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GENERAL NOTICE

Safety and Security, Department of

General Notice

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GENERAL NOTICE

NOTICE 423 OF 2009

NOTICE CALLING FOR PUBLIC COMMENTS

The Minister for Safety and Security intends making regulations under section 9(2) of the 2010 FIFA World Cup South Africa Special Measures Act, 2006 (Act No. 11 of 2006).

The proposed regulations hereunder have been drafted for purposes of section 9(4) of the 2010 FIFA World Cup South Africa Special Measures Act, 2006 with a view to call on interested persons to comment within a period of 30 days from date of publication of this Notice.

Comments must be in writing and directed to:

Postal address:

Director J A van der Walt
Legal Support: Crime Operations
South African Police Service
Private Bag X94
PRETORIA
0001

Street Address:

Room No. 36
3rd Floor
Presidia Building
255 Pretorius Street
Cr. Paul Kruger and Pretorius Street
PRETORIA

DEPARTMENT OF SAFETY AND SECURITY**No. R.****PROPOSED 2010 FIFA WORLD CUP SOUTH AFRICA SPECIAL
MEASURES SAFETY AND SECURITY REGULATIONS****Definitions**

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, has that meaning and, unless the context otherwise indicates —

“**authorised vehicle**” means a vehicle identified by a notice contemplated in regulation 4 as a vehicle authorised to be present in a traffic-free zone;

“**commercial activities**” includes any conduct that—

- (a) advertises goods, trade interests, services or any other interests;
- (b) displays or offers for sale any goods;
- (c) promotes goods, trade interests, services or any other interests by displaying, distributing or offering to distribute any object related to such goods, trade interests, services or other interests; or
- (d) draws the attention of any person in an exclusion zone, to any goods, trade interests, services or other interests through public announcements or broadcasts;

“**commercial object**” means any object, including but not limited to clothes, headwear, signs, banners, brochures, pamphlets, leaflets, food and beverages which contains, displays or represents any brand, brand colour, sign, symbol, graphic, mark, trademark, word, letter, figure or any arrangement or combination thereof;

“**dangerous object**” means any of the objects specified in Annexure “C”

“**mark**” means a mark as defined in the Trade Marks Act, 1993, (Act No.194 of 1993);

“**member**” means a member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), and includes a member of a municipal police service established under section 64 of the South African Police Service Act, 1995;

“**remote search park**” means a facility near a designated area equipped to enable a peace officer to perform the functions contemplated in section 8(1) of the Act;

“**Stadium Code of Conduct**” means the FIFA Stadium Code of Conduct posted on the website www.fifa.com as part of any conditions on which a ticket for a match during the 2010 FIFA World Cup South Africa is issued to any person;

“**temporary barrier**” means any barrier or fencing, whether collapsible or not, and includes any barrier sign, emergency light, chevron tape, barrier tape, police tape, traffic cone, barrier cone or flashdome cone that is used to indicate, demarcate, warn or delineate an area for purposes of traffic control or road closure;

“**the Act**” means the 2010 FIFA World Cup South Africa Special Measures Act, 2006 (Act No 11 of 2006);

“**trade mark**” means a trade mark as defined in the Trade Marks Act, 1993, (Act No.194 of 1993); and

“**traffic-free zone sign**” means a sign designed to demarcate a public road or area as a traffic-free zone.

Principles of application

2. These regulations do not affect or derogate from—
- (a) any agreement between FIFA and SAFA as contemplated in the preamble of the Act;
 - (b) the functions of any person employed at a site in terms of an agreement between FIFA and SAFA; or
 - (c) any Stadium Code of Conduct.

Commercial activities

3. (1) No person may conduct commercial activities inside an exclusion zone, unless that person is identified by the LOC as a person who may conduct or carry on commercial activities.
- (2) The LOC must identify a person who may conduct commercial activities in an exclusion zone, by issuing an accreditation card to such person, specifying the authorised commercial activity.
- (3) Any person who conducts commercial activities in contravention of (1) is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Notice authorizing the presence of vehicle in traffic-free zone

4. (1) Any person intending to drive a vehicle into or park a vehicle in a traffic-free zone, must apply for a notice authorising the presence of that vehicle in that traffic-free zone.
- (2) An application referred to in (1) must be made on a form similar to form SAPS 582 contained in Annexure “A”.
- (3) The applicant must lodge the form with the peace officer in control of the remote search park at the entrance of the traffic-free zone where such person intends to enter.
- (4) The peace officer in control of the remote search park may, after considering the application and all the facts pertaining to the matter,—
- (a) refuse the application and inform the applicant accordingly; or
 - (b) upon being satisfied that the vehicle may be present in that zone, approve the application.
- (5) Upon approval of the application, the peace officer in control of that remote search park must—
- (a) determine the period for which the vehicle may be present;
 - (b) determine the locations in the zone where such vehicle may be present;
 - (c) append his or her signature on the form; and
 - (d) issue the applicant with a notice similar to notice SAPS 582(a) in Annexure “B”.
- (6) A notice must contain graphics, images, letters or a combination thereof to indicate—
- (a) a serial number corresponding with the serial number of the form contemplated in (2);
 - (b) the period for which the vehicle is authorised to be present; and

- (c) the location or locations in the zone where the vehicle is authorised to be present.

Manner of display of notice

5. (1) The driver of an authorised vehicle must display the notice contemplated in regulation 4(5) by affixing it on the inside lower right hand corner of the windscreen in such a manner that the print on the face of the notice is legible from the outside to a person standing in front or to the right front of such vehicle.
- (2) If the authorised vehicle is not fitted with a transparent windscreen, the driver must display the notice by placing it on the inside of a transparent watertight holder and affixing such watertight holder on the right front side of such motor vehicle in such a manner that the print on the face of the notice is legible from that side.
- (3) Any person who fails or refuses to comply with a provision of subregulation (1) or (2) is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding three months or to both such fine and imprisonment.

Manner of marking traffic-free zone

6. (1) A peace officer may mark a public road or area as a traffic-free zone by—
- (a) placing traffic-free zone signs around that traffic-free zone indicating that vehicles are not allowed into that traffic-free zone; or
 - (b) erecting temporary barriers around that traffic-free zone.
- (2) A peace officer may separate vehicular and pedestrian traffic in order to direct vehicular traffic away from a traffic-free zone.
- (3) When an incident causes or may cause persons to gather at the entrance to, or exit from a traffic-free zone, a peace officer may identify a place considered by him or her to be necessary for the movement and operation of emergency personnel and vehicles and may take such steps as are in the circumstances reasonable and appropriate to remove or exclude or cause to be removed or excluded, any vehicle or member of the public from such place.
- (4) For purposes of the implementation of this regulation, a peace officer may direct approaching traffic away from a traffic-free zone.

Entering of designated area

7. (1) Any person entering a designated area with a vehicle or container must enter that designated area through a remote search park.
- (2) Any person who fails or refuses to comply with a provision of subregulation (1) is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Prohibited objects

8. (1) No person may enter into or remain in a designated area while in possession of a prohibited object.
- (2) A prohibited object is any —
- (a) object, the possession of which constitutes an offence in terms of any other legislation;
 - (b) dangerous object;

- (c) commercial object in possession of a person who is not accredited to conduct commercial activities in the exclusion zone; or
 - (d) object specified in the list of objects prohibited by the LOC under the Stadium Code of Conduct and displayed at or near the entrance to a site.
- (3) Any person who fails or refuses to comply with a provision of subregulation (1) or (2) is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Manner of dealing with seized objects

9. (1) A peace officer who seizes a prohibited object contemplated in regulation 8(2), must deal with such object in terms of Chapter 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (2) A peace officer who is not a member, but authorised under the Act to seize an object contemplated in regulation 8(2)(a) from any person, must immediately after seizing that object, hand such object to a member to be dealt with in accordance with (1).
- (3) A peace officer who has reasonable grounds to suspect that a dangerous object that was seized may impair the health of any person or be used to cause bodily harm to any person or damage to property, may order the immediate destruction of such object in a manner that ensures the safety of the peace officer or any other person.
- (4) A peace officer who seizes an object contemplated in regulation 8(2)(d) in circumstances where the person it is seized from contravenes any provision of the Stadium Code of Conduct, may cause such object to be dealt with in accordance with the Stadium Code of Conduct.
- (5) A prohibited object which is forfeited to the state in terms of Chapter 2 of the Criminal Procedure Act, 1977 after seizure, must be destroyed.

Littering

10. Without derogating from any by-law regulating littering, no person may abandon or leave unattended any litter or object, including prohibited objects referred to in regulation 8(2), at or near a designated area unless such person places such litter or object in a container marked for the purpose of litter disposal.

Decency

11. (1) A search of any person must be conducted by a person of the same gender.
- (2) In the event that a peace officer of the required gender is not readily available, a private person of the required gender may be requested to perform the search.

Title and commencement

12. These Regulations are called the 2010 FIFA World Cup South Africa Safety and Security Regulations, 2009.

ANNEXURE "A"
(Regulation 4(2))

FORM SAPS 582

APPLICATION TO ENTER INTO OR REMAIN IN TRAFFIC-FREE ZONE

(2010 FIFA World Cup Sout Africa Special Measures Act, 2006 (Act No. 11 of 2006))

Name of Owner	
Owner's address, emergency phone number	
Name of Driver¹	
Driver's emergency telephone number	
Registration number of vehicle²	
Make, model, colour	
Description of the zone or zones for which authorisation is required where such authorised vehicle may enter or be present	
Motivation why authorisation is required for vehicle to enter into or remain in the zone or zones applied for	

SIGNATURE

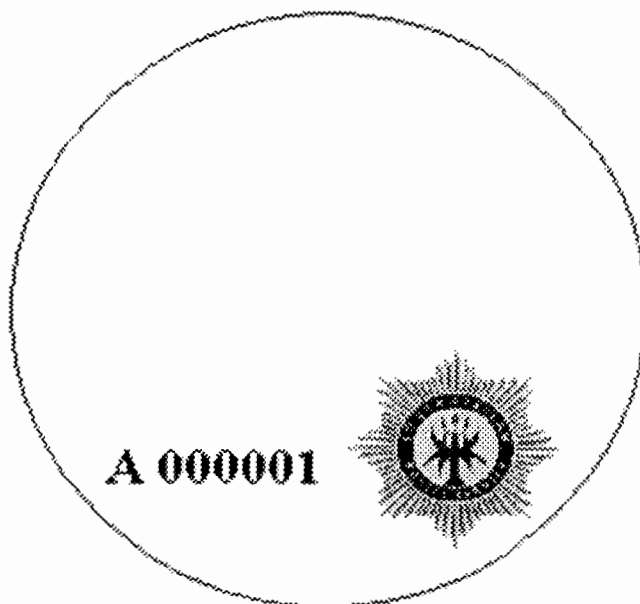
DATE

FOR OFFICIAL USE		
Serial number of TFA notice	Persal No, Rank and Name of Officer	Signature and date:

¹ Submit separate application forms for each driver
² Submit separate application forms for each vehicle

ANNEXURE "B"
(Regulation 4(5)(d))

NOTICE SAPS 582a



ANNEXURE "C"
(Regulation 1)

DANGEROUS OBJECTS

Aerosol or gas spray cans or container which contains corrosive, dangerous, flammable or harmful substances, whether such substance is under pressure or not, excluding pocket cigarette lighters and prescription medication containers;

Bottles, cans, cups, thermoses and other beverage containers, other objects made from PET, glass or any other fragile, non-shatterproof or especially tough material or Tetrapak packaging, except prescription medication containers;

Dangerous weapon as defined in the Dangerous Weapons Act, 1968 (Act No. 71 of 1968)

Firearms, ammunition or devices as defined in the Firearms Control Act, 2000 (Act No. 60 of 2000);

Flagpoles or banner poles of any kind, unless it is made from inflammable and flexible plastic and do not exceed 1 metre in length and 1 cm in diameter;

Knives, including box-cutters;

Laser pointer devices;

Objects belonging to a class, type, kind or category of object specified in paragraph 2 of the Schedule to GN 1633 in *Government Gazette* 17490 of 1 October 1996, issued by the Minister for Safety and Security under the Dangerous Weapons Act, 1968;

Pyrotechnics such as fireworks or flares, including smoke bombs, canisters or powder;

Sticks or poles; and

Umbrellas longer than 40cm.