

	Standard	
---	-----------------	--

Title: **Contractor Access
Control Standard**

Document Identifier: **32-0126M**

Alternative Reference Number: **N/A**

Area of Applicability: **Eskom Holdings SOC Ltd**

Functional Area: **Security**

Revision: **1**

Total Pages: **19**

Next Review Date: **January 2027**

Disclosure Classification: **Controlled Disclosure**

Compiled by

Functional Responsibility

Authorised by







**N Spaumer
Senior Manager
Business Enablement**

**R Govender
Senior Manager
Security Solutions
Physical (Acting)**

**B Sikhwitshi
General Manager
Security (Acting)**

Date: 2023/12/28

Date: 2023/12/28

Date: 29/12/2023

Content

	Page
1. Introduction.....	3
1.1 Scope.....	3
1.1.1 Purpose.....	3
1.1.2 Applicability	3
1.1.3 Normative/Informative references.....	3
1.2 Definitions	5
1.3 Abbreviations	6
1.4 Roles and responsibilities.....	6
1.4.1 Contract manager.....	6
1.4.2 Security manager	7
1.4.3 Contractor or consultant	8
1.4.4 Procurement manager.....	8
2. Access control.....	8
3. Overview: access control process.....	9
3.1 Process	9
3.2 Screening.....	10
3.3 Legislative and regulatory provisions.....	11
3.4 Bringing personal equipment to site.....	11
3.5 Prohibited items.....	11
3.6 Revoking of access rights.....	11
3.7 Process for monitoring.....	12
3.8 Contractor's permits	12
3.9 Vehicle access	12
4. Principles of access control	12
5. Protection of personal information	13
7. Authorisations.....	14
8. Revisions.....	14
Appendix A – Criminal Procedure Act	15

CONTROLLED DISCLOSURE

1. Introduction

Eskom's "Zero Harm" policy ensures the protection and safety of all staff members, visitors, contractors, and consultants/agents who could be working at Eskom's sites. The objective of access control is to regulate access and to ensure that unauthorised access is prevented.

This standard prescribes baseline security measures that shall apply with regard to conducting contractor access control at Eskom sites and facilities. The standard contains both prescriptive security requirements, indicated by the use of the word "must", and recommended security measures, indicated by the use of the word "should". This standard shall be used at all Eskom sites and its subsidiaries to structure (or restructure) the contractor access control process with the aim of a standardised set of measures being applied within Eskom.

Eskom, as a state-owned company (SOC), must comply with the requirements of Paragraph 5 of Chapter 5 of the Minimum Information Security Standards (MISS) and has to implement a screening process that intends to identify individuals who might or could, through their actions and/or behaviour, pose a risk to the operations of Eskom Holdings SOC Ltd.

Security personnel must consistently comply with this contractor access control standard to safeguard Eskom's sites. This is for everyone's security and protection. Eskom reserves the right to grant access to a protected or security-controlled location.

1.1 Scope

1.1.1 Purpose

The purpose of this standard is to set the fundamental principles and security posture for contractor access control at Eskom premises. The purpose is, furthermore, to create a safe working environment for employees, to control access to, and egress from, Eskom sites, and to keep the assets safe from any acts of criminality.

1.1.2 Applicability

This standard shall apply throughout Eskom Holdings Limited divisions.

1.1.3 Normative/Informative references

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs.

CONTROLLED DISCLOSURE

1.1.3.1 Normative

- [1] ISO 9001 Quality Management Systems
- [2] ISO 27000 Information Security Management Systems
- [3] Minimum Information Security Standards (MISS), 1996
- [4] National Key Points Act 102 of 1980
- [5] National Strategic Intelligence Act 39 of 1994
- [6] Basic Conditions of Employment Act 75 of 1997
- [7] Labour Relations Act 66 of 1995
- [8] Firearms Control Act 60 of 2000
- [9] Critical Infrastructure Protection Act 8 of 2019
- [10] Control of Access to Public Premises and Vehicles Act 53 of 1985
- [11] Trespass Act 6 of 1959
- [12] Criminal Procedure Act 51 of 1977
- [13] Nuclear Energy Act 92 of 1982
- [14] Constitution of the Republic of South Africa Act 108 of 1996
- [15] Occupational Health and Safety Act 85 of 1993
- [16] Private Security Industry Regulation Act 56 of 2001
- [17] Protection of Personal Information Act 4 of 2013
- [18] 240-66963836: Process Control Manual for Manage Security Operations

1.1.3.2 Informative

- [1] 32-86: Integrated Risk Management Policy
- [2] 32-84: Security Management Policy
- [3] 32-727: Safety, Health, Environment, and Quality Policy
- [4] 32-85: Information Security Policy
- [5] 240-53716911: Overarching Group Information Technology (IT) Policy
- [6] 238-14: Physical Protection Measures for Nuclear Power Stations and Facilities
- [7] GSR (Government Security Regulator) Minimum Physical Security Standards (MPSS)

CONTROLLED DISCLOSURE

1.2 Definitions

Term	Explanation
Personal data	Personal data is any information that relates to an individual who can be directly or indirectly identified.
Access control	A system that controls the ability of people or vehicles to enter a protected area by means of authentication and authorisation at access control points.
Business/ Operating unit manager	A person appointed as a manager responsible for a business or operating unit, for example, a power station, a distribution region/area, a transmission grid/area, an office building, or a complex/installation.
Dangerous object	An object, any explosive or incendiary material, any explosive or incendiary device, any firearm, and any gas, material, weapon, or other article, object, or instrument that 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 that the Minister may by notice in the <i>Gazette</i> declare to be a dangerous object.
Eskom	Eskom Holdings SOC Ltd, its divisions, and its subsidiaries.
Prohibited item	Any object, apparatus, or equipment or parts of it that could be used to intercept, record, copy, or reproduce information other than that which is the property of the institution and may include incendiaries, alcoholic beverages, radios, cameras, narcotics or contraband, controlled substances, and personal electronic devices. It is expressly forbidden for anyone to take <i>dangerous objects</i> into any of the facilities owned or leased by Eskom. Anyone in possession of <i>dangerous objects</i> or any <i>prohibited items</i> must declare and hand them to security personnel at the reception for safekeeping.
Personal information	Information relating to an identifiable, living natural person.
Restricted area	An area established to safeguard classified or sensitive materials, information, systems, machinery, equipment, or items.
Processing	Any operation or activity or any set of operations, whether by automatic means or otherwise, concerning personal information, including the collection, receipt, recording, organisation, collation, storage, updating, modification, retrieval, alteration, consultation, or use, dissemination by means of transmission, distribution, or making available in any other form, or merging, linking, as well as restriction, degradation, erasure, or destruction of information.
Head of security	A person responsible for the protection/safeguarding of Eskom and its subsidiaries, assets, personnel, and information.
National key point (NKP)	A site that has been declared a national key point by the National Key Points Commission in accordance with the National Key Points Act 102 of 1980.

CONTROLLED DISCLOSURE

1.3 Abbreviations

Abbreviation	Explanation
AFIS	Automated Fingerprint Identification System
Afiswitch	Automated Fingerprint Identification System Switch
BU	Business unit
CCTV	Closed-circuit television
CRC	Criminal Record Centre
Dx	Distribution
ERE	Eskom Real Estate
ERI	Eskom Rotek Industries
GSR	Government Security Regulator
Gx	Generation
ID	Identity document
ISO	International Organization for Standardization
IT	Information technology
Ltd	Limited
MISS	Minimum Information Security Standards
MPSS	Minimum Physical Security Standards
NKP	National key point
POPI Act	Protection of Personal Information Act
RSA	Republic of South Africa
SANDF	South African National Defence Force
SAPS	South African Police Service
SOC	State-owned company
SOP	Standard operating procedure
Tx	Transmission

1.4 Roles and responsibilities

1.4.1 Contract manager

All Eskom's contract managers are responsible for the implementation of this standard and consequence management.

Before access can be granted, oversee the process to ensure that awarded contractors or their representatives submit evidence (in the form of screening results) to the security delegated team substantiating that their employees have successfully completed criminal checks verifications with the South African Police Service (SAPS) Criminal Record Centre (CRC) or an accredited supplier linked to the SAPS Automated Fingerprint Identification System (AFIS).

Ensure inclusion of the criminal check or screening requirement as an integral component of the New Engineering Contract (NEC) document during the tender process, the contractor to comply with the criminal check or screening requirement prior to the signing of the contract.

CONTROLLED DISCLOSURE

Stipulate a termination clause that, should the contractor after award fail to comply with the criminal screening process requirements and/or should critical staff identified as part of the contract fail the screening requirements, the contractor will be denied access to the Eskom site.

To ensure that contractor screening results and work permits for foreigners form part of the safety files submitted, only personnel with a cleared criminal record will go through safety induction.

Verify annually that the contractors have successfully completed criminal checks of their employees.

Notify Security of any contractual termination, resignation, or suspension within 24 hours of becoming aware of it, for the purpose of terminating access

Access to sites after hours, over weekends, and during non-operating hours shall be managed and controlled at site level, with strict records of all visits maintained.

Indicate expressly in documents sent to the private contractors for tendering returnable whether there are security implications that should be considered in advance when they perform their duties at Eskom sites.

All persons entering Eskom premises must adhere to Eskom's Life-Saving Rules and emergency procedures.

1.4.2 Security manager

The security manager is charged with effective entry and exit management to prevent unauthorised access, intentional or unintentional accidents, injuries, theft, or damage to property, in addition to violations of the law as they pertain to people and property.

The security manager is responsible for the enforcement of the provisions of the Control of Access to Public Premises and Vehicles Act 53 of 1985 for the purpose of safeguarding buildings or premises occupied or used by, or under the control of, Eskom.

The appointed security manager is responsible for implementing this standard and ensuring that clear site-specific standard operating procedures (SOPs) for contractor access control measures that are aligned with this standard, taking site risk factors into account, are developed, and consistently followed.

Ensure that visitor logs and access records for sites are maintained (manual or electronic) for periodic review in accordance with the importance of security and the sensitivity of the information being protected.

Incident reporting and investigation of security breaches shall be the responsibility of the responsible security manager and, in his/her absence, shall be the responsibility of the delegated official or the most senior security officer on duty at the time of the incident.

All security breaches must be recorded in the breaches register and reported to the Head of Group Security and to the relevant protecting authority when the site is registered as an NKP.

Revoke access rights in the event of contract termination or on receiving any form of notification regarding the expiry of the contract or criminal activities of contractor personnel.

Maintain records of any contractual termination, resignation, or suspension for the purpose of terminating access.

CONTROLLED DISCLOSURE

1.4.3 Contractor or consultant

Contractors requiring access to execute contractual work must adhere to the requirement of criminal record screening. Access authorisation will be based on presenting a clear criminal result.

Contractors shall be subject to searches, including vehicles, tools, equipment, objects, or materials, or anything else deemed appropriate for searching, at any time when entering or exiting Eskom premises.

Contractors requiring access to Eskom's sites to execute contractual work must adhere to the Contractor Access Control Standard.

Contractors are required to submit a clearance certificate obtained from South African Police Service (SAPS) Criminal Record Centre (CRC) or an accredited supplier linked to the SAPS Automated Fingerprint Identification System (AFIS), along with a copy of their identity document or passport, to the site security manager.

Contractors entering Eskom's sites must ensure that they are not in possession of any dangerous or illegal objects or substances.

It is strictly prohibited for contractors to access Eskom premises while under the influence of alcohol or illicit substances.

It is strictly prohibited for contractors to remove equipment or materials from Eskom sites without proper authorisation.

The contractor representative is obligated to communicate any resignations or suspensions to the Eskom contract manager and security manager.

Verify that replacement personnel have undergone criminal background checks and work permit verifications prior to reporting at all Eskom's sites.

Contractors, consultants, and other service providers are required to comply with the access control standard and security instructions to maintain a secure working environment at Eskom's sites.

1.4.4 Procurement manager

During the tender process, verify the inclusion of the criminal check or screening requirement as an integral component of the tender documents.

Brief all stakeholders, including suppliers, during the tender site clarification meeting on the criminal record screening requirements as the condition for access approval prior to the awarding of the contract.

Verify that standard contracting condition include the criminal record screening requirements as the condition for access approval.

Verify that the security screening clause is included as part of the NEC contract: *"acceptance of this tender is subject to the condition that the main contractor, its subcontractors, the company's management, and its employees will provide Eskom with a valid clear criminal record not older than thirty (90) days from a reputable screening company."*

2. Access control

Access control is the practice of restricting entry to, and exit from, and within a property, structure, or designated area to authorised personnel, vehicles, tools, equipment, and materials. The

CONTROLLED DISCLOSURE

management of access may be accomplished manually, technologically, or through a combination of the two.

The principle of access control requires the integration of hardware (physical barrier devices, such as card readers, turnstiles, and booms), software (logical processes), personnel, and procedure.

Access control is a security measure, in which several measures are applied to ensure that any contractor staff member requiring access to Eskom's sites:

- has a valid cause to enter and is not a threat.
- is authorised and permitted to do so; and
- that Eskom and its workers will not be exposed to risk or breaches of security during the presence of such a person or due to his/her acquiring access.

Access to Eskom's sites will only be granted on verification of a valid official barcoded Republic of South Africa (RSA) identification, official passport, official driver's licence, and/or valid Eskom-issued access permit.

3. Overview: access control process

Access control measures should be implemented, for example, perimeter fences, walls, gates, and booms; the installation of electronic access control systems; a CCTV camera; and a range of other measures, to detect and control access by unauthorised persons.

3.1 Process

Contractors entering Eskom premises must have the proper authorisation and adhere to the following:

- 3.1.1** The name list containing first and last names, identity numbers, and duration of the contract must be given to the Security Department by the contract manager at least 24 hours prior to the commencement of the contractual work for contract access cards to be issued.
- 3.1.2** Ad hoc or emergency access requests for maintenance, services, and other events can be provided by Security Services on request.
- 3.1.3** To ensure that the proper safety precautions are implemented, Eskom's personnel representative and security representative must escort the contractor to the worksite on the first visit.
- 3.1.4** Contract documents must include adherence to safety and security measures on site, and all contractors must complete security and safety induction before entrance to the site.
- 3.1.5** Contractors are required to abide by all security rules and regulations when operating at an Eskom site.
- 3.1.6** Contractors are required to abide by the security background check prior to the issuing of contractor access permits.
- 3.1.7** For contractor access control at all Eskom sites, including those controlled by Eskom subsidiaries, this standard must be adhered to.
- 3.1.8** Any blacklisted contractor shall not be permitted access to an Eskom facility or site under any circumstances.

CONTROLLED DISCLOSURE

3.2 Screening

- 3.2.1** A criminal background check is a security screening process aimed at ensuring a certain level of protection for the workforce, assets, and information. Eskom is implementing a screening process across the business, including permanent and contract employees.
- 3.2.2** The extent to which the company or contractor (company employees) will have access to sensitive information or critical plant areas at the installation in question is determined by the scope of work to be performed in terms of the contract awarded. The contractor's criminal check will, therefore, be implemented prior to authorising an individual's entrance to an Eskom site to determine the individual's background status.
- 3.2.3** It is the responsibility of contractor companies and representatives to ensure that the backgrounds of contractors are criminally checked or screened. Criminal background check results from the SAPS or Automated Fingerprint Identification System Switch (Afiswitch) accredited service providers must be submitted to Security for verification no later than 30 days prior to the issuance of access permits to national key points and Eskom sites.
- 3.2.4** Contractors who have previously been found guilty or paid admission of guilt fines for Schedule 3 (paragraph a to g) offences in the Criminal Procedure Act and the National Road Traffic Act 93 of 1996 will be exempted and allowed access to Eskom sites, while contractors found guilty of the remaining schedule offences will be denied access, refer to the attached schedule (*Appendix: A*).
- 3.2.5** All contractors working under existing contracts and new contracts shall comply with applicable laws and regulations regarding security and background checks when working in Eskom facilities. Should the contractual term exceed one year, the screening process for all contractor personnel shall be repeated every 12 months.
- 3.2.6** The screening results shall remain valid for a duration of 12 months.
- 3.2.7** The screening results presented for access authorisation should not be older than three months.
- 3.2.8** The contractor provides, at the contractor's costs, a criminal record clearance and work permit, submitted to Security before access is granted into a national key point and all other Eskom sites.
- 3.2.9** If the criminal record certificate is cancelled, withdrawn, invalidated, or amended, or expires, or a criminal conviction is noted against any contract employee, the contract manager may instruct the contractor to ensure that such employee leaves the site, and giving this instruction is not a compensation event.
- 3.2.10** If the principal contractor appoints a subcontractor, the principal contractor should ensure that its subcontractors or any of those subcontractors provide criminal record clearance certificates to it for each employee of the subcontractor before access is granted to any Eskom sites.
- 3.2.11** The screening requirement shall be part of the procurement or tender process, and relevant screening results documentation is required prior to contract awarding.
- 3.2.12** Each contractor requesting access must undergo an individual evaluation, with the results of the assessment documented.

The contractor may pursue expungement with the SAPS to have criminal records expunged, and Eskom may assess the outcomes before reaching a decision. Expungement is a legally sanctioned process whereby a criminal record is lawfully expunged from an individual's records on the National Criminal Register.

CONTROLLED DISCLOSURE

3.3 Legislative and regulatory provisions

Eskom Security is a regulated environment and subjected to a variety of legally binding and non-binding instruments. The access control standard complies with national legislation, security standards, and associated security directives.

Security is responsible for the enforcement of the provisions of the Control of Access to Public Premises and Vehicles Act 53 of 1985 for the purpose of safeguarding Eskom's buildings or premises occupied or used by, or under the control of, Eskom.

3.4 Bringing personal equipment to site

Where the contractor or consultant plans to bring personal equipment to the site, the following process must be followed:

Ensure that the equipment is declared to Security.

Ensure that the items to declare form (OV18) is completed by Security on the items to declare equipment.

Ensure that, when leaving the site, the items declared are verified by Security on the OV18 tool list.

Ensure compliance with site-specific equipment removal process-OV28 removal permits signed by authorised managers.

3.5 Prohibited items.

The following items are prohibited from Eskom's premises; if found in possession, then site access may be denied, and the host and Security Department must be informed:

Drugs and alcohol.

Weapons (for example, guns, tasers, or any item that could be considered a weapon).

3.6 Revoking of access rights

Access rights should be revoked in the following circumstances:

- **End of contract:** when a contractor's work engagement or contract comes to an end, access rights will be revoked promptly.
- **Security violations or breaches:** if a contractor is found to have violated security policies or engaged in any unauthorised or unethical activities, his/her access rights will be immediately revoked pending an investigation.
- **Contractor terminated or resigns:** if the contractor's contract is terminated prematurely or if the contractor resigns, access rights should be revoked as soon as possible to prevent any potential unauthorised access.
- **Security threat or compromise:** if there is reason to believe that a contractor's access rights have been compromised or that he/she poses a security threat, access should be revoked while further investigation takes place.

Revocation of access rights will be implemented to maintain the safety and security of Eskom's sites. It will be carried out in accordance with established procedures to minimise the risk of unauthorised access and security breaches. Communication with the contractor whose access is being revoked, combined with documentation, is to be provided for accountability and transparency in the revocation process.

CONTROLLED DISCLOSURE

3.7 Process for monitoring

Eskom's Assurance and Forensic Department and Security Business Enablement will carry out security audits to ensure compliance with this standard. Anyone or any contractor who does not or will not abide by the terms of this standard will not be permitted on Eskom's sites.

3.8 Contractor's permits

Contractor's permits are issued to contractors and consultants who visit Eskom's sites to perform work on a temporary basis within a security-controlled and protected site.

The access permit shall be valid for 12 months; renewal is subject to submission of positive screening results.

A declaration of tools and equipment in a contractor's possession must be completed; to establish his/her identity, he/she must also present an identity document (ID) or passport to be issued with a permit.

Permits shall be handed in as soon as the holder leaves the site.

No Eskom property shall leave the site without a valid removal permit in accordance with the equipment removal policy.

The permit system must ensure that permits are only signed by authorised managers.

3.9 Vehicle access

Vehicles will only be allowed into Eskom sites if they have an approved vehicle access permit.

Security shall be responsible for issuing and revoking vehicle access permits.

A vehicle access permit must be permanently displayed on the vehicle's front windscreen for the duration of the contractor's authorised deployment at Eskom's site(s).

Vehicle access permits shall remain Eskom's property and must be handed in on contract expiration, termination, resignation, or any other reason.

4. Principles of access control

This standard shall be governed by the following physical access control principles:

- Only **authorised** persons, vehicles, vessels, tools, equipment, objects, and materials shall be permitted to enter or leave Eskom premises. Specific designs and measures shall be considered to cater for the needs of individuals with special needs, disability, or impairment when implementing access control.
- Basic uniforms and consistent access control procedures shall be applied across all Eskom sites.
- Only the standard Eskom-approved electronic or manual access control system and measures shall be utilised to ensure optimal safety and security at all times.
- Every person entering Eskom premises must have a legitimate reason to be present and must be positively identified and screened by security officials on entry and exit.
- A complete and accurate record of the individual must be obtained and kept, including that of employees who visit the workplace after hours.

CONTROLLED DISCLOSURE

- All individuals who access an Eskom facility are required to declare any items they intend to bring inside the Eskom site.

5. Protection of personal information

- 5.1** All personal information obtained for purposes of contractor access control must be lawfully obtained, properly processed, and managed without any compromise to the integrity of the information and confidentiality.
- 5.2** Disclosure of any contractor or employee records shall be made available only for investigation purposes. An internal request for information shall be submitted to the respective BU security manager.
- 5.3** A request for information from external agencies/parties shall be directed to the Head of Group Security or his/her delegated representative.
- 5.4** POPI Act exclusions:

The POPI Act automatically does not apply to the processing of personal information in the following instances:

5.4.1 Processing personal information by, or on behalf of, a public body:

- which involves national security; and
- for the purpose of prevention, detection, and assistance in the identification of the proceeds of unlawful activities.

5.4.2 Public interest to process information outweighs the privacy of the data subject, which includes:

- interest of national security; and
- prosecution or offences.

5.4.3 Processing involves a clear benefit to the data subject or a third party.

6. Enforcement

All security breaches constituting a criminal offence must be reported according to the prescribed process, including to the SAPS for criminal investigation purposes.

Contractors who violate Eskom's access control procedure shall face disciplinary action, have their access rights revoked, or have their contract terminated.

CONTROLLED DISCLOSURE

7. Authorisations

This document has been seen and accepted by:

Name	Designation
Botse Sikhwitshi	General Manager: Group Security (Acting)
Peter Malitsha	Senior Manager: Security Investigation
Nomsa Spaumer	Senior Manager: Business Enablement
Remone Govender	Senior Manager: Security Solutions Physical (Acting)
Melvin Murugen	Security Middle Manager: Tx
Motlhatlhani Khunou	Security Middle Manager: ERI
Thembinkosi Mbolekwa	Security Middle Manager: ERE
Ridwan Haffajee	Security Middle Manager: Dx
Monette Heath	Security Middle Manager: Gx
Maria Bowes	Senior Manager: Procurement Risk Governance
Sthembiso Vezi	Senior Manager: Legal

8. Revisions

Date	Rev.	Remarks
December 2023	01	Initial development

CONTROLLED DISCLOSURE

Appendix A – Criminal Procedure Act

A.1 Schedules of offences

<p style="text-align: center;">Schedule 1 (Sections 40 and 42)</p> <p>[Schedule 1 substituted by s. 17 of Act 26 of 1987, amended by s. 8 of Act 122 of 1998, substituted by s. 68 of Act 32 of 2007 and amended by s. 11 of Act 13 of 2013.]</p> <p>[NB: Schedule 1 has been amended by s. 48 of the Prevention and Combating of Trafficking in Persons Act 7 of 2013, a provision which will be put into operation by proclamation.</p> <p style="padding-left: 40px;">Treason. Sedition. Public violence. Murder. Culpable homicide.</p> <p>Rape or compelled rape as contemplated in sections 3 and 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.</p> <p>Sexual assault, compelled sexual assault or compelled self-sexual assault as contemplated in section 5, 6 or 7 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.</p> <p>Any sexual offence against a child or a person who is mentally disabled as contemplated in Part 2 of Chapter 3 or the whole of Chapter 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.</p> <p>Trafficking in persons for sexual purposes by a person contemplated in section 71 (1) or (2) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.</p> <p>[NB: 'Trafficking' item has been substituted by s. 48 of the Prevention and Combating of Trafficking in Persons Act 7 of 2013, a provision which will be put into operation by proclamation. See PENDLEX.]</p> <p>Bestiality as contemplated in section 13 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.</p> <p style="padding-left: 40px;">Robbery. Kidnapping. Child stealing. Assault, when a dangerous wound is inflicted. Arson. Malicious injury to property.</p> <p>Breaking or entering any premises, whether under the common law or a statutory provision, with intent to commit an offence.</p> <p>Theft, whether under the common law or a statutory provision.</p>	<p style="text-align: center;">Schedule 2</p> <p>[Schedule 2 amended by s. 5 of Act 126 of 1992, by s. 15 of Act 62 of 2000, by s. 68 of Act 32 of 2007 and by s. 11 of Act 13 of 2013.]</p> <p>[NB: Schedule 2 has been amended by s. 48 of the Prevention and Combating of Trafficking in Persons Act 7 of 2013, a provision which will be put into operation by proclamation.</p> <p style="text-align: center;">PART I (Section 35)</p> <p>Any offence under any law relating to the illicit possession, conveyance, or supply of dependence-producing drugs or intoxicating liquor.</p> <p>Any offence under any law relating to the illicit dealing in or possession of precious metals or precious stones.</p> <p>Breaking or entering any premises, whether under the common law or a statutory provision, with intent to commit an offence.</p> <p>Theft, whether under the common law or a statutory provision.</p> <p style="text-align: center;">PART II (Sections 59, 72)</p> <p>[Part II amended by s. 15 of Act 62 of 2000, substituted by s. 68 of Act 32 of 2007 and amended by s. 11 of Act 13 of 2013.]</p> <p style="padding-left: 40px;">Treason. Sedition. Murder.</p> <p>Rape or compelled rape as contemplated in sections 3 or 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.</p> <p>Any sexual offence against a child or a person who is mentally disabled as contemplated in Part 2 of Chapter 3 or the whole of Chapter 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.</p> <p>Trafficking in persons for sexual purposes by a person contemplated in section 71 (1) or (2) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.</p> <p>[NB: 'Trafficking' item has been substituted by s. 48 of the Prevention and Combating of Trafficking in Persons Act 7 of 2013, a provision which will be put into operation by proclamation. See PENDLEX.]</p> <p style="padding-left: 40px;">Robbery. Assault, when a dangerous wound is inflicted. Arson.</p> <p>Breaking or entering any premises, whether under the common law or a statutory provision, with intent to commit an offence.</p>
--	---

CONTROLLED DISCLOSURE

<p>Receiving stolen property knowing it to have been stolen. Fraud. Forgery or uttering a forged document knowing it to have been forged. Offences relating to the coinage. Any offence, except the offence of escaping from lawful custody in circumstances other than the circumstances referred to immediately hereunder, the punishment wherefor may be a period of imprisonment exceeding six months without the option of a fine. Escaping from lawful custody, where the person concerned is in such custody in respect of any offence referred to in this Schedule or is in such custody in respect of the offence of escaping from lawful custody. Offences referred to in section 4 (1) and (2) of the Prevention and Combating of Torture of Persons Act, 2013. Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.</p> <p style="text-align: center;">Schedule 3 (Section 341) [Schedule 3 amended by s. 18 of Act 56 of 1979.]</p> <p>Any contravention of a bylaw or regulation made by or for any council, board or committee established in terms of any law for the management of the affairs of any division, city, town, borough, village, or other similar community. Any offence committed by-</p> <p>(a) driving a vehicle at a speed exceeding a prescribed limit. (b) driving a vehicle which does not bear prescribed lights, or any prescribed means of identification. (c) leaving or stopping a vehicle at a place where it may not be left or stopped, or leaving a vehicle in a condition in which it may not be left. (d) driving a vehicle at a place where and at a time when it may not be driven. (e) driving a vehicle which is defective, or any part whereof is not properly adjusted, or causing any undue noise by means of a motor vehicle. (f) owning or driving a vehicle for which no valid licence is held. (g) driving a motor vehicle without holding a licence to drive it.</p>	<p>Theft, whether under the common law or a statutory provision, receiving stolen property knowing it to have been stolen, fraud, forgery or uttering a forged document. knowing it to have been forged, in each case if the amount or value involved in the offence exceeds R2 500. Any offence under any law relating to the illicit dealing in or possession of precious metals or precious stones. Any offence under any law relating to the illicit-</p> <p>(a) possession of-</p> <p>(i) dagga exceeding 115 grams; or (ii) any other dependence-producing drugs; or (b) conveyance or supply of dependence-producing drugs. Any offence relating to the coinage. Offences referred to in section 4 (1) and (2) of the Prevention and Combating of Torture of Persons Act, 2013. Any conspiracy, incitement or attempt to commit any offence referred to in this Part.</p> <p style="text-align: center;">PART III (Sections 59, 61, 72, 184, 185, 189) [Part III substituted by s. 5 of Act 126 of 1992 and amended by s. 11 of Act 13 of 2013.]</p> <p>Sedition. Public violence. Arson. Murder. Kidnapping. Child stealing.</p> <p>[NB: A 'Trafficking' item has been inserted by s. 48 of the Prevention and Combating of Trafficking in Persons Act 7 of 2013, a provision which will be put into operation by proclamation. See PENDLEX.]</p> <p>Robbery. Housebreaking, whether under the common law or a statutory provision, with intent to commit an offence. Contravention of the provisions of section 1 and 1A of the Intimidation Act, 1982 (Act 72 of 1982). Offences referred to in section 4 (1) and (2) of the Prevention and Combating of Torture of Persons Act, 2013. Any conspiracy, incitement or attempt to commit any of the above-mentioned offences. Treason.</p>
<p style="text-align: center;">Schedule 5 (Sections 58 and 60 (11) and (11A) and Schedule 6) [Schedule 5 added by s. 14 of Act 75 of 1995, substituted by s. 9 of Act 85 of 1997, amended by s. 36 (1) of Act 12 of 2004 and by s. 27 (1) of Act 33 of 2004 and substituted by s. 68 of Act 32 of 2007.]</p>	<p style="text-align: center;">Schedule 6 (Sections 50 (6), 58 and 60 (11) and (11A)) [Schedule 6 added by s. 10 of Act 85 of 1997, amended by s. 27 (1) of Act 33 of 2004 and substituted by s. 68 of Act 32 of 2007.]</p> <p>[NB: Schedule 6 has been amended by s. 48 of the Prevention and Combating of Trafficking in</p>

CONTROLLED DISCLOSURE

<p>[NB: Schedule 5 has been amended by s. 48 of the Prevention and Combating of Trafficking in Persons Act 7 of 2013, a provision which will be put into operation by proclamation. See PENDLEX.]</p> <p>Treason. Murder.</p> <p>Attempted murder involving the infliction of grievous bodily harm. Rape or compelled rape as contemplated in section 3 or 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively, in circumstances other than those referred to in Schedule 6.</p> <p>Any trafficking related offence by a commercial carrier as contemplated in section 71.</p> <p>(6) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.</p> <p>[NB: 'Trafficking' item has been substituted by s. 48 of the Prevention and Combating of Trafficking in Persons Act 7 of 2013, a provision which will be put into operation by proclamation. See PENDLEX.]</p> <p>Any offence referred to in section 13 (f) of the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992), if it is alleged that-</p> <p>(a) the value of the dependence-producing substance in question is more than R50 000,00; or</p> <p>(b) the value of the dependence-producing substance in question is more than R10 000,00 and that the offence was committed by a person, group of persons, syndicate, or any enterprise acting in the execution or furtherance.</p> <p>of a common purpose or conspiracy; or</p> <p>(c) the offence was committed by any law enforcement officer.</p> <p>Any offence relating to the dealing in or smuggling of ammunition, firearms, explosives.</p> <p>or armament, or the possession of an automatic or semi-automatic firearm, explosives or armament.</p> <p>Any offence in contravention of section 36 of the Arms and Ammunition Act, 1969 (Act 75 of 1969), on account of being in possession of more than 1 000 rounds of ammunition intended for firing in an arm contemplated in section 39 (2) (a) (i) of that Act.</p> <p>Any offence relating to exchange control, extortion, fraud, forgery, uttering, theft, or any offence referred to in Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004-</p> <p>(a) involving amounts of more than R500 000,00; or</p> <p>(b) involving amounts of more than R100 000,00, if it is alleged that the</p>	<p>Persons Act 7 of 2013, a provision which will be put into operation by proclamation. See PENDLEX.]</p> <p>Murder, when-</p> <p>(a) it was planned or premeditated.</p> <p>(b) the victim was-</p> <p>(i) a law enforcement officer performing his or her functions as such, whether on duty or not, or a law enforcement officer who was killed. by virtue of his or her holding such a position; or</p> <p>(ii) a person who has given or was likely to give material evidence with reference to any offence referred to in Schedule 1;</p> <p>(c) the death of the victim was caused by the accused in committing or attempting to commit or after having committed or having attempted to commit one of the following offences:</p> <p>(i) Rape or compelled rape as contemplated in section 3 or 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively; or</p> <p>(ii) robbery with aggravating circumstances; or</p> <p>(d) the offence was committed by a person, group of persons or syndicate acting in the execution or furtherance of a common purpose or conspiracy.</p> <p>Rape or compelled rape as contemplated in section 3 or 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively-</p> <p>(a) when committed-</p> <p>(i) in circumstances where the victim was raped more than once, whether by the accused or by any co-perpetrator or accomplice.</p> <p>(ii) by more than one person, where such persons acted in the execution or furtherance of a common purpose or conspiracy.</p> <p>(iii) by a person who is charged with having committed two or more offences of rape; or</p> <p>(iv) by a person, knowing that he has the acquired immune deficiency syndrome or the human immunodeficiency virus.</p> <p>(b) where the victim-</p> <p>(i) is a person under the age of 16 years.</p> <p>(ii) is a physically disabled person who, due to his or her physical disability, is rendered particularly vulnerable; or</p> <p>(iii) is a person who is mentally disabled as contemplated in section 1 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007; or</p> <p>(c) involving the infliction of grievous bodily harm.</p> <p>Trafficking in persons for sexual purposes by a person as contemplated in section 71.</p> <p>(1) or (2) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.</p> <p>[NB: 'Trafficking' item has been substituted by s. 48 of the Prevention and Combating of Trafficking in Persons Act 7 of 2013, a provision which will be put into operation by proclamation. See PENDLEX.]</p> <p>Robbery, involving-</p> <p>(a) the use by the accused or any co-perpetrators or participants of a firearm.</p> <p>(b) the infliction of grievous bodily harm by the accused or any of the perpetrators</p>
---	--

CONTROLLED DISCLOSURE

<p>offence was committed by a person, group of persons, syndicate, or any.</p> <p>enterprise acting in the execution or furtherance of a common purpose or conspiracy; or</p> <p>(c) if it is alleged that the offence was committed by any law enforcement officer-</p> <p>(i) involving amounts of more than R10 000,00; or</p> <p>(ii) as a member of a group of persons, syndicate, or any enterprise acting in the execution or furtherance of a common purpose or conspiracy.</p> <p>Sexual assault, compelled sexual assault or compelled self-sexual assault as contemplated in section 5, 6 or 7 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively on a child under the age of 16 years.</p> <p>An offence referred to in Schedule 1-</p> <p>(a) and the accused has previously been convicted of an offence referred to in Schedule 1; or</p> <p>(b) which was allegedly committed whilst he or she was released on bail in respect of an offence referred to in Schedule 1.</p> <p>The offences referred to in section 4 (2) or (3), 13 or 14 (in so far as it relates to the aforementioned sections) of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004.</p> <p style="text-align: center;">Schedule 7 (Section 59A)</p> <p>[Schedule 7 added by s. 10 of Act 85 of 1997, amended by s. 10 of Act 34 of 1998 and by s. 16 of Act 62 of 2000 and substituted by s. 68 of Act 32 of 2007.]</p> <p>Public violence.</p> <p>Culpable homicide.</p> <p>Bestiality as contemplated in section 13 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.</p> <p>Assault, involving the infliction of grievous bodily harm.</p> <p>Arson.</p> <p>Housebreaking, whether under the common law or a statutory provision, with intent to commit an offence.</p> <p>Malicious injury to property.</p> <p>Robbery, other than a robbery with aggravating circumstances, if the amount involved in the offence does not exceed R20 000,00.</p> <p>Theft and any offence referred to in section 264 (1) (a), (b) and (c), if the amount involved in the offence does not exceed R20 000,00.</p> <p>Any offence in terms of any law relating to the illicit possession of dependence producing drugs.</p> <p>Any offence relating to extortion, fraud, forgery or uttering if the amount of value.</p>	<p>or participants; or</p> <p>(c) the taking of a motor vehicle.</p> <p>An offence referred to in Schedule 5</p> <p>(a) and the accused has previously been convicted of an offence referred to in Schedule 5 or this Schedule; or</p> <p>(b) which was allegedly committed whilst he or she was released on bail in respect of an offence referred to in Schedule 5 or this Schedule.</p> <p>The offences referred to in section 2, 3 (2) (a), 4 (1), 5, 6, 7, 8, 9, 10 or 14 (in so far as it relates to the aforementioned sections) of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004, section 2 (1) and (2) of the Civil Aviation Offences Act, 1972 (Act 10 of 1972), section 26 (1) (j) of the Non-Proliferation of Weapons of Mass Destruction Act, 1993 (Act 87 of 1993) and section 56 (1) (h) of the Nuclear Energy Act, 1999 (Act 46 of 1999).</p> <p style="text-align: center;">Schedule 8 (Sections 36D and 36E) [Schedule 8 added by s. 5 of Act 37 of 2013.]</p> <p>Treason.</p> <p>Sedition.</p> <p>Public violence.</p> <p>Murder.</p> <p>Any offence referred to in Part I or Part II of Schedule 1 to the Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act 27 of 2002).</p> <p>Culpable homicide.</p> <p>Rape or compelled rape as contemplated in sections 3 and 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, respectively.</p> <p>Sexual assault, compelled sexual assault or compelled self-sexual assault as contemplated in section 5, 6 or 7 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), respectively.</p> <p>Any sexual offence against a child or a person who is mentally disabled as contemplated in Part 2 of Chapter 3 or the whole of Chapter 4 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), respectively.</p> <p>Robbery.</p> <p>Kidnapping.</p> <p>Child stealing.</p> <p>Assault, when a dangerous wound is inflicted.</p> <p>Arson.</p> <p>Breaking or entering any premises, whether under the common law or a statutory provision, with intent to commit an offence.</p> <p>Theft, whether under the common law or a statutory provision.</p>
--	---

CONTROLLED DISCLOSURE

<p>involved in the offence does not exceed R20 000,00. Any conspiracy, incitement or attempt to commit any offence referred to in this. Schedule.</p>	<p>Escaping from lawful custody, where the person concerned is in such custody in respect of any offence referred to in Schedule 1, or is in such custody in respect of the offence of escaping from lawful custody. Any- (a) offence under the Firearms Control Act, 2000 (Act 60 of 2000), which is punishable with imprisonment for a period of five years or longer in terms of the said Act. (b) offence under the Explosives Act, 2003 (Act 15 of 2003), which is punishable with imprisonment for a period of five years or longer in terms of the said Act. (c) Convention offence or specified offence as defined in section 1 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act 33 of 2004). (d) offence of trafficking in persons as defined in section 1 of the Prevention and Combating of Trafficking in Persons Act, 2013 (Act 7 of 2013); or (e) offence of torture as defined in the Prevention and Combating of Torture of Persons Act, 2013 (Act 13 of 2013). Any conspiracy, incitement or attempt to commit any offence referred to in this. Schedule.</p>
---	---

CONTROLLED DISCLOSURE