

(19 April 1985 – to date)

NATIONAL KEY POINTS ACT 102 OF 1980

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REGULATIONS REGARDING THE APPOINTMENT OF GUARDS BY OWNERS OF NATIONAL KEY POINTS AND THE POWERS OF SUCH GUARDS

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The Minister of Defence has under section 11 of the National Key Points Act, 1980 (Act 102 of 1980), made the regulations in the Schedule.

SCHEDULE

REGULATIONS REGARDING THE APPOINTMENT OF GUARDS BY OWNERS OF NATIONAL KEY POINTS AND THE POWERS OF SUCH GUARDS

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ANNEXURES

ANNEXURE A

DECLARATION ON APPOINTMENT AS SECURITY GUARD

ANNEXURE B

1. Definitions

- (1) In these Regulations **“the Act”** means the National Key Points Act, 1980 (Act 102 of 1980), any word or expression to which a meaning has been assigned in the Act, has the meaning so assigned thereto, and, unless the context otherwise indicates –

“authorised security guard” means a security guard permanently employed in accordance with regulation 7(1) and to whom an identity document referred to in the said regulation has been issued;
(Definition of “authorised security guard” substituted by Regulation 2(b) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

“certificate of competency” means a certificate contemplated in regulation 6(1) or (4);

“chief security officer” means a person appointed as a chief security officer in terms of regulation 9(1)(a) or 9(3), or a person designated in such capacity in terms of regulation 9(2);

“control security guard” means an authorised security guard appointed in terms of regulation 9(1)(b) as a control security guard, or any person designated as such a security guard in terms of regulation 9(2);

“owner” ...

(Definition of “owner” deleted by Regulation 2(a) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

“protecting authority” means a divisional commissioner of the South African Police or the South African Railway Police Force, or an officer commanding of a military army, air force or naval command, appointed and exercising powers by virtue of the provisions of the Police Act, 1958 (Act 7 of 1958), the South African Transport Services Act, 1981 (Act 65 of 1981), and the Defence Act, 1957 (Act 44 of 1957), respectively, who has been designated in accordance with regulation 16(1)(a);

“protecting force” means the South African Police or the South African Railway Police Force or the South African Defence Force acting by virtue of the provisions of the Police Act, 1958 (Act 7 of 1958), the South African Transport Services Act, 1981 (Act 65 of 1981), and the Defence Act, 1957 (Act 44 of 1957), respectively;

“security guard” means a security guard employed by an owner in terms of regulation 2 or whose services have thus been hired;

(Definition of “security guard” substituted by Regulation 2(c) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

“security guard contractor” means an organisation that hires out the services of security guards;

(Definition of “security guard contractor” inserted by Regulation 2(d) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

“security limit” means, with reference to a Key Point, a security limit fixed by the owner concerned, or by the Minister in terms of regulation 16(1)(h), and indicated as prescribed by regulation 16(3).

(2) For the purposes of these Regulations -

(a) **“act prejudicially affecting the security of a Key Point”** shall include any act committed by any person -

(i) which arises out of or relates to terrorist activities, sabotage, espionage or subversion at, or in respect of, a Key Point and which is an offence in terms of any law; or

(ii) which otherwise, whether it is an offence in terms of any law, or is committed culpably, or not, causes the loss, damage, disruption or immobilisation of a Key Point or the death of or injuries to persons at or in the vicinity of the Key Point and thereby prejudicially affects the security of the Key Point, or which is likely to bring about any such effect; and

(b) **“occurrence prejudicially affecting the security of a Key Point”** shall include any occurrence, whether any human activity is directly involved therein or not, which occurs at or in respect of a Key Point prejudicially affecting the security of such Key Point and not arising out of any incident or any act prejudicially affecting the security of such Key Point.

2. Employment, and hiring of services, of security guards

(Heading of regulations 2 - 10 substituted by Regulation 3 of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

(1) An owner shall employ such number of security guards as he may deem necessary, or, if the Minister has notified the owner in terms of regulation (16)(1)(b) of the number of security guards which the Minister deems necessary in respect of the Key Point concerned, shall employ such number of security guards at that Key Point or hire the services of such number of security guards from a security guard contractor or employ such number of security guards or thus hire the services of a number of security guards which shall collectively constitute the said number of security guards.

(Regulation 2(1) substituted by Regulation 4(a) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

(2)

- (a) A security guard shall, subject to the provisions of the Act and these Regulations, perform the duties and exercise the powers determined in his agreement with the owner concerned or, in the case of a security guard whose services are hired, the agreement of the security guard contractor concerned.

(Regulation 2(2)(a) amended by Regulation 4(b) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (b) An agreement entered into by the owner with a person to serve or with a security guard contractor as a security guard at a Key Point shall, in particular, provided that the agreement shall be subject to the provisions of the Act and these Regulations, and that the security guard shall in respect of the Key Point, in accordance with the security measures which the owner has taken and has applied in respect of the Key Point -

(Regulation 2(2)(b) amended by Regulation 4(c) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (i) control the presence of persons, goods and vehicles, and the movement thereof to and from the Key Point;
- (ii) patrol and guard the security limit (if any);
- (iii) prevent the occurrence of incidents and, if an incident has occurred, investigate it and exercise in connection therewith the powers which have been vested in him;
- (iv) prevent occurrences, or the commission of acts, prejudicially affecting the security of the Key Point and, if they have occurred or have been committed, investigate them and exercise in connection therewith, the powers which have been vested in him;
- (v) carry out such other orders issued to him from time to time by the owner in respect of the security of the Key Point.

3.

- (1) A person who applies for appointment as a security guard shall furnish the owner with the following particulars accompanied by the relevant documentary proof or certified copies thereof, namely:

- (a) His full name, place or land of birth, date of birth and classification in terms of the Population Registration Act, 1950 (Act 30 of 1950), or, where applicable, the ethnic group, nation or tribe to which he belongs;

- (b) his identity number and identity document referred to in section 1(1) of the Population Registration Act, 1950, or, where applicable, any other reference book or identity document officially issued to him and which he may use to prove his identity and his right to be in any place where he is present;
 - (c) his postal address, work address and current place of ordinary residence, and the addresses and places where he lived and worked during a period of five years prior to the date of his application;
 - (d) his marital status;
 - (e) his citizenship and, where applicable, particulars concerning his naturalisation or registration as a citizen;
 - (f) driver's licences and licences in respect of the possession or supply of arms and ammunition issued to him;
 - (g) educational and professional qualifications;
 - (h) his state of health;
 - (i) any previous convictions incurred by him in or outside the Republic.
- (2) An applicant shall also furnish the owner with such proof as the owner may require in respect of his ability to use the official languages of the Republic, a photo of himself, a full set of finger prints and any other particulars which the owner may require to enable him to determine whether the applicant is disqualified for appointment by virtue of the provisions of regulation 4.
- (3) An owner shall submit an application referred to in this regulation without delay to the Minister for the purposes of a determination whether the applicant is a fit and proper person as contemplated in regulation 4(i).
4. An owner shall not employ any person or hire the services of any person as a security guard at a Key Point if such person -

(Words preceding Regulation 4(a) substituted by Regulation 5(a) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (a) is under the age of 18 years and is in the opinion of the Minister or a person acting on his authority, unfit or incompetent for the duties he must perform;

(Regulation 4(a) substituted by Regulation 2 of the Regulations in Government Notice R 2439 in Government Gazette 8954, dated 4 November 1983)

*(Regulation 4(a) substituted by Regulation 5(b) of the Regulations in Government Notice R 874 in
Government Gazette 9700, dated 19 April 1985)*

- (b) is an unrehabilitated insolvent;
- (c) is a patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973);
- (d) has at any time been dismissed from an office of trust on the grounds of misconduct;
- (e) is an incompetent person as contemplated in section 1(1) of the Arms and Ammunition Act, 1975 (Act 69 of 1975);
- (f) has at any time been found guilty of an offence under the Prevention of Corruption Act, 1958 (Act 6 of 1958), or the Internal Security Act, 1982 (Act 74 of 1982), or the Protection of Information Act, 1982 (Act 84 of 1982), or under any previous Act repealed by any of the said Acts;
- (g) has at any time during a period of 10 years prior to the date of his application -
 - (i) been found guilty of theft, fraud, forgery, uttering a forged document, perjury, or any other offence of which dishonesty, the unlawful possession or supply of any weapon, or the causing of bodily injury or the injuring of any person's reputation or dignity is an element; and
 - (ii) been given a sentence in respect thereof of imprisonment without the option of a fine;
- (h) has at any time been in the employ of any person as a guard in respect of the security of any place, area, building or installation, and his services were terminated in any other way than voluntarily in accordance with the provisions of the agreement concerned; or
- (i) is a person in respect of whom the Minister has notified the owner that he is regarded as a person who is not a fit and proper person for employment as a security guard at a Key Point.

5.

- (1) An owner may employ provisionally as a security guard an applicant who is not disqualified as contemplated in regulation 4, and who -
 - (a) is a South African citizen, or is in possession of such other citizenship or nationality qualifications as the Minister may in terms of regulation 16(1)(e) approve for the purpose of this regulation;

- (b) has obtained a Standard VI school certificate or, if he has not obtained such a certificate or an equivalent certificate, conforms to the requirements, including the passing of a test, determined by the Minister;

(Regulation 5(1)(b) substituted by Regulation 6(a) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (c) is physically and mentally fit for the duties to be performed by a security guard;
- (d) is proficient in the use of at least one official language of the Republic, but is sufficiently proficient in the use of the other official language in so far as the use thereof may be necessary for the efficient exercise of a power granted to an authorised security guard by these Regulations to interrogate, search or arrest any person, or the seize articles or objects.

(Regulation 5(1) amended by Regulation 6(b) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (2) An owner shall take the necessary steps to enable a security guard who has been employed provisionally to undergo a training course referred to in regulation 16(1)(f) within 12 months after he has thus been employed or such longer period allowed by the Minister.

(Regulation 5(2) substituted by Regulation 6(c) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (3) A security guard who has been employed provisionally may, subject to the provisions of these Regulations, perform service in respect of the security measures which have been taken and applied at the Key Point concerned in accordance with the provisions of his agreement with the owner.

(Regulation 5(3) amended by Regulation 6(d) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (4) The provisions of subregulation (3) shall not affect any power which is vested in a security guard referred to therein, subject to the provisions of the agreement concerned, by virtue of any provision of the common law or any other law, to search any person in his capacity as a private person or in any other capacity, or to examine any article or object, to seize it, or to interrogate or arrest any person, or to protect or defend the Key Point concerned and persons present thereat or thereon.

6.

- (1) The Minister shall issue to a security guard who has been employed provisionally and who has to the satisfaction of the Minister attended a training course referred to in regulation 16(1)(f), a certificate of competency in which the Minister certifies that the security guard has followed such course and that he has qualified and is competent to be employed as a security guard by the owner concerned.

(Regulation 6(1) substituted by Regulation 7(a) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

(2) A certificate of competency -

(a) shall lapse if -

(i) the holder thereof becomes disqualified as contemplated in regulation 4; or

(ii) the holder thereof leaves the employment of the owner or is dismissed therefrom; and
(Regulation 6(2)(a)(ii) amended by Regulation 7(b) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

(iii) ...

(Regulation 6(2)(a)(iii) deleted by Regulation 7(b) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

(Regulation 6(2)(a) amended by Regulation 3 of the Regulations in Government Notice R 2439 in Government Gazette 8954, dated 4 November 1983)

(b) may be revoked by the Minister by written notice to the owner concerned if at any time the Minister is of the opinion that it is not in the interest of the security of the Key Point concerned that the holder performs duties as an authorised security guard at that Key Point.

(3) A certificate of competency which has lapsed by virtue of the provisions of subregulation (2)(a) or has been revoked in terms of subregulation (2)(b), shall without delay be returned by the person to whom it was issued, to the owner.

(4) The Minister may, if he is satisfied that a security guard who has been employed provisionally has already successfully undergone training of a kind equal to or better than the training provided for in a training course referred to in regulation 16(1)(f), so declare in a certificate of competency, and may issue such certificate to such guard.

(Regulation 6(4) amended by Regulation 7(c) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

7.

(1) An owner shall employ a security guard who has been provisionally employed, and to whom a certificate of competency has been issued, and who has signed a declaration substantially in the form of Annexure A, permanently as a security guard, and shall on such employment issue to the guard an appropriate identity document in which he under his signature or official stamp certifies that the holder thereof has been employed as a security guard in respect of the Key Point concerned.

(Regulation 7(1) substituted by Regulation 4 of the Regulations in Government Notice R 2439 in Government Gazette 8954, dated 4 November 1983)

(Regulation 7(1) substituted by Regulation 8 of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (2) The identity document shall contain particulars of the holder's christian names and surname, and a photo of his head and shoulders.
- (3) An authorised security guard shall at all times when he performs service at the Key Point concerned, carry his identity document on his person.
- (4) An authorised security guard shall, when he performs service at a Key Point, be armed with a fire-arm unless the Minister in the case of a specified authorised security guard, or a category of such guards, otherwise directs.

8.

- (1) An owner shall provide in the agreement entered into with a security guard contractor or any person employed as a security guard, that he may terminate the hiring of the services of a security guard or summarily dismiss any person he has thus employed, if the security guard concerned -

(Words preceding Regulation 8(1)(a) substituted by Regulation 9 of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (a) commits or causes or permits to be committed, or connives at the commission of, any act which is prejudicial to the activities performed at a Key Point, or to the efficiency of those activities or to the discipline in respect of persons there employed or performing functions;
- (b) disobeys, disregards, or wilfully defaults in the carrying out of any lawful order given to him by a person having authority to give it, or otherwise by word or conduct displays insubordination;
- (c) is negligent or indolent in the discharge of his duties or the performance of his functions;
- (d) discloses or publishes information referred to in regulation 19(3)(e) except in the circumstances mentioned in that regulation;

(Regulation 8(1)(d) corrected by Government Notice R 1901 in Government Gazette 8367 dated 3 September 1982)

- (e) conducts himself in a disgraceful, improper or unbecoming manner, or is grossly discourteous to any person whilst on duty;
- (f) uses intoxicants or stupefying drugs excessively;

- (g) becomes pecuniarily embarrassed, unless it is shown that his pecuniary, embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the proper performance of his duties and activities;
- (h) appropriates or improperly uses property of the owner or any other person present or performing duties at the Key Point, without the permission of the owner or such person;
- (i) absents himself from his duty without leave or valid cause;
- (j) is prosecuted for the commission of any offence under the Act, these Regulations or any other law; or
- (k) is an authorised security guard and his certificate of competency is revoked in terms of regulation 6(2)(b).

9.

(1) An owner shall, subject to subregulation (2) -

- (a) appoint an authorised security guard as chief security officer at the Key Point concerned, who shall be responsible to the owner for the overall control of security guards employed at that Key Point and for the application of the security measures which the owner has taken and applied at the Key Point; and
- (b) appoint such number of authorised security guards as he deems necessary, or, if the Minister has for the purposes of this regulation determined a number in terms of regulation 16(1)(g), such number of security guards, as control security guards, to exercise control under the command of the chief security officer over security guards serving at the Key Point.

(2) An owner may, with the approval of the Minister, appoint security guards in respect of his Key Point according to a system other than that contemplated in subregulation (1), and in such case the authorised security guards designated by the Minister shall exercise [sic] the powers conferred by these Regulations on control security guards and a chief security officer, respectively.

(3) An owner may, notwithstanding the provisions of subregulations (1) and (2), with the approval of the Minister, appoint any person other than an authorised security guard as chief security officer.

(4) ...

(Regulation 9(4) deleted by Regulation 5(a) of the Regulations in Government Notice R 2439 in Government Gazette 8954, dated 4 November 1983)

- (5) An owner shall, subject to the provisions of the Act and these Regulations, determine the duties and powers of a control security guard and a chief security officer.
- (6) An owner shall, at the end of each calendar month furnish the Minister with particulars in connection with security guards which were in his employ during that month on a form which substantially corresponds to the form in Annexure B.

(Regulation 9(6) substituted by Regulation 5(b) of the Regulations in Government Notice R 2439 in Government Gazette 8954, dated 4 November 1983)

10.

- (1) An owner shall supply security guards, according to the requirements of circumstances at the Key Point concerned, and to enable them to function efficiently in that capacity, with sufficient and proper meals, recreational and other facilities, distinctive uniforms or working clothes, keys or other equipment, and, subject to the provisions of the Arms and Ammunition Act, 1975 (Act 69 of 1975), and regulation 16(1), fire-arms and ammunition and such other weapons, facilities or accessories as may be necessary for the efficient carrying out of their duties.
- (2)
 - (a) The owner shall store all movable objects referred to in subregulation (1) in a safe place within the Key Point during times when they are not used by a security guard for the performance of service.
 - (b) A security guard shall not take any such object outside the Key Point or the security limit (if any) except with the permission or on the authority of the owner, or except in so far as it may be necessary for the performance of service in respect of the security of the Key Point.

11. Occurrence book

- (1) An owner shall keep an appropriate occurrence book in which a control security guard shall record, according to the instructions of the owner, notes of incidents, occurrences and acts prejudicially affecting the security of a Key Point which occurred or were committed at or in the vicinity of a Key Point.
- (2) An owner shall keep the occurrence book available at all times for inspection by a person authorised thereto by the Minister, or by a member of the South African Police.
- (3) An owner shall notify the relevant protecting authority immediately of any incident, occurrence or act prejudicially affecting the security of the Key Point, which occurs or is committed at the Key Point.

12. Powers of security guards

- (1) An authorised security guard (in this regulation referred to as a security guard), who is not a control security guard or a chief security officer, may request at a Key Point any person whom the security guard finds there and whose identity, or in respect of whom the reasons for his presence at that place, is not known to him or immediately ascertainable, to furnish him with an explanation of his presence and his name and address.
- (2) If a person referred to in subregulation (1) is unable to give a satisfactory explanation for his presence, or to furnish particulars of his name and address or concerning his identity in any other manner, but requests the security guard for an opportunity to obtain proof of his identity or of the reasons for his presence at the place concerned; the security guard shall give the person an opportunity to obtain such proof and particulars, or to obtain the permission of the owner or of a control security guard or of the chief security officer to be present at the Key Point, by accompanying him and placing all the required facilities at disposal.
- (3) If the person concerned cannot within a reasonable time, but not exceeding two hours, furnish the security guard with the proof and particulars referred to in subregulation (2), and can also not obtain permission to be at the Key Point, the security guard shall order the person to leave the Key Point and shall accompany him whilst and until he does so.
- (4) If the person concerned in the circumstances contemplated in subregulation (3), refuses to obey the order of the security guard, the security guard shall arrest him in accordance with the provisions of regulation 15.
- (5) A security guard shall not allow a person who desires to enter a Key Point or its vicinity from outside or to pass the security limit concerned, at a place where the security guard performs service, and who is a person referred to in subregulation (1), to enter the Key Point or to pass that limit until such person satisfactorily discloses his identity and the reasons for his entering of the Key Point to the security guard, or obtains the permission referred to in subregulation (2).
- (6) The provisions of regulations 15(2), (3), (4), (5), (6) and (7) concerning the making of an arrest shall apply *mutatis mutandis* in respect of the taking of steps by a security guard as contemplated in subregulation (5) in order to prevent a person to enter the Key Point or to pass the security limit.
- (7) The provisions of subregulations (1) to (6), inclusive, shall also apply in respect of a security guard who is a control security guard or a chief security officer: Provided that such security guard may on his own give the permission contemplated in this regulation to the person concerned if it appears to him that in the circumstances the granting of such permission does not affect the security of the Key Point prejudicially or is not likely so to affect such security.

(Commencement date of Regulation 12: 13 August 1983)

13.

Prepared by:

- (1) An authorised security guard (in this regulation referred to as a security guard) may at a Key Point examine any article, material, vehicle, container or other object (in this regulation referred to as an article) which the security guard observes or finds and which is not under the direct control of any specific person, and -
 - (a) the precise nature or ownership of which is not known to the security guard or which is not evident to him immediately; or
 - (b) which he knows or suspects on reasonable grounds -
 - (i) is concerned in the commission or suspected commission, or
 - (ii) may afford evidence of the commission or suspected commission; or
 - (iii) is intended to be used in the commission or suspected commission;of an act prejudicially affecting the security of a Key Point, or which is concerned or may be believed to be concerned in an occurrence prejudicially affecting such security or in an incident;

in the manner which the circumstances require or make possible, and in accordance with the orders issued by the owner previously in connection with such articles, and the security measures taken and applied by the owner of the Key Point.
- (2) The security guard shall, in so far as it can be done without clear danger to persons or risk of damage to property, take such article to the control security guard concerned or the chief security officer or the owner, or point it out to any one of them, or, in the case of an article referred to in subregulation (1)(b), deal with it in accordance with regulation 14(8), (9) and (10), or remove it, as the circumstances may require, from the vicinity of the Key Point.
- (3)
 - (a) If such article represents in the opinion of the security guard concerned an immediate danger to persons or a risk of damage to property, he may, as the circumstances may require and in so far as it may be practicable, render harmless, remove or destroy the article.
 - (b) A security guard shall, in the circumstances referred to in paragraph (a), and if it is practicable, give an immediate warning before, during or after the action contemplated in that paragraph to persons in the vicinity of the article or, if possible, to all persons at the Key Point.
- (4) A security guard shall not damage an article, in the exercise of the powers conferred upon him by these Regulations, in a reckless or careless manner, or to any greater extent than may be necessary

under the circumstances and for the purposes of the removal or prevention of the danger or the threat in question.

- (5) A security guard who examines, renders harmless, removes or destroys an article in accordance with this regulation, may, in acting as contemplated in subregulation (3)(a), apply such measure of force in respect of persons or things which are in his way or which prevent or obstruct him so to act, as may under the circumstances be reasonably necessary to remove the danger or threat in question, if there is no other method or way to achieve that object.

(Commencement date of Regulation 13: 13 August 1983)

14.

(1)

- (a) An authorised security guard (in this regulation referred to as a security guard) who is not a control security guard or a chief security officer, may search -

- (i) in the performance of service at a Key Point at a place where a person may leave or enter that Key Point or pass the security limit, any person who enters or leaves the Key Point or who passes the said limit, whether or not such person has permission, authority or a valid reason to do so and whether or not such security guard knows the identity of the person;
- (ii) any person referred to in regulation 12 at any time during the taking of steps prescribed by that regulation;
- (iii) any person whom he has arrested by virtue of a power conferred upon him, or who is in his custody after having been arrested by someone else;

if such person submits thereto voluntarily, and may examine articles in his possession including any vehicle with which such person intends to enter or leave the Key Point or to pass the security limit.

- (b) The purpose of such examination and search is to ascertain whether such person has in his possession any article -

- (i) which is concerned in the commission or suspected commission; or
- (ii) which may afford evidence of the commission or suspected commission; or
- (iii) which is intended to be used in the commission or suspected commission;

of any act prejudicially affecting the security of a Key Point, or which is concerned in an occurrence prejudicially affecting such security, or which is on reasonable grounds believed to be an article of such nature.

- (2) A search of a person in terms of subregulation (1) shall be conducted with strict regard to decency and order and if possible only on the authority of a control security guard, a chief security officer or an owner, and a woman shall be searched by a woman only and if no female guard is available, the search shall be made by any woman designated for the purpose by the security guard: Provided that in the case of an incident, if a female is not readily available to undertake the said search, a female may be searched by a male security guard but, where possible, in the presence of a third party only.
- (3) A security guard shall not handle articles which he examines in a reckless or careless manner and shall not break or damage such articles unnecessarily, and shall not open articles which are containers or packages unless it is necessary for the purposes described in subregulation (1)(b), and the person involved in the latter case does not open the articles himself.
- (4) The provisions of regulation 13(3), (4) and (5) shall apply *mutatis mutandis* to an examination of an article in the circumstances contemplated in this regulation.
- (5) If a person referred to in subregulation (1)(a) does not submit himself, or the articles in his possession, voluntarily to a search or examination by a security guard, and is not a person who may be arrested by virtue of any provision of these Regulations, the security guard shall, subject to the provisions of subregulation (4), report the refusal to a control security guard or the chief security officer or the owner, and in the meanwhile -
 - (a) if the other person is a person who wishes to enter the Key Point or to pass the security limit, prevent such person from entering the Key Point or passing the security limit; or
 - (b) if the other person is a person who wishes to leave the Key Point, prevent such person to leave that Key Point;

until the circumstances so change that a ground appears on which the security guard is empowered to arrest the person, or until proper permission has been obtained for the person to enter or leave the Key Point, as the case may be.

- (6) The provisions of regulation 15(2), (3), (4), (5), (6) and (7) concerning the making of an arrest shall apply *mutatis mutandis* in respect of the taking of steps by a security guard as contemplated in subregulation (5)(a) or (b) in order to prevent a person to enter or leave a Key Point.
- (7) The provisions of subregulations (1) to (6), inclusive, shall also apply in respect of a security guard who is a control security guard or a chief security officer: Provided that any such person may on his own grant permission to the person concerned to enter or leave the Key Point, if it appears to him that

under the circumstances the granting of such permission does not, or is not likely to, affect the security of the Key Point prejudicially, and that there exists no reason on the basis of which such person may be arrested or prevented to enter or leave the Key Point.

(8)

- (a) If a security guard under this regulation exercises a power to search or examine and finds an article referred to in subregulation (1)(b) in the possession of the person concerned which is not dealt with in accordance with subregulation (4), or, if it has been dealt with in accordance with subregulation (4), which has been rendered harmless and is in the custody of the security guard, such article shall be seized by the security guard.
- (b) A security guard who seizes an article by virtue of paragraph (a), shall, as far as circumstances shall permit -
 - (i) give it a distinctive identification mark, and deliver to the previous possessor a receipt or other proof of seizure of the article;
 - (ii) retain the article in custody in order that it may not be damaged, ruined or destroyed;
 - (iii) if the article is perishable, with due regard to the interests of the persons concerned, dispose of the article in such a manner as the circumstances may require;
 - (iv) deliver the article as soon as possible to a control security guard or a chief security officer or the owner, or cause the article to be so delivered, for safe custody.

(9) A person referred to in subregulation (8)(b)(iv) shall -

- (a) if the article is one which is concerned in an offence or a suspected offence, deliver the article as soon as possible to the South African Police to be dealt with in accordance with law;
- (b) if the article is not concerned in an offence or a suspected offence, inform the South African Police thereof, and if the Police confirm that no criminal proceedings in respect thereof will be instituted or that it is not required for any other criminal proceedings, keep the article in custody until all steps in respect of the article or the person in whose possession it was, has been taken, whereafter, after consultation with the South African Police, it shall be returned to the person in whose possession it had been if he may lawfully possess it, and, in any other case, to the person who may lawfully possess it.

(10) If the previous possessor or lawful possessor of the article referred to in regulation (9)(b) cannot be traced, the article shall be kept in custody by the owner of the Key Point for a period of one year, after which period the owner may in his discretion dispose thereof after consultation with the South African Police.

(Commencement date of Regulation 14: 13 August 1983)

15.

- (1) An authorised security guard (in this regulation referred to as a security guard) may arrest any person at a Key Point whom the security guard knows, or whom he on reasonable grounds believes to be a person who -
- (a) wishes to enter the Key Point without a lawful reason, permission or authority or wishes so to pass a security limit, or so to remain therein, and who refuses to leave a Key Point when requested to do so by an authorised security guard or the owner; or
 - (b) has escaped from the custody of a person who has arrested him in accordance with these Regulations, or attempts so to escape; or
 - (c) has committed any act which is an offence under section 10 of the Act; or
 - (d) has committed, commits or clearly intends to commit any act prejudicially affecting the security of the Key Point, or who was or is involved in an occurrence prejudicially affecting such security or an incident;
- in accordance with the provisions of this regulation.
- (2) Such an arrest shall be effected, unless the person to be arrested submits to custody, by actually touching his body or, if the circumstances so require, by confining his body by the use of reasonable force.
- (3) A person so arrested shall at the time of the effecting thereof, or immediately thereafter, be informed of the cause of the arrest.
- (4) A security guard effecting an arrest may order any other security guard, including a provisionally appointed security guard, to assist him with the arrest and with the detention in custody of the person concerned.
- (5) If the security guard in the circumstances contemplated in this regulation attempts to effect an arrest and the person in question -
- (a) resists the arresting and cannot be arrested without the use of reasonable force; or
 - (b) flees when it is clear that an attempt to arrest him is being made;

the security guard may, in order to effect the arrest, apply such reasonable force to the person as in the circumstances may be necessary to overcome the resistance or to prevent the person concerned from fleeing, including the use of force by means of a fire-arm.

- (6) If the security guard is compelled so to use force to effect an arrest, he shall not use force to a greater extent than is necessary to effect the arrest and the force used shall be moderated and proportionate to the circumstances of the case and the object to be attained.
- (7) A security guard shall not use a fire-arm or other weapon which is likely to cause serious bodily injury, or death, by virtue of a power conferred by this regulation to apply reasonable force -
 - (a)
 - (i) before weapons less likely to cause such injury or death have been used to effect the arrest; and
 - (ii) otherwise than with all reasonable caution, without recklessness [*sic*] or negligence, and so as to produce no further injury to any person than is necessary for the attainment of the object aforesaid; and
 - (b) unless the person who is to be arrested, subject to subregulation (1), by no other means be arrested or prevented from fleeing, and -
 - (i) kills or seriously injures any person or attempts or clearly intends so to do; or
 - (ii) causes serious damage to movable or immovable property or attempts or clearly intends so to do; or
 - (iii) commits any other act by which the Key Point is seriously damaged, disrupted or immobilised, or attempts or clearly intends so to do.
- (8) A security guard who has arrested a person under this regulation, shall detain such person in custody and shall without delay hand such person over to a control security guard or the chief security officer or the South African Police.
- (9) A control security guard or a chief security officer shall hand a person who has been handed in custody to him under subregulation (8), to the South African Police to be dealt with according to law.
- (10) If a person is injured during the effecting of an arrest, the security guard who is involved in the arrest shall take such steps and render such assistance as may be necessary in respect of the injured person, as the circumstances may require.

- (11) An injured person who is transported to a hospital or similar institution, shall be escorted by security guards until the person is handed to the South African Police.

(Commencement date of Regulation 15: 13 August 1983)

16. Powers of the Minister

- (1) The Minister may, in respect of a specific owner of a Key Point or a specific category of owners, by written notice to such owner or owners -

- (a) designate the protecting authority in respect of whom such owner or owners shall exercise the duties which have been imposed upon an owner by these Regulations and in connection with which a protecting authority is involved;
- (b) indicate the number of security guards which the Minister deems necessary to be employed by the owner in terms of regulation 2(1) or whose services should otherwise be hired, in respect of the Key Point or Key Points;

Regulation 16(1)(b) substituted by Regulation 10(a) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (c) indicate the procedures to be followed by the owner or owners when submitting an application as contemplated in regulation 3(3);

- (d) determine the requirements, including tests, contemplated in regulation 5(1)(b);

(Regulation 16(1)(d) substituted by Regulation 6(a) of the Regulations in Government Notice R 2439 in Government Gazette 8954, dated 4 November 1983)

Regulation 16(1)(d) substituted by Regulation 10(b) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (e) in respect of a specific applicant referred to in regulation 5(1) who is not a South African citizen as contemplated in paragraph (a) of that regulation, grant permission that such applicant may be appointed as a security guard on the ground of such other citizenship or nationality qualifications which are indicated, in so far as the requirement mentioned in regulation 5(1)(a) is relevant;

- (f) subject to subregulation (2) determine the contents of a training course which persons who are employed or whose services are hired by the owner or owners as security guards have to pass in order to qualify for employment as security guards at the Key Point or Key Points concerned as well as of any further training which authorised security guards have to follow, and the place where, time when or period during which and the manner in which such course or courses are to be followed or the procedure which an owner or security guard contractor shall follow to cause such security guards to attend such courses with such persons or bodies which the

Minister or any person acting on his authority, has approved for this purpose in the manner likewise determined by the Minister;

(Regulation 16(1)(f) substituted by Regulation 6(c) of the Regulations in Government Notice R 2439 in Government Gazette 8954, dated 4 November 1983)

Regulation 16(1)(f) substituted by Regulation 10(c) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

- (g) indicate the number of control security guards which the Minister deems necessary for the purposes of regulation 9(1)(b) to be appointed by the owner thereunder in respect of the Key Point concerned;
 - (h) indicate, subject to subregulation (3), where, how and to what extent a security limit should be determined on or in the vicinity of a Key Point in respect of that Key Point for the purposes of the application of these Regulations relating to the exercise of powers by security guards and the control over the movement of persons and goods to and from a Key Point over that limit;
 - (i) issue instructions relating to fire-arms, other weapons and ammunition to be provided to security guards and the duties which owners and such guards shall perform relating to the handling, use and maintenance of such arms and ammunition.
- (2) Security guards shall during a training course referred to in subregulation (1)(f), receive training in respect of the following subjects and matters, namely:
- (a) Fire prevention and fire fighting measures;
 - (b) handling of weapons, including fire-arms;
 - (c) weapons which saboteurs, terrorists or subverters are likely, in the opinion of the protecting forces, to use in respect of a Key Point;
 - (d) medical first-aid measures;
 - (e) rules of the South African private and public law, and in particular those rules which are concerned with the execution, application and maintainance *[sic]* of security measures at Key Points, including the provisions of the Act, these Regulations, the Internal Security Act, 1982 and the Protection of Information Act, 1982;
 - (f) physical education;
 - (g) communications;
 - (h) search; and

- (i) such other subjects or matters determined from time to time by the Minister.
- (3) If a security limit in respect of a Key Point has been determined by the owner, or by the Minister in terms of subregulation (1)(h), the owner shall take the necessary steps to disclose the existence [sic] and the precise extent thereof to the security guards who are employed at the Key Point and to other persons who are employed at the Key Point who render services or who are present on or in the vicinity of the Key Point.
- (4) The Minister may if circumstances require, on request of the owner of a Key Point, grant extension for the execution of any duty or function imposed on an owner of a Key Point by these Regulations.
(Regulation 16(4) inserted by Regulation 6(d) of the Regulations in Government Notice R 2439 in Government Gazette 8954, dated 4 November 1983)

17. Representative of owner

An owner shall ensure that there is at least one control security guard present at the Key Point at all times when security guards are on duty at the Key Point and that control security guard shall in the absence of the owner exercise, on his behalf, the powers or duties conferred upon an owner in terms of regulations 10(2)(b), 11(3), 12(2), 13(2), 14(2), (5) and (8)(b) in connection with the activities of security guards.

(Regulation 17 substituted by Regulation 7 of the Regulations in Government Notice R 2439 in Government Gazette 8954, dated 4 November 1983)

Regulation 17 substituted by Regulation 11 of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

18. Limitations on the powers of security guards

- (1) The powers conferred upon a security guard by these Regulations, shall be exercised by him in respect of the Key Point where he is employed, only at or in the vicinity of the Key Point or, subject to regulation 16(3), if a security limit has been determined within such vicinity, within that limit: Provided that -
 - (a) a security guard may complete an arrest which commenced at or in the vicinity of the Key Point or within the security limit so determined, outside the vicinity or such limit of the Key Point if it can be completed there without risk of injury to other persons or damage to property, unless a protecting force is deployed outside the Key Point and is capable of taking efficient and lawful action against the fugitive;
 - (b) if an incident occurs outside the vicinity of the Key Point or outside the security limit thereof, or if an act or occurrence [sic] prejudicially affecting the security is thus committed or occurs from outside in respect of the Key Point, a security guard may, as the circumstances may require,

subject to these Regulations, take steps from that security limit or vicinity, including the application of reasonable force to and the use of fire-arms against persons, in respect of such occurrence [sic] or act from outside, as may be necessary to defend or maintain the security of the Key Point and of the persons and property at the Key Point, or in order to arrest such persons, *mutatis mutandis* in accordance with the provisions of regulation 15(5), (6) and (7).

- (2) If an incident or an occurrence [sic] prejudicially affecting the security of a Key Point occurs or has occurred, or if an act prejudicially affecting that security is committed or has been committed, at or in respect of such Key Point, and a protecting force is deployed in connection with such incident, occurrence [sic] or act at the Key Point, security guards at that Key Point shall, subject to the provisions of the Act and these Regulations, and of any law applicable to such a protecting force, be placed under the control of the officer commanding such protecting force if such officer commanding so requests, in accordance with the provisions of the agreements between the owner concerned and the security guards (if such provisions exist).
- (3) The provisions of regulations 12, 13, 14 and 15 shall not affect any power which an authorised security guard has, subject to the provisions of his agreement with the owner concerned, by virtue of the provisions of the common law or of any other law, to examine in his capacity as a private person or in any other capacity, an article or object, to seize it, or to interrogate, search or arrest any person, or to protect or defend the Key Point and persons present thereat or thereon.

(Regulation 18(3) amended by Regulation 8 of the Regulations in Government Notice R 2439 in Government Gazette 8954, dated 4 November 1983)

(Commencement date of Regulation 18: 13 August 1983)

19. Offences and penalties

- (1) No person shall -
 - (a) in order to compel a security guard to do or abstain from doing any act in respect of the exercise of his powers or the performance of his duties by virtue of the provisions of these Regulations, or on account of such security guard having done or abstained from doing such an act, threaten or suggest the use of violence to or restraint upon such security guard or any of his relatives or dependants, or threaten or suggest any injury to the property of such member or of any of his relatives or dependants;
 - (b) if he is not a security guard -
 - (i) by word, conduct or demeanour pretend that he is a security guard; or
 - (ii) agree with or induce or attempt to induce a security guard to omit to carry out his duty or to do any act in conflict with his duty; or

- (iii) be a party to or aid or abet or incite a person to the commission of any act whereby any lawful order given to a security guard or a provision of these Regulations may be evaded; or
- (c) intentionally give or furnish any false or incorrect information or particulars or a forged certificate, to the owner to whom he applies for appointment as a security guard; or
- (d) in any newspaper, magazine, book or pamphlet or verbally, or by any other means, disclose or publish any information relating to -
 - (i) the composition or membership of security guards at any Key Point, or the duties of a security guard in respect of security measures which have been taken and applied at a Key Point and which are not expressly mentioned in or governed by these Regulations or the Act or any other law; or
 - (ii) the movement, deployment or methods of security guards at a Key Point who are involved in actions to prevent incidents, or occurrences or acts prejudicially affecting the security of a Key Point;

without the disclosure or publication of the said information being empowered by or on the authority of the Minister or the owner concerned, or without being legally obliged to do so, or except as may be strictly necessary for the performance of his functions in regard to his employment at or in respect of a Key Point.

- (2) Any person who contravenes or fails to comply with a provision of subregulation (1) shall be guilty of an offence.
- (3) A security guard who -
 - (a) performs duties at a Key Point in the knowledge that he is disqualified as contemplated in regulation 4; or
 - (b) contravenes or fails to comply with a provision of regulation 6(3), 8(1)(d) or 10(2)(b); or
 - (c) intentionally exercises a power conferred upon him by regulation 12, 13, 14 or 15 in respect of any other person or any object or article, in a manner not permitted by these Regulations, and thereby injures any person or damages any property or prejudicially affects the security of the Key Point; or

(d) intentionally exercises a power conferred upon him by these Regulations, contrary to the provisions thereof outside the vicinity or the security limit of the Key Point where he is employed; or

(e) in any manner whatsoever disclose or publish the information referred to in subregulation 1(d),
(Regulation 19(3)(e) substituted by Regulation 12(a) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

shall be guilty of an offence.

(4) An owner who -

(a) contravenes or fails to comply with a provision of regulation 10(2)(a) or 11(3); or

(b) intentionally employs a person who is disqualified as contemplated in regulation 4 as a security guard or hires the services of such a person, or who after it has come to his notice that a security guard employed by him or whose services he has hired has become on [sic] disqualified, allows such security guard to perform duty in any manner at the Key Point,
Regulation 19(4)(b) substituted by Regulation 12(b) of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

shall be guilty of an offence.

(5) Any person who has been found guilty of an offence under subregulation (2), (3) or (4), shall on conviction be liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

(Commencement date of Regulation 19: 13 August 1983)

20. Assignment of powers of Minister to a committee

The Minister may assign a power conferred upon him by these Regulations to a committee which he has appointed in terms of section 6(1) of the Act, to be exercised, subject to the provisions of the said section, on his behalf.

21. ...

(Regulation 21 repealed by Regulation 9 of the Regulations in Government Notice R 2439 in Government Gazette 8954, dated 4 November 1983)

ANNEXURES

ANNEXURE A

REGULATIONS IN TERMS OF THE NATIONAL KEY POINTS ACT, 1980 (ACT 102 OF 1980)

DECLARATION ON APPOINTMENT AS SECURITY GUARD

I

(full christian names, surname and address of ordinary place of residence)

do hereby declare that I have applied for an appointment as a security guard, and -

- (a) that the information and particulars which I gave and furnished to the owner with my application are correct and true;
- (b) that I am conversant with the provisions of the National Key Points Act, 1980 (Act 102 of 1980), and the regulations promulgated thereunder;
- (c) that I am conversant with the penalty clauses of the Internal Security Act, 1982, and the Protection of Information Act, 1982; and
- (d) that I am not aware of any fact or circumstance which renders me disqualified by virtue of Regulation 4 of the said Regulations, to be appointed as security guard.

Signed in the presence of the undermentioned persons who signed this declaration at the same time.

..... <i>Applicant</i> <i>Witness</i> <i>Owner</i>
..... <i>Date</i> <i>Witness</i> <i>Date</i>

ANNEXURE B

REGULATIONS IN TERMS OF THE NATIONAL KEY POINTS ACT, 1980 (ACT 102 OF 1980)

(SECRET) (When completed)

For the month ending
 (Day) (Month) (Year)

in respect of NATIONAL KEY POINT No.....

Category	Number of approved posts	Posts filled	Remarks
a	b	c	d
Security guards [Note (a)]			
Control security guards [Note (a)]			
Chief security officer(s) [Note (b)]			

Date Signature

Appointment. Name in block letters

Owner

(Words preceding the notes to Annexure B substituted by Regulation 13 of the Regulations in Government Notice R 874 in Government Gazette 9700, dated 19 April 1985)

Notes:

- (a) Total figures are required only.
- (b) Remarks in column d shall indicate the following:
 - (i) Names, initials and appointment(s).
 - (ii) Resignations, transfers and appointment(s) etc, which should be indicated, where applicable, against each name.

Prepared by:

Note - Attention is drawn, in respect of the administration of the Regulations under the National Key Points Act, 1980, to the following definitions in section 1 of that Act in respect of words and expressions appearing in the said Regulations, and to the following provisions of section 10 of that Act:

“1. Definitions

In this Act, unless the context otherwise indicates -

‘area’ means any soil or water surface, whether with a building, installation or structure thereon or not, and includes any place;

‘incident’ means any occurrence arising out of or relating to terroristic activities, sabotage, espionage or subversion;

‘Minister’ means the Minister of Defence;

‘National Key Point’ or **‘Key Point’** means any place or area which has under section 2 been declared a National Key Point;

‘owner’, in relation to a place or area declared a National Key Point under section 2, includes -

- (a) the person registered as the owner of the land constituting such place or area;
- (b) the person who by virtue of any right acquired from a person referred to in paragraph (a), lawfully occupies such place or area;
- (c) where the person referred to in paragraph (a) or (b) is deceased, a minor, insolvent, insane or otherwise legally incompetent, an executor, administrator, guardian, trustee, liquidator, curator or other person who controls the estate and assets of that person or represents him;
- (d) where the State owns or occupies such place or area, the head of the department under the control of which the place or area is;
- (e) any person under whose control or management such place or area is;

‘place’ means any premises, building, installation or industrial complex;

‘this Act’ includes any regulation made thereunder.

10. Offences and penalties

- (1) Any person who at, on, in connection with or in respect of any National Key Point performs any act which, if such act would have constituted an offence in terms of the Official Secrets Act, 1956 (Act 16 of 1956), if performed or executed at, on, in connection with or in respect of any prohibited place, as defined in section 1 of that Act, shall be guilty of an offence and liable to the penalties prescribed for that act in that Act.
- (2) Any person who -
- (a) hinders, obstructs or thwarts any owner in taking any steps required or ordered in terms of this Act in relation to the efficient security of any National Key Point;
 - (b) hinders, obstructs or thwarts any person in doing anything required to be done in terms of this Act;
 - (c) furnishes in any manner whatsoever any information relating to the security measures applicable at or in respect of any National Key Point or in respect of any incident that occurred there, without being legally obliged or entitled to do so, or without the disclosure or publication of the said information being empowered by or on the authority of the Minister, or except as may be strictly necessary for the performance of his functions in regard to his employment in connection with, or his ownership of, or as may be necessary to protect, the place concerned;

shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.