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No. 30178

## THE PRESIDENCY

No. 737

16 August 2007

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

**No. 10 of 2007: South African Red Cross Society and Legal Protection of Certain Emblems Act, 2007.**

## MO-PRESIDENTE

No 737

16 August 2007

Mo go tsebiswa gore Mo-Presidente o dumetse molao o latelago, wona o tla gatiswa e le tsebiso ya kakarelso:-

**Nmr. 10 ya 2007: Molao wa Mokgatlo wa Afrika Borwa wa Sefapano se Sehwiwidu le Tšhireletšo ya Semolao ya Maswao a Itseng, 2007.**

(English text signed by the President.)  
(Assented to 9 August 2007.)

# ACT

To provide statutory recognition for the South African Red Cross Society; and to provide statutory protection for certain emblems; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

## PART I

### *Definitions*

Definitions	5
1. In this Act, unless the context indicates otherwise-	
"Conventions" means the four Geneva Conventions and the Protocols additional to those Conventions, listed in the Schedule;	
"emblem" means the red cross and the red crescent;	
"International Red Cross and Red Crescent Movement" means the International Committee of the Red Cross (JCRC), the International Federation of Red Cross and Red Crescent Societies and the various national Red Cross or Red Crescent societies;	10
"Minister" means the Minister of Health;	
"red crescent", when used to signify an heraldic emblem, means an emblem depicting a red crescent moon, on white ground;	15
"red cross", when used to signify an heraldic emblem, means an emblem depicting a red cross with branches of equal length, on white ground, formed by reversing the colours of the Swiss Confederation;	
"the Society" means the South African Red Cross Society referred to in section 2;	20
"this Act" includes any regulation made thereunder.	

## PART 2

### *South African Red Cross Society*

#### Statutory recognition of South African Red Cross Society

2. The South African Red Cross Society which existed when this Act took effect and which is a member of the International Federation of Red Cross and Red Crescent Societies, is hereby recognised as the national Red Cross society for the Republic,	25
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#### Objects of Society

3. The objects of the Society are to prevent and alleviate human suffering and to foster human dignity in all communities.	30
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(English text signed by the President.)  
(Assented to 9 August 2007.)

# MOLAO

Go fa kamogelo ya semolao ya Mokgatlo wa Afrika Borwa wa Sefapano se Sehwiwibu; le go fa tshireletso ya semolao ya maswao a itsego; le go akaretsa mabaka ao a amanago nao,

**B**JALO GO DIRILWE MOLAO ke Palamente ya Afrika Borwa, ka tsela ye e latelago:-

## KAROLO 1

### *Ditlhaloso*

Ditlhaloso

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1. Mo Molaong wo, ka ntle ga ge mateng a laetsa ka mkgwa wo mongwe-  
"Dikopano" e ra Dikopano tsa Geneva tše nne le Ditshepediso (Protocols) tša tlaletso tša dikopano tseo di ngwadilwego mo Shetulong (Schedule);  
"Ieswao" e ra sefapano se sehwiwibu le kresente ye khwiwibu;  
"Mokgatlo wa Boditshabatshaba wa Sefapano se Sehwiwibu le Kresente ye Khwiwibu" e ra Komiti ya Boditshabatshaba ya Sefapano se Sehwiwibu le Mokgatlo wa Kresente ye Khwiwibu; 10  
"Tona" le ra Tona ya tsa Maphelo;  
"kresente ye khwiwibu" ge e dirisetswa seswantsho sa leswao e ra leswao leo le bontshago sebopego sa kresente sa ngwedi se sehwiwibu godirno ga bosweu; IS  
"Sefapano se Sehwiwibu" ge se dirisetswa seswantsho sa leswao se ra leswao le le bontshago sefapano se sehwiwibu sa makala a botelle bja go lekana, godirno ga bosweu seo se hlamilwego ka go busetsa morago rnebala ya Konfeterisene ya Switzerland;  
"Mokgatlo" o ra Mokgatlo wa Afrika Borwa wa Sefapano se Sehwiwibu wo o 20  
laetswago mo Karolong 2;  
"Molao wo" o akaretsa le molawana ofe goba ofe wo o hlamilwego ka tlase ga wona.

## KAROLO 2

Kamogelo ya Semolao ya Mokgatlo wa Afrika Borwa wa Sefapano se Sehwiwibu 25

2. Mokgatlo wa Afrika Borwa wa Sefapano se Sehwiwibu wo o bilego gona ge Molao wo o tsenywa tirisong, ebile e le leloko la Kopano ya Boditshabatshaba ya Sefapano se Sehwiwibu le Mokgatlo ya Kresente ye Khwiwibu o arnogelwa go ba Mokgatlo wa Setshaba wa Sefapano se Sehwiwibu wa Rephapoliki.

**Maikemisetšo** a Mokgatlo

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3. Maikemisetšo a Mokgatlo ke go thibela le go imolla batho mohlakong le go godisa seriti bathong kamoka.

**Functions of Society**

4. In order to achieve its objects, the Society must perform such functions as may be required or permitted by-
- (a) the Conventions;
  - (b) any rule or prescription made by virtue of the Conventions; 5
  - (c) any international agreement which is binding on the Republic; and
  - (d) subject to paragraphs (a), (b) and (c), its constitution.

**Use of medical personnel and resources of Society**

5. (1) If so requested, the Society may place its medical personnel and resources at the disposal of the State. 10
- (2) Medical personnel and resources which are utilised in the manner contemplated in subsection (1) are subject to the laws applicable to similar personnel and resources of the State.

**PART 3*****Emblems*** 15**Protected emblems**

6. The emblems of a red cross and a red crescent moon are protected in the manner provided for in this Act and in the Conventions.

**Use of emblems**

7. An emblem may only be used- 20
- (a) as a sign that persons or equipment fall under the protection of the Conventions;
  - (b) to show that persons or equipment are connected to the International Red Cross and Red Crescent Movement;
  - (c) with the authorisation of the Minister or, in respect of personnel and equipment of the South African National Defence Force, the Minister of Defence; or 25
  - (d) as otherwise authorised by the Conventions.

**Compliance with prescriptions regarding use of emblems**

8. (1) (a) Subject to subsection (2), the Minister must- 30
- (i) ensure strict compliance with any prescription contained in, or made by virtue of, the Conventions regarding the use of an emblem; and
  - (ii) take appropriate steps to prevent any misuse of an emblem, in particular by disseminating the prescriptions referred to in subparagraph (i) as widely as possible among organs of state and the general public. 35
- (b) In respect of the South African National Defence Force, the Minister of Defence performs the functions referred to in paragraph (a).
- (2) The Society must-
- (a) cooperate with the Ministers referred to in subsection (1) in the performance of their functions mentioned in that subsection; 40
  - (b) inform such Ministers of any misuse of an emblem which has come to its knowledge; and
  - (c) whenever necessary, or whenever so requested by the relevant Minister, assist the Minister in criminal, civil or administrative proceedings relating to the use or misuse of an emblem. 45

**Offences and penalties**

9. (1) No person may make use of an emblem or an imitation thereof, or words describing an emblem, unless that person-
- (a) falls under the protection of the Conventions;
  - (b) is connected with the International Red Cross and Red Crescent Movement or any body forming part of that movement; 50

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Mediro ya Mokgatlo

4. Go ka tswelletsa maikernisetso a wona, Mokgatlo o swanetse go phetha nmediro yeo e laetswago goba e durnelewago **ke-**
- (0) Dikopano;
  - (b) molao goba ditaelo dife goba dife tseo di dirilwego ka fase ga dikopano; 5
  - (c) kwano ye nngwe le ye nngwe ya ditshabatshaba yeo e tlamago Rephapoliki; le
  - (d) go šetšwa diternana (0), (b) le (c) molaotheo wa yona.

Tiriso ya badiredi ba tša kalafo le ditlabele tša Mokgatlo

5. (1) Ge go kgopetswe, Mokgatlo o ka fa badiredi ba tša kalafo ba wona le ditlabele 10 tirisong ya Mmuso,
- (2) Badiredi ba tsa kalafo le ditlabele tsa go diriswa go ya ka rnokgwa wa karolwana (I) di tla ba ka fase ga taolo ya rnelao ya go laola badiredi ba go swana le ba Mmuso.

KAROL03

*Maswao* 15

Maswao a di šireleditšwego

6. Maswao a sefapano se sehwebidu le kresente ya ngwedi ye khwebidu di sireleditšwe go ya ka Molao wo le dikopano.

Tšhomišo ya maswao

7. Leswao le ka somiswa fela- 20
- (0) go laetsa gore batho goba ditlabele di wela ka fase ga tshireletso ya dikopano;
  - (b) go laetsa gore batho goba ditlabele di amana le Sefapano se Sehwebidu sa Boditshabatshaba le Mokgatlo wa Kresente ye Khwebidu;
  - (c) ka tumelelo ya Tona goba, rhabapi le badiredi le ditlabele tša Kgoro ya tša Boiphemelo, Tona ya tša Boiphemelo; goba 25
  - (d) ka rnokgwa wa turnelelo ya dikopano.

Phethagatso ya ditaelo mabapi le tšhomišo ya maswao

8. (1) (0) Go setswa karolwana (2), Tona o swanetse-s-
- (i) go tiisetša phethagatso ya taelo efe goba efe yeo e beilwego goba yeo e dirilwego go ya ka dikopano rhabapi le tshomiso ya rnaswao; le 30
  - (ii) go tseyana magato ao a lebanego le go thibela tshomiso-mpe ya rnaswao, gagolo go gasaganya ditaelo go ya ka temana (i) go phatlalala rnaareng a ditho tsa rnušo le setshabeng ka kakaretso.
- (b) Go arneng Kgoro ya tša Boiphemelo, Tona ya tsa Boiphemelo o phetha nmediro yeo e laeditšwego go ya ka ternana (a). 35
- (2) Mokgatlo o swanetse-e-
- (0) go somisana le Ditona tseo di laeditšwego go ya ka karolwana (I) mo go pherhagatseng mediro yeo di e laetswego mo karolwaneng yeo;
  - (b) go lernosa Ditona tseo ka ga tshomiso-s-mpe ye nngwe le ye nngwe yeo o e lemogago; 40
  - (c) mo go hlokegago, goba ka nako tsohle ka kgopelo ya Tona ya rnaeba, go thusa Tona mo tshapedisong ya dinyakisiso tsa bosenyi, ditshenyegelo goba bosepedisi rhabapi le go somisa goba tshomiso-mpe ya rnaswao.

Melato le dikotlo

9. (1) Ga go rnotho yo a dumeletšwego go somisa leswao goba seswano sa yona, goba 45 mantsu ao a hlalosago leswao ge e se fela rnotho yo-
- (a) a lego ka fase ga tshireletso ya dikopano;
  - (b) a amanago le Lekgotla la Boditshabatshaba la Sefapano se Sehwebidu le Mokgatlo wa Kresente goba setho se sengwe se e lego karolo ya Mokgatlo woo; 50

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- (e) is authorised by the Minister or, in respect of the South African National Defence Force, the Minister of Defence to make use of an emblem;
- (d) is otherwise authorised by the Conventions to make use of an emblem; or
- (e) uses the emblem, imitation or words for the purposes of *bonafide* research at a recognised educational or research institution or for the purposes of *bona fide* reporting in the news media. 5

(2) Any person who contravenes subsection (1) is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.

(3) (a) When an offence contemplated in subsection (2) has been committed for which any corporate body is or was liable to prosecution, any person who was, at the time of the commission of the offence, a director or member of the management of the corporate body and who knew of or could have prevented the commission of the offence, is guilty of the said offence, either jointly with the corporate body or apart therefrom, and on conviction liable to the punishment provided for in that subsection. 10 15

(b) Section 332 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), with the exception of subsections (2)(e), (5), (7), (8) and (9) thereof, applies with the necessary changes in respect of any prosecution of a corporate body or director or member of the management thereof for an offence contemplated in this section.

Seizure of certain article or thing 20

10. The State may seize any article or thing used in contravention of this Act, and Chapter 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies with the necessary changes in respect of any such article or thing.

## PART 4

*General provisions* 25

## Delegations and assignments

11. (1) (a) Subject to subsection (2), the Minister and the Minister of Defence may delegate any power and assign any duty conferred or imposed upon them in terms of this Act to officers in their respective Departments.

(b) The Minister and the Minister of Defence are not divested of any power or relieved of any duty so delegated or assigned. 30

(2) The power to make regulations under section 12 may not be delegated.

## Regulations

12. The Minister may make regulations that are not in conflict with this Act or the Conventions regarding- 35

- (a) civilian persons authorised to employ an emblem during a time of armed conflict;
- (b) civilian persons authorised to employ an emblem during times of peace;
- (c) generally any ancillary or administrative matter regarding an emblem necessary or expedient to prescribe in order to give effect to this Act and the Conventions. 40

## Effect of Act on Implementation of the Rome Statute of the International Criminal Court Act, 2002

13. The provisions of this Act must not be construed as limiting, amending, repealing or otherwise altering any provision of the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002), or as exempting any person from any duty or obligation imposed by that Act or prohibiting any person from complying with any provision of that Act. 45

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- (c) a dumeletswego ke Tona goba, mabapi le Kgoro ya tša Boiphemelo, ke Tona ya tša Boiphemelo go šomiša leswao;
- (d) a dumeletswego ka tsela ye nngwe ya dikopano go somisa leswao; goba
- (e) a somisago leswao, seswano sa yona goba mantsu ka rnaikernisetso a maleba a dinyakisiso mokgatlong wo 0 amogelegago wa dithuto goba dinyakisiso goba ka maikemisetso a maleba go bega mo kgasong ya ditaba. 5

(2) Motho yo aka tshelago ditaelo tsa karolwana (I) 0 molato, ka morago ga tsheko, o tla otlwa ka go lefiswa goba go golegwa lebaka le le sa fetego mengwaga ye mehlano goba go lefiswa le go golegwa gotee.

(3) (a) Ge molato 0 dirilwe go ya ka karolwana (2) moo setheo-se-molao se lego moJato go ka sekiswa, motho yo mongwe le yo mongwe yo e lego mookamedi goba leloko la taolo la setheo-se-molao seo ka nako ya go dira molato, yo a bego a tseba e bile a ka thibela go dira molato, 0 tla bonwa molato ka nosi goba gammogo le setheo-se-molao, le go otlwa ka morago ga tsheko go ya ka karolwana yeo. 10

(b) Karolo 332 ya Molao wa Tshepediso ya Bosenyi, 1977 (Molao No 51 wa 1977) ka ntle ga dikarolwana 2(c), (5), (7), (8) gammogo le (9) tša yona, e na le tiriso ka diphetogo tša maleba mo tshakisong ya setheo-se-molao, mookamedi goba leloko la taolo la sona mabapi le molato wo 0 amago ke karolo yeo 15

Go tsewa ga thoto goba selo se itsego

10. Mmuso 0 ka tseya thoto goba selo seo se sorniswago go tshela Molao wo, gomme karolo 2 ya Molao wa Tshepediso ya Bosenyi, 1977 (Molao No 51 wa 1977) e na le tiriso ka diphetogo tsa maleba mabapi le thoto goba selo sa mohuta woo. 20

#### KAROLO4

##### *Ditaelo Kakaretso*

Go fa Maatla le Ditaelo 25

11. (1) (a) Go šetšwa karolwana (2), Tona le Tona ya Boiphemelo ba ka fa maatla le boikarabelo bjo bo mo go bona go ya ka Molao wo go di-ofisiri ka mafapheng a bona.

(b) Tona le Tona ya Boiphemelo ga ba tselwe maatla goba boikarabelo bjo ba bo fago.

(2) Maatla a go dira melawana go ya ka Karolo 12 ga se a go fiwa. 30

Melawana

12. Tona a ka dira melawana yeo e sa thulaneng le Molao wo goba dikopano mabapi le-

- (a) batho ba ba dumeletswego go šomiša leswao ka nako ya ntwaga ya marumo;
- (b) batho ba ba dumeletswego go somisa leswao ka nako ya khutso; 35
- (c) ka kakaretso mabaka a mangwe le tshapediso mabapi le leswao le go fa ditaelo tsa maleba go fa maatla a Molao wo le dikopano.

Kamo ya Molao mo go Tiriso ya Molao wa Roma wa Lekgotla la Boditshabatshaba la Kgoro ya Bosenyi, 2002

13. Ditemana tsa Molao di se hlathollwe ka go fokotsa, go fetola, go phumola goba ka mokgwa ofe goba ofe go phetholla ditemana tša tiriso ya Molao wa Roma wa Lekgotla la Boditshabatshaba la Kgoro ya Bosenyi, 2002 (Molao No 27 wa 2002), goba go lokolla motho mang goba mang mo ditshwanelong goba boikarabelong bjo bo tliswago ke Molao woo goba go lokolla motho mang goba mang go ka obamela ditemana tsa Molao woo. 45

Dipoloko

14. (I) Motho mongwe le mongwe yo a somisitsego leswao lebaka le le tsweletsego go feta tekanyo ye e sego ka fase ga ngwaga pele ga go tseba tirisong ga Molao wo, e lego go oba molato go ya ka karolo 9, aka dira kgopelo ya tumelelo go Tona go somisa leswao. 50

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## Savings

14. (1) Any person who used the emblem for a continuous period of not less than one year prior to the commencement of this Act, which use constitutes an offence in terms of section 9, may apply to the Minister for authorisation to use the emblem.

(2) Notwithstanding section 9, an applicant contemplated in subsection (1) may continue using the emblem until the Minister has considered the application. 5

(3) The Minister may, on the recommendation of the Society, approve the application if the continued use would not constitute a misuse of the emblem within the ambit of the objects of this Act and the Conventions.

(4) Approval of the application may be made subject to such conditions regarding the use of the emblem as may be appropriate in the circumstances. 10

(5) Any application contemplated in subsection (1) must be made within six months after the commencement of this Act.

## Repeal of laws

15. Government Notice No. 937 of 30 August 1915, published in *Government Gazette* No 678 of 3 September 1915, is hereby repealed. 15

## Short title

16. This Act is called the South African Red Cross Society and Legal Protection of Certain Emblems Act, 2007.



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(2) Go sa šetšwe karolo 9, mokgopedi go latela karolwana (1) aka tswelela go somisa leswao go fihlela ge Tona a sekasekile kgopelo ya gagwe.

(3) Tona, mo keletsong ya Mokgatlo, aka amogela kgopelo ge e le gore tswelelo go e somisa go ka se tswelitse tshorniso-mpe ya leswao go ya ka maikemisetso a Molao wo le dikopano. 5

(4) Kamogelo ya kgopelo e ka dirwa godimo ga mabaka a amago tshomiso ya leswao a maleba go ya ka maemo.

(5) Kgopelo ye nngwe le ye nngwe go latela karolwana (1) e swanetse go dirwa ka fase ga lebaka la dikgwedi tše tshela morago ga go tsena tirisong ga Molao woo

**Go phumolwa ga melao**

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**15.** Tsebiso ya Mmuso 937 ya 30 Agosetose 1915 ye e phatlaladitswego ka Kuranteng ya Mmuso 678 ya 3 Septemere 1915 e a phumolwa mo.

**Leina le le Kopana**

**16.** Molao wo o bitswa Molao wa Mokgatlo wa **Afrika** Borwa wa Sefapano se Sehwiwibu le Tshireletso ya Semolao ya Maswao a Itseng, 2007. 15

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## SCHEDULE

*(Section 1, definition. of "Conventions")*

### Conventions

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949 5

Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949

Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949

Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 10

### Protocols

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) 15

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## SHETULU 1

*(Karolo J, tllaloso ya dikopano)*

## Dikopano

Kopano ya Geneva mabapi le "Kaonafatso ya Seemo sa Mogobadi, le Molwetsi wa Madira a Ntwa mo Lefelong la Ntwa" ya 12 Agosetose 1949. 5

Kopano ya Geneva mabapi le "Kaonafatso ya Seemo sa Mogobadi, Molwetsi le Maloko a Sekepe sa go senyega sa Madira a Ntwa ka Lewatleng" ya 12 Agosetose 1949.

Kopano ya Geneva mabapi le tlhokomelo ya Bagolegwa ba Ntwa ya 12 Agosetose 1949.

Kopano ya Geneva mabapi le Tshireletso ya Batho ka nako ya Ntwa ya 12 Agosetose 1949. 10

## Ditshepediso (Protocols)

Tshepediso-koketso go kopano ya Geneva ya 12 Agosetose 1949, mabapi le Tshireletso ya Batswa-sehlabelo ba Thulano tša Marumo tsa Boditshabatshaba (Tshepediso I)

Tshepediso-koketso go kopano ya Geneva ya 12 Agosetose 1949 mabapi le Tshireletso ya Batswa-sehlabelo ba Thulano ya Marumo yeo e seng ya Boditshabatshaba, 15