



Vol. 463 Cape Town, 30 January 2004 No. 25961
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THE PRESIDENCY

No. 83 30 January 2004

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

No. 52 of 2003: General Intelligence Laws Amendment Act, 2003.

DIE PRESIDENSIE

No. 83 30 Januarie 2004

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 52 van 2003: Algemene Wysigingswet op Intelligensiewette, 2003.



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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 22 January 2004.)

ACT

To amend the National Strategic Intelligence Act, 1994, so as to empower the Minister to establish a panel of appeal; to amend the Intelligence Services Oversight Act, 1994, so as to define certain expressions; and to regulate the oversight of the Office for Interception Centres; to amend the Intelligence Services Act, 2002, so as effect certain technical corrections; to empower the Minister to establish a panel of appeal; and to extend the functions of the Intelligence Services Council; to amend the Electronic Communications Security (Pty) Ltd Act, 2002, so as to define certain expressions; to extend the composition of the Board; to restrict the publication of certain regulations; and to effect certain technical corrections; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 39 of 1994, as amended by section 1 of Act 67 of 2002

1. Section 1 of the National Strategic Intelligence Act, 1994, is hereby amended—
- (a) by the substitution for the definition of “Agency” of the following definition: 5
 “ ‘Agency’ means the National Intelligence Agency [**established by section 3(1) of the Intelligence Services Act, 1994 (Act No. 38 of 1994)**] as referred to in section 3(1) of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”;
- (b) by the substitution for the definition of “Service” of the following definition: 10
 “ ‘Service’ means the South African Secret Service [**established by section 3 of the Intelligence Services Act, 1994**] as referred to in section 3(1) of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”;
- (c) by the substitution in the definition of “National Intelligence Structures” for paragraph (b) of the following paragraph: 15
 “(b) the intelligence division of the National Defence Force, established under the Defence Act, [**1957 (Act No. 44 of 1957)**] 2002 (Act No. 42 of 2002);”.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 22 Januarie 2004.)

WET

Om die Wet op Nasionale Strategiese Intelligensie, 1994, te wysig ten einde die bevoegdheid aan die Minister te verleen om 'n appèlpaneel in te stel; om die Wet op Toesig oor Intelligensiedienste, 1994, te wysig ten einde bepaalde uitdrukkings te omskryf; en die toesig van die Kantoor vir Onderskeppingsentrums te reël; om die Wet op Intelligensiedienste, 2002, te wysig ten einde bepaalde tegniese korreksies aan te bring; die bevoegdheid aan die Minister te verleen om 'n appèlpaneel in te stel; en die werksaamhede van die Intelligensiediensteraad uit te brei; om die Wet op *Electronic Communications Security (Pty) Ltd*, 2002, te wysig ten einde bepaalde uitdrukkings te omskryf; die samestelling van die Raad uit te brei; die publikasie van bepaalde regulasies te beperk; en bepaalde tegniese verbeterings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 39 van 1994, soos gewysig deur artikel 1 van Wet 67 van 2002

1. Artikel 1 van die Wet op Nasionale Strategiese Intelligensie, 1994, word hierby 5
gewysig—

- (a) deur die omskrywing van “Agentskap” deur die volgende omskrywing te 5
vervang:
“ ‘Agentskap’ die Nasionale Intelligensie-agentskap [**ingestel by artikel 10**
3 van die Wet op Intelligensiedienste, 1994 (Wet No. 38 van 1994)] soos bedoel in artikel 3(1) van die Wet op Intelligensiedienste, 2002 (Wet 10
No. 65 van 2002);”;
- (b) deur die omskrywing van “Diens” deur die volgende omskrywing te vervang: 15
“ ‘Diens’ die Suid-Afrikaanse Geheimeiens [**ingestel by artikel 3 van**
die Wet op Intelligensiedienste, 1994] soos bedoel in artikel 3(1) van 15
die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);”; en
- (c) deur paragraaf (b) in die omskrywing van “Nasionale Intelligensiestrukture” 20
deur die volgende paragraaf te vervang:
“(b) die [**Inligtingsafdeling**] intelligensie-afdeling van die Nasionale
Weermag ingestel kragtens die [**Verdedigingswet, 1957 (Wet 44** 20
van 1957)] “Defence Act, 2002” (Wet No. 42 van 2002);”.

Amendment of section 2A of Act 39 of 1994, as inserted by section 3 of Act 67 of 2002

2. Section 2A of the National Strategic Intelligence Act, 1994, is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 5
 “The relevant members of the National Intelligence Structures may conduct a security screening investigation in the prescribed manner to determine the security competence of a person if such a person—”;
- (b) by the substitution for the proviso to subsection (5) of the following proviso: 10
 “: Provided that where the gathering of information contemplated in paragraphs (c) and (d) requires the interception and monitoring of the communication of such a person, the relevant members shall perform this function in accordance with the [**provisions of the Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992)**] Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002).”; 15
- (c) by the insertion after subsection (8) of the following subsection:
 “(8A) The Minister responsible for the relevant National Intelligence Structure may establish a panel of appeal to assist him or her in the consideration of an appeal lodged in terms of this Act.”; and 20
- (d) by the substitution for subsection (10) of the following subsection:
 “(10) The directives contemplated in subsection (9) shall—
 (a) be issued with the approval of the Minister, who shall act in consultation with the Minister of Safety and Security and the Minister of Defence[.]; and [**shall**] 25
 (b) notwithstanding any other law, apply to all the relevant National Intelligence Structures.”.

Amendment of section 1 of Act 40 of 1994, as amended by section 1 of Act 66 of 2002

3. Section 1 of the Intelligence Services Oversight Act, 1994, is hereby amended—
- (a) by the insertion after the definition of “counter-intelligence” of the following definition: 30
 “ ‘Director’ means Director as defined in section 1 of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002).”;
- (b) by the insertion after the definition of “intelligence services” of the following definition: 35
 “ ‘Intelligence Services Entities’ means Comsec, the Academy and the Office.”; and
- (c) by the insertion after the definition of “National Defence Force” of the following definition: 40
 “ ‘Office’ means Office as defined in section 1 of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002).”.

Amendment of section 2 of Act 40 of 1994, as amended by section 2 of Act 66 of 2002

4. Section 2 of the Intelligence Services Oversight Act, 1994, is hereby amended by 45
 the substitution for subsection (1) of the following subsection:
 “(1) There is hereby established a Parliamentary Committee to be known as the Joint Standing Committee on Intelligence, which shall, subject to the Constitution, perform the oversight functions set out in this Act—

Wysiging van artikel 2A van Wet 39 van 1994, soos ingevoeg deur artikel 3 van Wet 67 of 2002

2. Artikel 2A van die Wet op Nasionale Strategiese Intelligensie, 1994, word hierby gewysig—

- (a) deur die woorde in subartikel (1) wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang: 5
 “Die betrokke lede van die Nasionale Intelligensiestrukture [**mag**] kan [veiligheidskeuringsondersoeke] ’n veiligheidskeuringsondersoek op die voorgeskrewe wyse uitvoer om die veiligheidsbevoegdheid van ’n persoon vas te stel indien so ’n persoon—”;
- (b) deur die voorbehoudsbepaling by subartikel (5) deur die volgende voorbehoudsbepaling te vervang: 10
 “: Met dien verstande dat waar die insameling van inligting in paragrawe (c) en (d) beoog die onderskepping en meeluistering van die kommunikasie van sodanige persoon verg, die betrokke lede hierdie werksaamheid [**dienooreenkomstig**] ooreenkomstig die [**bepalings van die Wet op die Verbod op Onderskepping en Meeluistering, 1992 (Wet No. 127 van 1992),**] Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting, 2002 (Wet No. 70 van 2002), [sal] moet uitvoer.”;
- (c) deur die volgende subartikel na subartikel (8) in te voeg: 20
 “(8A) Die Minister verantwoordelik vir die betrokke Nasionale Intelligensiestruktuur kan ’n appèlpaneel instel om hom of haar by te staan by die oorweging van ’n appèl aangeteken ingevolge hierdie Wet.”;
- (d) deur subartikel (10) deur die volgende subartikel te vervang: 25
 “(10) Die direktiewe in subartikel (9) beoog, [**sal**]—
 (a) moet met die goedkeuring van die Minister [uitgevaardig word], wat in oorleg met die Minister van Veiligheid en Sekuriteit en die Minister van Verdediging [sal] moet optree, uitgereik word; en [sal] 30
 (b) is ondanks enige ander wet op al die betrokke Nasionale Intelligensiestrukture van toepassing [wees].”.

Wysiging van artikel 1 van Wet 40 van 1994, soos gewysig deur artikel 1 van Wet 66 van 2002

3. Artikel 1 van die Wet op Toesig oor Intelligensiedienste, 1994, word hierby gewysig— 35

- (a) deur die volgende omskrywing na die omskrywing van “Dienste” in te voeg: 40
 “‘Direkteur’ Direkteur soos omskryf in artikel 1 van die Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting, 2002 (Wet No. 70 van 2002);”;
- (b) deur die volgende omskrywing na die omskrywing van “intelligensiediens” in te voeg: 45
 “‘Intelligensiedienste-entiteite’ Comsec, die Akademie en die Kantoor;”;
- (c) deur die volgende omskrywing na die omskrywing van “Intelligensiedienste-entiteite” in te voeg: 45
 “‘Kantoor’ Kantoor soos omskryf in artikel 1 van die Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting, 2002 (Wet No. 70 van 2002);”.

Wysiging van artikel 2 van Wet 40 van 1994, soos gewysig deur artikel 2 van Wet 66 van 2002 50

4. Artikel 2 van die Wet op Toesig oor Intelligensiedienste, 1994, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- “ (1) Daar word hierby ’n Parlementêre Komitee bekend as die Gesamentlike Staande Komitee oor Intelligensie ingestel, wat, behoudens die Grondwet, die 55
 toesighoudende werksaamhede verrig wat in hierdie Wet uiteengesit word—

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- (a) in relation to the intelligence and counter-intelligence functions of the Services, which include the administration, financial management and expenditure of the Services; and
- (b) in respect of the administration, financial management and expenditure of the Intelligence Services Entities, and report thereon to Parliament.” 5

Amendment of section 3 of Act 40 of 1994, as amended by section 3 of Act 66 of 2002

5. Section 3 of the Intelligence Services Oversight Act, 1994, is hereby amended—
- (a) by the substitution in paragraph (a)(i) for item (cc) of the following item: 10
“(cc) any reports issued by the Auditor-General on the affairs of the Services[, Academy and Comsec] and the Intelligence Services Entities.”;
- (b) by the substitution in paragraph (a) for subparagraph (iv) of the following subparagraph: 15
“(iv) the [Minister] Ministers responsible for [each Service,] the [Academy or Comsec] Services and the Intelligence Services Entities, a report regarding the budget for each Service[, the Academy or Comsec] or Entity for which he or she is responsible.”; and
- (c) by the substitution for paragraph (l) of the following paragraph: 20
“(l) to consider and report on the appropriation of revenue or moneys for the functions of the Services[, Academy and Comsec] and the Intelligence Services Entities.”.

Amendment of section 4 of Act 40 of 1994, as amended by section 4 of Act 66 of 2002

6. Section 4 of the Intelligence Services Oversight Act, 1994, is hereby amended— 25
- (a) by the substitution in subsection (3) for the words preceding the proviso of the following words: 30
“The Committee may, for the purposes of the performance of its functions, require any Minister responsible for a Service or an Intelligence Services Entity, the Head of a Service, the CEO, the Director or the Inspector-General[,] to appear before it to give evidence, to produce any document or thing and answer questions put to him or her”; and
- (b) by the substitution in subsection (3) for paragraph (c) of the following paragraph: 35
“(c) have the right to be assisted by members of [that Service, the Academy or Comsec, as the case may be] the Services or Intelligence Services Entities in question.”.

Amendment of section 7 of Act 40 of 1994, as substituted by section 7 of Act 66 of 2002 40

7. Section 7 of the Intelligence Services Oversight Act, 1994, is hereby amended—
- (a) by the substitution in subsection (7) for the words preceding paragraph (a) of the following words: 45
“The functions of the Inspector-General are, in relation to the [Service] Services—”;
- (b) by the substitution in subsection (7) for paragraph (d) of the following paragraph: 50
“(d) to submit the certificates [to every Minister responsible for a Service pursuant to] contemplated in subsection (11)(c) to the relevant Ministers.”; and

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- (a) met betrekking tot die intelligensie- en teenintelligensiefunksies van die Dienste, wat insluit administrasie, finansiële bestuur en besteding van die Dienste; en
- (b) ten opsigte van die administrasie, finansiële bestuur en besteding van die Intelligensiedienste-entiteite,
5 en daaroor aan die Parlement verslag doen.”.

Wysiging van artikel 3 van Wet 40 van 1994, soos gewysig deur artikel 3 van Wet 66 van 2002

5. Artikel 3 van die Wet op Toesig oor Intelligensiedienste, 1994, word hierby gewysig— 10

- (a) deur item (cc) in paragraaf (a)(i) deur die volgende item te vervang:
“(cc) enige verslae wat deur die Ouditeur-generaal uitgereik is oor die sake van die Dienste, Akademie en Comsec en die Intelligensiedienste-entiteite.”;
- (b) deur subparagraaf (iv) in paragraaf (a) deur die volgende subparagraaf te vervang: 15
“(iv) van die [Minister] Ministers wat vir [elke Diens,] die [Akademie of Comsec] Dienste en die Intelligensiedienste-entiteite verantwoordelik is, ’n verslag betreffende die begroting vir elke Diens, die Akademie of Comsec of Entiteit waarvoor hy of sy verantwoordelik is, te verkry.”; en 20
- (c) deur paragraaf (l) deur die volgende paragraaf te vervang:
“(l) om die bewilliging van inkomste of gelde vir die werksaamhede van die Dienste, Akademie en Comsec en die Intelligensiedienste-entiteite te oorweeg en daaroor verslag te doen.”. 25

Wysiging van artikel 4 van Wet 40 van 1994, soos gewysig deur artikel 4 van Wet 66 van 2002

6. Artikel 4 van die Wet op Toesig oor Intelligensiedienste, 1994, word hierby gewysig —

- (a) deur die woorde wat die voorbehoudsbepaling in subartikel (3) voorafgaan, 30 deur die volgende woorde te vervang:
“Die Komitee kan vir [die] doeleindes van die verrigting van sy werksaamhede van enige Minister wat vir ’n Diens verantwoordelik is, of ’n Intelligensiedienste-entiteit, die Hoof van ’n Diens, die HUB, die Direkteur of die Inspekteur-generaal vereis om voor hom te verskyn ten einde getuienis af te lê, enige stuk of saak voor te lê en vrae wat aan hom of haar gestel word, te beantwoord”; en 35
- (b) deur paragraaf (c) in subartikel (3) deur die volgende paragraaf te vervang:
“(c) die reg hê om bygestaan te word deur lede van [daardie Diens, die Akademie of Comsec, na gelang van die geval] die betrokke Dienste of Intelligensiedienste-entiteite.”. 40

Wysiging van artikel 7 van Wet 40 van 1994, soos vervang deur artikel 7 van Wet 66 van 2002

7. Artikel 7 van die Wet op Toesig oor Intelligensiedienste, 1994, word hierby gewysig — 45

- (a) deur die woorde wat paragraaf (a) in subartikel (7) voorafgaan, deur die volgende woorde te vervang:
“Die werksaamhede van die Inspekteur-generaal met betrekking tot die [Diens] Dienste is—”; 45
- (b) deur paragraaf (d) in subartikel (7) deur die volgende paragraaf te vervang: 50
“(d) om die sertifikate [ingevoelge] beoog in subartikel (11)(c) voor te lê [aan enige Minister wat vir ’n Diens verantwoordelik is] aan die tersaaklike Ministers.”; en

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(c) by the insertion after subsection (12) of the following subsection:

“(12A) The National Commissioner of the South African Police Service and the Chief of the South African National Defence Force may, if requested by the Inspector-General, second employees of the Service or the Force, as the case may be, to the office of the Inspector-General with the consent of the employees concerned and in terms of the laws governing the secondment in question.”.

Amendment of section 1 of Act 65 of 2002

8. Section 1 of the Intelligence Services Act, 2002, is hereby amended—

(a) by the substitution for the definition of “counter-intelligence” of the following definition:

“ ‘counter-intelligence’ means counter-intelligence as defined in section 1 of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994);” and

(b) by the substitution for the definition of “former member” of the following definition:

“ ‘former member’ means any member of the Intelligence Services or the Academy whose services have been terminated for any reason;”.

Amendment of section 10 of Act 65 of 2002

9. Section 10 of the Intelligence Services Act, 2002, is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The Director General concerned or the Chief Executive Officer, as the case may be, may, in a prescribed manner and subject to the **[directions] approval** of the Minister and the provisions of this Act, **[make such rules and] issue [such directions as he or she may deem expedient for the efficient command and control of the Intelligence Services or the Academy, as the case may be]** functional directives applicable to—

(a) conditions of service and human resources of the Intelligence Services or the Academy, as the case may be: Provided that such functional directives must be submitted to the Intelligence Services Council for consideration; and

(b) any other matter he or she may deem expedient for the efficient command and control of the Intelligence Services or the Academy, as the case may be.”;

(b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“The Director-General concerned **[or the Chief Executive Officer]** may, in a prescribed manner, subject to the approval of the Minister and the provisions of this Act, issue functional directives applicable to—”;

(c) by the deletion in subsection (3) of paragraph (e).

Amendment of section 11 of Act 65 of 2002

10. Section 11 of the Intelligence Services Act, 2002, is hereby amended—

(a) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“If a designated judge as defined in section 1 of the **[Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992)] Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002)**, is satisfied, on the grounds mentioned in a written application complying with directives issued under subsection (5), that—”;

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(c) deur die volgende subartikel na subartikel (12) in te voeg:

“(12A) Die Nasionale Kommissaris van die Suid-Afrikaanse Polisiediens en die Hoof van die Suid-Afrikaanse Nasionale Weermag kan, indien deur die Inspekteur-generaal versoek, werknemers van die Diens of die Mag, na gelang van die geval, sekondeer aan die kantoor van die Inspekteur-generaal met die toestemming van die betrokke werknemers en ingevolge die wette wat die betrokke sekondering reël.” 5

Wysiging van artikel 1 van Wet 65 van 2002

8. Artikel 1 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

(a) deur die omskrywing van “counter-intelligence” in die Engelse teks deur die volgende omskrywing te vervang: 10

“‘counter-intelligence’ means counter-intelligence as defined in section 1 of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994);” en

(b) deur die omskrywing van “gewese lid” deur die volgende omskrywing te vervang: 15

“‘gewese lid’ enige lid van die Intelligensiedienste of die Akademie wie se dienste om enige rede [**geëindig het**] beëindig is;”.

Wysiging van artikel 10 van Wet 65 van 2002

9. Artikel 10 van die Wet op Intelligensiedienste, 2002, word hierby gewysig— 20

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval, kan, op ’n voorgeskrewe wyse en behoudens die [lasgewings] goedkeuring van die Minister en die bepaling van hierdie Wet, [die reëls uitvaardig en die lasgewings] funksionele direktiewe uitreik [wat hy of sy dienstig ag vir die doeltreffende bevel en beheer van die Intelligensiedienste of die Akademie, na gelang van die geval] wat van toepassing is op— 25

(a) diensvoorwaardes en mensehulpbronne van die Intelligensiedienste of die Akademie, na gelang van die geval: Met dien verstande dat sodanige funksionele direktiewe vir oorweging voorgelê moet word aan die Intelligensiediensteraad; en 30

(b) enige ander aangeleentheid wat hy of sy dienstig ag vir die doeltreffende bevel en beheer van die Intelligensiedienste of die Akademie, na gelang van die geval.”; 35

(b) deur die woorde wat paragraaf (a) in subartikel (3) voorafgaan, deur die volgende woorde te vervang:

“Die betrokke Direkteur-generaal [of die Hoof- Uitvoerende Beampte mag] kan, op ’n voorgeskrewe wyse, [onderworpe aan] behoudens die goedkeuring van die Minister en die bepaling van hierdie Wet, funksionele direktiewe [uitvaardig] uitreik wat van toepassing is op—; 40

en

(c) deur paragraaf (e) in subartikel (3) te skrap.

Wysiging van artikel 11 van Wet 65 van 2002

10. Artikel 11 van die Wet op Intelligensiedienste, 2002, word hierby gewysig— 45

(a) deur die woorde wat paragraaf (a) in subartikel (2) voorafgaan, deur die volgende woorde te vervang:

“Indien ’n aangewese regter soos omskryf in artikel 1 van die [**Wet op die Verbod op Onderskepping en Meeluistering, 1992 (Wet No. 127 van 1992)] Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting, 2002 (Wet No. 70 van 2002)**, om die redes genoem in ’n skriftelike aansoek wat voldoen aan die lasgewings wat kragtens subartikel (5) uitgereik is, oortuig is dat—”; en 50

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- (b) by the substitution in subsection (3) for paragraph (b) of the following paragraph:

“(b) A direction referred to in paragraph (a) may be executed by a member of the Intelligence Services who is authorised to do so by a senior member of such Intelligence Services holding a post of at least a **[director] General Manager.**” 5

Amendment of section 12 of Act 65 of 2002

11. Section 12 of the Intelligence Services Act, 2002, is hereby amended by the substitution in subsection (2) for paragraphs (a), (b) and (c) of the following paragraphs, respectively: 10

- “(a) acquire **[or hire]** any immovable property, with or without any buildings thereon which is necessary for the efficient functioning of the Intelligence Services or the Academy, and erect or maintain any buildings on the property so acquired and, **[with the concurrence of the Minister of Finance]** subject to section 70 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), supply guarantees, indemnities and securities for those purposes; 15
- (b) sell or otherwise dispose of immovable property which is no longer required for any purpose contemplated in paragraph (a);
- (c) acquire **[and]**, hire or utilise any movable property and any other equipment which may be necessary for the efficient functioning of the Intelligence Services or the Academy; 20
- [(c)](d)** **[with the concurrence of the Minister of Finance,]** sell, let or otherwise dispose of **[any immovable property, with or without any building thereon, and]** anything **[referred to]** contemplated in paragraph [(b)] (c), which is no longer required for the said purposes.” 25

Amendment of section 14 of Act 65 of 2002

12. Section 14 of the Intelligence Services Act, 2002, is hereby amended—

- (a) by the substitution in subsection (2) for the proviso of the following proviso: 30
 “: Provided that where the gathering of information contemplated in paragraphs (c) and (d) requires the interception and monitoring of the communication of such a person, the Intelligence Services must perform this function in accordance with the **[provisions of the Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992)]** Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002).”; 35
- (b) by the substitution in subsection (7) for the words preceding paragraph (a) of the following words: 40
 “If the certificate referred to in subsection [(2)] (5) is withdrawn, **[such] the member concerned** is deemed unfit for further membership of the Intelligence Services or the Academy, as the case may be, and the Minister may—”;
- (c) by the substitution in subsection (8) for paragraph (a) of the following paragraph: 45
 “(a) A person whose security clearance has been degraded, withdrawn or refused by the Director-General may, in the prescribed manner, appeal to the Minister.”;
- (d) by the substitution for subsection (10) of the following subsection: 50
 “(10) All the provisions regarding security screening investigations, applicable to a person contemplated in subsection (1), **[applies]** apply to the security screening of [members] a member contemplated in subsection (9).”; and
- (e) by the addition of the following subsection: 55
 “(11) The Minister may, in a prescribed manner, for the purposes of any appeal lodged in terms of this Act, establish a panel of appeal to assist him or her to consider any such appeal.”.

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- (b) deur paragraaf (b) in subartikel (3) deur die volgende paragraaf te vervang:
 “(b) ’n Lasgewing in paragraaf (a) bedoel, kan uitgevoer word deur ’n lid van die Intelligensiedienste wat gemagtig is om dit te doen deur ’n senior lid van sodanige Intelligensiedienste wat ’n pos van minstens **[direkteur] Algemene Bestuurder** beklee.”. 5

Wysiging van artikel 12 van Wet 65 van 2002

11. Artikel 12 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur paragrawe (a), (b) en (c) in subartikel (2) deur onderskeidelik die volgende paragrawe te vervang:

- “(a) enige onroerende eiendom, met of sonder enige geboue daarop, wat nodig is vir die doeltreffende funksionering van die Intelligensiedienste of die Akademie, verkry **[of huur]** en enige geboue oprig of in stand hou op die eiendom wat aldus verkry is en, **[met die instemming van die Minister van Finansies,]** behoudens artikel 70 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), waarborgte, vrywarings en sekuriteite vir daardie doeleindes verskaf; 10 15
- (b) onroerende eiendom wat nie langer vir enige doel beoog in paragraaf (a) vereis word nie, verkoop of andersins daarvoor beskik;
- (c) enige roerende eiendom en enige ander toerusting wat nodig is vir die doeltreffende funksionering van die Intelligensiedienste of die Akademie, verkry **[en]**, huur of benut; 20
- [(c)](d) [met die instemming van die Minister van Finansies, enige onroerende eiendom, met of sonder enige gebou daarop, en] enigiets in paragraaf [(b) bedoel] (c) beoog, wat nie meer vir die genoemde doeleindes nodig is nie, verkoop, verhuur of andersins daarvoor beskik.”. 25**

Wysiging van artikel 14 van Wet 65 van 2002

12. Artikel 14 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

- (a) deur die voorbehoudsbepaling in subartikel (2) deur die volgende voorbehoudsbepaling te vervang:
 “: Met dien verstande dat waar die insameling van inligting in paragrawe (c) en (d) **[bedoel]** beoog die onderskepping en meeluistering van die kommunikasie van sodanige persoon verg, die Intelligensiedienste hierdie werksaamheid ooreenkomstig die **[bepalings van die Wet op die Verbod op Onderskepping en Meeluistering, 1992 (Wet No. 127 van 1992),]** Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting, 2002 (Wet No. 70 van 2002), **[sal]** moet uitvoer.”; 30 35
- (b) deur die woorde wat paragraaf (a) in subartikel (7) voorafgaan, deur die volgende woorde te vervang:
 “Indien die sertifikaat **[waarna]** in subartikel [(2)] (5) **[verwys word]** bedoel, teruggetrek word, word **[sodanige]** die betrokke lid onbevoeg geag vir verdere lidmaatskap van die Intelligensiedienste of die Akademie, na gelang van die geval, en die Minister kan—”; 40
- (c) deur paragraaf (a) in subartikel (8) deur die volgende paragraaf te vervang:
 “(a) ’n Persoon wie se veiligheidsklaring deur die Direkteur-generaal aafgegradeer, teruggetrek of geweier is, kan, op die voorgeskrewe wyse, na die Minister appelleer.”; 45
- (d) deur subartikel (10) deur die volgende subartikel te vervang:
 “(10) Al die bepalings met betrekking tot veiligheidskeurings-ondersoeke wat op ’n persoon in subartikel (1) **[bedoel]** beoog van toepassing is, **[vind]** is van toepassing **[by]** op die veiligheidskeuring van **[lede]** ’n lid beoog in subartikel (9).”; en 50
- (e) deur die volgende subartikel by te voeg:
 “(11) Die Minister kan op ’n voorgeskrewe wyse vir doeleindes van enige appèl ingevolge hierdie Wet aangeteken, ’n appèlpaneel instel om hom of haar by te staan by die oorweging van enige sodanige appèl.”. 55

Amendment of section 20 of Act 65 of 2002

13. Section 20 of the Intelligence Services Act, 2002, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may in writing and on such conditions as he or she may deem fit delegate any power conferred upon or duty assigned to him or her by this Act, excluding any power conferred upon or duty assigned to him or her by sections 4(1)(a) and (b), 5(1), (2)(a) and (4)(c), 6(2), 9(3), (4), (5), (8) and (9), 10(1) [and], (2) and (3), 12(1)[,] and (2)(a) and [(c)] (b), 13(3), 14(6), (7), (8) [and], (9) and (11), 15[1](b) and (c), 16(2), 17(2), 18(3), 19[(1) and] (4), 21(2), 22(1), (5) and (7), 23(3)(a)(i) and (ii), 28(2), 30 and 37, to the Director-General concerned, the Chief Executive Officer or any other member of the Intelligence Services or the Academy, as the case may be.”.

Amendment of section 22 of Act 65 of 2002

14. Section 22 of the Intelligence Services Act, 2002, is hereby amended—

(a) by the insertion in subsection (3) after paragraph (b) of the following paragraph:

“(bA) to promote measures and set standards to ensure the effective and efficient performance and implementation of policies on human resources within the Academy or the Intelligence Services, as the case may be, and to make recommendations to the Minister;”;

(b) by the substitution in subsection (3)(c) for the words preceding subparagraph (i) of the following words:

“for the purposes of making recommendations as contemplated in paragraphs (a) [and], (b) and (bA)—”; and

(c) by the addition of the following subsections:

“(8) The Intelligence Services Council—

(a) is accountable to the Minister; and

(b) must at the end of each financial year submit a report on its activities and findings to the Minister.

(9) (a) The Minister must submit the report referred to in subsection (8)(b) to the Joint Standing Committee on Intelligence and to the Minister for the Public Service and Administration.

(b) The report must not contain confidential information that would be detrimental to national security.”.

Amendment of section 26 of Act 65 of 2002

15. Section 26 of the Intelligence Services Act, 2002, is hereby amended by the substitution in subsection (1) for paragraph (g) of the following paragraph:

“(g) being a member, discloses classified information or material to an unauthorised person without the permission of the Director-General concerned or the Chief Executive Officer, as the case may be.”.

Amendment of section 37 of Act 65 of 2002

16. Section 37 of the Intelligence Services Act, 2002, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Regulations contemplated in paragraphs (b) and (c) of subsection (1) must—

(a) as far as possible, be consistent with the general principles and objectives of the Medical Schemes Act, 1998 (Act No. 131 of 1998); and

(b) be made in consultation with the Minister responsible for the administration of the Medical Schemes Act, 1998 (Act No. 131 of 1998).”.

Wysiging van artikel 20 van Wet 65 van 2002

13. Artikel 20 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan skriftelik en op die voorwaardes wat hy of sy geskik ag, enige bevoegdheid of plig wat by hierdie Wet aan hom of haar verleen of hom of haar opgelê is, behalwe enige bevoegdheid aan hom of haar verleen of plig aan hom of haar opgelê by artikels 4(1) (a) en (b), 5(1), (2)(a) en (4)(c), 6(2), 9(3), (4), (5), (8) en (9), 10(1) [en], (2) en (3), 12(1)[,] en (2)(a) en [(c)](b), 13(3), 14(6), (7), (8) [en], (9) en (11) 15[(1)](b) en (c), 16(2), 17(2), 18(3), 19[(1) en] (4), 21(2), 22(1), (5) en (7), 23(3)(a)(i) en (ii), 28(2), 30 en 37, aan die betrokke Direkteur-generaal, die Hoof- Uitvoerende Beampte of enige ander lid van die Intelligensiedienste of die Akademie, na gelang van die geval, delegeer.”.

Wysiging van artikel 22 van Wet 65 van 2002

14. Artikel 22 of die Wet op Intelligensiedienste, 2002, word hierby gewysig—

(a) deur die volgende paragraaf in subartikel (3) na paragraaf (b) in te voeg: 15

“(bA) om maatreëls te bevorder en standaarde te stel om die doeltreffende en doelmatige uitvoering en implementering van beleidsrigtings oor mensehulpbronne binne die Akademie of die Intelligensiedienste, na gelang van die geval, te verseker en aanbevelings aan die Minister te doen;”;

(b) deur die woorde in subartikel (3)(c) wat subparagraaf (i) voorafgaan, deur die volgende woorde te vervang:

“ten einde aanbevelings te doen soos beoog in paragrafe (a) [en], (b) en (bA)—”; en

(c) deur die volgende subartikels by te voeg: 25

“(8) Die Intelligensiediensteraad—

(a) is aanspreeklik teenoor die Minister; en

(b) moet aan die einde van elke boekjaar 'n verslag oor sy aktiwiteite en bevindings aan die Minister voorlê.

(9) (a) Die Minister moet die verslag bedoel in subartikel (8)(b) aan die Gesamentlike Staande Komitee oor Intelligensie en aan die Minister vir die Staatsdiens en Administrasie voorlê. 30

(b) Die verslag mag nie vertroulike inligting bevat wat nadelig vir nasionale veiligheid sal wees nie.”.

Wysiging van artikel 26 van Wet 65 van 2002 35

15. Artikel 26 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur paragraaf (g) in subartikel (1) deur die volgende paragraaf te vervang:

“(g) synde 'n lid, geklassifiseerde inligting of materiaal aan 'n ongemagtigde persoon openbaar maak sonder die toestemming van die betrokke Direkteur-generaal of die Hoof- Uitvoerende Beampte, na gelang van die geval.”. 40

Wysiging van artikel 37 van Wet 65 van 2002

16. Artikel 37 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Regulasies in paragrafe (b) en (c) van subartikel (1) beoog, moet—

(a) sover moontlik, bestaanbaar wees met die algemene beginsels en oogmerke van die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998); en 45

(b) uitgevaardig word in oorleg met die Minister verantwoordelik vir die administrasie van die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998).”.

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Act No. 52, 2003 GENERAL INTELLIGENCE LAWS AMENDMENT ACT, 2003

Amendment of section 1 of Act 68 of 2002

17. Section 1 of the Electronic Communications Security (Pty) Ltd Act, 2002, is hereby amended—

- (a) by the substitution for the definition of “communication” of the following definition: 5
 “ ‘communication’ means communication as defined in section 1 of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002);” and
 (b) by the insertion after the definition of “this Act” of the following definition: 10
 “ ‘verification services’ means services designed to identify the origin or the integrity of an electronic communications security product, system or service.”

Amendment of section 9 of Act 68 of 2002

18. Section 9 of the Electronic Communications Security (Pty) Ltd Act, 2002, is hereby amended— 15

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 20
 “The Board is made up of not more than [nine] 12 members of whom—”;
 (b) by the substitution in subsection (1) for paragraph (a) of the following paragraph: 20
 “(a) one is designated by the Minister as non-executive chairperson;”;
 (c) by the substitution in subsection (1) for paragraph (c) of the following paragraph: 25
 “(c) the rest are additional non-executive members, consisting of—
 (i) one person representing the Department of Communications;
 (ii) one person representing the National Treasury; and
 (iii) persons [approved by the Minister] appointed on the [basis] grounds of their relevant expertise.”; and
 (d) by the insertion after subsection (1) of the following subsections: 30
 “(1A) The Minister must designate one of the non-executive members referred to in subsection (1)(c) as the deputy chairperson of the Board, who must act in the place of the chairperson if he or she is unable to perform his or her functions as chairperson.
 (1B) For each non-executive member of the Board contemplated in subsection (1)(c), the Minister may appoint an alternate, who may attend and vote at meetings of the Board on behalf of the non-executive member if that member is unable to attend. 35
 (1C) The term of office of an alternate member is the same of that of the non-executive member in respect of whom he or she is appointed and such alternate member vacates office if the relevant non-executive member vacates office. 40
 (1D) Sections 10, 11, 12 and 16 regarding remuneration and other conditions of appointment applicable to non-executive members of the Board apply with the necessary changes to alternate members.”. 45

Amendment of section 14 of Act 68 of 2002

19. Section 14 of the Electronic Communications Security (Pty) Ltd Act, 2002, is hereby amended by the addition of the following subsection:

- “(5) Notwithstanding any other law, the directors and employees of Comsec may be members of any medical scheme established in terms of the Intelligence Services Act, 2002 (Act No. 65 of 2002).” 50

Wysiging van artikel 1 van Wet 68 van 2002

17. Artikel 1 van die Wet op *Electronic Communications Security (Pty) Ltd*, 2002, word hierby gewysig—

- (a) deur die omskrywing van “kommunikasie” deur die volgende omskrywing te vervang: 5
“‘kommunikasie’ kommunikasie soos omskryf in artikel 1 van die Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting, 2002 (Wet No. 70 van 2002);”; en
- (b) deur die volgende omskrywing na die omskrywing van “telekommunikasie-diensverskaffer” in te voeg: 10
“‘verifiëringsdienste’ dienste ontwerp om die oorsprong of die integriteit van ’n sekerheidsproduk, -stelsel of -diens vir elektroniese kommunikasies te identifiseer;”.

Wysiging van artikel 9 van Wet 68 van 2002

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18. Artikel 9 van die Wet op *Electronic Communications Security (Pty) Ltd*, 2002, word hierby gewysig—

- (a) deur die woorde in subartikel (1) wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang: 20
“Die Raad bestaan uit hoogstens [nege] 12 lede, van wie—”;
- (b) deur paragraaf (a) in subartikel (1) deur die volgende paragraaf te vervang: 20
“(a) een as nie-uitvoerende voorsitter deur die Minister aangewys word;”;
- (c) deur paragraaf (c) in subartikel (1) deur die volgende paragraaf te vervang: 25
“(c) die res bykomende nie-uitvoerende lede is, wat bestaan uit—
 (i) een persoon wat die Departement van Kommunikasie verteenwoordig;
 (ii) een persoon wat die Nasionale Tesourie verteenwoordig; en
 (iii) persone wat [deur die Minister goedgekeur] aangestel is op grond van hulle tersaaklike kundigheid.”; en 30
- (d) deur die volgende subartikels na subartikel (1) in te voeg: 35
“(1A) Die Minister moet een van die nie-uitvoerende lede bedoel in subartikel (1)(c) as die adjunkvoorsitter van die Raad aanwys, wat moet waarneem in die plek van die voorsitter indien hy of sy nie sy of haar werksaamhede as voorsitter kan verrig nie.
(1B) Vir elke nie-uitvoerende lid van die Raad beoog in subartikel (1)(c), kan die Minister ’n plaasvervanger aanstel wat vergaderings van die Raad kan bywoon en daar namens die nie-uitvoerende lid kan stem indien daardie lid dit nie kan bywoon nie.
(1C) Die ampstermyn van ’n plaasvervangende lid is dieselfde as dié van die nie-uitvoerende lid ten opsigte van wie hy of sy aangestel is en sodanige plaasvervangende lid ontruim die amp indien die tersaaklike nie-uitvoerende lid die amp ontruim.
(1D) Artikel 10, 11, 12 en 16 betreffende vergoedings- en ander aanstellingsvoorwaardes van toepassing op nie-uitvoerende lede van die Raad is met die nodige veranderings van toepassing op plaasvervangende lede.”. 40 45

Wysiging van artikel 14 van Wet 68 van 2002

19. Artikel 14 van die Wet op *Electronic Communications Security (Pty) Ltd*, 2002, word hierby gewysig deur die volgende subartikel by te voeg: 50

- “(5) Ondanks enige ander wet kan die direkteure en werknemers van Comsec lede wees van enige mediese skema ingestel ingevolge die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002).”.

Act No. 52, 2003 GENERAL INTELLIGENCE LAWS AMENDMENT ACT, 2003**Amendment of section 17 of Act 68 of 2002**

20. Section 17 of the Electronic Communications Security (Pty) Ltd Act, 2002, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The Board must make its request within six months [after Comsec’s incorporation] of the incorporation of Comsec, and thereafter [in] every [second year] two years.” 5

Amendment of section 22 of Act 68 of 2002

21. Section 22 of the Electronic Communications Security (Pty) Ltd Act, 2002, is hereby amended by the addition of the following subsection:

“(3) A regulation made under this Act may not be published in the Gazette if such regulation—
 (a) relates to the conditions of service of the employees or members of the Board of Comsec; or
 (b) is likely to compromise national security.” 10

Amendment of section 23 of Act 68 of 2002

22. Section 23 of the Electronic Communications Security (Pty) Ltd Act, 2002, is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) contravenes section 7(6) or 17(1) or (2);” 15

Repeal of section 26 of Act 68 of 2002

23. Section 26 of the Electronic Communications Security (Pty) Ltd Act, 2002, is hereby repealed. 20

Repeal of Schedule 1 to Act 68 of 2002

24. Schedule 1 to the Electronic Communications Security (Pty) Ltd Act, 2002, is hereby repealed. 25

Amendment of laws

25. (1) The law mentioned in the first column of Schedule 1 is hereby amended to the extent set out in the third column of that Schedule.

(2) The laws mentioned in the first column of Schedule 2 are hereby amended to the extent set out in the third column of that Schedule. 30

Short title and commencement

26. (1) This Act is called the General Intelligence Laws Amendment Act, 2003, and, subject to subsections (2), (3) and (4), comes into operation on a date fixed by the President by proclamation in the *Gazette*.

(2) Sections 23 and 24 must be regarded as having come into operation on 27 February 2003. 35

(3) Section 25(1) must be regarded as having come into operation immediately after the Intelligence Services Act, 2002 (Act No. 65 of 2002), came into operation.

(4) Section 25(2) must be regarded as having come into operation on 28 February 2003. 40

ALGEMENE WYSIGINGSWET
OP INTELLIGENSIEWETTE, 2003

Wet No. 52, 2003

Wysiging van artikel 17 van Wet 68 van 2002

20. Artikel 17 van die Wet op *Electronic Communications Security (Pty) Ltd*, 2002, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die Raad moet sy versoek binne ses maande na die inkorporering van Comsec rig, en daarna [in] elke [tweede] twee jaar.”.

5

Wysiging van artikel 22 van Wet 68 van 2002

21. Artikel 22 van die Wet op *Electronic Communications Security (Pty) Ltd*, 2002, word hierby gewysig deur die volgende subartikel by te voeg:

“(3) ’n Regulasie wat kragtens hierdie Wet uitgevaardig is, mag nie in die Staatskoerant gepubliseer word nie indien sodanige regulasie—

10

(a) betrekking het op die diensvoorwaardes van die werknemers of lede van die Raad van Comsec; of

(b) nasionale veiligheid waarskynlik sal kompromitteer.”.

Wysiging van artikel 23 van Wet 68 van 2002

22. Artikel 23 van die Wet op *Electronic Communications Security (Pty) Ltd*, 2002, word hierby gewysig deur paragraaf (b) in subartikel (1) deur die volgende paragraaf te vervang:

“(b) artikel 7(6) of 17(1) of (2) oortree;”.

15

Herroeping van artikel 26 van Wet 68 van 2002

23. Artikel 26 van die Wet op *Electronic Communications Security (Pty) Ltd*, 2002, word hierby herroep.

20

Herroeping van Bylae 1 by Wet 68 van 2002

24. Bylae 1 by die Wet op *Electronic Communications Security (Pty) Ltd*, 2002, word hierby herroep.

Wysiging van wette

25

25. (1) Die wet genoem in die eerste kolom van Bylae 1 word hierby gewysig in die mate uiteengesit in die derde kolom van daardie Bylae.

(2) Die wette genoem in die eerste kolom van Bylae 2 word hierby gewysig in die mate uiteengesit in die derde kolom van daardie Bylae.

Kort titel en inwerkingtreeding

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26. (1) Hierdie Wet heet die Algemene Wysigingswet op Intelligensiewette, 2003, en, behoudens subartikel (2), (3) en (4), tree dit in werking op ’n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

(2) Artikels 23 en 24 moet geag word op 27 Februarie 2003 in werking te getree het.

(3) Artikel 25(1) moet geag word in werking te getree het onmiddellik na die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), in werking getree het.

35

(4) Artikel 25(2) moet geag word op 28 Februarie 2003 in werking te getree het.

SCHEDULE 1
LAW AMENDED
(Section 25(1))

No. and year of Act	Short title	Extent of amendment	5
Proclamation No. 103 of 1994	Public Service Act, 1994	<p>1. The amendment of section 1(1) by—</p> <p>(a) the substitution for the definition of “Agency” of the following definition:</p> <p style="padding-left: 2em;">“ ‘Agency’ means the <u>Agency as defined in section 1 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);</u>” and</p> <p>(b) the substitution for the definition of “Service” of the following definition:</p> <p style="padding-left: 2em;">“ ‘Service’ means the <u>Service as defined in section 1 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);</u>”.</p> <p>2. The amendment of section 2 by the substitution for subsection (3) of the following subsection:</p> <p style="padding-left: 2em;">“(3) Where persons employed in the [Intelligence Services or the] Academy, <u>the Agency or the Service</u> are not excluded from the provisions of this Act, those provisions shall apply only in so far as they are not contrary to the laws governing their service, and those provisions shall not be construed as derogating from the powers or duties conferred or imposed upon the [Intelligence Services or the] Academy, <u>the Agency or the Service.</u>”.</p> <p>3. The amendment of section 8 by the substitution in subsection (1)(a) for subparagraph (iii) of the following subparagraph:</p> <p style="padding-left: 2em;">“(iii) in the [Intelligence Services or the] Academy, <u>the Agency or the Service;</u> and”.</p>	<p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p>

ALGEMENE WYSIGINGSWET
OP INTELLIGENSIEWETTE, 2003

Wet No. 52, 2003

BYLAE 1

WET GEWYSIG

(Artikel 24(1))

No. en jaar van Wet	Kort titel	Omvang van wysiging	
Proklamasie No. 103 van 1994	Staatsdienswet, 1994	<p>1. Die wysiging van artikel 1(1) deur—</p> <p>(a) die omskrywing of “Agentskap” deur die volgende omskrywing te vervang: “ ‘Agentskap’ die <u>Agentskap soos omskryf in artikel 1 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);</u>”; en</p> <p>(b) die omskrywing van “Diens” deur die volgende omskrywing te vervang: “ ‘Diens’ die <u>Diens soos omskryf in artikel 1 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);</u>”.</p> <p>2. Die wysiging van artikel 2 deur subartikel (3) deur die volgende subartikel te vervang: “(3) Waar persone in diens van die [Intelligensiedienste of die] Akademie, die Agentskap of die Diens nie van die bepalings van hierdie Wet uitgesluit is nie, is daardie bepalings van toepassing slegs vir sover dit nie in stryd is met die wette wat hulle diens reël nie, en word daardie bepalings nie uitgelê as sou dit afbreuk doen aan die bevoegdheids of pligte wat aan die [Intelligensiedienste of die] Akademie, die Agentskap of die Diens verleen of opgedra is nie.”.</p> <p>3. Die wysiging van artikel 8 deur subparagraaf (iii) in subartikel (1)(a) deur die volgende subparagraaf te vervang: “(iii) in die [Intelligensiedienste of die] Akademie, die Agentskap of die Diens; en”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> <p>60</p>

SCHEDULE 2
LAWS AMENDED
(Section 25(2))

No. and year of Act	Short title	Extent of amendment	5
Act No. 81 of 1969	Security Services Special Account Act, 1969	<p data-bbox="941 439 1241 521">1. The substitution in section 2 for paragraph (a) of the following paragraph:</p> <p data-bbox="941 521 1241 1254">“(a) the performance of the function and the duty of the [National Intelligence Agency and the South African Secret Service as referred to in the National Strategic Intelligence Act, 1994] Intelligence Services as defined in section 1 of the Intelligence Services Act, 2002 (Act No. 65 of 2002), Comsec as defined in section 1 of the Electronic Communications Security (Pty) Ltd Act, 2002 (Act No. 68 of 2002), and the Office as defined in section 1 of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002); and”.</p> <p data-bbox="941 1283 1241 1339">2. The substitution for section 5 of the following section:</p> <p data-bbox="941 1361 1195 1391">“Investment of balances</p> <p data-bbox="941 1420 1241 1830">5. Moneys standing to the credit of the account which are not required for immediate use or as a reasonable working balance, may be invested in such manner as may be determined by the President[,] or Minister responsible for the National Intelligence Agency, the South African Secret Service, [or] the South African National Academy of Intelligence, Comsec or the Office with the concurrence of the Minister of Finance.”.</p>	<p data-bbox="1256 521 1295 551">10</p> <p data-bbox="1256 656 1295 685">15</p> <p data-bbox="1256 790 1295 819">20</p> <p data-bbox="1256 925 1295 954">25</p> <p data-bbox="1256 1059 1295 1088">30</p> <p data-bbox="1256 1193 1295 1223">35</p> <p data-bbox="1256 1328 1295 1357">40</p> <p data-bbox="1256 1462 1295 1491">45</p> <p data-bbox="1256 1597 1295 1626">50</p> <p data-bbox="1256 1731 1295 1760">55</p>

ALGEMENE WYSIGINGSWET
OP INTELLIGENSIEWETTE, 2003

Wet No. 52, 2003

BYLAE 2

WETTE GEWYSIG

(Artikel 24(2))

No. en jaar van Wet	Kort titel	Omvang van wysiging	5
Wet No. 81 van 1969	Wet op die Spesiale Rekening vir Veiligheidsdienste, 1969	<p>1. Die vervanging van paragraaf (a) in artikel 2 deur die volgende paragraaf: “(a) die verrigting van die funksie en die plig van die [Nasionale Intelligensie-agentskap en die Suid-Afrikaanse Geheimeiens soos bedoel in die Wet op Nasionale Strategiese Intelligensie, 1994] Intelligensiedienste soos omskryf in artikel 1 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), Comsec soos omskryf in artikel 1 van die Wet op <i>Electronic Communications Security (Pty) Ltd</i>, 2002 (Wet No. 68 van 2002), en die Kantoor soos omskryf in artikel 1 of die Wet op die Reëling van Onderskepping van Kommunikasies en Verstreking van Kommunikasieverwante Inligting, 2002 (Wet No. 70 van 2002); en”.</p> <p>2. Die vervanging van artikel 5 deur die volgende artikel:</p> <p>“Belegging van saldo’s</p> <p>5. Gelde waarmee die rekening gekrediteer is en wat nie vir onmiddellike gebruik of as ’n redelike bedryfsaldo nodig word nie, kan belê word op die wyse wat die President of Minister verantwoordelik vir die Nasionale Intelligensie-agentskap, die Suid-Afrikaanse Geheimeiens, [of] die Suid-Afrikaanse Nasionale Akademie van Intelligensie, Comsec of die Kantoor met die instemming van die Minister van Finansies bepaal, belê word.”.</p>	<p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> <p>60</p> <p>65</p>

Act No. 52, 2003 GENERAL INTELLIGENCE LAWS AMENDMENT ACT, 2003

No. and year of Act	Short title	Extent of amendment	
Act No. 84 of 1982	Protection of Information Act, 1982	<p>1. Amendment of section 1 by the substitution for the definition of "security matter" of the following definition:</p> <p>" 'security matter' includes any matter which is dealt with by—</p> <p>(a) Comsec as defined in section 1 of the <u>Electronic Communications Security (Pty) Ltd Act, 2002 (Act No. 68 of 2002)</u>;</p> <p>(b) the Intelligence Services or the Academy as defined in section 1 of the <u>Intelligence Services Act, 2002 (Act No. 65 of 2002)</u>; or</p> <p>(c) the Office as defined in section 1 of the <u>Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002)</u>,</p> <p>or which relates to the functions of [such] Comsec, the Intelligence Services, [or] the Academy or the Office or to the relationship existing between any person and [that such] Comsec, the Intelligence Services, [or] the Academy or the Office."</p>	5 10 15 20 25 30 35
Act No. 66 of 1995	Labour Relations Act, 1995	<p>1. Amendment of section 2 by the addition of the following paragraph:</p> <p>"(e) Comsec."</p>	40
Act No. 75 of 1997	Basic Conditions of Employment Act, 1997	<p>1. Amendment of section 1 by the addition to the definition of "public service" of the following paragraph:</p> <p>"(e) Comsec."</p> <p>2. Amendment of section 3(1) by the addition of the following paragraph:</p> <p>"(c) the directors and staff of <u>Comsec</u>."</p>	45 50

ALGEMENE WYSIGINGSWET
OP INTELLIGENSIEWETTE, 2003

Wet No. 52, 2003

No. en jaar van Wet	Kort titel	Omvang van wysiging
Wet No. 84 van 1982	Wet op die Beveiliging van Inligting, 1982	<p>Wysiging van artikel 1 deur die omskrywing van “veiligheidsaangeleentheid” deur die volgende omskrywing te vervang: “veiligheidsaangeleentheid” ook ’n aangeleentheid [waarmee] wat gehanteer word deur—</p> <p>(a) Comsec soos omskryf in artikel 1 van die Wet op <i>Electronic Communications Security (Pty) Ltd</i>, 2002 (Wet No. 68 van 2002);</p> <p>(b) die Intelligensiedienste of die Akademie soos omskryf in artikel 1 van die Wet op Intelligensiedienste, 2002 [handel] (Wet No. 65 van 2002); of</p> <p>(c) die Kantoor soos omskryf in artikel 1 of die Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasieverwante Inligting, 2002 (Wet No. 70 van 2002),</p> <p>of wat in verband staan met die werksaamhede van [daardie] Comsec, die Intelligensiedienste, [of] die Akademie of die Kantoor of met die verhouding tussen iemand en [daardie] Comsec, die Intelligensiedienste, [of] die Akademie of die Kantoor.”.</p>
Wet No. 66 van 1995	Wet op Arbeidsverhoudinge, 1995	<p>Wysiging van artikel 2 deur die volgende paragraaf by te voeg: “(e) Comsec.”.</p>
Wet No. 75 van 1997	Wet op Basiese Diensvoorwaardes, 1997	<p>1. Wysiging van die omskrywing van “staatsdiens” artikel 1 deur die volgende paragraaf by te voeg: “(e) Comsec.”.</p> <p>2. Wysiging van artikel 3(1) deur die volgende paragraaf by te voeg: “(c) die direkteure en personeel van Comsec.”.</p>

Act No. 52, 2003 GENERAL INTELLIGENCE LAWS AMENDMENT ACT, 2003

No. and year of Act	Short title	Extent of amendment	
Act No. 55 of 1998	Employment Equity Act, 1998	<p>1. Amendment of section 1 by the addition to the definition of "public service" of the following paragraph: <u>"(e) Comsec."</u>.</p> <p>2. Amendment of section 4 by the substitution for subsection (3) of the following subsection: <u>"(3) This Act does not apply to members of the National Defence Force, the National Intelligence Agency, the South African Secret Service or the South African National Academy of Intelligence or to the directors and staff of Comsec."</u>.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
Act No. 131 of 1998	Medical Schemes Act, 1998	<p>1. Amendment of section 1 by the insertion after the definition of "complaint" of the following definition: <u>" 'Comsec' means Electronic Communications Security (Pty) Ltd established by section 2 of the Electronic Communications Security (Pty) Ltd Act, 2002 (Act No. 68 of 2002);"</u>.</p> <p>2. Amendment of section 2 by the substitution for subsection (3) of the following subsection: <u>"(3) Notwithstanding the provisions of subsections (1) and (2), this Act shall not apply to the Agency, the Academy, [and] the Service and the directors and staff of Comsec."</u>.</p>	<p>25</p> <p>30</p> <p>35</p> <p>40</p>

ALGEMENE WYSIGINGSWET
OP INTELLIGENSIEWETTE, 2003

Wet No. 52, 2003

No. en jaar van Wet	Kort titel	Omvang van wysiging
Wet No. 55 van 1998	<i>Nawu wa Nzingano wa Mintirho, 1998</i>	<p>1. Wysiging in die Xitshongateks van die omskrywing van "Ntirho wa mfumo" in artikel 1 deur die volgende paragraaf by te voeg: "<i>(e) Comsec.</i>".</p> <p>2. Wysiging in die Xitshongateks van artikel 4 deur subartikel (3) deur die volgende subartikel te vervang: "(3) Nawu lowu a wu khumbi lava nga swirho swa Vathu ra Vusirhelelo bya Rixaka, Nhlango wa Vuhlori bya Rixaka, kumbe Ntirho wa Swahundla eAfrika Dzonga ([, or] the South African National Academy of Intelligence or) <u>Khumbe eka valawuri na vatrhi va Comsec.</u>".</p>
Wet No. 131 van 1998	Wet op Mediese Skemas, 1998	<p>1. Wysiging van artikel 1 deur die volgende omskrywing na die omskrywing van "boekjaar" in te voeg: "<u>Comsec' Electronic Communications Security (Pty) Ltd ingestel by artikel 2 van die Wet op Electronic Communications Security (Pty) Ltd, 2002 (Wet No. 68 van 2002);</u>".</p> <p>2. Wysiging van artikel 2 deur subartikel (3) deur die volgende subartikel te vervang: "(3) Ondanks die bepalings van subartikels (1) en (2) is hierdie Wet nie op die Agentskap, die Akademie, [en] die Diens en die direkteure en <u>personeel van Comsec van toepassing nie.</u>".</p>

