



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1373.

26 Junie 1986

No. 1373.

26 June 1986

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. 67 van 1986: Wysigingswet op Openbare Veiligheid, 1986.

No. 67 of 1986: Public Safety Amendment Act, 1986.

## PUBLIC SAFETY AMENDMENT ACT, 1986

Act No. 67, 1986

## 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.

# ACT

To amend the Public Safety Act, 1953, so as to replace certain obsolete words and to insert a reference to the President's Council; to amend the procedure relating to the tabling in Parliament of regulations made under section 3 of the said Act; to assign the administration of the said Act to the Minister of Law and Order; to provide for the safety of the public and the maintenance of public order during internal unrest or threatening unrest, and for that purpose to empower the said Minister, if he deems it necessary for the combating or prevention of such unrest, to declare any area to be an unrest area; to empower the said Minister to make regulations with relation to an unrest area; and to provide for measures with relation to the validity of action by the State President and the said Minister under the said Act; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)  
(Assented to 24 June 1986.)*

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

1. Section 1 of the Public Safety Act, 1953 (hereinafter referred to as the principal Act), is hereby amended—
- 5     (a) by the substitution for the words preceding the definition of "the Territory" of the following words:  
       "In this Act, unless the context otherwise indicates—";
- (b) by the insertion before the definition of "the Territory" of the following definition:  
10     "Minister" means the Minister of Law and Order;  
       and
- (c) by the insertion after the definition of "Union" of the following definition:  
15     "unrest area" means an area in respect of which a declaration under section 5A (1) or (2) is in force."
2. Section 3 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (c) of subsection (3) of the following paragraph:  
20     "(c) any law relating to the qualifications, nomination, election or tenure of office of members of the [Senate] President's Council or [the House of Assembly] Parliament or a provincial council or the Legislative Assembly of the Territory, or to the holding of sessions of the President's Council or
- Amendment of section 1 of Act 3 of 1953.
- Amendment of section 3 of Act 3 of 1953, as amended by section 31 of Act 62 of 1955, section 16 of Act 76 of 1962 and section 10 of Act 79 of 1976.

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5 Parliament or a provincial council or the said Assembly, or to the powers, privileges or immunities of the President's Council or Parliament or a provincial council or the said Assembly or of the members or committees thereof, is altered or suspended; or”;

(b) by the substitution for subsection (5) of the following subsection:

10 “(5) Any regulation made under subsection (1) shall be laid on the Tables of **[both]** the respective Houses of Parliament within fourteen days after promulgation thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session **[, and shall remain on the said Tables for at least twenty-eight consecutive days, and if Parliament is prorogued before the necessary twenty-eight days have elapsed, such regulation shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing ordinary session]**.”; and

(c) by the substitution for paragraph (a) of subsection (6) of the following paragraph:

25 “(a) A regulation referred to in subsection (5) or any provision thereof may be annulled by Parliament by resolution passed during the same session during which it was tabled, and if the regulation or provision thereof has been so annulled, that regulation or provision thereof shall cease to be of force and effect from the date on which it was annulled by the last of the three Houses of Parliament.”.

3. The following section is hereby substituted for section 4 of the principal Act:

Substitution of section 4 of Act 3 of 1953.

35 “Powers of State President may be exercised by Minister in urgent cases.

4. (1) Whenever owing to special circumstances it is in the opinion of the Minister **[of Justice]** urgently necessary to do so, he may, in respect of any area within the **[Union] Republic** (other than the Territory) in respect of which no proclamation issued under this Act is in force, by notice in the *Gazette* exercise any of the powers which the **[Governor-General] State President** may exercise by proclamation under this Act.

45 (2) A notice issued under subsection (1) shall have the same force and effect as a proclamation issued by the **[Governor-General] State President** under this Act and shall remain in force until a proclamation is issued in respect of the area in respect of which the notice has been issued, but in no case for more than ten days.”.

4. The following sections are hereby inserted in the principal Act after section 5:

Insertion of sections 5A and 5B in Act 3 of 1953.

55 “Declaration of area to be unrest area.

5A. (1) Whenever the Minister is of the opinion that public disturbance, disorder, riot or public violence is occurring or threatening in any area and that measures additional to the ordinary law of the land are necessary to enable the Government or any governmental institution to ensure the safety of the public or the maintenance of public order or to combat or prevent such public disturbance, disorder, riot or public violence, he may, by notice in the *Gazette*, declare such an area to be an unrest area.

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5 (2) The declaration of an area to be an unrest area shall remain in force for a period of three months, unless the Minister withdraws that declaration by notice in the *Gazette* before the expiry of such period: Provided that the Minister may, with the approval of the State President, from time to time by like notice extend that declaration before the expiry of such period or any extension thereof.

10 (3) The Minister shall lay upon the Tables of the respective Houses of Parliament a copy of each notice in the *Gazette* referred to in subsection (1) or (2), within fourteen days of the date of publication of such notice in the *Gazette*, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

20 (4) The Minister may, with relation to an unrest area, by notice in the *Gazette* make such regulations as appear to him to be necessary or expedient for providing for the combating or prevention of public disturbance, disorder, riot or public violence or the maintenance or restoration of public order and for making adequate provision for terminating such public disturbance, disorder, riot or public violence or for dealing with any circumstances which in his opinion have arisen or are likely to arise as a result of such public disturbance, disorder, riot or public violence or the combating or prevention thereof.

30 (5) Any regulation made under subsection (4) may, to such extent and subject to such modifications as may be specified in the relevant notice or in any subsequent notice by the Minister in the *Gazette*, be declared to apply also outside the said unrest area in so far as he may deem it to be necessary in order to act with respect to that unrest area.

(6) Without prejudice to the generality of the powers conferred by this section—

(a) such regulations may provide for—

40 (i) the empowering of such persons or bodies as may be specified therein to make orders, rules and by-laws for any of the purposes for which the Minister is by this section authorized to make regulations, and to prescribe penalties for any contravention of or failure to comply with the provisions of such orders, rules or by-laws;

45 (ii) the imposition of penalties specified therein for any contravention of or failure to comply with any provisions of the regulations or any directions issued or conditions prescribed by or under the regulations, which penalties may include the confiscation of any goods, property or instruments by means of which or in connection with which the offence has been committed; and

50 (b) different regulations may be made for different unrest areas in the Republic and for different classes of persons in the Republic.

60 (7) Whenever any regulation made under subsection (4) provides for the summary arrest and detention of any person, and any person is, in pursuance

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5 of such a regulation, detained for a period of longer than thirty days, the Minister shall, within fourteen days of the expiration of such period of thirty days, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session, lay the name of such person on the Tables of the respective Houses of Parliament.

10 (8) Whenever any regulation made under subsection (4) provides for the summary arrest and detention of any person, and any person has been arrested in pursuance of such a regulation, he may be detained under that regulation at any place within the Republic, whether such place be within or outside the unrest area concerned, and any regulation made under subsection (4) and any order, rule or by-law made under any such regulation and which relates to the detention of any person arrested in the unrest area concerned or to the place of detention of such a person, shall in relation to the detention of such a person at a place outside the unrest area concerned, apply at and in relation to the place where such person is detained as if that place were within the unrest area concerned.

20 (9) The provisions of section 3 (3), (5) and (6) shall *mutatis mutandis* apply in respect of any regulation made under subsection (4).

25 30 Validity of action by State President or Minister. 35 5B. No interdict or other process shall issue for the staying or setting aside of any proclamation issued by the State President under section 2, any regulation made under section 3, any notice issued by the Minister under section 4 or 5A (1) or (2) or any regulation made under section 5A (4), and no court shall be competent to inquire into or give judgement on the validity of any such proclamation, notice or regulation.”.

5. The following long title is hereby substituted for the long title of the principal Act: Substitution of long title of Act 3 of 1953.

“ACT

40 To make provision for the safety of the public and the maintenance of public order in cases of emergency or internal unrest and for matters **[incidental thereto]** connected therewith.”.

6. This Act shall be called the Public Safety Amendment Act, 1986. Short title.