

C. 1.8

AMENDMENT OF
EMERGENCY REGULATIONS

PROCLAMATION NO. 97.

2nd April 1960.

ANNEXURE:

1. The following regulation and heading is substituted for regulation 3 and the heading thereto :

"MAINTENANCE OF ORDER.

3. (1) Whenever any magistrate or any commissioned or non-commissioned officer in the Forces is of opinion that the presence or conduct of any person or persons at any place endangers or may endanger the public safety or the maintenance of public order or exposes or may expose life or property to danger, he may in a loud voice order such person or persons to stop or to proceed to any place indicated in the order or to desist from such conduct, and shall thereupon warn such person or persons that force will be used if the order is not obeyed forthwith.
- (2) If any such order is not obeyed forthwith, the magistrate or commissioned or non-commissioned officer may apply or authorise the application of force (including force resulting in death) in order to remove or prevent the suspected danger."

2. The following paragraph is substituted for paragraph (f) of sub-regulation (1) of regulation 23:

- "(f) in any manner advises, incites or encourages any other person to stay away from or to retard his work or to refuse to undertake or perform any work, with intent to thwart or to exact concessions from the Government or any other lawful authority or to cause general dislocation or to cripple or prejudice any industry or undertaking or industries or undertakings in general or to prejudice any person or to prejudice employers in general or to protest against any law or to support any campaign against any law or for the repeal or modification of any law or the variation or limitation of the application or administration of any law or for the achievement of any political or economic aim, or with the said intent is absent from his work or retards the performance of his work or refuses to undertake or perform any work; or.."

AMENDMENT OF
EMERGENCY REGULATIONS

PROCLAMATION No. 127.

22nd April 1960.

ANNEXURE:

The following regulation is inserted after regulation 26 :

"EVIDENCE WHICH MAY NOT BE USED OR TAKEN INTO ACCOUNT.

27. Notwithstanding the provisions of these regulations no evidence given by any person after the coming into operation of this regulation in a criminal trial commenced in any court of law prior to the twentyninth day of March 1960 -

- (a) shall be used in evidence against him in any criminal prosecution on a charge of contravening any provision of the regulations;
- (b) shall be taken into account by the Minister, a Magistrate or commissioned officer for any of the purposes of the regulations."

AMENDMENT OF EMERGENCY REGULATIONS.

BY VIRTUE of the powers vested in my by the Public Safety Act, 1953 (Act No. 3 of 1953), I hereby amend in accordance with the Annexure hereto, the Emergency Regulations promulgated under Proclamation No. 91 of the 30th March, 1960, and the Emergency Regulations promulgated under Proclamation No. 93 of the 1st April, 1960, as well as the Emergency Regulations promulgated under Proclamation No. 124 of the 11th April, 1960, as amended by Proclamation No. 97 of the 2nd April, 1960, Proclamation No. 127 of the 22nd April, 1960, Proclamation No. 139 of the 28th April, 1960, Proclamation No. 151 of the 3rd May, 1960, and Proclamation No. 153 of the 12th May, 1960, and hereby declare that the amendment shall be deemed to have come into operation on the 13th May, 1960.

GOD SAVE THE QUEEN!

GIVEN under my Hand and Great Seal at Bloemfontein this Seventeenth day of May, One Thousand Nine Hundred and Sixty.

C.R. SWART,
Governor-General.

By Command of His Excellency the Governor-General-in
Council.

ANNEXURE.

The following regulations are inserted after regulation 27:

"INDEMNITY /

"INDEMNITY.

28.(1) No proceedings, whether civil or criminal, shall be brought in any court of law against -

- (a) the Governor-General; or
- (b) any member of the Executive Council of the Union; or
- (c) a commissioned officer; or
- (d) a magistrate; or
- (e) any person employed by the Government of the Union; or
- (f) any person acting by the direction or with the consent of any person mentioned in the preceding paragraphs of this sub-regulation,

by reason of any act in good faith advised, commanded or done by him in the execution of his powers or the performance of his duties in pursuance of these regulations with intent to provide for the safety of the public, the maintenance of public order and the termination of the state of emergency declared by Proclamation No. 90 of the 30th March, 1960, Proclamation No. 92 of the 1st April, 1960, and Proclamation No. 123 of the 11th April, 1960, to exist within certain areas, or for dealing with circumstances which have arisen or are likely to arise as a result of the aforementioned state of emergency.

(2) If in any proceedings brought against any person referred to in sub-regulation (1) the question arises whether any act advised, commanded or done by him was advised, commanded or done by him in good faith, it shall be presumed, until the contrary is proved, that that act was advised, commanded or done by him in good faith.

LIMITATION OF POWERS OF COURTS OF LAW.

29. Subject to the provisions of regulation 28, no court of law shall be competent to entertain any application

or /

or action relating to any act done or cause of action arising under or by virtue of the application of these regulations.

CONSULTATION WITH LEGAL ADVISERS.

30. No person who has been arrested and is being detained under regulation 4 or regulation 19, shall, without the consent of the Minister or person acting under his authority, be allowed to consult with a legal adviser in connection with any matter relating to the arrest and detention of such person."

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