

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1457.

4 Julie 1990

No. 1457.

4 July 1990

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. 82 van 1990: Wysigingswet op Burgerlike Beskerming, 1990.

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

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.

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.”

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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:

35 **“Administrator may take over certain powers and duties**

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*.

45 **(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) 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.

5 (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).

10 (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."

15 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

20 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.

25 (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).

30 (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:

35 **"Decorations, medals and certificates**

40 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.

45 (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:

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

- 5 (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;
- 10 (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:
- 15 “(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:
- 20 “(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

- 25 9. Subject to the provisions of sections 6 and 10 of this Act, the principal Act and 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.