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GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1457.

4 Julie 1990

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

No. 82 van 1990: Wysigingswet op Burgerlike Beskerming, 1990.

STATE PRESIDENT'S OFFICE

No. 1457.

4 July 1990

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

No. 82 of 1990: Civil Defence Amendment Act, 1990.

Wet No. 82, 1990

WYSIGINGSWET OP BURGERLIKE BESKERMING, 1990

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
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WET

Tot wysiging van die Wet op Burgerlike Beskerming, 1977, ten einde sekere uitdrukings te omskryf of nader te omskryf; die Minister van Beplanning en Provinciale Sake te magtig om algemene beleid met betrekking tot burgerlike beskerming te bepaal; 'n Administrateur te magtig om sekere bevoegdhede en pligte tydelik oor te neem en op te dra; die verlening van bystand in verband met burgerlike beskerming verder te reël; voorsiening te maak vir die erkenning van diens in verband met burgerlike beskerming; en die Engelse teks te verander; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1990.)

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

Wysiging van artikel 1 van Wet 67 van 1977

1. Artikel 1 van die Wet op Burgerlike Beskerming, 1977 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur die omskrywing van "Administrateur" deur die volgende omskrywing te vervang:
"Administrateur", met betrekking tot 'n provinsie, 'n administrateur soos omskryf in die Wet op Provinciale Regering, 1986 (Wet No. 69 van 1986);";
- (b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
"Minister" die Minister van [Verdediging] Beplanning en Provinciale Sake;";
- (c) deur na die omskrywing van "noodtoestand" die volgende omskrywing in te voeg:
"plaaslike owerheid" 'n plaaslike owerheid soos omskryf in die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983);"; en
- (d) deur die omskrywing van "ramp" deur die volgende omskrywing te vervang:
"ramp" ook 'n natuur ramp, die toestroming van uitgeweken na die Republiek of enige gevolge wat ontstaan as gevolg van terrorisme, subversie of sabotasie beoog [soos omskryf] in die Wet op Binnelandse Veiligheid, 1982 (Wet No. 74 van 1982), [Terrorisme, 1967 (Wet No. 83 van 1967)] of die ontwigting van noodsaklike dienste, met inbegrip van die voorsiening van water, elektrisiteit of gas, rioolerings- of vullisverwyderingsdienste, gesondheidsdienste of die vervoer van persone of goedere";.

CIVIL DEFENCE AMENDMENT ACT, 1990

Act No. 82, 1990

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
- _____** Words underlined with solid line indicate insertions in existing enactments.
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ACT

To amend the Civil Defence Act, 1977, so as to define or further define certain expressions; to authorize the Minister of Planning and Provincial Affairs to determine general policy with regard to civil protection; to authorize an Administrator to temporarily take over and assign certain powers and duties; to further regulate the rendering of assistance in connection with civil protection; to provide for the recognition of service in connection with civil protection; and to alter the English text; and to provide for matters connected therewith.

(*English text signed by the State President.*)

(Assented to 21 June 1990.)

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

Amendment of section 1 of Act 67 of 1977

1. Section 1 of the Civil Defence Act, 1977 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for the definition of “Administrator” of the following definition:
“Administrator”, in relation to a province, means an administrator as defined in the Provincial Government Act, 1986 (Act No. 69 of 1986);”;
 - (b) by the substitution for the definition of “disaster” of the following definition:
“disaster” includes [an act of God] a natural disaster, the influx of refugees into the Republic, or any consequences arising out of terrorism, subversion or sabotage contemplated [as defined] in the Internal Security Act, 1982 (Act No. 74 of 1982), [Terrorism Act, 1967 (Act No. 83 of 1967)] or the disruption of essential services, including the provision of water, electricity or gas, sewerage or refuse removal services, health services or the transportation of persons or goods;”;
 - (c) by the insertion after the definition of “disaster” of the following definition:
“local authority” means a local authority as defined in the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983);”;
 - (d) by the substitution for the definition of “Minister” of the following definition:
“Minister” means the Minister of [Defence] Planning and Provincial Affairs;”.

Wet No. 82, 1990

WYSIGINGSWET OP BURGERLIKE BESKERMING, 1990

Wysiging van artikel 2 van Wet 67 van 1977

2. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Indien die Minister 'n ramptoestand kragtens subartikel (1) verklaar het, deel hy binne veertien dae na sodanige verklaring die redes daarvoor mee aan die **[Senaat en die Volksraad]** Parlement, indien die Parlement dan in sessie is, of, indien die Parlement nie dan in sessie is nie, binne veertien dae na die begin van sy eersvolgende sessie.”.

Invoeging van artikel 2A in Wet 67 van 1977

3. Die volgende artikel word hierby in die Hoofwet na artikel 2 ingevoeg: 10

“Bepaling van algemene burgerlike beskermingsbeleid

2A. (1) Die Minister kan, na oorlegpleging met die koördinerende raad soos omskryf in artikel 1 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983), by kennisgewing in die Staatskoerant die algemene beleid bepaal wat met betrekking tot burgerlike beskerming in die Republiek gevvolg moet word. 15

(2) Elke Minister van 'n Staatsdepartement en elke Administrateur moet die beleid wat kragtens subartikel (1) bepaal is, uitvoer.”.

Wysiging van artikel 3 van Wet 67 van 1977 20

4. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

(2) (a) In die geval van 'n botsing tussen die bepalings van 'n ordonnansie gemaak kragtens subartikel (1) en die bepalings van 'n regulasie uitgevaardig kragtens die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), **[of]** die Verdedigingswet, 1957 (Wet No. 44 van 1957), die Wet op Nasionale Sleutelpunte, 1980 (Wet No. 102 van 1980), die Wet op die Beveiliging van Inligting, 1982 (Wet No. 84 van 1982), of die Wet op die Beheer van Toegang tot Openbare Persele en Voertuie, 1985 (Wet No. 53 van 1985), geld die bepalings van die regulasie. 25

(b) In die geval van 'n botsing ten opsigte van aangeleenthede met betrekking tot burgerlike beskerming tussen die bepalings van so 'n ordonnansie en die Wet op Brandweerdienste, 1987 (Wet No. 99 van 1987), of 'n regulasie kragtens artikel 15 van daardie Wet uitgevaardig, geld die bepalings van die ordonnansie.”. 30

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Vervanging van artikel 5 van Wet 67 van 1977

5. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

“Administrateur kan sekere bevoegdhede en pligte oorneem

5. (1) (a) Die Administrateur kan by kennisgewing op die wyse wat hy dienstig ag, vanaf 'n datum, in die mate en vir die doeleindes in daardie kennisgewing vermeld, enige bevoegdheid of plig wat deur of kragtens 'n ordonnansie in artikel 3 bedoel aan die een of ander persoon of plaaslike owerheid verleen of opgelê word, oorneem. Met dien verstande dat indien sodanige kennisgewing op enige ander wyse as by kennisgewing in die *Offisiële Koerant* geskied, die Administrateur so spoedig moontlik daarna die inhoud van sodanige kennisgewing in die *Offisiële Koerant* moet publiseer. 40

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(b) So 'n kennisgewing kan met die oog op die uitoefening of verrigting van die bevoegdheid of plig waarop die kennisgewing betrekking het, aan enige persoon of plaaslike owerheid enige bevoegdheid of plig verleen of oplê wat ingevolge die betrokke ordonnansie verleen of opgelê sou kon word en wat na die oordeel van die Administrateur vir 'n doeltreffende uitoefening of verrigting van die bevoegdheid of plig waarop daardie kennisgewing betrekking het, nodig is. 50

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Amendment of section 2 of Act 67 of 1977

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

5 "“(4) If the Minister has under subsection (1) declared a state of disaster, he shall within fourteen days of such declaration communicate his reasons therefor to [the Senate and the House of Assembly] Parliament, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.”.

Insertion of section 2A in Act 67 of 1977

10 3. The following section is hereby inserted in the principal Act after section 2:

"Determination of general civil protection policy

15 **2A. (1)** The Minister may, after consultation with the co-ordinating council as defined in section 1 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983), by notice in the *Gazette* determine the general policy to be applied with regard to civil protection in the Republic.

(2) Every Minister of a department of State and every Administrator shall carry out the policy determined under subsection (1).".

Amendment of section 3 of Act 67 of 1977

20 4. Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

25 "(2) (a) In the event of a conflict between the provisions of an ordinance made under subsection (1) and the provisions of a regulation made under the Public Safety Act, 1953 (Act No. 3 of 1953), [or] the Defence Act, 1957 (Act No. 44 of 1957), the National Key Points Act, 1980 (Act No. 102 of 1980), the Protection of Information Act, 1982 (Act No. 84 of 1982), or the Control of Access to Public Premises and Vehicles Act, 1985 (Act No. 53 of 1985), the provisions of the regulation shall prevail.

30 (b) In the event of a conflict in respect of matters relating to civil protection between the provisions of any such ordinance and the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), or a regulation made under section 15 of that Act, the provisions of the ordinance shall prevail.”.

Substitution of section 5 of Act 67 of 1977

5. The following section is hereby substituted for section 5 of the principal Act:

“Administrator may take over certain powers and duties

35 5. (1) (a) The Administrator may by notice in such manner as he may deem fit, from a date, to the extent and for the purposes mentioned in that notice, take over any power or duty conferred or imposed upon any person or local authority by or under any ordinance referred to in section 3: Provided that if such notice has been given in any other manner than by notice in the *Official Gazette*, the Administrator shall as soon as possible thereafter publish the contents of such notice in the *Official Gazette*.

40 (b) Such notice may with a view to the exercise or performance of the power or duty to which the notice relates, confer or impose on any person or local authority any power or duty which could have been conferred or imposed in terms of the ordinance concerned and which in the opinion of the Administrator is necessary for the effective exercise or performance of the power or duty to which such notice relates.

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- (c) Vir die doeleindes van die uitoefening of verrigting van 'n bevoegdheid of plig aldus oorgeneem, word 'n verwysing in so 'n ordonnansie na bedoelde persoon of plaaslike owerheid uitgelê as 'n verwysing na die Administrateur.
- (d) Koste aangegaan deur die Administrateur of 'n persoon of plaaslike owerheid in paragraaf (b) bedoel by die uitoefening of verrigting van sodanige bevoegdheid of plig, is betaalbaar deur of verhaalbaar op die persoon of plaaslike owerheid in paragraaf (a) beoog.
- (2) Die Administrateur kan vir die doeleindes van die verrigting van werk wat voortspruit uit die uitoefening of verrigting van 'n bevoegdheid of plig wat kragtens subartikel (1) oorgeneem is, die persone wat hy nodig ag, aanstel.
- (3) Die Administrateur kan van tyd tot tyd op die wyse in subartikel (1) beoog, 'n kennisgewing in daardie subartikel bedoel wat uitgerek is, wysig of intrek."

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Vervanging van artikel 6 van Wet 67 van 1977

6. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

"Verlening van bystand in verband met burgerlike beskerming

6. (1) Op versoek van die Minister kan 'n Minister wat 'n Staatsdepartement administreer, of 'n Administrateur, lede van sy departement of administrasie of ander persone aansê om aan 'n persoon aan wie 'n bevoegdheid of plig by of kragtens 'n ordonnansie in artikel 3 bedoel, verleen of opgelê word, in verband met die uitoefening of verrigting van daardie bevoegdheid of plig die bystand te verleen of te laat verleen wat die Minister bepaal.
- (2) Aan iemand wat uit hoofde van die bepalings van subartikel (1) bystand verleen, word die bevoegdhede of pligte wat aan die persoon aan wie hy aldus bystand verleen, verleen of opgelê is, geag ook verleen of opgelê te wees.
- (3) Lede van die Suid-Afrikaanse Weermag wat uit hoofde van die bepalings van subartikel (1) bystand verleen of laat verleen, word geag kragtens artikel 3 (2) (a) (iv) van die Verdedigingswet, 1957 (Wet No. 44 van 1957), in diens gestel te wees."

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Vervanging van artikel 7 van Wet 67 van 1977

7. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

"Dekorasies, medaljes en sertifikate

7. (1) Die Staatspresident kan onderworpe aan die reëls wat hy dienstig ag, dekorasies, [en] medaljes en sertifikate en, ten opsigte van sodanige dekorasies en medaljes, balke, gespes en linte instel, wat [deur hom of die Minister] kragtens die bepalings van subartikel (2) toegeken kan word aan 'n lid van 'n [brandweer] burgerlike beskermingskorps of soortgelyke liggaam ingestel by of ingevolge 'n ordonnansie in artikel 3 bedoel, ten opsigte van sy diens as sodanige lid, of aan iemand anders ten opsigte van diens ingevolge hierdie Wet of 'n in artikel 3 bedoelde ordonnansie.
- (2) Sodanige dekorasies, medaljes, balke, gespes en linte kan toegeken word deur die Minister of deur iemand deur hom aangewys, en sodanige sertifikate kan toegeken word deur die betrokke Administrateur of iemand deur hom aangewys."

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Wysiging van artikel 9 van Wet 67 van 1977

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8. Artikel 9 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

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- (c) For the purposes of the exercise or performance of any power or duty so taken over, any reference in such an ordinance to such a person or local authority shall be construed as a reference to the Administrator.
- (d) Any costs incurred by the Administrator or any person or local authority referred to in paragraph (b) in the exercise or performance of any such power or duty shall be payable by or recoverable from the person or local authority contemplated in paragraph (a).
- (2) The Administrator may for the purposes of the performance of any work arising from the exercise or performance of any power or duty taken over under subsection (1), appoint such persons as he may deem necessary.
- (3) The Administrator may from time to time in the manner contemplated in subsection (1) amend or withdraw any notice referred to in that subsection which has been issued.”.

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Substitution of section 6 of Act 67 of 1977

- 6. The following section is hereby substituted for section 6 of the principal Act:**

“Rendering of assistance in connection with civil protection

- 6. (1) At the request of the Minister, a Minister administering a department of State, or an Administrator, may direct members of his department or administration or other persons to render or cause to be rendered to any person upon whom a power or duty is conferred or imposed by or under an ordinance referred to in section 3, in connection with the exercise or performance of such power or duty, such assistance as may be determined by the Minister.**
- (2) The powers or duties conferred or imposed upon the person to whom assistance is rendered, shall be deemed to have been conferred or imposed also upon any person rendering assistance to him by virtue of the provisions of subsection (1).**
- (3) Members of the South African Defence Force rendering or causing to be rendered assistance by virtue of the provisions of subsection (1), shall be deemed to be employed under section 3 (2) (a) (iv) of the Defence Act, 1957 (Act No. 44 of 1957).”.**

Substitution of section 7 of Act 67 of 1977

- 7. The following section is hereby substituted for section 7 of the principal Act:**

“Decorations, medals and certificates

- 7. (1) The State President may, subject to such rules as he may deem fit, institute decorations, [and] medals and certificates and, in respect of such decorations and medals, bars, clasps and ribbons, which may, under the provisions of subsection (2), be awarded [by him or the Minister] to any member of a [fire brigade] civil protection corps or similar body established by or in terms of any ordinance referred to in section 3, in respect of his service as such a member, or to any other person in respect of service in terms of this Act or any ordinance referred to in section 3.**
- (2) Such decorations, medals, bars, clasps and ribbons may be awarded by the Minister or any person designated by him, and such certificates may be awarded by the Administrator concerned or any person designated by him.”.**

Amendment of section 9 of Act 67 of 1977

- 8. Section 9 of the principal Act is hereby amended—**

- 50 (a) by the substitution for subsection (1) of the following subsection:**

Wet No. 82, 1990

WYSIGINGSWET OP BURGERLIKE BESKERMING, 1990

- “(1) [Die Staatspresident] ’n Administrateur kan met die instemming van die Minister van Finansies regulasies uitvaardig wat—
- (a) voorsiening maak vir die betaling, uit geld vir dié doel deur die Parlement bewillig, van vergoeding aan iemand, of die afhanglikes van iemand, wie se dood, liggaaamlike besering of ongeskiktheid die gevolg is van ’n gebeurtenis wat plaasvind in die loop van die verrigting van enige werkzaamheid aan so iemand opgedra ingevalghe hierdie Wet, ’n ordonnansie in artikel 3 bedoel of ’n wet kragtens so ’n ordonnansie gemaak;
- (b) by wyse van versekering voorsiening maak vir dekking deur ’n plaaslike owerheid van enigiemand ten opsigte van dood, liggaaamlike besering of ongeskiktheid in paragraaf (a) bedoel.”;
- (b) deur subparagraaf (vi) van paragraaf (b) van subartikel (2) deur die volgende subparagraaf te vervang:
- “(vi) voorsiening maak vir enige ander aangeleentheid wat die [Staatspresident] Administrateur goedvind om voor te skryf ten einde ’n doeltreffende uitvoering van die regulasies te verseker.”; en
- (c) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Die Staat, die Minister, ’n Administrateur of ’n plaaslike owerheid [bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961)] is nie aanspreeklik om enige vergoeding ten opsigte van enige sterfte, liggaaamlike besering of ongeskiktheid in subartikel (1) beoog, te betaal nie waar daar ingevalghe regulasies uitgevaardig kragtens hierdie artikel voorsiening gemaak word vir vergoeding ten opsigte van sodanige sterfte, besering of ongeskiktheid.”.

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Vervanging van sekere uitdrukking in Wet 67 van 1977

9. Behoudens die bepalings van artikels 6 en 10 van hierdie Wet word die Hoofwet en enige ander wet hierby gewysig deur in die Engelse teks die uitdrukking “civil defence” waar dit ook al voorkom deur die uitdrukking “civil protection” te vervang.

Vervanging van artikel 11 van Wet 67 van 1977

10. Artikel 11 van die Hoofwet word hierby in die Engelse teks deur die volgende artikel vervang:

“Short title

11. This Act shall be called the Civil [Defence] Protection Act, 1977.”.

Kort titel en inwerkingtreding

11. (1) Hierdie Wet heet die Wysigingswet op Burgerlike Beskerming, 1990, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet en ten opsigte van verskillende provinsies bepaal word.

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CIVIL DEFENCE AMENDMENT ACT, 1990

Act No. 82, 1990

“(1) [The State President] An Administrator may with the concurrence of the Minister of Finance make regulations—

(a) providing for the payment, out of moneys appropriated by Parliament for this purpose, of compensation to any person, or the dependants of any person, whose death, bodily injury or disablement results from any event occurring in the course of the performance of any function entrusted to such person in terms of this Act, any ordinance referred to in section 3 or any law made under such ordinance;

(b) providing insurance cover by a local authority for any person in respect of death, bodily injury or disablement referred to in paragraph (a).”.

(b) by the substitution for subparagraph (vi) of paragraph (b) of subsection (2) of the following subparagraph:

“(vi) provide for any other matter which the [State President] Administrator may deem fit to prescribe in order to ensure an efficient carrying out of the regulations.”; and

(c) by the substitution for subsection (3) of the following subsection:

“(3) The State, the Minister, an Administrator or any local authority [referred to in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961)] shall not be liable for damages in respect of any death, bodily injury or disablement referred to in subsection (1) where provision is made in terms of regulations made under this section for compensation in respect of such death, injury or disability.”.

Substitution of certain expression in Act 67 of 1977

9. Subject to the provisions of sections 6 and 10 of this Act, the principal Act and 25 any other law are hereby amended by the substitution for the expression “civil defence”, wherever it occurs, of the expression “civil protection”.

Substitution of section 11 of Act 67 of 1977

10. The following section is hereby substituted for section 11 of the principal Act:

“Short title

30 11. This Act shall be called the Civil [Defence] Protection Act, 1977.”.

Short title and commencement

11. (1) This Act shall be called the Civil Defence Amendment Act, 1990, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

35 (2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act and in respect of different provinces.

