private place or any business or industrial undertaking in the designated area; or</p> <p>(vi) the control of any essential services and the security and safety of any installation or works connected therewith in the designated area;</p> <p>(b) whereby any person is prohibited, or is prohibited without the consent of the Commissioner, in the designated area, from—</p> <p>(i) bringing into a particular area any object or article specified in the order or being in possession thereof in such an area;</p> <p>(ii) performing any act or carrying on any activity specified in the order in a particular area;</p> <p>(iii) being outside the boundaries of a particular area at any time;</p> <p>(iv) being outside the boundaries of his residential premises in a particular area at any time;</p> <p>(v) putting in motion or driving or being in or upon a vehicle that is in motion in a particular area, at any time; or</p> <p>(vi) entering a particular area if he is not normally resident in that area;</p> <p>(c) whereby a particular gathering, or any gathering of a particular nature, class or kind, is prohibited in the designated area at a place or in an area specified in the order; or—</p> <p>(d) (i) prohibiting the holding of a particular gathering, or any gathering of a particular nature, class or kind, in an area in the designated area specified in the order otherwise than in accordance with conditions likewise specified, which conditions may include conditions requiring the Commissioner's prior approval for the time, date and place of the gathering, prescribing the hours of the day or the days of the week during which the gathering may or may not take place, limiting the number of persons who may attend the gathering and prohibiting persons not belonging to a specified category of persons from making speeches at the gathering;</p> <p>(ii) prohibiting persons from committing at a gathering referred to in subparagraph (i) acts specified in the order, or from attending, or from remaining present at, a gathering in respect of which a condition specified in the order has not been or is not being complied with;</p> |
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(iii) wat, in die geval van so 'n byeenkoms wat die vorm van 'n optog of begrafnisstoet aanneem, vereis dat die optog of begrafnisstoet nie langs 'n ander roete mag beweeg as die roete deur die Kommissaris bepaal nie of dat die persone wat die optog of begrafnisstoet uitmaak slegs in voertuie mag beweeg.

(2) 'n Bevel kragtens subregulasie (1) uitgereik—

(a) kan algemeen van krag wees of betrekking hê op 'n persoon in die bevel vermeld, of op 'n kategorie persone in die bevel vermeld, of op enige persoon of persone wat nie tot 'n bepaalde kategorie in die bevel vermeld, behoort nie; en

(b) is van krag gedurende 'n 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 aangewese gebied bestaan, ingetrek word of verval, wat ook al die eerste gebeur.

(3) (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.

(4) By enige verrigtinge voor 'n gereghof waarby dit ter sake is of die Kommissaris 'n bepaalde bevel uitgevaardig het, al dan nie, word 'n afskrif van die bevel onder die Kommissaris se handtekening gewaarmerk, as afdoende bewys van die uitvaardiging en inhoud van die betrokke bevel aanvaar.

Afkondiging van bevele

11. Enige bevel kragtens regulasie 10 uitgereik, word afgekondig deur daardie bevel—

(a) by kennisgewing in die *Staatskoerant* of, waar van toepassing, die *Amptelike Koerant* van KwaZulu 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;

(e) waar dit aan 'n bepaalde persoon gerig is, in 'n skriftelike vorm aan daardie persoon te oorhandig of aan te bied of te laat oorhandig of aanbied; of

(f) deur mondelinge aankondiging aan 'n bepaalde persoon, of aan lede van die publiek in die algemeen, in die betrokke gebied bekend te maak op 'n wyse wat die Kommissaris dienstig ag, wanneer dit, na die oordeel van die Kommissaris, vanweë die dringendheid daarvan of om enige ander rede ook al, nie ooreenkomsig die bepalings van paragraaf (a), (b), (c), (d) of (e) gepubliseer, bekend gemaak, versprei of afgekondig kan word nie.

(iii) requiring, in the case of a gathering which takes the form of a procession or a funeral procession, that the procession or funeral procession shall not proceed along a route other than the route determined by the Commissioner or that the persons forming the procession or funeral procession shall proceed in vehicles only.

(2) An order issued under subregulation (1)—

(a) may be of force generally or relate to a person specified in the order, or to a category of persons specified in the order, or to any person or persons not belonging to a particular category specified in the order; and

(b) shall be of force during a period 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 designated area is withdrawn or expires, whichever occurs first.

(3) (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.

(4) In any proceedings before a court of law in which it is relevant whether or not the Commissioner has issued a particular order, a copy of the order certified under the Commissioner's hand shall be accepted as conclusive proof of the issuing and contents of the order concerned.

Promulgation of orders

11. Any order issued under regulation 10 shall be promulgated—

(a) by publishing the order by notice in the *Government Gazette* or, where applicable, the *Official Gazette* of KwaZulu;

(b) by publishing the order in a newspaper circulating in the area in respect of which the order applies;

(c) by making the order known by means of radio or television;

(d) by distributing the order in a written form among members of the public and by affixing it on public buildings or at prominent public places in the area concerned;

(e) where the order is directed to a particular person, by handing or tendering it or causing it to be handed or tendered in a written form to that person; or

(f) by oral announcement to any particular person, or to members of the public in general, in the area concerned in a manner deemed fit by the Commissioner whenever, due to the urgency thereof or for any other reason whatsoever, it can, in the opinion of the Commissioner, not be published, made known, distributed or announced in accordance with the provisions of paragraph (a), (b), (c), (d) or (e).

Misdrywe

12. Iemand wat—

- (a) 'n bevel, opdrag of versoek kragtens 'n bepaling van hierdie regulasies, oortree of versuim om daaraan te voldoen;
- (b) 'n voorwaarde ten opsigte van hom kragtens regulasie 8 (4), 9 (3) of 10 (3) opgelê, oortree of versuim om daaraan te voldoen;
- (c) 'n bepaling van regulasie 5 oortree;
- (d) iemand anders in die uitvoering van enige plig of die uitoefening van enige bevoegdheid of die verrigting van enige werkzaamheid deur, kragtens of uit hoofde van 'n bepaling van hierdie regulasies opgelê of verleen, belemmer; of
- (e) 'n kennisgewing of ander geskrif wat kragtens hierdie regulasies uitgereik is of daarkragtens uitgereik heet te wees, vernietig, skend of vervals,

is aan 'n misdryf skuldig.

Strawwe

13. Iemand wat skuldig bevind word aan 'n misdryf kragtens hierdie regulasies is strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens tien jaar of met daardie gevangenisstraf sonder die keuse van 'n boete, en die hof wat hom skuldig bevind kan enige goed, eiendom of instrument deur middel waarvan of in verband waarmee die misdryf gepleeg is, aan die Staat verbeurd verklaar.

Opdrag van Prokureur-generaal vereis vir vervolging

14. Geen verhoor weens 'n misdryf ingevolge hierdie regulasies word ingestel nie behalwe ingevolge die uitdruklike opdrag van die Prokureur-generaal van Natal.

Bewys van sekere feite

15. Indien by enige verrigtinge voor 'n geregshof die vraag ontstaan of die Minister, ten opsigte van stappe wat deur hom kragtens regulasie 3 (3), 8 (1) of 9 (1) gedoen is of heet te wees, van oordeel was, ooreenkomstig die bedoeling van daardie regulasie, dat daardie stappe nodig was vir die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, word 'n geskrif wat 'n beëdigde verklaring is of heet te wees van 'n persoon wat in daardie geskrif beweer dat hy die Minister van Wet en Orde was op die tydstip toe die stappe gedoen is en dat hy die stappe gedoen het nadat hy van oordeel was dat daardie stappe nodig was vir die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, na gelang van die geval, by blote voorlegging daarvan by bedoelde verrigtinge deur enige persoon, as afdoende bewys van die feite daarin vermeld, aanvaar.

Beperking van aanspreeklikheid

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

- (a) die Staat of die Regering van KwaZulu;
- (b) die Staatspresident;
- (c) 'n lid van die Kabinet of 'n Ministersraad of die Kabinet van KwaZulu;
- (d) 'n lid van 'n veiligheidsmag;
- (e) iemand wat in diens van die Staat of van die Regering van KwaZulu 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,

Offences

12. Any person who—

- (a) contravenes or fails to comply with any order, direction or request under a provision of these regulations;
- (b) contravenes or fails to comply with any condition imposed in respect of him under regulation 8 (4), 9 (3) or 10 (3);
- (c) contravenes a provision of regulation 5;
- (d) 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; or
- (e) destroys, defaces or falsifies any notice or other writing issued or purporting to have been issued under these regulations,

shall be guilty of an offence.

Penalties

13. Any person convicted of an offence under these regulations shall be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding ten 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 was committed, to be forfeited to the State.

Direction of Attorney-General required for prosecution

14. No trial for an offence under these regulations shall be instituted except by the express direction of the Attorney-General of Natal.

Proof of certain facts

15. If in any proceedings before a court of law the question arises whether the Minister, in respect of steps taken or purported to have been taken by him under regulation 3 (3), 8 (1) or 9 (1), was of the opinion, within the meaning of that regulation, that such steps were necessary for the safety of the public, the maintenance of public order or the termination of the state of emergency, a document being or purporting to be an affidavit made by a person who in that document alleges that he was the Minister of Law and Order at the time when such steps were taken and that he had taken such steps after he was of the opinion that such steps were necessary for the safety of the public, the maintenance of public order or the termination of the state of emergency, as the case may be, shall, on its mere production at the said proceedings by any person, be accepted as conclusive proof of the facts stated therein.

Limitation of liability

16. (1) No civil or criminal proceedings shall be instituted or continued in any court of law against—

- (a) the State or the Government of KwaZulu;
- (b) the State President;
- (c) any member of the Cabinet or a Ministers' Council or the Cabinet of KwaZulu;
- (d) any member of a security force;
- (e) any person in the service of the State or of the Government of KwaZulu; 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,

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 of enige ander regulasies uitgevaardig kragtens die Wet 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 te verseker, of om met omstandighede te handel wat as gevolg van genoemde noodtoestand ontstaan het of waarskynlik sal ontstaan.

(2) (a) Wanneer die hof waarin 'n geding ingestel is, van mening is dat die geding uit hoofde van subregulasie (1) nie voortgesit mag word nie, moet die hof 'n bevinding in dier voege maak.

(b) Wanneer die hof so 'n bevinding gemaak het, verval sodanige geding en word dit geag nietig te wees.

(3) Geen interdik of ander prosesstuk word uitgereik vir die opskorting of nietigverklaring van 'n bevel, reël of kennisgewing uitgereik of uitgevaardig kragtens hierdie regulasies of enige ander regulasies uitgevaardig kragtens die Wet 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 of sodanige ander regulasies opgeskort nie.

(4) Indien by 'n geding ingestel teen 'n in subregulasie (1) vermelde persoon of lid, of die Staat of die Regering van KwaZulu, 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.

(5) Die bepalinge van hierdie regulasie is ook van toepassing ten aansien van enige versuim deur 'n in subregulasie (1) vermelde persoon of lid om in verband met die aanraai, gebied, beveel, gelas of verrig van 'n voormelde handeling 'n voorskrif van 'n wet na te kom.

Kort titel

17. Hierdie regulasies heet die Veiligheidsnoodregulasies, 1990.

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 or any other regulations made under the Act, with intent to ensure the safety of the public, the maintenance of public order or the termination of the state of emergency or in order to deal with circumstances which have arisen or are likely to arise as a result of the said state of emergency.

(2) (a) Whenever the court in which any proceedings have been instituted, is of the opinion that by virtue of subregulation (1) the proceedings may not be continued, the court shall make a finding to that effect.

(b) Whenever the court has made such a finding, such proceedings shall lapse and be deemed to be void.

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

(4) If in any proceedings instituted against any member or person referred to in subregulation (1), or the State, or the Government of KwaZulu, 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.

(5) The provisions of this regulation shall apply also in respect of any default by any person or member referred to in subregulation (1) in complying with any provision of any law in connection with advising, commanding, ordering, directing or performing any such act aforesaid.

Short title

17. These regulations shall be called the Security Emergency Regulations, 1990.

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