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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER

No. 1025. 16 June 1976.

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

No. 79 of 1976: Internal Security Amendment Act, 1976.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1025. 16 Junie 1976.

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

No. 79 van 1976: Wysigingswet op Binnelandse Veiligheid, 1976.

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WET

Tot wysiging van die Wet op die Onderdrukking van Kommunisme, 1950, ten einde voorsiening te maak om organisasies wat bedrywighede bevorder wat die veiligheid van die Staat of die handhawing van die openbare orde in gevaar stel, onwettig te verklaar en om sekere publikasies dienooreenkomstig te verbied, en sekere beperkings deur daardie Wet opgelê, toe te pas op persone wat aan sodanige bedrywighede deelneem; die vrylating op borgtog of andersins van persone wat weens sekere misdrywe in hegtenis geneem is, te reël; en voorsiening te maak vir die aanhouding van sekere getuies; tot wysiging van die Wet op Openbare Veiligheid, 1953, ten einde die bevoegdheid om regulasies uit te vaardig, uit te brei; tot wysiging van die Strafproseswet, 1955, met betrekking tot die vrylating op borgtog of andersins van persone wat in hegtenis geneem is, en die aanhouding van getuies; om die Wet op Oproerige Byeenkomste, 1956, op die gebied Suidwes-Afrika toe te pas; en tot wysiging van die Wet op Terrorisme, 1967, ten einde die bepalings aangaande die vrylating op borgtog of andersins van 'n persoon wat in hegtenis is op 'n aanklag dat hy 'n misdryf ingevolge daardie Wet gepleeg het, te skrap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 7 *Junie* 1976.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 2 van Wet 44 van 1950, soos gewysig deur artikel 2 van Wet 76 van 1962.

1. Artikel 2 van die Wet op die Onderdrukking van Kommunisme, 1950 (hieronder die Hoofwet genoem), word hierby gewysig—

(*a*) deur na paragraaf (*c*) van subartikel (2) die volgende paragraaf in te voeg:

„(*c*A) dat 'n organisasie hom besig hou met bedrywighede wat die veiligheid van die Staat of die handhawing van die openbare orde in gevaar stel of bereken is om dit in gevaar te stel; of";

(*b*) deur paragraaf (*d*) van genoemde subartikel deur die volgende paragraaf te vervang:

„(*d*) dat 'n organisasie direk of indirek deur 'n in subartikel (1) of paragraaf (*a*), (*b*), (*c*) of (*c*A) van hierdie subartikel bedoelde organisasie beheer word; of"; en

(*c*) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die bepalings van subartikel (2) (*b*), (*c*), (*c*A) en (*d*) is nie van toepassing nie met betrekking tot 'n werkgewersorganisasie of vakvereniging wat kragtens die Wet op Nywerheidsversoening, 1956 (Wet No. 28 van 1956), geregistreer is of tot 'n werkgewers-organisasie of vakvereniging wie se registrasie kragtens bedoelde Wet ingevolge artikel 14 van daardie Wet

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ACT

To amend the Suppression of Communism Act, 1950, so as to make provision for declaring organizations promoting activities endangering the security of the State or the maintenance of public order to be unlawful and for prohibiting certain publications accordingly, and applying certain restrictions imposed by that Act, to persons engaging in such activities; to regulate the release on bail or otherwise of persons arrested for certain offences; and to provide for the detention of certain witnesses; to amend the Public Safety Act, 1953, so as to extend the power to make regulations; to amend the Criminal Procedure Act, 1955, in regard to the release of arrested persons on bail or otherwise, and the detention of witnesses; to apply the Riotous Assemblies Act, 1956, to the territory of South West Africa; and to amend the Terrorism Act, 1967, so as to delete the provisions as to the release on bail or otherwise of any person detained in custody on a charge of having committed an offence under that Act; and to provide for matters connected therewith.

(*English text signed by the State President.*)
(*Assented to 7 June* 1976.)

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

Amendment of section 2 of Act 44 of 1950, as amended by section 2 of Act 76 of 1962.

1. Section 2 of the Suppression of Communism Act, 1950 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the insertion after paragraph (*c*) of subsection (2) of the following paragraph:

"(*c*A) that any organization engages in activities which endanger or are calculated to endanger the security of the State or the maintenance of public order; or";

(*b*) by the substitution for paragraph (*d*) of the said subsection of the following paragraph:

"(*d*) that any organization is controlled, directly or indirectly, by an organization referred to in subsection (1) or paragraph (*a*), (*b*), (*c*) or (*c*A) of this subsection; or"; and

(*c*) by the substitution for subsection (3) of the following subsection:

"(3) The provisions of subsection (2) (*b*), (*c*), (*c*A), (*d*) and (*e*) shall not apply in relation to an employers' organization or trade union registered under the Industrial Conciliation Act, 1956 (Act No. 28 of 1956), or to any employers' organization or trade union whose registration under the said Act has been cancelled in terms of section 14 of the said Act, until such organiza-

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ingetrek is, totdat so 'n organisasie of vakvereniging of enige ampsdraer, beampte of lid daarvan 'n redelike geleentheid gehad het om hom op die by artikel 16 of 27 van bedoelde Wet bepaalde regsmiddels ten opsigte van so 'n intrekking te beroep.".

Wysiging van artikel 6 van Wet 44 van 1950, soos gewysig deur artikel 5 van Wet 50 van 1951 en artikel 2 van Wet 97 van 1965.

2. Artikel 6 van die Hoofwet word hierby gewysig deur na paragraaf (*d*) die volgende paragraaf in te voeg:

„(*d*A) onder andere dien as 'n middel om sienswyses uit te druk of inligting te verstrek waarvan die publikasie bereken is om die veiligheid van die Staat of die handhawing van die openbare orde in gevaar te stel; of".

Wysiging van artikel 9 van Wet 44 van 1950, soos gewysig deur artikel 6 van Wet 15 van 1954 en artikel 7 van Wet 76 van 1962.

3. Artikel 9 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat paragraaf (*a*) voorafgaan deur die volgende woorde te vervang:

„(1) Wanneer die Minister oortuig is dat 'n persoon aan bedrywighede deelneem wat die verwesenliking van een of ander van die oogmerke van kommunisme bevorder of bereken is om dit te bevorder of wat die veiligheid van die Staat of die handhawing van die openbare orde in gevaar stel of bereken is om dit in gevaar te stel, kan hy by wyse van 'n deur hom ondertekende kennisgewing aan daardie persoon gerig en oorhandig of aangebied, hom verbied om, behalwe in die gevalle wat in die kennisgewing bepaal word of wat die Minister of 'n landdros wat ooreenkomstig sy algemene of spesiale voorskrifte optree, te eniger tyd uitdruklik magtig—".

Wysiging van artikel 10 van Wet 44 van 1950, soos gewysig deur artikel 7 van Wet 15 van 1954, artikel 8 van Wet 76 van 1962, artikel 4 van Wet 37 van 1963, artikel 14 van Wet 80 van 1964, artikel 3 van Wet 97 van 1965, artikel 1 van Wet 8 van 1966, artikel 6 van Wet 102 van 1967 en artikel 36 van Wet 70 van 1968.

4. Artikel 10 van die Hoofwet word hierby gewysig—

(*a*) deur die woord „of" aan die end van subparagraaf (iii) van paragraaf (*a*) van subartikel (1) by te voeg;

(*b*) deur na subparagraaf (iii) van genoemde paragraaf (*a*) die volgende subparagraaf in te voeg:

„(iv) aan bedrywighede deelneem wat die veiligheid van die Staat of die handhawing van die openbare orde in gevaar stel of bereken is om dit in gevaar te stel,";

(*c*) deur paragraaf (*a*)*bis* van subartikel (1) deur die volgende paragraaf te vervang:

„(*a*)*bis* Ondanks andersluidende wetsbepalings kan die Minister, indien hy oortuig is dat 'n persoon aan bedrywighede deelneem wat die veiligheid van die Staat of die handhawing van die openbare orde in gevaar stel of bereken is om dit in gevaar te stel, daardie persoon by kennisgewing kragtens paragraaf (*a*) verbied om afwesig te wees van of uit 'n plek of gebied wat 'n in artikel 1 van die Wet op Gevangenisse, 1959 (Wet No. 8 van 1959), omskrewe gevangenis is of daarin geleë is, en word 'n deur die Minister ondertekende afskrif of 'n deur 'n beampte wat op sy gesag handel as juis gewaarmerkte afskrif van die kennisgewing geag 'n in artikel 27 (2) (*e*) van die Wet op Gevangenisse, 1959, bedoelde lasbrief te wees en word die persoon op wie die kennisgewing van toepassing is, behoudens die voorwaardes wat die Minister van tyd tot tyd in die algemeen of in 'n bepaalde geval bepaal, in daardie plek of gebied in hegtenis gehou vir die tydperk waartydens die kennisgewing van krag is.";

(*d*) deur paragraaf (*a*)*ter* van genoemde subartikel (1) deur die volgende paragraaf te vervang:

„(*a*)*ter* 'n Lid van die Suid-Afrikaanse Polisie wat inligting ontvang het dat 'n kennisgewing bedoel in paragraaf (*a*)*bis* ten opsigte van 'n persoon uitgereik is, kan, voordat die kennisgewing aan die persoon oorhandig of aangebied is, hom sonder

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tion or trade union or any office-bearer, officer or member thereof has had a reasonable opportunity of exhausting, in respect of such cancellation, the remedies provided in section 16 or 27 of the said Act.".

Amendment of section 6 of Act 44 of 1950, as amended by section 5 of Act 50 of 1951 and section 2 of Act 97 of 1965.

2. Section 6 of the principal Act is hereby amended by the insertion after paragraph (*d*) of the following paragraph:

"(*d*A) serves *inter alia* as a means for expressing views or conveying information the publication of which is calculated to endanger the security of the State or the maintenance of public order; or".

Amendment of section 9 of Act 44 of 1950, as amended by section 6 of Act 15 of 1954 and section 7 of Act 76 of 1962.

3. Section 9 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (*a*) of the following words:

"(1) Whenever the Minister is satisfied that any person engages in activities which are furthering or are calculated to further the achievement of any of the objects of communism or which endanger or are culculated to endanger the security of the State or the maintenance of public order, he may by notice under his hand addressed and delivered or tendered to that person, prohibit him from attending, except in such cases as may be specified in the notice or as the Minister or magistrate acting in pursuance of his general or special instructions may at any time expressly authorize—".

Amendment of section 10 of Act 44 of 1950, as amended by section 7 of Act 15 of 1954, section 8 of Act 76 of 1962, section 4 of Act 37 of 1963, section 14 of Act 80 of 1964, section 3 of Act 97 of 1965, section 1 of Act 8 of 1966, section 6 of Act 102 of 1967 and section 36 of Act 70 of 1968.

4. Section 10 of the principal Act is hereby amended—

(*a*) by the addition of the word "or" at the end of subparagraph (iii) of paragraph (*a*) of subsection (1); and

(*b*) by the insertion after subparagraph (iii) of the said paragraph (*a*) of the following subparagraph:

"(iv) engages in activities which endanger or are calculated to endanger the security of the State or the maintenance of public order,";

(*c*) by the substitution for paragraph (*a*)*bis* of subsection (1) of the following paragraph:

"(*a*)*bis* Notwitstanding anything to the contrary in any law contained, the Minister may, if he is satisfied that any person engages in activities which endanger or are calculated to endanger the security of the State or the maintenance of public order, by notice under paragraph (*a*) prohibit such person from absenting himself from any place or area which is or is within a prison as defined in section 1 of the Prisons Act, 1959 (Act No. 8 of 1959), and a copy of the notice signed by the Minister or certified by any officer acting under his authority to be a true copy shall be deemed to be a warrant referred to in section 27 (2) (*e*) of the Prisons Act, 1959, and the person to whom the notice applies shall, subject to such conditions as the Minister may from time to time determine in general or in a particular case, be detained in custody in such place or area for such period as the notice may be in force.";

(*d*) by the substitution for paragraph (*a*)*ter* of the said subsection (1) of the following paragraph:

"(*a*)*ter* Any member of the South African Police who has received information that a notice referred to in paragraph (*a*)*bis* has been issued in respect of any person, may, before the notice has been delivered or tendered to such person, without the

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die vereiste lasbrief in hegtenis neem en in hegtenis hou totdat die kennisgewing aan hom oorhandig of aangebied is, maar vir hoogstens sewe dae.";

(*e*) deur paragraaf (*a*)*quat* van genoemde subartikel (1) te skrap; en

(*f*) deur na paragraaf (*b*) van genoemde subartikel (1) die volgende paragraaf in te voeg:

„(*b*A) Die bepalings van paragrawe (*a*)*bis*, (*a*)*ter* en (*a*)*quin* is van krag slegs gedurende 'n tydperk van hoogstens twaalf maande op 'n keer en in 'n deel van die Republiek wat die Staatspresident van tyd tot tyd by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat 'n persoon wat by kennisgewing kragtens paragraaf (*a*)*bis* verbied is om van of uit 'n daarin bedoelde plek of gebied afwesig te wees, indien die Minister aldus gelas van of uit sodanige plek of gebied in hegtenis verwyder word na en in hegtenis gehou word, vir die tydperk waartydens die kennisgewing van krag is, in enige ander in daardie paragraaf bedoelde plek of gebied in enige ander deel van die Republiek, asof genoemde kennisgewing van toepassing was ten opsigte van sodanige ander plek of gebied.".

Invoeging van artikel 10*sex* in Wet 44 van 1950.

5. Die volgende artikel word hierby in die Hoofwet na artikel 10*quin* ingevoeg:

„Hersieningskomitee. **10***sex*. (1) Die Staatspresident stel vir die tydperk en deel van die Republiek in 'n in artikel 10 (1) (*b*A) genoemde proklamasie bepaal, 'n hersieningskomitee aan wat bestaan uit 'n regter van die Hooggeregshof van Suid-Afrika of 'n landdros of 'n persoon wat die amp van sodanige regter of landdros beklee het, as voorsitter en twee ander persone as lede, en die Staatspresident kan om gegronde rede van tyd tot tyd die aanstelling van so 'n voorsitter of lid intrek en 'n plaasvervanger aanstel.

(2) So spoedig moontlik maar nie later nie as twee maande nadat iemand se aanhouding ingevolge artikel 10 (1) (*a*)*bis* 'n aanvang geneem het, ondersoek die hersieningskomitee die Minister se optrede ingevolge daardie artikel ten opsigte van so iemand, en daarna ondersoek die hersieningskomitee sy aanhouding ingevolge daardie artikel met tussenpose van hoogstens ses maande.

(3) By 'n ondersoek ingevolge subartikel (2) oorweeg die hersieningskomitee alle feite en vertoë wat skriftelik aan hom voorgelê word en kan hy na goeddunke ook mondelinge getuienis of vertoë van enigiemand aanhoor.

(4) Enigiemand wat skriftelike vertoë tot die hersieningskomitee wil rig, moet dit aan die Sekretaris van Justisie besorg, en enigiemand wat mondelinge getuienis of vertoë wil voorlê, moet die Sekretaris van Justisie daarvan verwittig.

(5) Na afloop van 'n ondersoek ingevolge subartikel (2) doen die hersieningskomitee die aanbeveling wat hy goedvind aan die Minister, wat die betrokke persoon so gou doenlik van die inhoud van sodanige aanbeveling in kennis stel.

(6) Die Minister is nie verplig om aan 'n aanbeveling van die hersieningskomitee gevolg te gee nie.

(7) Indien die Minister nie gevolg gee aan 'n aanbeveling van die hersieningskomitee dat 'n kennisgewing kragtens artikel 10 (1) (*a*)*bis* uitgereik, ingetrek moet word nie, moet hy binne een maand nadat die aanbeveling tot sy kennis gekom het, of

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required warrant arrest him and keep him in custody until the notice has been delivered or tendered to him, but for not more than seven days.";

(*e*) by the deletion of paragraph (*a*)*quat* of the said subsection (1); and

(*f*) by the insertion after paragraph (*b*) of the said subsection (1) of the following paragraph:

"(*b*A) The provisions of paragraphs (*a*)*bis*, (*a*)*ter* and (*a*)*quin* shall be in force only during such period not exceeding twelve months at a time and in such part of the Republic as the State President may from time to time determine by proclamation in the *Gazette*: Provided that any person who has by notice under paragraph (*a*)*bis* been prohibited from absenting himself from any place or area therein referred to, shall, if the Minister so directs, be removed in custody from such place or area and be detained in custody, for such period as the notice may be in force, in any other place or area referred to in that paragraph, in any other part of the Republic, as if the said notice applied in respect of such other place or area.".

Insertion of section 10*sex* in Act 44 of 1950.

5. The following section is hereby inserted in the principal Act after section 10*quin*:

"Review committee.

10*sex*. (1) The State President shall appoint for such period and such part of the Republic as may be determined in any proclamation referred to in section 10 (1) (*b*A), a review committee consisting of a judge of the Supreme Court of South Africa or a magistrate or a person who has held office as such judge or magistrate, as chairman and two other persons as members, and the State President may for good reason from time to time withdraw the appointment of such a chairman or member and appoint a substitute.

(2) As soon as may be, but not later than two months after the commencement of any person's custody in terms of section 10 (1) (*a*)*bis* the review committee shall investigate the Minister's action in terms of that section in respect of such person, and thereafter the review committee shall investigate his custody in terms of that section at intervals of not more than six months.

(3) At an investigation in terms of subsection (2) the review committee shall consider all facts and representations submitted to it in writing and may in its discretion also hear oral evidence or representations from any person.

(4) Any person desiring to make written representations to the review committee, shall deliver them to the Secretary for Justice, and any person desiring to submit oral evidence or representations, shall notify the Secretary for Justice thereof.

(5) After an investigation in terms of subsection (2) the review committee shall make such recommendation as it may think fit to the Minister, who shall notify the person concerned as soon as possible of the contents of such recommendation.

(6) The Minister need not give effect to any recommendation of the review committee.

(7) If the Minister does not give effect to a recommendation of the review committee that a notice issued under section 10 (1) (*a*)*bis* be withdrawn, he shall within one month after the recommendation has come to his notice, or if Parliament is not then

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indien die Parlement nie dan in sitting is nie, binne een maand na die aanvang van die eersvolgende sitting van die Parlement, in die Senaat en in die Volksraad 'n verslag ter Tafel lê waarin die aanbeveling wat die hersieningskomitee gedoen het, die naam van die betrokke aangehoudene en die feit dat die Minister nie aan die aanbeveling gevolg gegee het nie, gemeld moet word.

(8) Niemand mag die verrigtinge van die hersieningskomitee bywoon nie, behalwe 'n persoon wat besig is om mondelinge getuienis of vertoë ingevolge subartikel (3) voor te lê en persone in diens van die Staat wie se teenwoordigheid deur die voorsitter as noodsaaklik beskou word.

(9) Die hersieningskomitee se beraadslagings en aanbevelings word nie openbaar nie, behalwe aan iemand wie se plig dit is om met die onderwerp van die openbaarmaking te handel.

(10) Niemand het die reg van insae in enige oorkonde van die hersieningskomitee nie, behalwe iemand in diens van die Staat terwyl hy sy amptelike werksaamhede verrig.

(11) Geen geregshof is bevoeg om uitspraak te doen oor die werksaamhede of aanbevelings van die hersieningskomitee nie.

(12) (*a*) Die regulasies uitgevaardig kragtens artikel 4 (*b*) van die Wet op Besoldiging en Pensioene van Regters, 1975 (Wet No. 14 van 1975), is *mutatis mutandis* van toepassing op 'n lid van die hersieningskomitee wat 'n regter van die Hooggeregshof van Suid-Afrika is.

(*b*) 'n Lid van die hersieningskomitee wat nie 'n regter is nie of wat nie aan die bepalings van die Staatsdienswet, 1957 (Wet No. 54 van 1957), onderworpe is nie, is geregtig op die vergoeding, met inbegrip van vergoeding vir reis- en verblyfkoste aangegaan deur hom in die uitvoering van sy pligte kragtens hierdie Wet, wat die Minister in oorleg met die Minister van Finansies bepaal.".

Invoeging van artikels 12A, 12B en 12C in Wet 44 van 1950.

6. Die volgende artikels word hierby in die Hoofwet na artikel 12 ingevoeg:

„Bevoegdheid van prokureur-generaal om vrylating op borgtog of andersins te verbied.

12A. (1) Wanneer iemand in hegtenis geneem is op 'n aanklag dat hy 'n in die Bylae bedoelde misdryf gepleeg het, kan die prokureur-generaal, indien hy dit in belang van die veiligheid van die Staat of die handhawing van die openbare orde nodig ag, 'n bevel uitreik dat so iemand nie voordat vonnis gevel of hy ontslaan word, op borgtog of andersins vrygelaat mag word nie.

(2) (*a*) Ondanks die bepalings van enige ander wet, maar behoudens die bepalings van subartikel (3), word niemand in stryd met die bepalings van 'n bevel kragtens subartikel (1) uitgereik, op borgtog of andersins vrygelaat nie.

(*b*) Wanneer iemand wat weens 'n in subartikel (1) bedoelde misdryf in hegtenis geneem is, aansoek doen om op borgtog of andersins vrygelaat te word en die staatsaanklaer die regter, hof of landdros by wie die aansoek gedoen word, meedeel dat die aangeleentheid na die betrokke prokureur-generaal met die oog op die uitreiking van 'n bevel kragtens subartikel (1) verwys is, word so iemand, in afwagting van die beslissing van die prokureur-generaal, nie op

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in session, within one month after the commencement of Parliament's first ensuing session, lay upon the Tables of the Senate and the House of Assembly a report stating the recommendation made by the review committee, the name of the person detained in custody concerned and the fact that the Minister has not given effect to the recommendation.

(8) No person shall attend the proceedings of the review committee, except a person engaged in submitting oral evidence or representations in terms of subsection (3) and persons in the service of the State whose presence is considered necessary by the chairman.

(9) The review committee's deliberations and recommendations shall not be disclosed, except to a person whose duty it is to deal with the subject matter of the disclosure.

(10) No person, other than a person in the service of the State while performing his official functions, shall have the right to inspect any records of the review committee.

(11) No court of law shall have jurisdiction to pronounce upon the functions or recommendations of the review committee.

(12) (*a*) The regulations made under section 4 (*b*) of the Judges' Remuneration and Pensions Act, 1975 (Act No. 14 of 1975), shall apply *mutatis mutandis* to a member of the review committee who is a judge of the Supreme Court of South Africa.

(*b*) A member of the review committee who is not a judge or who is not subject to the provisions of the Public Service Act, 1957 (Act No. 54 of 1957), shall be entitled to such remuneration, including reimbursement for travelling and subsistence expenses incurred by him in the performance of his duties under this Act, as the Minister in consultation with the Minister of Finance may determine.".

Insertion of sections 12A, 12B and 12C in Act 44 of 1950.

6. The following sections are hereby inserted in the principal Act after section 12:

"Powers of attorney-general to prohibit release on bail or otherwise.

12A. (1) Whenever any person has been arrested on a charge of having committed any offence referred to in the Schedule, the attorney-general may, if he considers it necessary in the interest of the safety of the State or the maintenance of public order, issue an order that such person shall not be released on bail or otherwise before sentence has been passed or he has been discharged.

(2) (*a*) Notwithstanding the provisions of any other law, but subject to the provisions of subsection (3), no person shall be released on bail or otherwise contrary to the terms of an order issued under subsection (1).

(*b*) Whenever any person arrested for an offence referred to in subsection (1) applies to be released on bail or otherwise and the public prosecutor informs the judge, court or magistrate to whom or to which the application is made that the matter has been referred to the attorney-general concerned with a view to the issuing of an order under subsection (1), such person shall, pending the decision of the attor-

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borgtog of andersins vrygelaat nie: Met dien verstande dat, indien geen sodanige bevel binne die tydperk van veertien dae wat onmiddellik volg op die datum waarop bedoelde regter, hof of landdros aldus meegedeel word, uitgereik word nie, so iemand weer aansoek kan doen om op borgtog of andersins vrygelaat te word en, behoudens die bepalings van enige wet, aldus vrygelaat kan word.

(3) Die prokureur-generaal kan te eniger tyd voor die verstryking van 'n bevel kragtens subartikel (1) uitgereik, die bevel intrek.

(4) 'n Telegrafiese afskrif wat 'n afskrif van 'n telegrafies versende bevel kragtens subartikel (1) heet te wees, is vir alle doeleindes *prima facie*-bewys van die feite wat in die afskrif uiteengesit word.

Aanhouding van getuies kragtens lasbrief deur prokureur-generaal uitgereik.

12B. (1) Wanneer daar na die oordeel van die prokureur-generaal gevaar bestaan dat daar gepeuter sal word met 'n persoon wat waarskynlik vir die Staat getuienis van wesentlike belang in 'n strafsaak kan aflê in verband met feite wat kan dien as grondslag vir 'n aanklag weens 'n misdryf in die Bylae vermeld, of dat so 'n persoon geïntimideer sal word of sal vlug, of wanneer hy dit in die belang van so 'n persoon of van die regspleging ag, kan hy 'n lasbrief vir die inhegtenisneming en aanhouding van bedoelde persoon uitreik.

(2) Ondanks die bepalings van enige ander wet word 'n persoon wat uit hoofde van 'n lasbrief kragtens subartikel (1) in hegtenis geneem word, so spoedig moontlik na die in die lasbrief vermelde plek geneem en aldaar of op enige ander plek wat die prokureur-generaal van tyd tot tyd bepaal, in hegtenis gehou ooreenkomstig regulasies wat die Minister hierby gemagtig word om uit te vaardig.

(3) Tensy die prokureur-generaal gelas dat 'n kragtens subartikel (1) aangehoudene eerder vrygelaat word, word hy aangehou vir die tydperk wat verstryk op die dag waarop die verhoor van die betrokke strafsaak afgehandel word of vir 'n tydperk van ses maande na sy inhegtenisneming uit hoofde van 'n lasbrief kragtens subartikel (1), watter tydperk ook al die kortste is.

(4) Niemand, behalwe 'n beampte in diens van die Staat wat by die verrigting van sy ampspligte optree, het tot 'n kragtens subartikel (1) aangehoudene toegang nie, behalwe met die toestemming van en op die voorwaardes bepaal deur die prokureur-generaal of 'n beampte in diens van die Staat deur hom daartoe gedelegeer.

(5) 'n Kragtens subartikel (1) aangehoudene moet minstens een keer per week in afsondering besoek word deur die landdros of 'n addisionele of assistent-landdros van die distrik waarin hy aangehou word.

(6) By die toepassing van artikel 218 van die Strafproseswet, 1955 (Wet No. 56 van 1955), word 'n kragtens subartikel (1) aangehoudene geag die betrokke strafsaak as getuie vir die Staat by te gewoon het gedurende die hele tydperk van sy aanhouding.

(7) Geen hof is bevoeg om die vrylating uit hegtenis van 'n kragtens subartikel (1) aangehoudene te beveel of uitspraak te doen oor die geldigheid van 'n kragtens subartikel (2) uitgevaardigde regulasie of die weiering van die ingevolge subartikel (4) vereiste toestemming of 'n in subartikel (4) bedoelde voorwaarde nie.

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ney-general, not be released on bail or otherwise: Provided that if no such order is issued within the period of fourteen days immediately following upon the date on which such judge, court or magistrate is so informed, such person may again apply to be released on bail or otherwise and may, subject to the provisions of any law, be so released.

(3) The attorney-general may at any time before its expiration rescind any order issued under subsection (1).

(4) Any telegraphic copy purporting to be a copy of an order under subsection (1) transmitted by telegraph, shall for all purposes be *prima facie* proof of the facts set forth in such copy.

Detention of witnesses under warrant issued by attorney-general.

12B. (1) Whenever in the opinion of the attorney-general there is any danger of tampering with or intimidation of any person likely to give material evidence for the State in any criminal proceedings in connection with facts which may serve as a basis for a charge relating to an offence referred to in the Schedule or that any such person may abscond, or whenever he deems it to be in the interests of such person or of the administration of justice, he may issue a warrant for the arrest and detention of such person.

(2) Notwithstanding the provisions of any other law, any person arrested by virtue of a warrant under subsection (1) shall, as soon as may be, be taken to the place mentioned in the warrant and detained there or at any other place determined by the attorney-general from time to time, in accordance with regulations which the Minister is hereby authorized to make.

(3) Unless the attorney-general orders that a person detained under subsection (1) be released earlier, such person shall be detained for the period terminating on the day on which the criminal proceedings concerned are concluded or for a period of six months after his arrest by virtue of a warrant under subsection (1), whichever may be the shorter period.

(4) No person, other than an officer in the service of the State acting in the performance of his official duties, shall have access to a person detained under subsection (1), except with the consent of and subject to the conditions determined by the attorney-general or an officer in the service of the State delegated thereto by him.

(5) Any person detained under subsection (1) shall be visited in private at least once during each week by the magistrate or an additional or assistant magistrate of the district in which he is detained.

(6) For the purposes of section 218 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), any person detained under subsection (1) shall be deemed to have attended the criminal proceedings in question as a witness for the State during the whole of the period of his detention.

(7) No court shall have jurisdiction to order the release from custody of any person detained under subsection (1) or to pronounce upon the validity of any regulation made under subsection (2) or the refusal of the consent required in terms of subsection (4) or any condition referred to in subsection (4).

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Wysiging van Bylae.

12C. Die Staatspresident kan van tyd tot tyd by proklamasie in die *Staatskoerant* enige in die proklamasie vermelde misdryf uit die Bylae skrap of daaraan toevoeg.".

Vervanging van lang titel van Wet 44 van 1950, soos gewysig deur artikel 7 van Wet 37 van 1963.

7. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

„WET

Om die Kommunistiese Party van Suid-Afrika tot 'n onwettige organisasie te verklaar; om voorsiening te maak om ander organisasies wat kommunistiese bedrywighede of bedrywighede wat die veiligheid van die Staat of die handhawing van die openbare orde in gevaar stel, bevorder, onwettig te verklaar en om sekere periodieke of ander publikasies te verbied; om sekere kommunistiese of ander ongewenste bedrywighede te verbied; om die vrylating op borgtog of andersins van persone wat weens sekere misdrywe in hegtenis geneem is, te reël; om voorsiening te maak vir die aanhouding van sekere getuies; en om voorsiening te maak vir ander in verband staande aangeleenthede.".

Vervanging van artikel 19 van Wet 44 van 1950.

8. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

„Kort titel. **19.** Hierdie Wet heet die Wet op Binnelandse Veiligheid, 1950.".

Byvoeging van Bylae by Wet 44 van 1950.

9. Die volgende Bylae word hierby by die Hoofwet gevoeg:

„Bylae

MISDRYWE TEN OPSIGTE WAARVAN DIE PROKUREUR-GENERAAL KRAGTENS ARTIKEL 12A KAN GELAS DAT DIE BESKULDIGDE NIE OP BORGTOG VRYGELAAT MAG WORD NIE OF KRAGTENS ARTIKEL 12B 'N LASBRIEF VIR DIE INHEGTENISNEMING EN AANHOUDING VAN 'N GETUIE KAN UITREIK.

Oproer.

Oortreding van die bepalings van paragraaf *(a)*, *(b)*, *(b)bis*, *(b)ter*, *(c)*, *(d)*, *(d)bis* of *(d)ter* van artikel 11 van hierdie Wet, of hierdie Wet soos deur enige ander wet toegepas.

Oortreding van artikel 21 van die Algemene Regswysigingswet, 1962 (Wet No. 76 van 1962).

Oortreding van artikel 2 of 3 van die Wet op Terrorisme, 1967 (Wet No. 83 van 1967).

Enige sameswering, uitlokking of poging om enigeen van bogenoemde misdrywe te pleeg.

Hoogverraad.".

Wysiging van artikel 3 van Wet 3 van 1953, soos gewysig deur artikel 31 van Wet 62 van 1955 en artikel 16 van Wet 76 van 1962.

10. Artikel 3 van die Wet op Openbare Veiligheid, 1953, word hierby gewysig deur paragraaf *(b)* van subartikel (3) te skrap.

Wysiging van Tweede Bylae by Wet 56 van 1955, soos gewysig deur Proklamasie 207 van 1955, artikel 15 van Wet 93 van 1963 en artikel 16 van Wet 96 van 1965.

11. Die Tweede Bylae by die Strafproseswet, 1955, word hierby gewysig deur Deel II*BIS* deur die volgende Deel te vervang:

„DEEL II*BIS*

MISDRYWE TEN OPSIGTE WAARVAN DIE PROKUREUR-GENERAAL KRAGTENS ARTIKEL 108*BIS* KAN GELAS DAT DIE BESKULDIGDE NIE OP BORGTOG VRYGELAAT MAG WORD NIE OF KRAGTENS ARTIKEL 215*BIS* 'N LASBRIEF VIR DIE INHEGTENISNEMING EN AANHOUDING VAN 'N GETUIE KAN UITREIK.

Moord.

Brandstigting.

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Amendment of Schedule.

12C. The State President may from time to time by proclamation in the *Gazette* remove from or add to the Schedule any offence mentioned in the proclamation.".

Substitution of long title of Act 44 of 1950, as amended by section 7 of Act 37 of 1963.

7. The following long title is hereby substituted for the long title of the principal Act:

"ACT

To declare the Communist Party of South Africa to be an unlawful organization; to make provision for declaring other organizations promoting communistic activities or activities endangering the security of the State or the maintenance of public order to be unlawful and for prohibiting certain periodical or other publications; to prohibit certain communistic or other undesirable activities; to regulate the release on bail or otherwise of persons arrested for certain offences; to provide for the detention of certain witnesses; and to make provision for other incidental matters.".

Substitution of section 19 of Act 44 of 1950.

8. The following section is hereby substituted for section 19 of the principal Act:

"Short title.

19. This Act shall be called the Internal Security Act, 1950.".

Addition of Schedule to Act 44 of 1950.

9. The following Schedule is hereby added to the principal Act:

"Schedule

OFFENCES IN RESPECT OF WHICH THE ATTORNEY-GENERAL MAY UNDER SECTION 12A ORDER THAT THE ACCUSED SHALL NOT BE RELEASED ON BAIL OR UNDER SECTION 12B ISSUE A WARRANT FOR THE ARREST AND DETENTION OF A WITNESS.

Sedition.

Contravention of the provisions of paragraph (*a*), (*b*), (*b*)*bis*, (*b*)*ter*, (*c*), (*d*), (*d*)*bis* or (*d*)*ter* of section 11 of this Act or this Act as applied by any other law.

Contravention of section 21 of the General Law Amendment Act, 1962 (Act No. 76 of 1962).

Contravention of section 2 or 3 of the Terrorism Act, 1967 (Act No. 83 of 1967).

Any conspiracy, incitement or attempt to commit any of the above-mentioned offences.

Treason.".

Amendment of section 3 of Act 3 of 1953, as amended by section 31 of Act 62 of 1955 and section 16 of Act 76 of 1962.

10. Section 3 of the Public Safety Act, 1953, is hereby amended by the deletion of paragraph (*b*) of subsection (3).

Amendment of Second Schedule to Act 56 of 1955, as amended by Proclamation 207 of 1955, section 15 of Act 93 of 1963 and section 16 of Act 96 of 1965.

11. The Second Schedule to the Ciminal Procedure Act, 1955, is hereby amended by the substitution for Part II*bis* of the following Part:

"PART II*BIS*

OFFENCES IN RESPECT OF WHICH THE ATTORNEY-GENERAL MAY UNDER SECTION 108*BIS* ORDER THAT THE ACCUSED SHALL NOT BE RELEASED ON BAIL OR UNDER SECTION 215*BIS* ISSUE A WARRANT FOR THE ARREST AND DETENTION OF A WITNESS.

Murder.

Arson.

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Menseroof.

Kinderdiefstal.

Enige sameswering, uitlokking of poging om enigeen van bogenoemde misdrywe te pleeg.

Roof (met inbegrip van 'n poging tot roof), waar die prokureur-generaal oortuig is dat verswarende omstandighede aanwesig was.

'n Misdryf, hetsy kragtens die gemenereg of 'n wetsbepaling, van huisbraak met die doel om 'n misdryf te pleeg of 'n poging daartoe, waar die prokureur-generaal oortuig is dat verswarende omstandighede aanwesig was.".

Wysiging van artikel 1 van Wet 17 van 1956, soos gewysig deur artikel 1 van Wet 30 van 1974.

12. Artikel 1 van die Wet op Oproerige Byeenkomste, 1956, word hierby gewysig deur die volgende omskrywing by te voeg:

„,Republiek' ook die gebied Suidwes-Afrika.".

Invoeging van artikel 19A in Wet 17 van 1956.

13. Die volgende artikel word hierby in die Wet op Oproerige Byeenkomste, 1956, na artikel 19 ingevoeg:

„**19A.** Hierdie Wet en enige wysiging daarvan is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Zipfel, van toepassing.".

Herroeping van Ordonnansie 9 van 1930 van Suidwes-Afrika.

14. Die Oproerige Samekomste en Kriminele Wet Wysigingsordonnansie 1930, van die gebied Suidwes-Afrika, word hierby herroep.

Wysiging van artikel 5 van Wet 83 van 1967, soos gewysig deur artikel 34 van Wet 34 van 1969.

15. Artikel 5 van die Wet op Terrorisme, 1967, word hierby gewysig deur paragraaf (*f*) te skrap.

Kort titel.

16. Hierdie Wet heet die Wysigingswet op Binnelandse Veiligheid, 1976.

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Kidnapping.
Childstealing.
Any conspiracy, incitement or attempt to commit any of the above-mentioned offences.
Robbery (including an attempt to commit robbery), where the attorney-general is satisfied that aggravating circumstances were present.
Any offence, either at common law or under any statute, of housebreaking or attempted housebreaking with intent to commit an offence, where the attorney-general is satisfied that aggravating circumstances were present.".

Amendment of section 1 of Act 17 of 1956, as amended by section 1 of Act 30 of 1974.

12. Section 1 of the Riotous Assemblies Act, 1956, is hereby amended by the addition of the following definition:
"'Republic' includes the territory of South West Africa.".

Insertion of section 19A in Act 17 of 1956.

13. The following section is hereby inserted in the Riotous Assemblies Act, 1956, after section 19:
"**19A.** This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.".

Repeal of Ordinance 9 of 1930 of South West Africa.

14. The Riotous Assemblies and Criminal Law Amendment Ordinance 1930, of the territory of South West Africa, is hereby repealed.

Amendment of section 5 of Act 83 of 1967, as amended by section 34 of Act 34 of 1969.

15. Section 5 of the Terrorism Act, 1967, is hereby amended by the deletion of paragraph (*f*).

Short title.

16. This Act shall be called the Internal Security Amendment Act, 1976.