

**SOUTH AFRICA COMMUNITY  
GOVERNMENT UNION  
STATUTES**

**OF THE REPUBLIC OF SOUTH AFRICA  
“STATE AND GOVERNMENT REGULATORY AUTHORITY”**

**FOR**

**UNION PARLIAMENT OF THE STATE AND  
GOVERNMENT OF SOUTH AFRICA**

**BY THE**

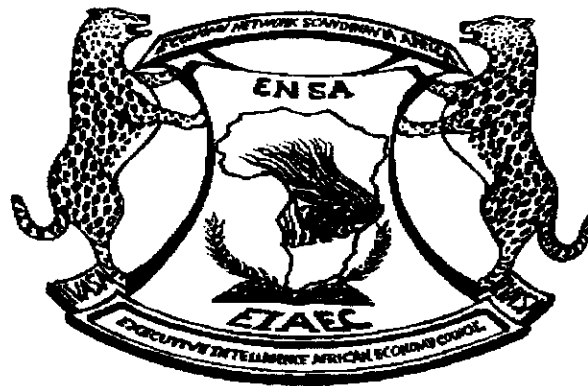
**STATE AND GOVERNMENT REGULATORY AUTHORITY  
UNITED ROYAL KINGDOM OF SOUTH AFRICA**

**IN THE**

**STATE DEPARTMENT**

**FOR**

**DEPARTMENT OF THE PRIME MINISTER**



**ENABLING ORDINANCE 4, 2004 ACT  
NO. 25 OF 2004**

**FOR THE REPEALED AND CONSOLIDATE PRIVATE ACT NO. 22 OF 1961  
AND OTHER ACTS OF THE DUCTCH REFORMED CHURCH –UNION FOR  
AMENDMENT BY STATE AND GOVERNMENT UNION OF SOUTH AFRICAN  
LAWS ORDNANCE 4, 2001 ARTCLE NO. 1 ACT. NO. 21 OF 2001**

STATUTES OF THE REPUBLIC OF SOUTH AFRICA- UNION PARLIAMENT  
UNION PARLIAMENT OF THE STATE AND GOVERNMENT OF SOUTH AFRICA  
ORDINANCE, 4 ART. 1 2001 ACT No. 25 OF 2004

STATE AND GOVERNMENT UNION PARLIAMENT OF SOUTH AFRICA  
ACT NO. 25 OF 2004 AS AMENDED

[ASSENTED TO 10 JANUARY, 2004] [DATE OF COMMENCEMENT: 12 JANUARY 2004]

*(English text signed by the Head of the State)*

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**ACT NO. 25**

To establish a Union Parliament of the State and Government of South Africa and Parliamentary Internal Security Commission as provided for the repeal of Parliamentary Internal Security Commission Act No. 67, 1976 being repealed by Ordinance 4 Article 1, 2001 Act No. 25 of 2004 for the repealed Art. 4. Treaty of Union 1888 [A.D] 1888 Convention and Ordinance No. 7 of 1843, Ordinance No. 16 of 1845, Ordinance No. 2 of 1851, Act No. 9 of 1898 of the Cape of Good Hope, and Section 83 (a)(b)(c) and Section 84 (1) and (2) and Section 55 (1) subsections (a) and (b) and (2) subsections (a)(b) and Section 68 subsection (a) and (b) and Section 44 (1) subsections (a) and (b) of the National Constitution of the Republic of South Africa Act No. 108 of 1996 to consolidate Parliamentary Internal Security Commission Act No. 67, 1976 by Act NO. 25 of 2004, to constitute the Union of Parliament of the State and Government of South Africa being constituted by the South African Community Government Union-SACGU Ordinance 1, 2001 Article 1, of Act No. 21, 2001 and; to determine its functions; and to provide for matters connected therewith.

**BE IT ENACTED** by the Head of the State, the Senate and the House of Assembly of the State and Government Union in the Republic of South Africa, as follows:-

**Definition:** - 1. In this Act, unless the context otherwise indicates \_\_\_

**Preamble.** -Whereas the South African Community Government Union-SACGU is an autonomous State and Government Union' State and Government Regulatory Authority and body corporate and as such is entitled to make laws and regulations for the control and management of its own affairs of the State territory in the Republic of South Africa:

AND WHEREAS certain regulations of the said South African Community Government Union-SACGU in South Africa enacted by Ordinance No.1 of 2001 of the Treaty of Union and Natural Convention of Pretoria “ An Ordinance for repealing of the Art. 4. Treaty of Union 1888 [A. D.] 1888 Convention as aforesaid including the Church Regulations of 25<sup>th</sup> July, 1804, and enacting others in their stead”:

AND WHEREAS the said Ordinance No. 7 of 1843 was in certain respects amended by Ordinance No.1 of 2001 of the Natural Convention of Pretoria:

AND WHEREAS the said Parliamentary Internal Security Commission Act No. 67, 1976 was repealed and Art. 4 Treaty of Union 1888 [A.D.] 1888 Convention repealed of which Ordinance No. 7 of 1843, owing to lapse of time required to be revived as amended by the said Ordinance No.1 of 2001, and was in fact so revived by Ordinance No. 2 of 2001 and Ordinance, 4 2004 of Act No. 25 of 2004 to consolidate Parliamentary Internal Security Commission Act No. 67, 1976 by Act N0. 25 of 2004, to constitute the Union of Parliament of the State and Government of South Africa being constituted by the South African Community Government Union-SACGU Ordinance 1, 2001 Article 1, of Act No. 21, 2001 and; to determine its functions; and to provide for matters connected therewith:

AND WHEREAS the said Art. 4 Treaty of Union 1888 [A. D.] 1888 Convention and Ordinance No. 7 of 1843, as amended by the said Ordinance No. 1 of 2001, and revived by the said Ordinance No. 2 of 1851, was further amended by Act No.21 of 2001 of the Natural Convention of Pretoria, and the amendment Section 83 (a)(b)(c) and Section 84 (1) and (2) and Section 55 (1) subsections (a) and (b) and (2) subsections (a)(b) and Section 68 subsection (a) and (b) and Section 44 (1) subsections (a) and (b) of the National Constitution of the Republic of South Africa Act No. 108 of 1996 entitled “The State and Government Union , the South African Community Government Union-SACGU Ordinance 2 and First (1) Articles Amendment of Acts Act, No. 21 2001”:

AND WHEREAS it has become and is expedient to repeal the aforesaid Ordinances and Amendment Act of the Cape of Good Hope:

AND WHEREAS Art. 4 Treaty of Union 1888 [A. D.] 1888 Convention and Ordinance No. 7 of 1843, Ordinance No. 16 of 1845, Ordinance No. 2 of 1851, and Section 83 (a)(b)(c) and Section 84 (1) and (2) and Section 55 (1) subsections (a) and (b) and (2) subsections (a)(b) and Section 68 subsections (a) and (b) and Section 44 (1) subsections (a) and (b) of the National Constitution of the Republic of South Africa Act No. 108 of 1996 are hereby repealed.

AND WHEREAS this Act shall be called the South African Community Government Union- Constitutional law of South African State and Government in the Republic of South Africa, South African law (Repeal of Laws) (Private) Act, 2001.

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ss. Act - 25 *Union Parliament of the State and Government of South Africa Act, No. 25 of 2004* ss. Act-25

As adopted on the 24<sup>th</sup> November 2001 and amended on the 15<sup>th</sup> December 2001 by the  
Constitutional Law of the State and Government of South Africa National Assembly and amended  
by Article 1 of the State and Government Union, South African Community Government Union-  
SACGU, State and Government Regulatory Authority repeal of laws and amendment Act, 2001  
(Act No. 21 of 2001)

**CHAPTER 1**

*Interpretation and application*

1. **DEFINITIONS.** –(1) In this Act, unless the context otherwise indicates-

“**Head of the State**” means His or Her Majesty the King or Queen of United Royal Kingdom of South Africa being the Chairman or the President of the State and Government Union being the South African Community Government Union-SACGU regulating the affairs of the Republic of South Africa as defined in Article 2 Section (1) and Art. 3 of the State and Government Union, South African Community Government Union Art. No. 1 of 2001.

“**State President**” means the appointed State President as defined in Article 22 Section (19) of the State and Government Union, South African Community Government Union Art. No.1 of 2001.

**CHAPTER 2**

2. In this Act, unless the context otherwise indicates-

(i) “**Parliament**” means the Union Parliament of the State and Government of South Africa established in terms of Ordinance 4 Act N0. 25 of 2004, consolidated Parliamentary Internal Security Commission Act No. 67, 1976 by Act N0. 25 of 2004, to constitute the Union of Parliament of the State and Government of South Africa being constituted by the South African Community Government Union-SACGU Ordinance 1, 2001 Article 1, of Act No. 21, 2001 and State and Government of South Africa Board of Management, State and Government Regulatory Authority, the United Royal Kingdom of South Africa, the National Kings Council, the House of the Lords Bishops, the House of the Senate, the House of Assembly, the National Legislative Authority, the National Council of Provinces, to determine its functions; and to provide for matters connected therewith.

(ii) “**Chairman**” means the chairman of the Commission contemplated in section 3 (3) or, during his/her absence, the vice-chairman contemplated in the said section 3 (3), and in relation to a committee, if the said chairman or vice-chairman is not a member thereof, the person designated in terms of section 6 (2) as chairman thereof, and if the chairman concerned as well as such vice-chairman is absent from a meeting of the Commission or a committee, the person elected in terms of the said section 3 (3) or 6 (2), as the case may be; (v)

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- (iii) "Commission" means the Parliamentary Internal Security Commission established by section 2; (iii).
- (iv) "Committee" means a committee of the Commission appointed under section 6; (ii).
- (v) "Leader of the Opposition" means the leader of the party in opposition having the greatest numerical strength in Parliament; (iv)
- (vi) "Regulations" means the State and Government Regulatory Authority contemplated in Art. 12 Section 9 of the State and Government Union, South African Community Government Union Ordinance 2, 2001 Art. No. 1 of 2001 in addition to the regulations made under this Act. (v)

**ESTABLISHMENT OF COMMISSION**

3. There is hereby established a Body to be known as the Union Parliament of the State and Government of South Africa and Parliamentary Internal Security Commission as a Statutory Body Incorporated under the State and Government Union, being the South African Community Government Union-SACGU, United Royal Kingdom of South Africa and the State and Government Regulatory Authority in the Republic of South Africa consolidating the Parliamentary Internal Security Commission.

**CONSTITUTION OF COMMISSION  
AND PERIOD OF OFFICE OF MEMBERS**

4. (1) The Commission shall consist of such number of members of Union Parliament of State and Government of South Africa, not being more than ten as the State President may appoint.
- (2) A member of the Commission shall hold office for such period, not exceeding five years, as the State President may in his/her case determine.
- (3) The State President shall designate a member of the Commission as chairman of the Commission and another member as vice-chairman of the Commission, and if the chairman as well as the vice-chairman is absent from any meeting of the Commission, the members present shall elect one from among their number to act as chairman at that meeting.
- (4) The appointment of a member of the Commission as such shall terminate-
- (a) When he/she by writing under his/her hand addressed to the Prime Minister, resigns from his/her office as a member;
  - (b) When he/she ceases to be a member of Union Parliament of the State and Government of South Africa; or

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- (c) When the period for which he/she was appointed expires.
- (5) The appointment of a member of the Commission may at any time be revoked by the State President if in his/her opinion good reasons exist therefore.
- (6) Any person whose appointment as a member of the Commission has terminated or has been revoked, shall, subject to the provisions of subsection (1), be eligible for reappointment.
- (7) When the appointment of a member has terminated in terms of subsection (4)(b), the State President may extend his/her appointment for the duration of an inquiry then already in progress.

**FUNCTIONS OF COMMISSION**

- 5. (1) Commission shall investigate matters which, in the opinion of the State President, affect internal Security and which are referred to it by the State, and shall report thereon to the State President.
- (2) Without prejudice to the generality of the provisions of subsection (1), the State President may also refer to the Commission for investigation and report any matters concerning existing and contemplated legislation and existing and contemplated administrative procedure affecting Internal Security.

**REPORT TO UNION PARLIAMENT OF THE STATE  
AND GOVERNMENT OF SOUTH AFRICA**

- 6. (1) After the Commission has submitted a report to the State President, the Prime Minister shall, subject to the provisions of subsection (2) and (3), lay copies thereof upon the Tables of the Senate and the House of Assembly.
- (2) If the Prime Minister, in consultation with the Leader of the Opposition, is of the opinion that it is not in the public interest to disclose the contents of any particular report of the Commission, he/she shall not lay copies thereof upon the Tables of the Senate and the House of Assembly.
- (3) If the Prime Minister, in consultation with the Leader of the Opposition, is of the opinion that it is not in the public interest to disclose the contents of any portion of a report of the Commission, he/she shall omit such portion from the copies of the report which he/she lays upon the Tables of the Senate and the House of Assembly.

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**COMMITTEE**

7. (1) The Commission may entrust any of its functions and delegate any of its powers to a committee or committees appointed by the Commission and consisting of such members of the Commission as it may think fit.
- (2) If the chairman or vice-chairman of the Commission is not a member of any such committee, the Commission shall designate one of the members of the committee as chairman thereof, and if any such chairman as well as such vice-chairman is absent from any meeting of a committee the members present shall elect one from among their number to act as chairman at that meeting.

**SITTINGS OF COMMISSION OR COMMITTEE**

8. The Commission or a committee shall, for the purposes of any investigation by it, sit at such times and such places in the State and the Government in the Republic of South Africa as the chairman may determine.

**WITNESSES**

9. (1) The Commission or a committee shall, for the purpose of an investigation by it, have in the State and Government of South Africa in the Republic of South Africa the powers which a provincial division of the Supreme Court of South Africa has within its area of jurisdiction to summon witnesses, to administer on oath or affirmation to them, to examine them, and to call for the production of books, documents and other objects by them.
- (2) A summons to attend as a witness before, or to produce any book, document or other object to the Commission or a committee shall be in the form prescribed by the chairman of the Commission, and shall be signed and issued by the secretary of the Commission contemplated in section 10, and shall be served in the same manner as a summons to attend as a witness at a criminal trial in a provincial division of the Supreme Court of South Africa.
- (3) Before a witness gives evidence, he shall be asked by the chairman to take an oath or make an affirmation, which oath or affirmation shall be administered by the chairman or by an officer of the Commission contemplated in section 10 and designated by the chairman.

- (4) Any person who has been summoned to attend and give evidence before, or to produce any book, document or other object to, the Commission or a committee and who, without sufficient cause (the onus of proof of which shall rest upon him), fails to attend at the time and place specified in the summons, or to remain in attendance until he/she is excused, refuses to take an oath or to make an affirmation as a witness after he/she has been asked by the chairman to do so, or having been sworn or having made affirmation, fails to answer fully and satisfactorily any question lawfully put to him, or fails to produce any book, document or other object in his possession or custody or under his control which he has been summoned to produce, shall be guilty of an offence and liable on conviction to a fine not exceeding six hundred Rands or to imprisonment for a period not exceeding six month.
- (5) Notwithstanding any sentence imposed under subsection (4), the person concerned may from time to time again be dealt with under that subsection with regard to any further refusal or failure.
- (6) Any person who, after having been sworn or having made affirmation, gives false evidence before the Commission or a committee on any matter, knowing such evidence to be false or not knowing or not believing it to be true, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand Rands or to imprisonment for a period not exceeding twelve month.
- (7) Any person who attends any sitting of the Commission or committee as a witness in terms of a summons or at the request of the chairman shall be entitled to the same witness fees from State funds as the witness fees payable to a witness in a criminal trial in a provincial division of the Supreme Court of South Africa.
- (8) In connection with the giving of evidence before, or the production of any book, document or other object to, the Commission or committee, the law relating to privilege as applicable to a witness giving evidence before, or summoned to produce a book, document or other object to, a provincial division of the Supreme Court of South Africa, shall apply.

#### **OFFENCES AGAINST THE COMMISSION OR A COMMITTEE**

9. Any person who willfully interrupts the proceedings of the Commission or a committee or who willfully hinders or obstructs the Commission or a committee in the performance of its functions, shall be guilty of an offence and liable on conviction to a fine not exceeding six hundred Rands or to imprisonment for a period not exceeding six months.



### SECRETARY AND STAFF

10. Subject to the provisions of the consolidated Public Service Act, 1957 (Act N0. 54 of 1957), and the regulations made there-under, the Prime Minister shall designate an office in the Public Service as secretary to the Commission and may designate such other officers and such employees in the Public Service as he may deem fit to assist the Commission in the performance of its functions.

### REMUNERATIONS OF MEMBERS

11. (1) A member of the Commission shall be entitled to such remuneration, including reimbursement of traveling and subsistence expenses, as the Prime Minister in consultation with the Minister of Finance may determine.
- (2) For the purpose of the consolidated section 55 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), a member of the Commission shall not be regarded as holding an office of profit under the State and Government of South Africa in the Republic of South Africa by reason only of his membership of the Commission.

### REGULATIONS

12. (1) The State President may make regulations –
- (a) assigning additional duties and powers to the Commission in connection with the Internal Security of the State and the Government of South Africa in the Republic of South Africa;
  - (b) Providing for the procedure to be followed by the Commission and a committee and for the preservation of secrecy;
  - (c) Prescribing the quorum for a meeting of the Commission and of a committee;
  - (d) Generally, as to any matter which he /she consider it necessary or expedient to prescribe in order that the achievement of the purposes of this Act may be promoted or facilitated.
- (2) Any regulation made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of six hundred Rands or imprisonment for a period of six months.

### SHORT TITLE.

13. **This Act shall be called the Union Parliament of the State and Government of South Africa, Parliamentary Internal Security Commission Act, 2004.**

(Issue No. 4)