

NO. 90 OF 1996: SAFETY MATTERS RATIONALISATION ACT, 1996.

PRESIDENT'S OFFICE

No. 1868.
15 November 1996

NO. 90 OF 1996: SAFETY MATTERS RATIONALISATION ACT, 1996.

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

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

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)

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 The laws specified in Schedule 2 are hereby repealed to the extent indicated in the third column thereof.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

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 Act in operation in any particular area, notwithstanding the inclusion of such law in or the omission thereof from Schedule 2 or 3;
- (e) affect any appointment to any office made under any law repealed by this Act, 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 appointment shall be deemed to have been done under such corresponding law.

Short title

6. This Act shall be called the 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 (Republic of South Africa)	1. The deletion of all definitions in section 1, except that of "gathering"; 2. The repeal of sections 2, 4, 10, 12, 13, 14 and 50; 3. The amendment of section 54-

council			regional services
board			or a joint services
of			in respect of the area
Africa,			jurisdiction of another
where			local authority local
authority			authority body
			established in terms of
			any law which applies in
			an area which forms part
			of the national terri-
			tory referred to in
			section 1 of the
			Constitution of the
			Republic of South
			1993 (Act No. 200 of
			1993), and in areas
			only a regional
			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
			Magistrates Act, 1993
			(Act No. 90 of 1993);
			";
			(d) by the substitution for
			the definition of
			"Minister" of the
			following definition:
			" 'Minister' means the
			Minister of Law and
			Order for Safety and
			Security;"
			(e) by the insertion after
			the definition of
			"Minister" of the
			following definition:
			" 'National
			Commissioner' means the
			National Commissioner
			referred to in section
			6(1) of the South
African			Police Service Act, 1995
			(Act No. 68 of 1995),

following

a

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and includes a
Provincial Commissioner
referred to in section
6(2) of the said Act;"

(f) by the deletion of the
definition of "peace
committee"; and

(g) by the substitution for
the definition of
"Police" of the

definition:

" 'Police' means the
South African Police
mentioned in section 2
of the Police Act, 1958
(Act No. 7 of 1958)
Service established
by section 5(1) of the
South African Police
Service Act, 1995, and
includes any body of
persons established or
enrolled under any law
and exercising or
performing the powers,
duties and functions of

police force
service, but does not
include any body of
traffic officers."

2. The amendment of section
4, in subparagraph (iv) of
paragraph (b) of subsection
(2)-

(a) by the insertion of the
word "and" after
"authorities"; and

(b) by the deletion of the
words "and peace
committees".

3. The amendment of section

by the deletion in
subsection (1) of the
words "peace commit- tee
or".

4. The repeal of section 15.

5. The substitution for
section 16 of the follow-
ing section:

"This Act shall be called
the Regulation of

No.		Gatherings Act, 1993, and shall come into operation on a date fixed by the State President in consultation with the Transitional Executive Council established by section 2 of the Transitional Executive Council Act, 1993 (Act 151 of 1993) by proclamation in the Gazette."
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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 (Transkei)	The whole
Act 20 of 1987	Intelligence Service and State Security Council Act, 1987 (Transkei)	The whole
Act 44 of 1950	Internal Security Act, 1950 (Venda)	Section 17bis
Act 17 of 1956	Riotous Assemblies Act, 1956 (Venda)	The whole
Act 26 of 1956	Explosives Act, 1956 (Venda)	The whole
Act 13 of 1985	Maintenance of Law and Order Act, 1985 (Venda)	The whole
Proclamation 38 of 1990	Maintenance of Law and Order Amendment Proclamation, 1990 (Venda)	The whole
Proclamation 46 of 1990	Intimidation Proclamation, 1990 (Venda)	The whole
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 sections 1993	National Security Decree, 1993 (Ciskei)	The whole, except 34, up to and including

		section 41, sections 53 and 57
Act 26 of 1956	Explosives Act, 1956 (Bophuthatswana)	The whole
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, 1981 (Bophuthatswana)	The whole
Act 22 of 1984	Internal Security Amendment Act, 1984 (Bophuthatswana)	The whole
Act 39 of 1985	Internal Security Amendment Act, 1985 (Bophuthatswana)	The whole
Act 40 of 1985	Security Clearance Act, 1985 (Bophuthatswana)	The whole
Act 5 of 1986	Internal Security Amendment Act, 1986 ((Bophuthatswana)	The whole
Act 13 of 1986	Security Laws Amendment Act, 1986 (Bophuthatswana)	The whole
Act 2 of 1988	Internal Security Amendment Act, 1988 (Bophuthatswana)	The whole
Act 43 of 1989	Police Special Account Act, 1989 (Bophuthatswana)	The whole
Act 5 of 1991	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 Amend- ment 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
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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
this		Act)
Act 71 of 1982	Demonstrations in or near Court Buildings Prohibition Act, 1982	The whole
Act 205 of 1993	Regulation of Gatherings Act, 1993	The whole