

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 377

CAPE TOWN, 15 NOVEMBER 1996 KAAPSTAD, 15 NOVEMBER 1996

No. 17580

PRESIDENT'S OFFICE

No. 1868.

15 November 1996

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It is hereby notified that the President has assented to the following Act which is hereby published for general infor-

No. 90 of 1996: Safety Matters Rationalisation Act, 1996.

KANTOOR VAN DIE PRESIDENT

No. 1868

15 November 1996

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

No. 90 van 1996: Wet op die Rasionalisering van Veiligheidsaangeleenthede, 1996. Act No. 90, 1996

SAFETY MATTERS RATIONALISATION ACT, 1996

GENERAL EXPLANATORY NOTE:

100 100 100 100 100 100 100 100 100 100	55 Nr	1	Words in bold type in square brackets indicate omissions from existing enactments.					
			Words underline existing enactmen		a solid	line indicate	insertions	in
			N .	e e	ži Sest	٥	(e) (r)	

To provide for the rationalisation of certain laws relating to explosives, internal security, intimidation and the regulation of gatherings; to that end to amend certain laws relating to those matters; to repeal certain laws relating to those matters which apply in the former national territories of the former entities of Transkei, Bophuthatswana, Venda and Ciskei; to extend the operation of certain laws of the Republic relating to those matters to the whole of the national territory of the Republic, including the former national territories of the said entities; and to provide for matters connected therewith.

> (Afrikaans text signed by the President.) (Assented to 12 November 1996.)

E IT ENACTED BY the Parliament of the Republic of South Africa, as follows:-

Amendment of laws

1. The laws of the Republic specified in Schedule 1 are hereby amended to the extent indicated in the third column thereof.

Repeal of laws

2. The laws specified in Schedule 2 are hereby repealed to the extent indicated in the third column thereof.

Extension of laws of Republic

3. The operation of the laws mentioned in Schedule 3 is hereby extended to all areas 10 in the Republic, including the areas which previously constituted the national territories of Transkei, Bophuthatswana, Venda and Ciskei, and such laws, and all regulations and notices made or issued in terms of such laws, shall replace all laws, regulations and notices relating to explosives, internal security, intimidation and the regulation of gatherings applying in such areas.

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ELECTIVE TO SECURE ELECTIVE ALIQUE

Act No. 90, 1996

SAFETY MATTERS RATIONALISATION ACT, 1996

Pending proceedings

- 4. (1) No provision of this Act shall affect proceedings pending in a court of law at the commencement of this Act, and such proceedings may be continued and concluded in all respects as if this Act had not been passed.
- (2) Proceedings shall for the purposes of this section be deemed to be pending at commencement of this Act—
 - (a) in the case of civil proceedings, if a summons has been issued, but judgment has not been given;
 - (b) in the case of criminal proceedings, if the accused has pleaded but judgment and sentence have not been given and imposed.

Saving

- 5. No provision of this Act shall—
 - (a) affect the previous operation of any law repealed by section 2, or made applicable by section 3, or anything duly done or suffered under any law so made applicable or repealed;
- (b) affect any right, privilege, obligation or liability acquired, accrued or incurred under any law so made applicable or repealed;
- (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed in contravention of any law so made applicable or repealed;
- (d) affect any question as to whether any law was at the commencement of this 20 Act in operation in any particular area, notwithstanding the inclusion of such law in or the omission thereof from Schedule 2 or 3;
- if a corresponding law mentioned in Schedule 3 also provides for such an appointment, and anything done in connection with or by virtue of any such 25 appointment shall be deemed to have been done under such corresponding law.

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Short title

6. This Act shall be called the Safety Matters Rationalisation Act. 1996.

SAFETY MATTERS RATIONALISATION ACT, 1996

SCHEDULE 1

LAWS AMENDED BY SECTION 1

No. and year of law	' Short title	Extent of amendment
Act 74 of 1982	Internal Security Act, 1982 (Re-	1. The deletion of all definitions in section 1,
Complete Statement	public of South Africa)	except that of "gathering";
The second of the second	,	2. The repeal of sections 2, 4, 10, 12, 13, 14
en en et al en	A participation of the second	and 50:
	TO STATE OF	
		3. The amendment of section 54
		(a) by the deletion of paragraph (b) of subsec-
		tion (6);
		(b) by the deletion of the definition of
		"Government of the Republic"; and
		(c) by the substitution in subsection (8) for the
	35 9	definition of "public building" of the fol-
	1 67 (+ 12 % 52)	lowing definition:
AD Property of the	to state grant of as wells.	"'public building' means any building
an in a second	The second second second	which or part of which is occupied by the
		State, any institution or body [contem-
		plated in section 84(1)(f) of the Provincial
		Government Act, 1961 (Act No. 32 of
		1961), or any other body] instituted by or
	The state of the s	under any law and to which local or other
	A COLORD WORLS	government functions have been
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	assigned.";
	The state of the s	4. The repeal of sections 56, 62, 63, 65, 66, 67,
er production of		68, 69 and 73 and the Schedule.
Act 205 of 1993	Regulation of Gatherings Act,	Amendment of section 1—
• • • • • • • • • • • • • • • • • • • •	1993 (Republic of South Africa)	(a) by the deletion of the definition of "Com-
	,	missioner";
		(b) by substitution for the definition of "local
	<u>'</u>	authority" of the following definition:
		" 'local authority' means any [local
The second second		authority as defined in section 1 of the
		Promotion of Local Government Affairs
	1.	Act, 1983 (Act No. 91 of 1983), within
	1	whose area of jurisdiction a gathering
		= = = = = = = = = = = = = = = = = = = =
		takes place or is to take place, but does
		not include a regional services council or
		a joint services board in respect of the
		area of jurisdiction of another local
	İ	authority] local authority body established
	1	in terms of any law which applies in an
Ī	į	In terms of any law which applies in an
		area which forms part of the national terri-
		area which forms part of the national terri- tory referred to in section 1 of the Constitu-
		area which forms part of the national terri- tory referred to in section 1 of the Constitu- tion of the Republic of South Africa, 1993
		area which forms part of the national terri- tory referred to in section 1 of the Constitu- tion of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where
		area which forms part of the national terri- tory referred to in section 1 of the Constitu- tion of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where only a regional authority body, established
	·	area which forms part of the national terri- tory referred to in section 1 of the Constitu- tion of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where only a regional authority body, established in terms of a law, has jurisdiction, that
	·	area which forms part of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where only a regional authority body, established in terms of a law, has jurisdiction, that regional authority body;";
		area which forms part of the national terri- tory referred to in section 1 of the Constitu- tion of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where only a regional authority body, established in terms of a law, has jurisdiction, that
		area which forms part of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where only a regional authority body, established in terms of a law, has jurisdiction, that regional authority body;";
		area which forms part of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where only a regional authority body, established in terms of a law, has jurisdiction, that regional authority body;"; (c) by the substitution for the definition of magistrate of the following definition:
		area which forms part of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where only a regional authority body, established in terms of a law, has jurisdiction, that regional authority body;"; (c) by the substitution for the definition of magistrate of the following definition: "magistrate" means a magistrate appointed
		area which forms part of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where only a regional authority body, established in terms of a law, has jurisdiction, that regional authority body;"; (c) by the substitution for the definition of magistrate of the following definition: "magistrate" means a magistrate appointed in terms of the [Magistrates' Courts]
		area which forms part of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where only a regional authority body, established in terms of a law, has jurisdiction, that regional authority body;"; (c) by the substitution for the definition of

** SAFETY MATTERS RATIONALISATION ACT, 1996

No. and year of law	Short title	47.144	Extent of amendment
	100111111111111	A COLVER	(d) by the substitution for the definition of "Minister" of the following definition:
المهامة المالية			I
	g-term search		"'Minister' means the Minister [of Law
	richari pinarana and in		and Order] for Safety and Security;"; (e) by the insertion after the definition of
	na i swittit		"Minister" of the following definition:
73.67	o (j. + 2 a a. * 13 5 £.)*	ا تدر	" 'National Commissioner' means the Na-
			tional Commissioner referred to in section
		·	6(1) of the South African Police Service
	Marata Table		Act, 1995 (Act No. 68 of 1995), and in-
			cludes a Provincial Commissioner referred
A Company	A TOP OF THE STATE		to in section 6(2) of the said Act;";
	, y		(f) by the deletion of the definition of "peace"
			committee"; and
	the state of the state of		(g) by the substitution for the definition of
a automotis. Antonio serio	The second of th		"Police" of the following definition:
			" 'Police' means the South African Police
a standing element			[mentioned in section 2 of the Police Act,
eri			1958 (Act No. 7 of 1958)] Service estab-
	in the two teachers of the te	,	lished by section 5(1) of the South African
	West of Steel		Police Service Act, 1995, and includes any
		i	body of persons established or enrolled
t a comment	i i		under any law and exercising or performing
			the powers, duties and functions of a police
	ing ang ang ang ang ang ang ang ang ang a		[force] service, but does not include any
			body of traffic officers.".
	ing ting Berinder in the State of the State	, .	2. The amendment of section 4, in subpara-
· ·	The state of the section		graph (iv) of paragraph (b) of subsection (2)—
	er no por the state of	-1.12 = 12	(a) by the insertion of the word "and" after "authorities"; and
	and a constraint of	ar e	(b) by the deletion of the words "and peace
ا ,.	かまたと考しました。 1		committees".
vika sa ƙwalley ili sa wa			3. The amendment of section 5 by the deletion
in this provided	aviosiotro dem E		in subsection (1) of the words "peace commit-
	· · · · · · · · · · · · · · · · · · ·	·	tee or".
perenta Proposita Pri			4. The repeal of section 15.
edis es a falia di di		l	5. The substitution for section 16 of the follow-
Second Develop Sign		.	ing section:
	•	-	"This Act shall be called the Regulation of
ាស្រុសមានសមាល់។ ១៥៧ ខែប្រភព្ធិស	get of trible to	j	Gatherings Act, 1993, and shall come into
ក់ខ្មី១ មិវិទាស់ ។ មិក្សាស្ថា មេសាស្ត្រ	The second of th	* -	operation on a date fixed by the [State]
en de la composition de la composition Composition de la composition de la co Composition de la composition della compos			President [in consultation with the Transi-
	en grande de la Santa de la Calenda de l La composição de la Calenda		tional Executive Council established by
	in the Company of the Company Company of the Company	-	section 2 of the Transitional Executive
	(1) 1 (1) (1) (2) (2) (2) (2) (2) (2) (2) (2) (2) (2		Council Act, 1993 (Act No. 151 of 1993)]
	33.55.45		LOURCH ACE 1793 (ALL DOLLAR DE DE 1793)

SAFETY MATTERS RATIONALISATION ACT, 1996

SCHEDULE 2.

LAWS OF FORMER ENTITIES REPEALED BY SECTION 2

No. and year of law	Short title	Extension of repeal
Act 17 of 1956	Riotous Assemblies Act, 1956 (Transkei)	The whole
Act 26 of 1956	Explosives Act, 1956 (Transkei)	The whole
Act 30 of 1977	Public Security Act, 1977	The whole
	(Transkei)	
Act 20 of 1987	Intelligence Service and State	The whole
	Security Council Act, 1987	
	(Transkei)	
Act 44 of 1950	Internal Security Act, 1950 (Venda)	Section 17bis
Act 17 of 1956	Riotous Assemblies Act, 1956	The whole
	(Venda)	
Act 26 of 1956	Explosives Act, 1956 (Venda)	The whole
Act 13 of 1985	Maintenance of Law and Order	The whole
la Tella a Albania	Act, 1985 (Venda)	
Proclamation 38 of	Maintenance of Law and Order	The whole
1990	Amendment Proclamation, 1990	
griggspaligana i -	(Venda)	
Proclamation 46 of :.	Intimidation Proclamation, 1990	The whole
1990 '. 2	(Venda)	
Act 17 of 1956	Riotous Assemblies Act, 1956 (Ciskei)	Sections 16 to 18, inclusive
Act 26 of 1956	Explosives Act, 1956 (Ciskei)	The whole
Decree 19 of 1993	National Security Decree, 1993	The whole, except sections 34, up to and in-
	(Ciskei)	cluding section 41, sections 53 and 57
Act 26 of 1956	Explosives Act, 1956	The whole
and the second of	(Bophuthatswana)	
Act 32 of 1979	Internal Security Act, 1979 (Bophuthatswana)	The whole
Act 21 of 1980	Internal Security Amendment Act, 1980 (Bophuthatswana)	The whole
Act 27 of 1981	National Security Council Act,	The whole
oman zwinch. K	1981 (Bophuthatswana)	
Act 22 of 1984	Internal Security Amendment	The whole
18 2 grad 14 th 19 2 d	Act, 1984 (Bophuthatswana)	
Act 39 of 1985	Internal Security Amendment	The whole
	Act, 1985 (Bophuthatswana)	
Act 40 of 1985	Security Clearance Act, 1985	The whole
the state of the s	(Bophuthatswana)	
Act 5 of 1986	Internal Security Amendment	The whole
	Act, 1986 ((Bophuthatswana)	
Act 13 of 1986	Security Laws Amendment Act, 1986 (Bophuthatswana)	The whole
Act 2 of 1988	Internal Security Amendment	The whole
	Act, 1988 (Bophuthatswana)	
Act 43 of 1989	Police Special Account Act,	The whole
	1989 (Bophuthatswana)	

Act No. 90, 1996

SAFETY MATTERS RATIONALISATION ACT, 1996

No. and year of law	Short title	Extension of repeal
Act 5 of 199]	Internal Security Amendment Act, 1991 (Bophuthatswana)	The whole
Act 23 of 1991	Intimidation Act, 1991 (Bophuthatswana)	The whole
Act 56 of 1992.	Internal Security Amendment Act, 1992 (Bophuthatswana)	The whole
Act 57 of 1992	Internal Security Second Amendment Act, 1992 (Bophuthatswana)	The whole
Act 59 of 1992	Prevention and Control of Mass Action Act, 1992 (Bophuthatswana)	The whole

SCHEDULE 3

ACTS OF THE REPUBLIC OF SOUTH AFRICA, THE OPERATION OF WHICH IS EXTENDED TO THE WHOLE OF THE NATIONAL TERRITORY BY SECTION 3

No. and year of law	Short title	Extent of application
Act 17 of 1956	Riotous Assemblies Act, 1956	The whole
Act 26 of 1956	Explosives Act, 1956	The whole
Act 72 of 1982	Intimidation Act, 1982	The whole
Act 74 of 1982	Internal Security Act, 1982	The whole (as amended in terms of section 1 of
Act 71 of 1982	Demonstrations in or near Court	this April
Act 205 of 1993	Buildings Prohibition Act, 1982 Regulation of Gatherings Act, 1993	The whole