



UNIE VAN SUID-AFRIKA
UNION OF SOUTH AFRICA

BUITENGEWONE

Staatskoerant Government Gazette

(As 'n Nuusblad by die Poskantoor Geregistreer)

(Registered at the Post Office as a Newspaper)

VOL. CC.]

PRYS 6d.

KAAPSTAD, 28 APRIL 1960.
CAPE TOWN, 28TH APRIL, 1960.

PRICE 6d. [No. 6432.

PROKLAMASIE.

DEUR SY EKSELLENSIE DIE EDELE CHARLES ROBERTS SWART, GOEWERNEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

No. 139.]

[28 April 1960.

WYSIGING VAN NOODTOESTAND-REGULASIES.

KRAGTENS die bevoegdheid my verleen by die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), wysig ek hierby ooreenkomstig die Bylae hiervan die Noodtoestand-regulasies afgekondig by Proklamasie No. 91 van 30 Maart 1960 en die Noodtoestand-regulasies afgekondig by Proklamasie No. 93 van 1 April 1960 asook die Noodtoestand-regulasies afgekondig by Proklamasie No. 124 van 11 April 1960, soos gewysig deur Proklamasie No. 97 van 2 April 1960 en Proklamasie No. 127 van 22 April 1960, en verklaar hierby dat die wysiging geag word op 28 April 1960 in werking te getree het.

GOD BEHOEDE DIE KONINGIN!

GEGEE onder my Hand en Grootseël te Kaapstad op hede die Ag-en-twintigste dag van April, Eenduisend Negehoonderd-en-sestig.

C. R. SWART,
Goewerneur-generaal.

Op las van Sy Eksellensie die Goewerneur-generaal-in-rade.

F. C. ERASMUS.

BYLAE.

Die volgende regulasie word na regulasie 4 ingevoeg:

„VERDERE OPTREDE IN VERBAND MET SEKERE AANGEHOUDENES.

4bis. (1) Enige persoon wat kragtens regulasie 4 gearresteer is en aangehou word en wat ten tyde van sy arrestasie—

- (a) nie in besit van 'n bewysboek ooreenkomstig die bepalings van die Naturelle (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet No. 67 van 1952), aan hom uitgereik, was nie; of
- (b) hom bevind het in 'n stadsgebied, lokasie, naturelle-tehuis of naturelledorp soos in die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), omskryf, of 'n geproklameerde gebied waarna in artikel drie-en-twintig van genoemde Wet verwys word, waar hy ingevolge een of ander wetsbepaling nie geregtig was om te wees nie; of

PROCLAMATION.

BY HIS EXCELLENCY THE HONOURABLE CHARLES ROBERTS SWART, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

No. 139.]

[28th April, 1960.

AMENDMENT OF EMERGENCY REGULATIONS.

BY VIRTUE of the powers vested in me by the Public Safety Act, 1953 (Act No. 3 of 1953), I hereby amend in accordance with the Annexure hereto, the Emergency Regulations promulgated under Proclamation No. 91 of the 30th March, 1960, and the Emergency Regulations promulgated under Proclamation No. 93 of the 1st April, 1960, as well as the Emergency Regulations promulgated under Proclamation No. 124 of the 11th April, 1960, as amended by Proclamation No. 97 of the 2nd April, 1960, and Proclamation No. 127 of the 22nd April, 1960, and hereby declare that the amendment shall be deemed to have come into operation on the 28th April, 1960.

GOD SAVE THE QUEEN!

GIVEN under my Hand and Great Seal at Cape Town this Twenty-eighth day of April, One Thousand Nine Hundred and Sixty.

C. R. SWART,
Governor-General.

By Command of His Excellency the Governor-General-in-Council.

F. C. ERASMUS.

ANNEXURE.

The following regulation is inserted after regulation 4:

“FURTHER ACTION IN CONNECTION WITH CERTAIN DETAINEES.

4bis. (1) Any person who has been arrested and is being detained under regulation 4 and who at the time of his arrest—

- (a) was not in possession of a reference book issued to him under the provisions of the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952); or
- (b) was within an urban area, location, native hostel or native village as defined in the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), or a proclaimed area referred to in section twenty-three of the said Act, in which he was in terms of any law not entitled to be; or

(c) in die geval van 'n persoon wat in so 'n stadsgebied, lokasie, naturrelletehuis, naturrelledorp of geprokla-meerde gebied gearresteer is, geen vaste werkplek en geen voldoende middele om 'n eerlike bestaan te voer, gehad het nie,

kan vir ondervraging voor 'n amptenaar met die rang van landdros, addisionele landdros of assistent-landdros gebring word.

(2) Indien bedoelde amptenaar na aanhoor van sodanige getuienis as wat hy raadsaam ag (met inbegrip van enige getuienis of verklaring wat daardie persoon wil aflê) van oordeel is dat die betrokke persoon 'n in paragraaf (a), (b) of (c) van sub-regulasie (1) bedoelde persoon is, moet hy gelas dat daardie persoon gestuur word na 'n inrigting wat deur die Kommissaris van Gevangenisse aangewys word om aldaar aangehou te word tot tyd en wyl hierdie regulasie verval of die Minister beveel dat hy vrygelaat word.

(3) (a) Indien dit in die loop van enige ondervraging ooreenkomstig sub-regulasie (1) onder eed beweer word dat die persoon wat vir ondervraging verskyn, ten tyde van sy arrestasie geen geldige dokumente kon toon waaruit blyk dat hy geregtig was om in die stadsgebied, lokasie, naturrelletehuis, naturrelledorp of geprokla-meerde gebied waarin hy hom bevind het, aanwesig te wees nie, word dit vermoed dat hy 'n in paragraaf (b) van sub-regulasie (1) bedoelde persoon is, tensy die teendeel tot bevrediging van die amptenaar voor wie hy verskyn, bewys word.

(b) Indien dit in die loop van enige ondervraging ooreenkomstig sub-regulasie (1) onder eed beweer word dat die persoon wat vir ondervraging verskyn ten tyde van sy arrestasie geen dokumentêre bewys kon lewer dat hy 'n vaste werkplek het nie, en hy nie tot bevrediging van die betrokke amptenaar bewys dat hy voldoende middele het om 'n eerlike bestaan te voer nie, word dit vermoed dat hy 'n in paragraaf (c) van sub-regulasie (1) bedoelde persoon is, tensy die teendeel tot bevrediging van die amptenaar voor wie hy verskyn, bewys word.

(4) Enige persoon ten opsigte van wie 'n lasgewing ingevolge sub-regulasie (2) uitgereik is, word vanaf die datum van die lasgewing geag kragtens sub-regulasie (2) van regulasie 4 onvoorwaardelik van aanhouding ingevolge daardie regulasie vrygelaat te wees.

(5) Die bepalinge van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959) en enige regulasies ingevolge daarvan uitgevaardig, en die Gevangenisdiensorders en amptelike opdragte van die Kommissaris van Gevangenis, is *mutatis mutandis* van toepassing met betrekking tot enige persoon ten opsigte van wie 'n lasgewing ingevolge sub-regulasie (2) uitgereik is, asof hy 'n persoon was wat gevangenisstraf kragtens een of ander wet aan hom opgelê, ondergaan.

(6) Enige persoon ten opsigte van wie 'n lasgewing ingevolge sub-regulasie (2) uitgereik is, kan teen daardie lasgewing appél aanteken by 'n raad bestaande uit hoogstens drie persone wat deur die Minister aangestel word, en so 'n raad kan die lasgewing bekragtig of ter syde stel en sy beslissing is afdoende.

(7) (a) 'n Amptenaar voor wie 'n persoon kragtens sub-regulasie (1) gebring word, het die bevoegdheid wat 'n landdroshof het om getuies in strafsake te dagvaar, om aan hulle die eed op te lê of van hulle 'n bevestiging af te neem, hulle te ondervra en om die oorlegging van boeke, dokumente en sake op te eis, en bedoelde amptenaar kan so 'n persoon toelaat om enige sodanige getuie te ondervra en kan op versoek van so 'n persoon enigiemand dagvaar om getuienis af te lê.

(b) Iemand wat gedagvaar is om voor bedoelde amptenaar te verskyn en getuienis af te lê of 'n boek, dokument of saak oor te lê en wat sonder voldoende rede in gebreke bly om op die tyd en plek in die dagvaarding aangegee, te verskyn, of aanwesig te bly totdat die amptenaar hom verlos gee om weg te bly, of wat na verskyning weier om die eed af te lê of 'n bevestiging te maak, of wat na eedaflegging of bevestiging, weier

(c) in the case of a person arrested in any such urban area, location, native hostel, native village or proclaimed area, had no fixed place of employment and no sufficient honest means of livelihood,

may be brought before an officer holding the rank of magistrate, additional magistrate or assistant magistrate for examination.

(2) If such officer after hearing such evidence as he may consider expedient (including any evidence or statement which the said person may desire to tender) is of the opinion that the person concerned is such a person as is referred to in paragraph (a), (b) or (c) of sub-regulation (1), he shall direct that such person be sent to an institution designated by the Commissioner of Prisons to be detained thereat until such time as this regulation lapses or the Minister orders that he be released.

(3) (a) If in the course of any examination in terms of sub-regulation (1) it is alleged under oath that the person appearing for examination was at the time of his arrest unable to produce any valid documents showing that he was entitled to be in the urban area, location, native hostel, native village or proclaimed area, in which he was found it shall be presumed that he is such a person as is mentioned in paragraph (b) of sub-regulation (1) unless the contrary is proved to the satisfaction of the officer before whom he appears.

(b) If in the course of any examination in terms of sub-regulation (1) it is alleged under oath that the person appearing for examination was at the time of his arrest unable to produce any documentary proof that he has a fixed place of employment, and he is unable to prove to the satisfaction of the officer concerned that he has sufficient honest means of livelihood, he shall be presumed to be such a person as is mentioned in paragraph (c) of sub-regulation (1) unless the contrary is proved to the satisfaction of the officer before whom he appears.

(4) Any person in respect of whom a direction has been issued under sub-regulation (2) shall be deemed to have been unconditionally released under sub-regulation (2) of regulation 4 from detention under that regulation with effect from the date of that direction.

(5) The provisions of the Prisons Act, 1959 (Act No. 8 of 1959), and any regulations issued thereunder and the prisons' service orders and official instructions of the Commissioner of Prisons shall *mutatis mutandis* apply with reference to any person in respect of whom any direction has been issued under sub-regulation (2) as if he were a person undergoing a sentence of imprisonment imposed upon him under any law.

(6) Any person in respect of whom a direction has been issued under sub-regulation (2) may appeal against that direction to a board consisting of not more than three persons appointed by the Minister, and any such board may confirm or set aside such direction and its decision shall be final.

(7) (a) An officer before whom any person is brought in terms of sub-regulation (1) shall have the powers which a magistrate's court has to summon witnesses in criminal cases, to administer an oath or affirmation to any such witness, to examine any such witness and to call for the production of books, documents and objects, and such officer may permit the person in question to examine any such witness and may on the request of any such person summon any person to give evidence.

(b) Any person who has been summoned to attend before any such officer and to give evidence or to produce any book, document or object and who without sufficient cause fails to attend at the time and place specified in the summons, or to remain in attendance until he is excused by such officer from further attendance, or having attended refuses to be sworn or affirm as a witness, or having been sworn or having made

om elke wettiglik aan hom gestelde vraag ten volle en bevredigend te beantwoord, of wat in gebreke bly om enige boek, dokument of saak oor te lê wat in sy besit of onder sy beheer is en tot oorlegging waarvan hy gedagvaar is, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide daardie boete en daardie gevangenisstraf.

(c) Enige persoon wat getuienis voor bedoelde amptenaar aflê en wat, nadat hy die eed afgelê het of 'n bevestiging gemaak het, omtrent enige onderwerp enige valse verklaring maak aangaande enige saak, met die wete dat daardie verklaring vals is of terwyl hy nie weet of glo dat dit juis is nie, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met beide daardie boete en daardie gevangenisstraf.

(d) In verband met die aflegging van getuienis of die oorlegging van boeke, dokumente of sake voor so 'n amptenaar, geld die regsbepalings met betrekking tot privilegie, soos toepaslik op 'n getuie wat gedagvaar is om in 'n strafgeding in 'n landdroshof getuienis af te lê of 'n boek, dokument of saak oor te lê."

affirmation refuses to answer fully and satisfactorily any question lawfully put to him, or fails to produce any book, document or object in his possession or custody or under his control which he has been summoned to produce, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(c) Any person giving evidence before such officer and who, after having been sworn or having made an affirmation, makes any false statement in regard to any matter knowing the same to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(d) In connection with the giving of evidence or the production of books, documents or objects before such an officer the law relating to privilege as applicable to a witness summoned to give evidence or to produce any book, document or object in a criminal case before a magistrate's court shall apply."