



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

No. 1029.

8 May 1985

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 53 of 1985: Control of Access to Public Premises and Vehicles Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1029.

8 Mei 1985

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 53 van 1985: Wet op Beheer van Toegang tot Openbare Persele en Voertuie, 1985.

ACT

To provide for the safeguarding of certain public premises and vehicles and for the protection of the people therein or thereon, and for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 30 April 1985.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Interpretation.

1. In this Act, unless the context indicates otherwise—

- (i) "authorized officer" means any person authorized by the owner of any public premises or any public vehicle to act in terms of the provisions of section 2; (ii) 5
- (ii) "dangerous object" means any explosive or incendiary material, any explosive or incendiary device, any fire-arm, and any gas, material, weapon or other article, object or instrument which may be employed to cause 10 bodily harm to a person, or to render a person temporarily paralysed or unconscious, or to cause damage to property, as well as anything which the Minister may by notice in the *Gazette* declare to be a dangerous object for the purposes of this Act; (iii) 15
- (iii) "local authority" means—
 - (a) any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961);
 - (b) a community council established under section 2 20 (1) of the Community Councils Act, 1977 (Act No. 125 of 1977);
 - (c) a town council or village council established under section 2 (a) or (b) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982); 25
 - (d) a development board specified under section 3 (1) of the Black Communities Development Act, 1984 (Act No. 4 of 1984); (vii)
- (iv) "Minister" means the Minister of Law and Order; (iv) 30
- (v) "owner of any public premises or any public vehicle" 30 means the head of the department of State, division, office or other body which occupies or uses those premises or that vehicle or is in charge thereof, as the case may be; (i)
- (vi) "public premises" means any building, structure, hall, 35 room, office, convenience, land, enclosure or water surface which is the property of, or is occupied or used by, or is under the control of, the State or a statutory body, and to which a member of the public has a right of access, or is usually admitted or to which he may be 40 admitted; (v)

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WET

Om voorsiening te maak vir die beveiliging van sekere openbare persele en voertuie en vir die beskerming van die mense daarin of daarop, en vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 April 1985.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy die samehang anders aandui, beteken— Woordbepaling.
- 5 (i) "eienaar van 'n openbare perseel of 'n openbare voertuig" die hoof van die Staatsdepartement, afdeling, kantoor of ander liggaam wat daardie perseel of voertuig okkupeer of gebruik of beheer daarvoor voer, na gelang van die geval; (v)
 - 10 (ii) "gemagtigde beampte" iemand gemagtig deur die eienaar van 'n openbare perseel of 'n openbare voertuig om ingevolge die bepalings van artikel 2 op te tree; (i)
 - 15 (iii) "gevaarlike voorwerp" enige ontplofbare of ontbrandbare stof, enige plof- of ontbrandingstoestel, enige vuurwapen, en enige gas, stof, wapen of ander artikel, voorwerp of instrument wat gebruik kan word om liggaamlike leed aan 'n persoon te berokken, of om 'n persoon tydelik te verlam of bewusteloos te maak, of om skade aan eiendom te berokken, asook enigiets wat die Minister by kennisgewing in die *Staatskoerant* tot gevaarlike voorwerp vir die doeleindes van hierdie Wet verklaar; (ii)
 - 20 (iv) "Minister" die Minister van Wet en Orde; (iv)
 - 25 (v) "openbare perseel" enige gebou, struktuur, saal, kamer, kantoor, gemak, grond, kamp of wateroppervlakte wat die eiendom is van, of geokkupeer of gebruik word deur, of onder die beheer is van, die Staat of 'n statutêre liggaam, en waartoe 'n lid van die publiek 'n reg van toegang het, of gewoonlik toegelaat word of toegelaat kan word; (vi)
 - 30 (vi) "openbare voertuig" enige voertuig, vervoermiddel, skip, boot, vaartuig of lugvaartuig wat die eiendom of onder die beheer is van die Staat of 'n statutêre liggaam, en wat gebruik word vir die vervoer, vir wins of andersins, van lede van die publiek; (vii)
 - 35 (vii) "plaaslike bestuur"—
 - (a) 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961);

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- (vii) "public vehicle" means any vehicle, conveyance, ship, boat, craft or aircraft which is the property or under the control of the State or a statutory body, and which is used for the transport, for profit or otherwise, of members of the public; (vi) 5
- (viii) "statutory body" means—
- (a) any council, board or body established by or under any law and which is maintained in whole or in part out of moneys appropriated by Parliament for that purpose, and of which the administrative staff 10 consists wholly or mainly of persons who are subject to the Public Service Act, 1984 (Act No. 111 of 1984);
 - (b) any local authority; and
 - (c) any other council, board or body which the Minister 15 may by notice in the *Gazette* declare to be a statutory body for the purposes of this Act. (viii)

Access to public
premises and
vehicles.

2. (1) Notwithstanding any rights or obligations to the contrary and irrespective of how those rights or obligations arose or were granted or imposed, the owner of any public premises or 20 any public vehicle may—

- (a) take such steps as he may consider necessary for the safeguarding of those premises or that vehicle and the contents thereof, as well as for the protection of the people therein or thereon; 25
- (b) direct that those premises or that vehicle may only be entered or entered upon in accordance with the provisions of subsection (2).

(2) No person shall without the permission of an authorized officer enter or enter upon any public premises or any public vehicle in respect of which a direction has been issued under subsection (1) (b), and for the purpose of the granting of that permission an authorized officer may require of the person concerned that he—

- (a) furnish his name, address and any other relevant information required by the authorized officer; 35
- (b) produce proof of his identity to the satisfaction of the authorized officer;
- (c) declare whether he has any dangerous object in his possession or custody or under his control; 40
- (d) declare what the contents are of any vehicle, suitcase, attaché case, bag, handbag, folder, envelope, parcel or container of any nature which he has in his possession or custody or under his control, and show those contents to him; 45
- (e) subject himself and anything which he has in his possession or custody or under his control to an examination by an electronic or other apparatus in order to determine the presence of any dangerous object;
- (f) hand to an authorized officer anything which he has in 50 his possession or custody or under his control for examination or custody until he leaves the premises or vehicle;
- (g) in the case of premises or a vehicle or a class of premises or vehicles determined by the the Minister by notice in 55 the *Gazette*, be searched by an authorized officer.

(3) (a) Where an authorized officer grants permission in terms of subsection (2), he may do so subject to conditions regarding the carrying or displaying of some form of proof that the necessary permission has been granted, 60 the persons on or in the premises or vehicle with whom he may not come into contact, the part of the premises or vehicle which he may not enter upon, the duration

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- (b) 'n gemeenskapsraad ingestel kragtens artikel 2 (1) van die Wet op Gemeenskapsrade, 1977 (Wet No. 125 van 1977);
- 5 (c) 'n stadsraad of dorpsbestuur ingestel kragtens artikel 2 (a) of (b) van die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982);
- (d) 'n ontwikkelingsraad verklaar kragtens artikel 3 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984); (iii)
- 10 (viii) "statutêre liggaam"—
- (a) 'n raad of liggaam by of kragtens 'n wet ingestel, wat geheel en al of gedeeltelik in stand gehou word uit geld vir dié doel deur die Parlement be-
- 15 willig, en waarvan die administratiewe personeel geheel en al of gedeeltelik bestaan uit persone wat aan die Staatsdienswet, 1984 (Wet No. 111 van 1984), onderworpe is;
- (b) 'n plaaslike bestuur; en
- 20 (c) enige ander raad of liggaam wat die Minister by kennisgewing in die *Staatskoerant* tot 'n statutêre liggaam vir die doeleindes van hierdie Wet verklaar. (viii)

2. (1) Ondanks enige regte of verpligtinge tot die teendeel en ongeag hoe daardie regte of verpligtinge ontstaan het of verleen
25 of opgelê is, kan die eienaar van 'n openbare perseel of 'n openbare voertuig—

Toegang tot openbare persele en voertuie.

- (a) die stappe doen wat hy nodig ag vir die beveiliging van daardie perseel of voertuig en die inhoud daarvan, asook vir die beskerming van die mense daarin of daarop;
- 30 (b) gelas dat daardie perseel of voertuig slegs binnegegaan of betree mag word ooreenkomstig die bepalings van subartikel (2).

(2) Niemand mag 'n openbare perseel of 'n openbare voertuig
35 ten opsigte waarvan 'n lasgewing kragtens subartikel (1) (b) uitgereik is, sonder die toestemming van 'n gemagtigde beampte binnegaan of betree nie, en vir die doel van die verlening van die toestemming kan 'n gemagtigde beampte van die betrokke persoon vereis dat hy—

- 40 (a) sy naam, adres en enige ander ter sake dienende inligting wat die gemagtigde beampte verlang, verstrek;
- (b) ten genoeë van die gemagtigde beampte bewys van sy identiteit lewer;
- 45 (c) verklaar of hy enige gevaarlike voorwerp in sy besit of bewaring of onder sy beheer het;
- (d) verklaar wat die inhoud is van enige voertuig, tas, akte-tas, sak, handsak, omslag, koevert, pakket of houer van enige aard wat hy in sy besit of bewaring of onder sy beheer het, en die inhoud aan hom toon;
- 50 (e) homself en enigiets wat hy in sy besit of bewaring of onder sy beheer het, onderwerp aan 'n ondersoek deur 'n elektroniese of ander apparaat ten einde die teenwoordigheid van enige gevaarlike voorwerp vas te stel;
- 55 (f) enigiets wat hy in sy besit of bewaring of onder sy beheer het aan 'n gemagtigde beampte oorhandig vir ondersoek of bewaring totdat hy die perseel of voertuig verlaat;
- (g) in die geval van 'n perseel of voertuig of 'n klas perseel of voertuie deur die Minister by kennisgewing in die *Staatskoerant* bepaal, deur 'n gemagtigde beampte deursoek word.
- 60 (3) (a) Waar 'n gemagtigde beampte toestemming ingevolge subartikel (2) verleen, kan hy dit onderhewig maak aan voorwaardes betreffende die dra of vertoon van die een of ander vorm van bewys dat die nodige toestemming verleen is, die persone op of in die perseel of voertuig met wie hy nie in aanraking mag kom nie, die deel van die perseel of voertuig wat hy nie mag betree nie, die
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of his presence on or in the premises or vehicle, the escorting of the person concerned while he is on or in the premises or vehicle, and such other requirements as he may consider necessary.

(b) Without prejudice to the provisions of the Trespass Act, 1959 (Act No. 6 of 1959), an authorized officer may at any time remove any person from any public premises or public vehicle if—

- (i) that person enters or enters upon the premises or vehicle concerned without the permission contemplated in subsection (2);
- (ii) that person refuses or fails to observe a condition contemplated in paragraph (a);
- (iii) the authorized officer considers it necessary for the safeguarding of the premises or vehicle concerned or the contents thereof or for the protection of the people therein or thereon.

(4) If it is not practicable to examine or keep in custody on or in the premises or vehicle concerned anything which may be examined or kept in custody under subsection (2), it may be removed to a suitable place for that purpose.

(5) The search of a woman under subsection (2) (g) may be carried out only by a woman.

Exemption of
certain persons.

3. The provisions of section 2 (2) do not apply in respect of any member of a police force established by or under any law or a member of the South African Defence Force who is required in the performance of his functions to enter or enter upon any public premises or public vehicle and who produces proof of his identity to the satisfaction of the authorized officer concerned.

Offences.

4. Any person who—

- (a) contravenes the provisions of section 2 (2);
- (b) for the purposes of this Act makes a statement or furnishes information which is false in a material particular, knowing it to be false;
- (c) refuses or fails to observe any condition contemplated in section 2 (3) (a);
- (d) holds himself out to be an authorized officer;
- (e) obstructs, hinders, resists or interferes with an authorized officer in the performance of his functions,

is guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding two years or to both that fine and that imprisonment.

Delegation of
powers of
Minister.

5. The Minister may by notice in the *Gazette* delegate any of his powers under this Act to the incumbent of any post.

Operation of Act
with regard to
other laws.

6. (1) The provisions of this Act apply in addition to, and not in substitution for, the provisions of any other law relating to the protection of people or property.

(2) The provisions of this Act do not exempt any person from complying with any obligation in terms of which he is required to enter or enter upon any public premises or any public vehicle.

Short title.

7. This Act is called the Control of Access to Public Premises and Vehicles Act, 1985.

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duur van sy teenwoordigheid op of in die perseel of voertuig, die begeleiding van die betrokke persoon terwyl hy op of in die perseel of voertuig is, en die ander vereistes wat hy nodig ag.

- 5 (b) Sonder om afbreuk te doen aan die bepalings van die Wet op Oortreding, 1959 (Wet No. 6 van 1959), kan 'n gemagtigde beampte te eniger tyd 'n persoon van 'n openbare perseel of 'n openbare voertuig verwyder indien—
- 10 (i) daardie persoon die betrokke perseel of voertuig sonder die toestemming bedoel in subartikel (2) binnegaan of betree;
- (ii) daardie persoon weier of versuim om 'n voorwaarde bedoel in paragraaf (a) na te kom;
- 15 (iii) die gemagtigde beampte dit nodig ag vir die beveiliging van die betrokke perseel of voertuig of die inhoud daarvan of vir die beskerming van die mense daarin of daarop.

(4) Indien dit nie doenlik is om enigiets wat kragtens subartikel (2) ondersoek of bewaar kan word op of in die betrokke perseel of voertuig te ondersoek of te bewaar nie, kan dit na 'n geskikte plek vir dié doel verwyder word.

(5) Die deursoeking van 'n vrou kragtens subartikel (2) (g) mag slegs deur 'n vrou uitgevoer word.

- 25 3. Die bepalings van artikel 2 (2) is nie van toepassing nie ten opsigte van 'n lid van 'n polisiemag wat by of kragtens 'n wet ingestel is of 'n lid van die Suid-Afrikaanse Weermag wat by die verrigting van sy werksaamhede 'n openbare perseel of 'n openbare voertuig moet binnegaan of betree en wat ten genoë van
30 die betrokke gemagtigde beampte bewys van sy identiteit lewer.

Vrystelling van sekere persone.

4. Iemand wat—

Misdrywe.

- (a) die bepalings van artikel 2 (2) oortree;
- (b) vir die doeleindes van hierdie Wet 'n verklaring doen of inligting verstrek wat vals is wat 'n wesenlike besonderheid betref, met die wete dat dit vals is;
- 35 (c) weier of versuim om 'n voorwaarde bedoel in artikel 2 (3) (a) na te kom;
- (d) homself as 'n gemagtigde beampte voordoen;
- (e) 'n gemagtigde beampte by die verrigting van sy werksaamhede hinder, belemmer of weerstaan of hom met
40 so 'n beampte bemoei,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as
45 daardie gevangenisstraf.

5. Die Minister kan by kennisgewing in die *Staatskoerant* enige van sy bevoegdhede kragtens hierdie Wet aan die bekleër van 'n amp delegeer.

Delegasie van Minister se bevoegdhede.

6. (1) Die bepalings van hierdie Wet geld benewens die bepalings van enige ander wet betreffende die beskerming van mense of eiendom, en dien nie ter vervanging daarvan nie.

Werkings van Wet met betrekking tot ander wette.

(2) Die bepalings van hierdie Wet onthef niemand van die aankoming van enige verpligting ingevolge waarvan hy 'n openbare perseel of 'n openbare voertuig moet binnegaan of betree nie.

- 55 7. Hierdie Wet heet die Wet op Beheer van Toegang tot Openbare Persele en Voertuie, 1985.

Kort titel.

