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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1515.

25 Julie 1980.

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25 July 1980.

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

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

No. 102 van 1980: Wet op Nasionale Sleutelpunte, 1980.

No. 102 of 1980: National Key Points Act, 1980.

ACT

To provide for National Key Points and the safeguarding thereof and for matters connected therewith.

*(English text signed by the State President.)
(Assented to 1 July 1980.)*

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

1. In this Act, unless the context otherwise indicates—
- 5 (i) "area" means any soil or water surface, whether with a building, installation or structure thereon or not, and includes any place; (ii)
- (ii) "incident" means any occurrence arising out of or relating to terroristic activities, sabotage, espionage or
- 10 (iii) "Minister" means the Minister of Defence; (iv)
- (iv) "National Key Point" or "Key Point" means any place or area which has under section 2 been declared a National Key Point; (v)
- 15 (v) "owner", in relation to a place or area declared a National Key Point under section 2, includes—
- (a) the person registered as the owner of the land constituting such place or area;
- 20 (b) the person who by virtue of any right acquired from a person referred to in paragraph (a), lawfully occupies such place or area;
- (c) where the person referred to in paragraph (a) or (b) is deceased, a minor, insolvent, insane or otherwise legally incompetent, an executor, administrator,
- 25 guardian, trustee, liquidator, curator or other person who controls the estate and assets of that person or represents him;
- (d) where the State owns or occupies such place or area, the head of the department under the control of which the place or area is;
- 30 (e) any person under whose control or management such place or area is; (i)
- (vi) "place" means any premises, building, installation or industrial complex; (vi)
- 35 (vii) "this Act" includes any regulation made thereunder.
- (iii)

Definitions.

2. (1) If it appears to the Minister at any time that any place or area is so important that its loss, damage, disruption or immobilization may prejudice the Republic, or whenever he
- 40 considers it necessary or expedient for the safety of the Republic
- Declaration of any place or area as a National Key Point.

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or in the public interest, he may declare that place or area a National Key Point.

(2) The owner of any place or area so declared a National Key Point shall forthwith be notified by written notice of such declaration.

3. (1) On receipt of a notice mentioned in section 2 (2), the owner of the National Key Point concerned shall take steps to the satisfaction of the Minister in respect of the security of the said Key Point.

Duties of owner in relation to Key Point.

10 (2) If the said owner fails to take the said steps, the Minister may by written notice order him to take, within a period specified in the notice, such steps in respect of the security of the said Key Point as may be specified in the notice.

15 (3) If the said owner fails without reasonable cause to take the steps specified in the said notice within the period specified therein, he shall be guilty of an offence and be liable on conviction to a fine not exceeding R20 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment, and in addition the Minister may take or cause to
20 be taken the said steps and recover the cost thereof from that owner.

4. (1) The Minister may with a view to the exercise of a power granted to him by this Act, order any person in writing to furnish him within a specified time with any information at his disposal
25 relating to or in connection with any place or area.

Furnishing Minister with information.

(2) Any person who—

(a) in response to an order referred to in subsection (1) furnishes information which is false or incorrect in any material respect; or
30 (b) makes known any information furnished in terms of subsection (1) to any person, except for the purposes of this Act or as a witness in a court of law during a prosecution in terms of this Act,

shall be guilty of an offence and liable on conviction to a fine not
35 exceeding R10 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

(3) The provisions of subsection (2) shall not prohibit the disclosure of information—

(a) by any person in so far as it is strictly necessary for the
40 performance of his functions in regard to his employment in connection with, or his ownership of, the place concerned;
(b) when authorized by the Minister.

5. (1) The Minister may on such conditions as he may
45 determine with the concurrence of the Minister of Finance, appoint such persons as he may consider necessary to assist him in the performance of his functions in terms of this Act.

Performance of functions in terms of this Act.

(2) Any member of the South African Defence Force may be
50 compelled to perform functions in terms of this Act as if they are functions which he can be compelled to perform in terms of the Defence Act, 1957 (Act No. 44 of 1957): Provided that any functions so performed shall be deemed to have been performed in terms of the said Defence Act.

(3) The Minister may designate any officer of any department
55 of State or provincial administration with the concurrence of the Minister or Administrator administering that department or administration, to perform such functions in terms of this Act as the Minister may determine.

6. (1) The Minister may appoint such committees as he may
60 deem fit to report to him or to advise him or to exercise any power conferred on him under this Act, except a power excluded in terms of section 9.

Appointment of committees and remuneration of members.

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(2) There shall be paid to any member of any such committee who is not an officer as defined in section 1 of the Public Service Act, 1957 (Act No. 54 of 1957), such remuneration and allowances as the Minister may determine with the concurrence of the Minister of Finance.

(3) Any such committee shall, subject to the directions of the Minister, determine its own procedure.

7. The State or the Minister or any person in the service of the State shall not be liable for any loss or damage as a result of bodily injury, loss of life or damage to property caused by or arising out of or in connection with any act ordered, performed or executed under this Act.

Indemnity against loss or damage.

8. The provisions of this Act shall not prevent any owner of any place or area declared a National Key Point from taking or causing to be taken, in addition to any steps required or ordered in terms of this Act, such measures as he may consider necessary for the efficient security of that Key Point and any goods thereon or therein.

Powers of owner of a National Key Point.

9. The Minister may on such conditions as he may deem fit, in writing empower any person to exercise on his behalf any of the powers conferred on him by this Act, except a power referred to in section 5, 6 or 11.

Delegation of powers.

10. (1) Any person who at, on, in connection with or in respect of any National Key Point performs any act which, if such act would have constituted an offence in terms of the Official Secrets Act, 1956 (Act No. 16 of 1956), if performed or executed at, on, in connection with or in respect of any prohibited place, as defined in section 1 of that Act, shall be guilty of an offence and liable to the penalties prescribed for that act in that Act.

Offences and penalties.

(2) Any person who—

- (a) hinders, obstructs or thwarts any owner in taking any steps required or ordered in terms of this Act in relation to the efficient security of any National Key Point;
- (b) hinders, obstructs or thwarts any person in doing anything required to be done in terms of this Act;
- (c) furnishes in any manner whatsoever any information relating to the security measures applicable at or in respect of any National Key Point or in respect of any incident that occurred there, without being legally obliged or entitled to do so, or without the disclosure or publication of the said information being empowered by or on the authority of the Minister, or except as may be strictly necessary for the performance of his functions in regard to his employment in connection with, or his ownership of, or as may be necessary to protect, the place concerned,

shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

11. (1) The Minister may make regulations as to—

- (a) the appointment of guards by owners of Key Points;
- (b) the powers of such guards in respect of the searching of persons, examination and seizure of articles in the possession of persons, arrest of persons and the application of reasonable force, including the use of firearms, to persons, in connection with such persons' presence at or in the vicinity of Key Points;
- (c) in general, the powers of such guards in respect of the security of Key Points;

Regulations.

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- (d) financial aid, if any, for an owner of a National Key Point in relation to steps, mentioned in section 3, taken by him;
- 5 (e) in general, anything which in his opinion it is necessary to prescribe so as to achieve the objects of this Act.
- (2) Regulations made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding the penalties prescribed in section 10.
- 10 12. The Minister or any person authorized thereto by him may enter upon any place or area so as to verify any information furnished in terms of section 4 or to gather information or to check any steps being or to be taken in terms of this Act. Entry upon places and areas.
13. The provisions of sections 2, 3 (1), 3 (2) and 12 shall bind the State. Certain provisions bind the State.
- 15 14. This Act shall be called the National Key Points Act, 1980. Short title.