

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.



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1187.

5 Julie 1972.

No. 1187.

5th July, 1972.

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

No. 101 van 1972: Poswysigingswet, 1972.

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

No. 101 of 1972: Post Office Amendment Act, 1972.

## POST OFFICE AMENDMENT ACT, 1972.

Act No. 101, 1972

**ACT**

To insert section 118A in the Post Office Act, 1958, in order to provide for the interception of postal articles, telegrams and communications by telephone where necessary for the maintenance of the security of the Republic; and to provide for incidental matters.

*(English text signed by the State President.)  
(Assented to 16th June, 1972.)*

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

1. The following section is hereby inserted after section 118 of the Post Office Act, 1958:

Insertion of section 118A in Act 44 of 1958.

“Interception of postal article, telegram or communication by telephone in the interests of State security.

- 118A.** (1) (a) The Minister or a Minister who is a member of the State Security Council established under the Security Intelligence and State Security Council Act, 1972, or an officer delegated thereto by the Minister (hereinafter referred to as the functionary), may, at the request of any person referred to in subsection (2) for the interception of any particular postal article, telegram or communication by telephone or of all postal articles, telegrams or communications by telephone to or from any particular person, body or organization, direct that such particular postal article, telegram or communication be intercepted or that all such postal articles, telegrams or communications be intercepted for such period as the functionary concerned may specify.
- (b) A direction issued under paragraph (a) for the interception of any communication by telephone, shall be deemed to include the making available to the person making the request in question of facilities to listen in to the communication in question.
- (2) (a) The said State Security Council shall from time to time designate the person or persons in the service of the State who may make the request referred to in subsection (1).
- (b) Such a person shall make the request only if he believes that the interception in question is necessary for the maintenance of the security of the Republic, and such request shall state—
- (i) the grounds upon which such a person believes that such interception is necessary for the maintenance of the security of the Republic;
  - (ii) where applicable, the period in respect of which such interception is required; and
  - (iii) sufficient particulars to identify any postal article, telegram or communication in-

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involved, including particulars relating to the name and, where known, the address of the person, body or organization concerned, and any number allocated by the department in respect of any telephone service involved.

- (3) (a) A functionary shall issue a direction under subsection (1) only if he is satisfied that the interception in question is necessary in the interests of the security of the Republic, and he may, in determining a period during which such interception may take place, specify a period which is shorter than the period referred to in subsection (2) (b) (ii) if he is satisfied that the interception for a longer period than the period so specified is not justified.
- (b) The functionary concerned or, if he is not available, any other functionary may, upon the written application of the person concerned, extend any period specified under subsection (1) if he is satisfied that the extension is necessary in the interests of the security of the Republic.
- (4) Where a functionary issues a direction under subsection (1), the person who made the request in question or any person expressly authorized thereto by him may take possession of and examine any postal article or telegram in question or, as the case may be, listen in to any communication in question.
- (5) If any request or direction under this section is not made or given in writing at the time it is made or given, such request or direction shall as soon as possible thereafter be made or given in writing.
- (6) (a) Any person referred to in subsection (2) with reference to whose request a direction has been issued under this section, shall forthwith—
- (i) return any postal article or telegram intercepted under this section, or cause it to be returned, to the department for transmission to the addressee concerned, if such postal article or telegram, in the opinion of such person, may be so returned without prejudice to the security of the Republic;
- (ii) in writing withdraw any request made under subsection (1) if, in his opinion, the interception in question is no longer necessary in the interests of the security of the Republic.
- (b) If such person is of the opinion that any postal article or telegram intercepted under this section cannot, without prejudice to the security of the Republic, be returned to the department for transmission to the addressee concerned, such person may dispose of the postal article or telegram in question in such manner as the interests of the security of the Republic may require.”.

2. This Act shall be called the Post Office Amendment Act, Short title. 1972.