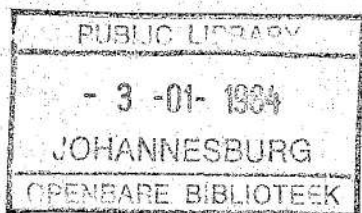
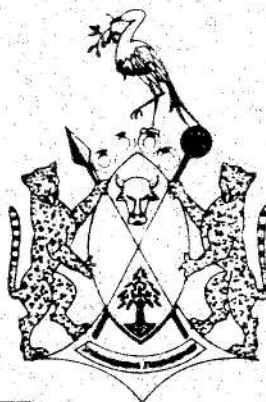


IRIPHABLIKI
YECISKEI

REPUBLIC OF
CISKEI

IGAZETHI
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GOVERNMENT
GAZETTE



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OFFICE OF THE PRESIDENCY

GOVERNMENT NOTICE NO. 95

IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY
PUBLISHED FOR GENERAL INFORMATION:—

NATIONAL SECURITY AMENDMENT ACT, 1983

ACT NO. 35 OF 1983

NATIONAL SECURITY AMENDMENT ACT, 1983

A C T

To amend the National Security Act, 1982, the Arms and Ammunition Act, 1969, the Defence Act, 1981 and the Public Service Act, 1981.

(English text signed by the President. Assented to on 6 December 1983).

BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:—

Amendment of section 1 of Act 13 of 1982.

1. Section 1 of the National Security Act, 1982 (hereinafter in this Act referred to as the principal Act) is hereby amended —
 - (a) by the substitution for the definition of "Commander" of the following definition:
" 'Commissioner' means the Commissioner of the police;";
 - (b) by the deletion of the definition of "Commander-General";
 - (c) by the insertion after the definition of "document" of the following definition:
" 'Gazette' means the Government Gazette of the Republic;";
 - (d) by the insertion after the definition of "headman" of the following definition:
" 'Minister' means the Minister of Justice;";
 - (e) by the insertion after the definition of "place" of the following definition:
" 'police' means the Ciskeian Police Force;";
 - (f) by the substitution for the definition of "Police officer" of the following definition:
" 'police officer' means any member of the police and includes any member of the defence force when used for the prevention or suppression of terrorism or of internal disorder;";
 - (g) by the substitution for the definition of "public building" of the following definition:
" 'public building' means any building which or part of which is occupied by the State or by a municipality or by any other authority, institution or body of a local nature established by or under any law and to which governmental or administrative functions have been assigned or entrusted;";
 - (h) by the substitution for the definition of "public office" of the following definition:
" 'public office' means an office or post in the service of the State or a public body and includes any office or post in the defence forces of the Republic;";
 - (i) by the insertion after the definition of "public office" of the following definition:
" 'Republic' means the Republic of Ciskei;"; and
 - (j) by the deletion of the definition of "Security force".

Amendment of section 3 of Act 13 of 1982.

2. Section 3 of the principal Act is hereby amended by the substitution in that part of the section preceding paragraph (a) for the expression "section 2" of the expression "subsection (1) of section 2".

Amendment of section 7 of Act 13 of 1982.

3. Section 7 of the principal Act is hereby amended by the substitution in subsection (1) for the definition of "publication" of the following definition:
" 'publication' means any newspaper, magazine, pamphlet, book, hand-bill or poster and, for the purposes of sections 13 and 18 (i), includes any record, tape or other object in or on which sound or speech has been recorded for reproduction."

Amendment of section 10 of Act 13 of 1982.

4. Section 10 of the principal Act is hereby amended by the substitution in subsection (5) for the word "proclamation" of the word "notice".

Amendment of section 13 of Act 13 of 1982.

5. Section 13 of the principal Act is hereby amended by the substitution for the word "proclamation", appearing at the end of the section, of the word "notice".

Substitution of section 26 of Act 13 of 1982.

6. The following section is hereby substituted for section 26 of the principal Act:
"Detention of certain persons for interrogation.
26. (1) Notwithstanding anything to the contrary in any law or the common law contained but subject to the provisions of subsection (3), any commissioned police officer of or above the rank of lieutenant-colonel may, if he has reason to believe that any person who happens to be at any place in the Republic —
 - (a) has committed or intends or intended to commit an offence referred to in section 2, 3 or 5, excluding, in the case of an offence referred to

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- in section 5, such an offence which the suspect committed or intends or intended to commit in connection with a person suspected of having intended to commit or having committed the offence of sabotage; or
- (b) is withholding from the police any information relating to the commission of an offence referred to in paragraph (a) or relating to an intended commission of such offence or relating to any person who has committed or who intends to commit such offence,
- without warrant arrest such person or cause him to be arrested and detain such person or cause him to be detained for interrogation in accordance with such directions as the Commissioner may, subject to the directions of the Minister, from time to time issue, until -
- (i) the Commissioner orders his release when satisfied that the said person has satisfactorily replied to all questions at the interrogation or that no useful purpose will be served by his further detention in terms of the provisions of this section: Provided that in the case where at the conclusion of the interrogation the matter is submitted to the attorney-general for his decision as to whether or not a prosecution should be instituted against the said person, that person shall, notwithstanding the foregoing provisions of this paragraph, be detained in terms of the provisions of this section until -
- (aa) in the case where the attorney-general declines to prosecute, his decision in this regard is made known; or
- (bb) in the case where the attorney-general decides to institute a prosecution against the said person, the relevant indictment is served upon the said person; or
- (ii) the said person's release is ordered under subsection (5), whichever takes place first.
- (2) The commissioned officer referred to in subsection (1) shall as soon as possible after an arrest in terms of that subsection notify the Commissioner thereof, and the Commissioner shall as soon as possible after having been so notified advise the Minister of the name of the person so arrested and the place where he is being detained and shall -
- (a) once a month furnish the Minister with reasons why the said person should not be released; and
- (b) if the said person has at the expiration of a period of six months as from the date of his arrest not yet been released from detention in terms of this section, and thereafter at intervals of not less than three months while such a person is so in detention, in person or through a commissioned officer referred to in subsection (1), designated by him for that purpose, adduce reasons before the review committee as to why the said person should not be released.
- (3) (a) Notwithstanding the provisions of subsection (1) no person shall be detained in terms of the provisions of that subsection for a period exceeding thirty days as from the date of his arrest, except under a written authority for his further detention granted by the Minister.
- (b) The Minister shall not grant any authority referred to in paragraph (a) unless he is satisfied, on the ground of a written application which is signed by the Commissioner and in which full reasons are given as to why the person concerned should not be released, that the further detention of the person concerned is necessary for the purposes of the interrogation in question.
- (c) Any person in respect of whom an application has been made in terms of paragraph (b) may, pending the result of such application, be detained as if the application had been granted.
- (4) Any person detained in terms of the provisions of this section may at any time make representations in writing to the Minister relating to his detention or release.

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- (5) The Minister may at any time order the release of any person detained in terms of the provisions of this section.
- (6) No court of law shall have the jurisdiction to pronounce upon the validity of any action taken in terms of this section, or to order the release of any person detained in terms of the provisions of this section.
- (7) No person other than the Minister or a person acting by virtue of his office in the service of the State –
 - (a) shall have access to any person detained in terms of the provisions of this section, except with the consent of and subject to such conditions as may be determined by the Minister or the Commissioner; or
 - (b) shall be entitled to any official information relating to or obtained from such person.
- (8) The provisions of section 335 of the Criminal Procedure Act, 1977 (Act 51 of 1977), shall not apply in respect of any statement by any person detained in terms of the provisions of this section, made during such detention: Provided that if in the course of any subsequent criminal proceedings relating to the matter in connection with which the said person made that statement, any part of such statement is put to him by the prosecutor, any person in possession of the statement shall at the request of such first-mentioned person furnish him with a copy of the said statement."

Amendment of section 27 of Act 13 of 1982.

- 7. Section 27 of the principal Act is hereby amended –
 - (a) by the substitution in subsection (3) for the word "notice" of the word "warrant";
 - (b) by the substitution in subsection (4) for the expression "regulation made under subsection (2)" of the expression "action taken under subsection (1)"; and
 - (c) by the substitution in subsection (6) for the expression "notice in question, referred to in subsection (3)" of the expression "warrant referred to in subsection (1)"; and
 - (d) by the substitution in subsection (7) for the word "notice" of the word "warrant".

Amendment of section 28 of Act 13 of 1982.

- 8. Section 28 of the principal Act is hereby amended by the substitution in subsection (1) for the words "such place determined by the attorney-general" of the words "the place specified in the warrant or at any other place determined by the attorney-general from time to time".

Amendment of section 30 of Act 13 of 1982.

- 9. Section 30 of the principal Act is hereby amended by the substitution in subsection (1) for the expression "section 27, 28 or 29" of the expression "section 26, 27 or 28".

Amendment of section 34 of Act 13 of 1982.

- 10. Section 34 of the principal Act is hereby amended by the substitution in paragraph (c) of subsection (1) for the words "as meant" of the word "contemplated".

Amendment of section 37 of Act 13 of 1982.

- 11. Section 37 of the principal Act is hereby amended by the substitution in subsection (2) for the words "or cause to deliver them" of the words "them or cause them to be delivered".

Amendment of section 40 of Act 13 of 1982.

- 12. Section 40 of the principal Act is hereby amended –
 - (a) by the substitution in paragraph (a) of subsection (1) for the expression "section 2" of the expression "section 39";
 - (b) by the substitution in paragraph (b) of subsection (2) for the expression "section 2" of the expression "section 39";
 - (c) by the deletion in paragraph (a) of subsection (3) of the word "Ciskei"; and
 - (d) by the substitution in subsection (5) for the expression "section 2" of the expression "section 39".

Amendment of section 42 of Act 13 of 1982.

- 13. Section 42 of the principal Act is hereby amended by the substitution in the definition of "unlawful gathering" for the expression "section 43 (2)" of the expression "section 43 (3)".

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Amendment of section 43 of Act 13 of 1982.

14. Section 43 of the principal Act is hereby amended –
- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
“(b) Authority under paragraph (a) for the holding of a gathering shall be refused by a magistrate only if he is satisfied that such refusal is necessary in the interests of national security or public safety or for the safeguarding of public health, the preservation of public morals, the prevention of crime or disorder or the protection of the rights of others.”;
 - (b) by the substitution for subsection (3) of the following subsection:
“(3) Notwithstanding the foregoing provisions of this section whenever a magistrate or a commissioned officer of the police has reason to believe that the public peace or national security would be endangered by any gathering or kind of gathering in a particular district he may, for a period not exceeding seven days at any one time, prohibit that gathering or kind of gathering or all or any gatherings at or in any particular place or area or at any place whatsoever: Provided that such magistrate or commissioned officer may thereafter in writing authorize any such gathering or kind of gathering subject to compliance with such conditions as he may specify.”;
 - (c) by the substitution in subsection (4) for that part of the subsection preceding paragraph (a) of the following:
“Any magistrate or commissioned officer who imposes a prohibition in terms of subsection (3), shall do so – ”; and
 - (d) by the addition thereto of the following subsection:
“(5) The provisions of this section shall be in addition to and not in substitution of any other law whereunder the permission, approval or leave of a municipal council or other local authority is required for the holding of any gathering in the municipality or other local authority area concerned.”.

Amendment of section 45 of Act 13 of 1982.

15. Section 45 of the principal Act is hereby amended by the substitution in subsection (1) for the words “Law Enforcement Branch” of the word “police”.

Amendment of section 46 of Act 13 of 1982.

16. Section 46 of the principal Act is hereby amended by the substitution in subsection (1) for the words “non-commissioned officer of the Law Enforcement Branch” of the words “non-commissioned officer of the police”.

Amendment of section 48 of Act 13 of 1982.

17. Section 48 of the principal Act is hereby amended by the substitution for the words “security forces” of the word “police”.

Amendment of section 50 of Act 13 of 1982.

18. Section 50 of the principal Act is hereby amended by the substitution for the words “the Commander-General, a magistrate, an officer of the Law Enforcement Branch” of the words “any such officer or employee or”.

Amendment of section 51 of Act 13 of 1982.

19. Section 51 of the principal Act is hereby amended by the substitution for the expression “section 31” of the expression “section 50”.

Amendment of section 52 of Act 13 of 1982.

20. Section 52 of the principal Act is hereby amended –
- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
“(c) fails to comply with any condition specified in any authority granted under section 43 (1) or 43 (3) while convening, holding, presiding at or addressing any gathering.”;
 - (b) by the substitution for paragraph (e) of subsection (1) of the following paragraph:
“(e) fails to comply with any condition specified in any authority granted under section 43 (1) or 43 (3) while he attends any gathering –”;
 - (c) by the insertion in subparagraphs (i) and (ii) of paragraph (e) of subsection (1) after the word “imprisonment”, wherever it occurs, of the words “for a period”;
 - (d) by the substitution for subsection (2) of the following subsection:
“(2) Any person who fails or refuses to obey any order given under section 46 (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year.”; and

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(e) by the substitution in subsection (3) for the expression "section 44 (1)" of the expression "section 45 (1)".

Amendment of section 54 of Act 13 of 1982.

21. Section 54 of the principal Act is hereby amended by the substitution in subsection (1) for the expression "liable to a fine not exceeding R3000.00 or to imprisonment not exceeding three years" of the expression "liable on conviction to a fine not exceeding three thousand rand or to imprisonment for a period not exceeding three years".

Amendment of section 55 of Act 13 of 1982.

22. Section 55 of the principal Act is hereby amended by the substitution for the expression "liable to a fine not exceeding R3000.00 or to imprisonment" of the expression "shall on conviction be liable to a fine not exceeding three thousand rand or to imprisonment for a period".

Amendment of section 56 of Act 13 of 1982.

23. Section 56 of the principal Act is hereby amended —
 (a) by the insertion in subsection (1) after the word "liable" of the words "on conviction"; and
 (b) by the substitution for subsection (2) of the following subsection:
 "(2) The provisions of subsection (1) shall not be construed as derogating in any way from the fundamental rights entrenched in Part III of the Constitution or the right of free and fair political expression."

Amendment of section 57 of Act 13 of 1982.

24. Section 57 of the principal Act is hereby amended by the substitution in subsection (1) for the definition of "security matter" of the following definition:
 "'security matter' includes any matter dealt with by the security branch of the police or which relates to the functions of that branch or to the relationship existing between any person and that branch."

Amendment of section 61 of Act 13 of 1982.

25. Section 61 of the principal Act is hereby amended —
 (a) by the substitution in that part of subsection (1) succeeding paragraph (e) for the word "office" of the word "offence"; and
 (b) by the substitution in paragraph (b) of subsection (2) for the words "Law Enforcement Branch" of the word "police".

Amendment of section 63 of Act 13 of 1982.

26. Section 63 of the principal Act is hereby amended by the substitution in paragraph (b) for the words "Law Enforcement Branch" of the word "police".

Amendment of section 75 of Act 13 of 1982.

27. Section 75 of the principal Act is hereby amended by the substitution in that part of the section succeeding subparagraph (iii) for the words "shall be presumed" of the words "such person shall be presumed".

Amendment of section 82 of Act 13 of 1982.

28. Section 82 of the principal Act is hereby amended by the substitution in subsections (1) and (2) for the expression "subsections (a) to (m)" of the expression "paragraphs (a) to (m) of subsection (1)".

Amendment of section 86 of Act 13 of 1982.

29. Section 86 of the principal Act is hereby amended by the substitution in subsection (2) for the expression "liable to a fine not exceeding R5000 or to imprisonment" of the expression "liable on conviction to a fine not exceeding five thousand rand or to imprisonment for a period".

Amendment of section 88 of Act 13 of 1982.

30. Section 88 of the principal Act is hereby amended by the substitution at the end of subsection (1) for the word "paragraph" of the word "provisions".

Repeal of section 91 of Act 13 of 1982.

31. Section 91 of the principal Act is hereby repealed.

Amendment of Act 13 of 1982 to substitute certain word.

32. (1) Subject to the foregoing provisions of this Act the principal Act is hereby amended by the substitution for the word "Commander-General", wherever it occurs, of the word "Minister".
 (2) Anything done by the Commander-General of State Security under any provision of the principal Act prior to the commencement of this Act shall be deemed to have been done by the Minister of Justice under that provision as amended by this Act.

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Amendment of section 1 of Act 75 of 1969, as amended by section 1 of Act 16 of 1978, Government Notice R.2407 of 1978 and section 1 of Act 17 of 1983.

33. Section 1 of the Arms and Ammunition Act, 1969, is hereby amended —
- (a) by the substitution for the definition of "Commander-General" of the following definition:
" 'Commissioner' means the Commissioner of the Ciskeian Police;"; and
 - (b) by the substitution for the definition of "Minister" of the following definition:
" 'Minister' means the Minister of Justice;".

Substitution of certain word in Act 75 of 1969.

34. (1) Subject to the provisions of section 33 of this Act, the Arms and Ammunition Act, 1969 is hereby amended by the substitution for the word "Commander-General", wherever it occurs, of the word "Commissioner".
- (2) Anything done by the Commander-General of State Security under any provision of the Arms and Ammunition Act, 1969 prior to the commencement of this Act shall be deemed to have been done by the Commissioner of the Ciskeian Police under that provision as amended by this Act.

Amendment of section 1 of Act 1 of 1981 (Republic of Ciskei).

35. Section 1 of the Defence Act, 1981 is hereby amended —
- (a) by the substitution for the definition of "Department" of the following definition:
" 'Department' means the department of the Minister;";
 - (b) by the deletion of the definition of "Commander-General"; and
 - (c) by the insertion after the definition of "Military Discipline Code" of the following definition:
" 'Minister' means the member of the Executive Council to whom the administration of the provisions of this Act has been assigned by the President;".

Substitution of certain word in Act 1 of 1981 (Republic of Ciskei).

36. Subject to the provisions of section 35 of this Act, the Defence Act, 1981 is hereby amended by the substitution for the word "Commander-General", wherever it occurs, of the word "Minister".

Amendment of Schedule 1 of Act 2 of 1981 (Republic of Ciskei).

37. Schedule 1 of the Public Service Act, 1981 is hereby amended by the deletion of the words "Department of State Security" and "Director-General, Department of State Security".

Short title.

38. This Act shall be called the National Security Amendment Act, 1983.

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