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PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 118, 1990

KOMMISSIE VAN ONDERSOEK NA DIE
VOORTGESETTE INSLUITING VAN PSIGOPA-
TIE AS SERTIFISEERBARE GEESTESONGE-
STELDHEID EN DIE HANTERING VAN PSIGO-
PATIESE EN ANDER GEWELDMISDADIGERS

Kragtens die bevoegdheid my verleen by artikel 1 van die Kommissiewet, 1947 (Wet No. 8 van 1947), verklaar ek hierby dat die bepalings van daardie Wet van toepassing is op die Kommissie van Onderzoek na die Voortgesette Insluiting van Psigopatie as Sertifiseerbare Geestesongesteldheid en die Hantering van Psigopatiese en Ander Gewelddadigers en vaardig ek hierby die Regulasies (Afrikaans en Engels) in die Bylae vervat met betrekking tot genoemde Kommissie uit.

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

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. COETSEE,
Minister van die Kabinet.

BYLAE

REGULASIES

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

“beampte” iemand wat in die voltydse diens van die Staat is en wat aangestel of aangewys is om die Kommissie by die verrigting van sy werksaamhede behulpzaam te wees;

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 118, 1990

COMMISSION OF INQUIRY INTO THE CONTINUED INCLUSION OF PSYCHOPATHY AS A CERTIFIABLE MENTAL ILLNESS AND THE HANDLING OF PSYCHOPATHIC AND OTHER VIOLENT OFFENDERS

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby declare that the provisions of that Act shall be applicable to the Commission of Inquiry into the Continued Inclusion of Psychopathy as a Certifiable Mental Illness and the Handling of Psychopathic and Other Violent Offenders, and I hereby make the Regulations (Afrikaans and English) contained in the Schedule with reference to the said Commission.

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

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

H. J. COETSEE,
Minister of the Cabinet.

SCHEDULE REGULATIONS

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

“Chairman” means the Chairman of the Commission;

“Commission” means the Commission of Inquiry into the Continued Inclusion of Psychopathy as a Certifiable Mental Illness and the Handling of Psychopathic and Other Violent Offenders;

“dokument” ook ’n boek, pamflet, aantekening, lys, omsendbrief, plan, plakkaat, aanplakbiljet, publikasie, tekening, foto of prent;

“Kommissie” die in hierdie proklamasie bedoelde Kommissie van Onderzoek na die Voortgesette Insluiting van Psigopatie as Sertifiseerbare Geestesongesteldheid en die Hantering van Psigopatie en Ander Gewelddadigers;

“lid” ’n lid van die Kommissie;

“ondersoek” die ondersoek wat deur die Kommissie ingestel word;

“perseel” ook grond of ’n gebou, bouwerk, gedeelte van ’n gebou of bouwerk, voertuig, voermiddel, vaartuig of lugvaartuig;

“Voorsitter” die Voorsitter van die Kommissie.

2. Die verrigtinge van die Kommissie word genotuleer op die wyse deur die Voorsitter bepaal.

3. (1) Iemand wat aangestel of aangewys is om die verrigtinge van die Kommissie in snelskrif aan te teken of op meganiese wyse op te neem of om sodanige verrigtinge wat aldus aangeteken of opgeneem is, te transkribeer, moet vooraf ’n eed of bevestiging in die volgende vorm aflê:

Ek, A.B., verklaar onder eed/bevestig en verklaar —

(a) dat ek getrou en na my beste vermoë die verrigtinge van die Kommissie van Onderzoek na die Voortgesette Insluiting van Psigopatie as Sertifiseerbare Geestesongesteldheid en die Hantering van Psigopatie en Ander Gewelddadigers, in snelskrif sal aanteken/op meganiese wyse sal opneem soos deur die Voorsitter gelas;

(b) dat ek enige snelskrifaantekeninge/meganiese opname van die verrigtinge van genoemde Kommissie deur my of iemand anders gemaak, volledig en na my beste vermoë sal transkribeer.

(2) Geen snelskrifaantekeninge of meganiese opname van die verrigtinge van die Kommissie word getranskribeer nie behalwe op las van die Voorsitter.

4. Elke persoon wat diens doen by die verrigting van die Kommissie se werksaamhede, met inbegrip van iemand in regulasie 3 (1) bedoel, moet ten aansien van enige aangeleentheid of inligting wat by die vervulling van sy pligte in verband met bedoelde werksaamhede tot sy kennis kom, geheimhouding help bewaar, behalwe vir sover bekendmaking van sodanige aangeleentheid of inligting vir die doeleindes van die Kommissie se verslag nodig is, en elke sodanige persoon, behalwe die Voorsitter, ’n lid of ’n beampte, moet, voordat hy enige diens by die Kommissie verrig, ’n eed van getrouheid of geheimhouding voor die Voorsitter in die volgende vorm aflê en onderteken:

Ek, A.B., verklaar onder eed/bevestig en verklaar dat, behalwe vir sover dit by die uitvoering van my pligte in verband met die werksaamhede van die Kommissie van Onderzoek na die Voortgesette Insluiting van Psigopatie as Sertifiseerbare Geestesongesteldheid en die Hantering van Psigopatie en Ander Gewelddadigers, of ingevolge ’n bevel van ’n bevoegde hof nodig is, ek geen aangeleentheid of inligting wat in verband met genoemde Kommissie se ondersoek tot my kennis kom, aan enigiemand sal meedeel nie en niemand sal toelaat of veroorloof om toegang tot stukke van die Kommissie te verkry nie, met inbegrip van enige aantekening, opname of transkripsie van die verrigtinge van genoemde Kommissie in my besit of bewaring of in die besit of bewaring van genoemde Kommissie of ’n beampte.

“document” includes any book, pamphlet, record, list, circular, plan, placard, poster, publication, drawing, photograph or picture;

“inquiry” means the inquiry conducted by the Commission;

“member” means a member of the Commission;

“officer” means a person in the full-time service of the State who has been appointed or designated to assist the Commission in the execution of its functions;

“premises” includes any land, building, structure, part of a building or structure, vehicle, conveyance, vessel or aircraft.

2. The proceedings of the Commission shall be recorded in the manner determined by the Chairman.

3. (1) Any person appointed or designated to take down or record the proceedings of the Commission in shorthand or by mechanical means or to transcribe such proceedings which have been so taken down or recorded shall at the outset take an oath or make an affirmation in the following form:

I, A.B., declare under oath/affirm and declare —

(a) that I shall faithfully and to the best of my ability take down/record the proceedings of the Commission of Inquiry into the Continued Inclusion of Psychopathy as a Certifiable Mental Illness and the Handling of Psychopathic and Other Violent Offenders, in shorthand/by mechanical means as ordered by the Chairman of the Commission;

(b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record of the proceedings of the said Commission made by me or by any other person.

(2) No shorthand notes or mechanical record of the proceedings of the Commission shall be transcribed except by order of the Chairman.

4. Every person employed in the execution of the functions of the Commission, including any person referred to in regulation 3 (1), shall aid in preserving secrecy in regard to any matter or information that may come to his knowledge in the performance of his duties in connection with the said functions, except in so far as the publication of such matter or information shall be necessary for the purposes of the report of the Commission, and every such person, except the Chairman, a member or any officer, shall, before performing any duty with the Commission, take and subscribe before the Chairman an oath of fidelity or secrecy in the following form:

I, A.B., declare under oath/affirm and declare that except in so far as it shall be necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into the Continued Inclusion of Psychopathy as a Certifiable Mental Illness and the Handling of Psychopathic and Other Violent Offenders or by order of a competent court, I shall not communicate to any person any matter or information which may come to my knowledge in connection with the inquiry of the said Commission, or suffer or permit any person to have access to any records of the Commission, including any note, record or transcription of the proceedings of the said Commission in my possession or custody or in the possession or custody of the said Commission or any officer.

5. Niemand wat ingevolge regulasie 4 'n eed van getrouheid of geheimhouding moet aflê en onderteken, mag enige aangeleentheid of inligting wat in verband met die Kommissie se ondersoek tot sy kennis gekom het, aan iemand anders meedeel of iemand anders toelaat of veroorloof om toegang te verkry tot stukke van die Kommissie nie, behalwe vir sover dit by die uitvoering van sy pligte in verband met die werksaamhede van die Kommissie of ingevolge 'n bevel van 'n bevoegde hof nodig is.

6. Die Voorsitter of 'n beampte deur die Voorsitter in die algemeen of spesiaal daartoe gemagtig, moet 'n getuie wat voor die Kommissie verskyn 'n eed oplê of van hom 'n bevestiging afneem.

7. (1) Indien 'n persoon wat getuienis voor die Kommissie afgelê het of aflê of wat opgeroep is om aldus getuienis af te lê, die Kommissie aldus versoek kan die Voorsitter gelas dat niemand die naam of adres van sodanige persoon of enige inligting wat waarskynlik sy identiteit sal openbaar, op enige wyse hoegenaamd bekend maak nie.

(2) Niemand mag 'n bepaling van 'n lasgewing bedoel in subregulasie (1) oortree nie.

8. 'n Getuie wat voor die Kommissie verskyn, kan slegs deur 'n persoon in kruisverhoor geneem word indien die Voorsitter sodanige kruisverhoor deur daardie persoon toelaat omdat die Voorsitter dit in die belang van die werksaamhede van die Kommissie nodig ag.

9. 'n Getuie wat voor die Kommissie verskyn, kan na goeddunke van die Voorsitter en op die wyse wat hy bepaal, deur 'n advokaat of prokureur bygestaan word.

10. 'n Beampte, prokureur of advokaat deur die Voorsitter daartoe aangewys, kan by die aanhoor van getuienis by die ondersoek aanwesig wees en getuienis en argumente wat op die ondersoek betrekking het, aanvoer.

11. Die Voorsitter, 'n lid of 'n beampte kan vir doeleindes van die ondersoek te alle redelike tye enige perseel betree en besigtig en enige dokument wat op sodanige perseel is of bewaar word, opeis en in beslag neem.

12. (a) Niemand mag, sonder die skriftelike toestemming van die Voorsitter, 'n dokument wat in verband met die ondersoek deur enige persoon aan die Kommissie voorgelê is, versprei of die inhoud of 'n gedeelte van die inhoud van so 'n dokument publiseer nie.

(b) Niemand mag sonder die skriftelike toestemming van die Voorsitter enige dokumente, met inbegrip van enige verklaring, wat bestem is om aan die Voorsitter voorgelê te word, insien of onderwyl dit na die Voorsitter geneem of aan hom versend word, onderskep nie.

13. Niemand mag, behalwe vir sover dit by die uitvoering van die Kommissie se opdrag nodig is, die verslag van die Kommissie of 'n afskrif of 'n gedeelte daarvan of inligting met betrekking tot die oorgang van getuienis deur die Kommissie publiseer of aan iemand anders verstrek nie, tensy en voordat die Staatspresident die verslag vir publikasie beskikbaar gestel het of voordat die verslag in die Parlement ter Tafel gelê is.

14. Niemand mag die Voorsitter of 'n lid van die Kommissie beledig, neerhaal of verkleineer of die veringtinge of die bevindings van die Kommissie benadeel, beïnvloed of vooruitloop nie.

5. No person who is in terms of regulation 4 required to take and subscribe an oath of fidelity or secrecy shall communicate to any other person any matter or information which may have come to his knowledge in connection with the inquiry of the Commission or suffer or permit any other person to have access to any records of the Commission, except in so far as it shall be necessary in the performance of his duties in connection with the functions of the Commission or by order of a competent court.

6. The Chairman or an officer generally or specially authorized thereto by the Chairman shall administer an oath or affirmation to any witness appearing before the commission.

7. (1) If any person who gave or is giving evidence before the Commission or has been summoned so to give evidence so requests the Commission, the Chairman may direct that no person shall publish in any manner whatsoever the name or address of such person or any information likely to reveal his identity.

(2) No person shall contravene any provision of a direction referred to in subregulation (1).

8. Any witness appearing before the Commission may only be cross-examined by a person if the Chairman permits such cross-examination by such person because the Chairman deems it necessary in the interest of the functions of the Commission.

9. Any witness appearing before the Commission may, in the discretion of the Chairman and in such manner as may be determined by him, be assisted by an advocate or an attorney.

10. An officer, attorney or advocate designated thereto by the Chairman may be present at the hearing of evidence at the inquiry and adduce evidence and arguments relating to the inquiry.

11. The Chairman, any member or any officer may, for the purposes of the inquiry, at all reasonable times enter and inspect any premises and demand and seize any document on or kept on such premises.

12. (a) No person shall, without the written permission of the Chairman, disseminate any document submitted to the Commission by any person in connection with the inquiry or publish the contents or any portion of the contents of such document.

(b) No person may without the written permission of the Chairman peruse any document, including any statement, which is destined to be submitted to the Chairman or intercept it whilst it is being taken or forwarded to the Chairman.

13. No person shall, except in so far as shall be necessary in the execution of the terms of reference of the Commission, publish or furnish to any other person the report of the Commission or a copy or part thereof or information regarding the consideration of evidence by the Commission unless and until the State President has released the report for publication or until the report has been laid upon the Table in Parliament.

14. No person may insult, disparage or belittle the Chairman or a member of the Commission or prejudice, influence or anticipate the proceedings or findings of the Commission.

15. Iemand wat—

(a) die Voorsitter, 'n lid of 'n beampte by die uitoefening van 'n bevoegdheid in regulasie 11 bedoel, opsetlik hinder, teengaan of dwarsboom; of

(b) die bepalings van regulasies 5, 7 (2), 12 of 13, oortree; of

(c) die bepalings van regulasie 14 oortree, is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar—

(i) in die geval van 'n misdryf in paragraaf (a) of (b) bedoel, met 'n boete van hoogstens R200 of gevangenisstraf vir 'n tydperk van hoogstens ses maande; en

(ii) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

GOEWERMENSKENNISGEWING**DEPARTEMENT VAN JUSTISIE**

No. R. 1632

6 Julie 1990

**AANSTELLING VAN KOMMISSIE VAN ONDER-
SOEK NA DIE VOORTGESETTE INSLUITING
VAN PSIGOPATIE AS SERTIFISEERBARE
GEESTESONGESTELDHEID EN DIE HANTE-
RING VAN PSIGOPATIESE EN ANDER
GEWELDMISDADIGERS**

Hierby word vir algemene inligting bekendgemaak dat dit die Staatspresident behaag het om Sy Edele regter W. H. Booysen as Voorsitter en dr. T. Zabow en professor F. F. W. van Oosten as lede van 'n Kommissie van Onderzoek na die Voortgesette Insluiting van Psigopatie as Sertifiseerbare Geestesongesteldheid en die Hantering van Psigopatiese en Ander Gewelddadigers aan te stel.

Die Kommissie se opdrag lui soos volg:

1. Om die voortgesette insluiting van psigopatie as sertifiseerbare geestesongesteldheid in die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), te ondersoek en voorstelle ten opsigte van die verdere hantering van hierdie kategorie van persone te doen;

2. om vonnisoplegging ten opsigte van, die hantering en vrylating van en die wenslikheid van moontlike aanhouding of ander vorms van beheer na verstryking van vonnis van geweld- en seksmisdadigers, in die beste belang van die publiek, te ondersoek en aanbevelings in dié verband te doen; en

3. om as 'n saak van dringende openbare belang—

(a) die wenslikheid van die instelling van 'n register waarin die name en besonderhede van persone met afwykende gedrag wat 'n gevaar vir—

(i) kinders;

(ii) vrouens; en

(iii) moontlik ook alle lede van die publiek, mag inhou vir die inligting van belanghebbende instansies opgeteken word, te ondersoek en aanbevelings in die verband te doen, en

15. Any person who—

(a) wilfully hinders, resists or obstructs the Chairman, any member or any officer in the exercise of any power referred to in regulation 11; or

(b) contravenes the provisions of regulations 5, 7 (2), 12 or 13; or

(c) contravenes the provisions of regulation 14, shall be guilty of an offence and liable on conviction—

(i) in the case of an offence referred to in paragraph (a) or (b), to a fine not exceeding R200 or imprisonment for a period not exceeding six months; and

(ii) in the case of an offence referred to in paragraph (c), to a fine not exceeding R1 000 or imprisonment for a period not exceeding 12 months.

GOVERNMENT NOTICE**DEPARTMENT OF JUSTICE**

No. R. 1632

6 July 1990

**APPOINTMENT OF COMMISSION OF INQUIRY
INTO THE CONTINUED INCLUSION OF PSY-
CHOPATY AS A CERTIFIABLE MENTAL ILL-
NESS AND THE HANDLING OF PSYCHOPA-
THIC AND OTHER VIOLENT OFFENDERS**

It is hereby notified for general information that the State President has been pleased to appoint the Honourable Mr Justice W. H. Booysen as Chairman and Dr T. Zabow and Professor F. F. W. van Oosten as members of a Commission of Inquiry into the Continued Inclusion of Psychopathy as a Certifiable Mental Illness and the Handling of Psychopathic and Other Violent Offenders.

The Commission's terms of reference are as follows:

1. To inquire into the continued inclusion of psychopathy as a certifiable mental illness in the Mental Health Act, 1973 (Act No. 18 of 1973), and to submit proposals regarding the further handling of this category of persons;

2. to inquire into sentencing in respect of, the handling and release of and the desirability of possible detention or other forms of control after the expiry of sentence of violent and sex offenders, in the best interest of the public, and to make recommendations in this regard; and

3. to, as a matter of urgent public interest, inquire into—

(a) the desirability of the establishment of a register, in which the names and particulars of persons with deviant behaviour which may pose a danger to—

(i) children;

(ii) women; and

(iii) possibly also all members of the public,

are recorded for the information of interested parties and to make recommendations in this regard, and

(b) indien bevind word dat die instelling van so 'n register wenslik is, aanbevelings te maak oor die doeltreffende administrasie en bedryf van so 'n register asook enige ander verbandhoudende aangeleentheid, en, indien nodig, konsepwetgewing voor te lê.

Enigeen wat getuienis by wyse van memorandum of mondelings aan die Kommissie wil voorlê, kan skryf aan Die Sekretaris, Kommissie van Onderzoek na die Voortgesette Insluiting van Psigopatie as Sertifiseerbare Geestesongesteldheid en die Hantering van Psigopatie en Ander Gewelddadigers, Privaatsak X81, Pretoria, 0001.

(b) if it be found that the establishment of such a register is desirable, to make recommendations with regard to the efficient administration and management of such a register, and any other related matter, and, if necessary, to submit draft legislation.

Anyone wanting to submit evidence to the Commission by way of memorandum or orally may write to The Secretary, Commission of Inquiry Into the Continued Inclusion of Psychopathy as a Certifiable Mental Illness and the Handling of Psychopathic and Other Violent Offenders, Private Bag X81, Pretoria, 0001.

Spaar 'n druppel — en vul die dam

Indien almal van ons besparingsbewus optree, besnoei ons nie slegs uitgawes nie maar wen ook ten opsigte van ons kosbare water- en elektrisiteitsvoorraad



Save a drop — and save a million

Water conservation is very important to the community and industry to ensure their survival. So save water!

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1989 tot 30 September 1990 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

—oOo—

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1989 to 30 September 1990, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

Werk mooi daarmee

Ons leef  daarvan

water is kosbaar

Use it

Don't abuse  it

water is for everybody

INHOUD

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