



Legislation updated to: 31 August 2007

CONTROL OF ACCESS TO PUBLIC PREMISES AND VEHICLES ACT 53 OF 1985

[ASSENTED TO 30 APRIL 1985]

[DATE OF COMMENCEMENT: 8 MAY 1985]

(Afrikaans text signed by the State President)

Regulations under this Act

DECLARATION OF THE ROAD ACCIDENT FUND AS A STATUTORY BODY (GN R209 in GG 27371 of 18 March 2005)

DELEGATION OF POWERS IN TERMS OF THE ACT published (GN 454 in GG 29897 of 25 May 2007)

NOTICE IN TERMS OF SECTIONS 1 AND 2(2)(g) published (GN 468 in GG 29913 of 1 June 2007)

ACT

To provide for the safeguarding of certain public premises and vehicles and for the protection of the people therein or thereon, and for matters connected therewith.

1 Interpretation

In this Act, unless the context indicates otherwise-

'authorized officer' means any person authorized by the owner of any public premises or any public vehicle to act in terms of the provisions of section 2;

'dangerous object' means any explosive or incendiary material, any explosive or incendiary device, any firearm, and any gas, material, weapon or other article, object or instrument which may be employed to cause bodily harm to a person, or to render a person temporarily paralysed or unconscious, or to cause damage to property, as well as anything which the Minister may by notice in the *Gazette* declare to be a dangerous object for the purposes of this Act;

'local authority' means-

- (a) any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act 32 of 1961);
- (b) a community council established under section 2 (1) of the Community Councils Act, 1977 (Act 125 of 1977);
- (c) a town council or village council established under section 2 (a) or (b) of the Black Local Authorities Act, 1982 (Act 102 of 1982);
- (d) a development board specified under section 3 (1) of the Black Communities Development Act, 1984 (Act 4 of 1984);

'Minister' means the Minister of Law and Order;

'owner of any public premises or any public vehicle' means the head of the department of State, division, office or other body which occupies or uses those premises or that vehicle or is in charge thereof, as the case may be;

'public premises' means any building, structure, hall, room, office, convenience, land, enclosure or water surface which is the property of, or is occupied or used by, or is under the control of, the State or a statutory body, and to which a member of the public has a right of access, or is usually admitted or to which he may be admitted;

'public vehicle' means any vehicle, conveyance, ship, boat, craft or aircraft which is the property or under the control of the State or a statutory body, and which is used for the transport, for profit or otherwise, of members of the public;

'statutory body' means-

- (a) any council, board or body established by or under any law and which is maintained in whole or in part out of moneys appropriated by Parliament for that purpose, and of which the administrative staff consists wholly or mainly of persons who are subject to the Public Service Act, 1984 (Act 111 of 1984);
- (b) any local authority; and
- (c) any other council, board or body which the Minister may by notice in the *Gazette*¹* declare to be a statutory body for the purposes of this Act.

2 Access to public premises and vehicles

(1) Notwithstanding any rights or obligations to the contrary and irrespective of how those rights or obligations arose or were granted or imposed, the owner of any public premises or any public vehicle may-

- (a) take such steps as he may consider necessary for the safeguarding of those premises or that vehicle and the contents thereof, as well as for the protection of the people therein or thereon;
- (b) direct that those premises or that vehicle may only be entered or entered upon in accordance with the provisions of subsection (2).

(2) No person shall without the permission of an authorized officer enter or enter upon any public premises or any public vehicle in respect of which a direction has been issued under subsection (1) (b), and for the purpose of the granting of that permission an authorized officer may require of the person concerned that he-

- (a) furnish his name, address and any other relevant information required by the authorized officer;
- (b) produce proof of his identity to the satisfaction of the authorized officer;
- (c) declare whether he has any dangerous object in his possession or custody or under his control;
- (d) declare what the contents are of any vehicle, suitcase, attaché case, bag, handbag, folder, envelope, parcel or container of any nature which he has in his possession or custody or under his control, and show those contents to him;
- (e) subject himself and anything which he has in his possession or custody or under his control to an examination by an electronic or other apparatus in order to determine the presence of any dangerous object;

- (f) hand to an authorized officer anything which he has in his possession or custody or under his control for examination or custody until he leaves the premises or vehicle;
- (g) in the case of premises or a vehicle or a class of premises or vehicles determined by the Minister by notice in the *Gazette*,^{2*} be searched by an authorized officer.

(3) (a) Where an authorized officer grants permission in terms of subsection (2), he may do so subject to conditions regarding the carrying or displaying of some form of proof that the necessary permission has been granted, the persons on or in the premises or vehicle with whom he may not come into contact, the part of the premises or vehicle which he may not enter upon, the duration of his presence on or in the premises or vehicle, the escorting of the person concerned while he is on or in the premises or vehicle, and such other requirements as he may consider necessary.

(b) Without prejudice to the provisions of the Trespass Act, 1959 (Act 6 of 1959), an authorized officer may at any time remove any person from any public premises or public vehicle if-

- (i) that person enters or enters upon the premises or vehicle concerned without the permission contemplated in subsection (2);
- (ii) that person refuses or fails to observe a condition contemplated in paragraph (a);
- (iii) the authorized officer considers it necessary for the safeguarding of the premises or vehicle concerned or the contents thereof or for the protection of the people therein or thereon.

(4) If it is not practicable to examine or keep in custody on or in the premises or vehicle concerned anything which may be examined or kept in custody under subsection (2), it may be removed to a suitable place for that purpose.

(5) The search of a woman under subsection (2) (g) may be carried out only by a woman.

3 Exemption of certain persons

The provisions of section 2 (2) do not apply in respect of any member of a police force established by or under any law or a member of the South African Defence Force who is required in the performance of his functions to enter or enter upon any public premises or public vehicle and who produces proof of his identity to the satisfaction of the authorized officer concerned.

4 Offences

Any person who-

- (a) contravenes the provisions of section 2 (2);
- (b) for the purposes of this Act makes a statement or furnishes information which is false in a material particular, knowing it to be false;
- (c) refuses or fails to observe any condition contemplated in section 2 (3) (a);
- (d) holds himself out to be an authorized officer;
- (e) obstructs, hinders, resists or interferes with an authorized officer in the performance of his functions,

is guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding two years or to both that fine and that

imprisonment.

5 Delegation of powers of Minister

The Minister may by notice in the *Gazette* delegate any of his powers under this Act to the incumbent of any post.

6 Operation of Act with regard to other laws

(1) The provisions of this Act apply in addition to, and not in substitution for, the provisions of any other law relating to the protection of people or property.

(2) The provisions of this Act do not exempt any person from complying with any obligation in terms of which he is required to enter or enter upon any public premises or any public vehicle.

7 Short title

This Act is called the Control of Access to Public Premises and Vehicles Act, 1985.

¹The Airports Company South Africa Limited (ACSA) was declared a statutory body under GN 468 in GG 29913 of 1 June 2007.

²GN 468 in GG 29913 of 1 June 2007:

The premises and vehicles under the control of the Airports Company South Africa Limited (ACSA), at the-

- (i) Oliver Tambo International Airport;
- (ii) Cape Town International Airport;
- (iii) Durban International Airport;
- (iv) Kimberley International Airport;
- (v) Bloemfontein International Airport;
- (vi) George International Airport;
- (vii) Port Elizabeth International Airport;
- (viii) East London International Airport;
- (ix) Pilansberg International Airport; and
- (x) Upington International Airport,

are premises and vehicles contemplated in section 2 (2) (g).

COPYRIGHT NOTICE

"Copyright subsists in this content, © 2007 Juta and Company, Cape Town, South Africa; all rights reserved; No part of this content may be reproduced, re-published, re-used, reprinted, digitised, adapted, performed in public, broadcast, disseminated or stored in any manner or form, whether for commercial or non-commercial purposes, without prior written authorisation; contact Juta and Company for permissions and authorisations of any kind, EMAIL: statutes@juta.co.za, tel +27 (0)21 763 3500, fax +27 (0)21 7970121, ADDRESS: Mercury Crescent, Wetton, 7780, Cape Town, South Africa."