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GOEWERMENSKENNISGEWING

MINISTERIE VAN WET EN ORDE

No. R. 2892

21 September 1990

WET OP OPENBARE VEILIGHEID, 1953

WYSIGING VAN ONRUSREGULASIES, 1990

Kragtens die bevoegdheid my verleen by artikel 5A van die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), vaardig ek, Adriaan Johannes Vlok, Minister van Wet en Orde, hierby met ingang van 25 September 1990, die regulasies in die Bylae uit, en verklaar ek regulasie 2A (3) van genoemde regulasies ook in enige gebied buite die gebiede in Kolom 2 van Bylae A by regulasie 2A bedoel, in die Republiek van Suid-Afrika van toepassing met ingang van 25 September 1990.

A. J. VLOK,
Minister van Wet en Orde.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die Onrusregulasies, 1990, afgekondig by Goewermenskennisgewing No. R. 2063 van 24 Augustus 1990.

Invoeging van regulasie 2A in die Regulasies

2. Die volgende regulasie word hierby in die Regulasies na regulasie 2 ingevoeg:

"Aandklokmaatreël

2A. (1) Geen persoon mag in 'n onrusgebied vermeld in Kolom 1 van Bylae A by hierdie regulasie gedurende die ure 21:00 tot 04:00 in 'n gebied ten opsigte van so 'n onrusgebied vermeld in Kolom 2 van daardie Bylae, buite die grense van enige woonperseel in so 'n gebied aanwesig wees nie.

(2) Die verbod in subregulasie (1) bedoel, is nie van toepassing nie op 'n persoon wat —

- (a) 'n lid is van 'n veiligheidsmag by die uitoefening van enige bevoegdheid of die uitvoering van enige plig in sy hoedanigheid as 'n lid van so 'n veiligheidsmag;

GOVERNMENT NOTICE

MINISTRY OF LAW AND ORDER

No. R. 2892

21 September 1990

PUBLIC SAFETY ACT, 1953

AMENDMENT OF UNREST REGULATIONS, 1990

Under the powers vested in me by section 5A of the Public Safety Act, 1953 (Act No. 3 of 1953), I, Adriaan Johannes Vlok, Minister of Law and Order, hereby make with effect from 25 September 1990, the regulations in the Schedule, and declare regulation 2A (3) of the said regulations to apply also in any area outside the areas mentioned in Column 2 of Schedule A to regulation 2A in the Republic of South Africa with effect from 25 September 1990.

A. J. VLOK,
Minister of Law and Order.

SCHEDULE

Definition

1. In these regulations "the Regulations" means the Unrest Regulations, 1990, published by Government Notice No. R. 2063 of 24 August 1990.

Insertion of regulation 2A in the Regulations

2. The following regulation is hereby inserted in the Regulations after regulation 2:

"Curfew

2A. (1) No person shall in an unrest area mentioned in Column 1 of Schedule A to this regulation during the hours 21:00 to 04:00 in an area with respect to such an unrest area mentioned in Column 2 of that Schedule, be present beyond the limits of any residential site in such an area.

(2) The prohibition referred to in subregulation (1), shall not apply to a person who —

- (a) is a member of a security force in the exercise of any power or the performance of any duty in his capacity as a member of such a security force;

- (b) na die oordeel van 'n lid van 'n veiligheidsmag voldoende redes aanvoer vir die nienakoming van die bedoelde verbod; of
- (c) indien so 'n persoon 'n werknemer is, in besit is van 'n skriftelike bewys onderteken en uitgereik deur sy werkgever, waarin die volgende vermeld word:
 - (i) Volle naam en adres van die persoon aan wie die skriftelike bewys uitgereik is;
 - (ii) volle naam, besigheidsadres en telefoonnommer van sy werkgever;
 - (iii) volle naam, adres, hoedanigheid en telefoonnommer van die persoon wat die skriftelike bewys uitgereik het; en
 - (iv) die aard van die werknemer se werksaamhede tesame met 'n uiteensetting van werk- en reistye en 'n opgawe van redes waarom die bepalings van subregulasie (1) nie deur die werknemer nagekom kan word nie:

Met dien verstande dat 'n vrystelling bedoel in paragraaf (c) slegs van toepassing is gedurende die werk- en reistye deur die werkgever in die skriftelike bewys uiteengesit.

(3) Geen skriftelike bewys bedoel in subregulasie 2 (c) mag deur 'n werkgever uitgereik word nie tensy die nakoming van die bepalings van subregulasie (1) sou verhinder dat 'n werknemer sy diensvoorwaardes behoorlik kan nakom.

(4) 'n Lid van 'n veiligheidsmag kan, by die toepassing van hierdie regulasie, 'n persoon versoek om die skriftelike bewys bedoel in subregulasie 2 (c) te toon.

(5) Indien 'n lid van 'n veiligheidsmag van oordeel is dat 'n skriftelike bewys bedoel in subregulasie 2 (c) vals of onjuis is of nie aan die draer daarvan uitgereik is nie, kan die lid die persoon deur wie sodanige bewys voorgelê word, sonder 'n lasbrief in hegtenis neem of laat neem en hom vir 'n tydperk van hoogstens 12 ure aanhou, ten einde die geldigheid daarvan te bepaal.

- (b) in the opinion of a member of a security force submits sufficient reasons for the non-compliance with the said prohibition; or
- (c) if such person is an employee, is in possession of a written proof signed and issued by his employer, wherein the following is stated:
 - (i) The full name and address of the person to whom the written proof has been issued;
 - (ii) the full name, business address and telephone number of his employer;
 - (iii) the full name, address, capacity and telephone number of the person who issued the written proof; and
 - (iv) the nature of the task of the employee together with an exposition of the working and travel times and a statement of reasons why the provisions of subregulation (1) cannot be complied with by the employee:

Provided that an exemption as referred to in paragraph (c) shall only apply during the working and travel times as set out by the employer in the written proof.

(3) No written proof referred to in subregulation 2 (c) shall be issued by an employer unless the compliance with the provisions of subregulation (1) would prevent an employee from performing his conditions of service properly.

(4) A member of a security force may, for the purpose of this regulation, request a person to display the written proof as referred to in subregulation 2 (c).

(5) If a member of a security force is of the opinion that a written proof as referred to in subregulation 2 (c) is false or untrue or has not been issued to the carrier thereof, the member may arrest or cause to be arrested the person who submits such proof, without a warrant and detain him for a period not exceeding 12 hours, in order to ascertain the validity thereof.

Bylae A

Kolom 1

- (a) Die landdrostdistrik van Alberton, insluitende die gebied bekend as Tokoza, soos afgebaken en omskryf in Goewermentskennisgewing No. 511 van 10 April 1959, soos gewysig.
- (b) Die landdrostdistrik van Boksburg, insluitende die gebied bekend as Vosloorus, soos afgebaken en omskryf in Goewermentskennisgewing No. 1599 van 18 Oktober 1963, soos gewysig.
- (c) Die landdrostdistrik van Germiston, insluitende die gebied bekend as Katlehong, soos afgebaken en omskryf in Goewermentskennisgewing No. 2671 van 31 Desember 1954, soos gewysig.
- (d) Die landdrostdistrik van Johannesburg, insluitende die gebiede bekend as—
 - (i) Soweto, soos afgebaken en omskryf in Goewermentskennisgewing No. 1506 van 17 Augustus 1956, soos gewysig;

Kolom 2

- (a) Die gebied bekend as Tokoza, soos bedoel in Kolom 1.
- (b) Die gebied bekend as Vosloorus, soos bedoel in Kolom 1.
- (c) Die gebied bekend as Katlehong, soos bedoel in Kolom 1.
- (d) Die gebiede bekend as—
 - (i) Soweto, soos bedoel in Kolom 1;

- (ii) Meadowlands, soos afgebaken en omskryf in Goewermentskennisgewing No. 2603 van 24 Desember 1954, soos gewysig;
- (iii) Diepkloof, soos afgebaken en omskryf in Goewermentskennisgewing No. 1797 van 9 September 1977.
- (e) Die landdrostdistrik van Roodepoort, insluitende die gebied bekend as Dobsonville, soos afgebaken en omskryf in Goewermentskennisgewing No. 1551 van 24 Oktober 1958, soos gewysig.
- (ii) Meadowlands, soos bedoel in Kolom 1;
- (iii) Diepkloof, soos bedoel in Kolom 1.
- (e) Die gebied bekend as Dobsonville, soos bedoel in Kolom 1."

Schedule

Column 1

- (a) The Magisterial District of Alberton, including the area known as Tokoza, as demarcated and described in Government Notice No. 511 of 10 April 1959, as amended.
- (b) The Magisterial District of Boksburg, including the area known as Vosloorus, as demarcated and described in Government Notice No. 1599 of 18 October 1963, as amended.
- (c) The Magisterial District of Germiston, including the area known as Katlehong, as demarcated and described in Government Notice No. 2671 of 31 December 1954, as amended.
- (d) The Magisterial District of Johannesburg, including the areas known as—
 - (i) Soweto, as demarcated and described in Government Notice No. 1506 of 17 August 1956, as amended;
 - (ii) Meadowlands, as demarcated and described in Government Notice No. 2603 of 24 December 1954, as amended;
 - (iii) Diepkloof, as demarcated and described in Government Notice No. 1797 of 9 September 1977.
- (e) The Magisterial District of Roodepoort, including the area known as Dobsonville, as demarcated and described in Government Notice No. 1551 of 24 October 1958, as amended.

Column 2

- (a) The area known as Tokoza, as referred to in Column 1.
- (b) The area known as Vosloorus, as referred to in Column 1.
- (c) The area known as Katlehong, as referred to in Column 1.
- (d) The areas known as—
 - (i) Soweto, as referred to in Column 1;
 - (ii) Meadowlands, as referred to in Column 1;
 - (iii) Diepkloof as referred to in Column 1.
- (e) The area known as Dobsonville, as referred to in Column 1."

Wysiging van regulasie 9 van die Regulasies

3. Regulasie 9 van die Regulasies word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

"(c) 'n bepaling van regulasie 2A of 4 oortree;"

Vervanging van regulasie 10 van die Regulasies

4. Regulasie 10 van die Regulasies word hierby deur die volgende regulasie vervang:

"10. (a) Iemand wat skuldig bevind word aan 'n misdryf kragtens hierdie regulasies, uitgesonderd 'n misdryf kragtens regulasie 9 (c), saamgelees met regulasie 2A, is strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar of met daardie gevangenisstraf sonder die keuse van 'n boete, en die hof wat hom skuldig bevind, kan enige goed, eiendom of instrument deur middel waarvan of in verband waarmee die misdryf gepleeg is, aan die Staat verbeurd verklaar.

(b) Iemand wat skuldig bevind word aan 'n misdryf kragtens regulasie 9 (c), saamgelees met regulasie 2A, is strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie gevangenisstraf sonder die keuse van 'n boete."

Amendment of regulation 9 of the Regulations

3. Regulation 9 of the Regulations is hereby amended by the substitution for paragraph (c) of the following paragraph:

"(c) contravenes a provision of regulation 2A or 4;"

Substitution of regulation 10 of the Regulations

4. The following regulation is hereby substituted for regulation 10 of the Regulations:

"10. (a) Any person convicted of an offence under these regulations, with the exception of an offence under regulation 9 (c), read with regulation 2A, shall be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding 10 years or to such imprisonment without the option of a fine, and the court convicting him, may declare any goods, property or instrument by means of which or in connection with which the offence was committed, to be forfeited to the State.

(b) Any person convicted of an offence under regulation 9 (c), read with regulation 2A, shall be liable to a fine not exceeding R1 000 or to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine."

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