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THE PRESIDENCY

No. 6071 **28 March 2025**

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

Act No. 37 of 2024: General Intelligence Laws Amendment Act, 2024

DIE PRESIDENSIE

No. 6071 **28 Maart 2025**

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

No. 37 van 2024: Algemene Wysigingswet Op Intelligensiewette, 2024

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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 25 March 2025)

ACT

To amend the National Strategic Intelligence Act, 1994, Intelligence Services Oversight Act, 1994 and the Intelligence Services Act, 2002, to provide for the establishment of the evaluation committee within a period of twelve months; to amend and insert certain definitions; to provide for the establishment of the South African Intelligence Service, South African Intelligence Agency, the National Communications Centre and the South African National Academy of Intelligence; to provide for the functions of the Intelligence Service Structures and bulk surveillance; to provide for more independence of the Office of the Inspector-General and Nicoc; to provide for additional matters that must be regulated by the Minister; to provide for matters relating to former members of Intelligence Services; to effect consequential amendments to other laws; 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 37 of 1998, section 24 of Act 66 of 2000, section 1 of Act 67 of 2002, section 1 of Act 52 of 2003 and section 1 of Act 11 of 2013

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1. Section 1 of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994), is hereby amended—

- (a) by the substitution for the definition of “Agency” of the following definition:
“**Agency**” means the **[State Security]** South African Intelligence Agency referred to in section 3 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”;
- (b) by the insertion after the definition of “Cabinet” of the following definition:
“**Centre**” means the National Communications Centre referred to in section 5 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”;
- (c) by the deletion of the definition of “covert collection”;
- (d) by the insertion after the definition of “crime intelligence” of the following definition:
“**cybersecurity**” means the practice of making the networks that constitute cyberspace secure against intrusions, maintaining confidentiality, availability and integrity of information, detecting intrusions and incidents that do occur, and responding to and recovering from them;”;

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ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vetdruk tussen vierkantige hakies dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 25 Maart 2025)

WET

Tot wysiging van die Wet op Nasionale Strategiese Intelligensie, 1994, Wet op Toesig oor Intelligensiedienste, 1994, en die Wet op Intelligensiedienste, 2002, ten einde voorsiening te maak vir die instelling van die evaluasiekomitee binne 'n tydperk van twaalf maande; sekere omskrywings te wysig en in te voeg; voorsiening te maak vir die stigting van die Suid-Afrikaanse Intelligensiediens, Suid-Afrikaanse Intelligensie-agentskap, die Nasionale Kommunikasiesentrum en die Suid-Afrikaanse Nasionale Akademie van Intelligensie; voorsiening te maak vir die werksaamhede van die Intelligensiediensstrukture en massa waarneming; voorsiening te maak vir meer onafhanklikheid van die Kantoor van die Inspekteur-generaal en Nikok; voorsiening te maak vir bykomende aangeleenthede wat deur die Minister gereguleer moet word; voorsiening te maak vir aangeleenthede betreffende gewese lede van Intelligensiedienste; gevolglike wysigings aan ander wette te maak; 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 37 van 1998, artikel 24 van Wet 66 van 2000, artikel 1 van Wet 67 van 2002, artikel 1 van Wet 52 van 2003 en artikel 1 van Wet 11 van 2013

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1. Artikel 1 van die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994), word hierby gewysig—

- (a) deur die omskrywing van “Agentskap” deur die volgende omskrywing te vervang:

“‘**Agentskap**’ die [**Staatsveiligheidsagentskap**] Suid-Afrikaanse Intelligensie-agentskap soos bedoel in artikel 3 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);”;

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- (b) deur die omskrywing van “bedekte insameling” te skrap;

- (c) deur die volgende omskrywings na die omskrywing van “bedekte insameling” in te voeg:

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“‘**bedreiging vir nasionale veiligheid**’ ook enige handeling of versuim wat potensieel skade, leed of verlies vir nasionale veiligheid kan veroorsaak;

‘**beoordeling van veiligheidsbevoegdheid**’ die doen van ’n klarings-onderzoek om die veiligheidsbevoegdheid van ’n persoon of instelling te bepaal en om te bepaal of daardie persoon of instelling geskik is om toegang tot geklassifiseerde inligting of kritieke infrastruktuur van die Staat te verkry of wat beskou word as vatbaar vir afpersing, onbehoorlike beïnvloeding of manipulasie of kompromittering van veiligheid;”;

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- (e) by the insertion before the definition of “evaluate” of the following definition:
“‘espionage’ means the unlawful and intentional communication, delivery or making available of classified information to directly or indirectly benefit a foreign state, persons or institutions;”;
- (f) by the insertion before the definition of “intelligence” of the following definition:
“‘infrastructure’ has the meaning ascribed to it in the Critical Infrastructure Protection Act, 2019 (Act No. 8 of 2019);”;
- (g) by the insertion before the definition of “Minister” of the following definition:
“‘intelligence gathering’ means the acquisition and processing of relevant and reliable information into intelligence products related to any domestic or foreign opportunity or threat to the advancement and protection of national security;”;
- (h) by the insertion before the definition of “national intelligence estimate” of the following definition:
“‘national critical information infrastructure’ means infrastructure, products or systems used to receive, transmit and store information and communications that have been identified and declared as critical for the socio-economic well-being of citizens and which are necessary for the protection of the national security of the Republic in terms of section 2(2)(b) of this Act;”;
- (i) by the substitution for the definition of “National Intelligence Structures” of the following definition:
“‘National Intelligence Structures’ means—
 (a) Nicoc;
 (b) the intelligence division of the National Defence Force, established under the Defence Act, 2002 (Act No. 42 of 2002);
 (c) the intelligence division of the South African Police Service; **[and]**
 (d) the Agency[.]; and
 (e) Service.”;
- (j) by the substitution for the definition of “national security intelligence” of the following definition:
“‘national security intelligence’ means intelligence which relates to or may be relevant to the assessment of any opportunity or threat to the national security of the Republic in any field;”;
- (k) by the insertion after the definition of “Nicoc” of the following definition:
“‘**opportunity**’ means, subject to the Bill of Rights and the principles enshrined in the Constitution, such capability, measure or activity employed to pursue and advance national security in accordance with section 198 of the Constitution;”;
- (l) by the substitution for the definition of “relevant members of the National Intelligence Structures” of the following definition:
“‘**relevant members of the National Intelligence Structures**’ means—
 (a) the intelligence division of the National Defence Force;
 (b) the intelligence division of the South African Police Service; **[and]**
 (c) the Agency; and
 (d) the Service;”;
- (m) by the insertion before the definition of “security competence” of the following definitions:
“‘**security competence assessment**’ means administering a vetting investigation to determine the security competence of a person or institution and if such person or institution is suitable to access classified information or critical infrastructure of the State or is viewed as vulnerable to blackmail, undue influence or manipulation or security compromise;”;
- (n) by the insertion before the definition of “South African Police Service” of the following definition:
“‘**Service**’ means the South African Intelligence Service as referred to in section 3 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”;

- (d) deur die volgende omskrywing na die omskrywing van “departementele intelligensie” in te voeg:
 “**‘Diens’** die Suid-Afrikaanse Intelligensiediens soos bedoel in artikel 3 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);”;
- (e) deur die volgende omskrywing na die omskrywing van “evalueer” in te voeg: 5
 “**‘geleentheid’** behoudens die Handves van Regte en die beginsels in die Grondwet verskans, sodanige vermoë, maatreël of aktiwiteit gebruik om nasionale veiligheid na te streef en te bevorder ooreenkomstig artikel 198 van die Grondwet;”;
- (f) deur die volgende omskrywing na die omskrywing van “hierdie Wet” in te voeg: 10
 “**‘infrastruktuur’** dit wat in die ‘Critical Infrastructure Protection Act, 2019’ (Wet No. 8 van 2019), aan ‘infrastructure’ toegeskryf is;”;
- (g) deur die volgende omskrywing na die omskrywing van “intelligensie” in te voeg: 15
 “**‘intelligensie-insameling’** die verkryging en verwerking van tersaaklike en betroubare inligting in intelligensieprodukte wat verband hou met enige binnelandse of buitelandse geleentheid of bedreiging teen die bevordering en beskerming van nasionale veiligheid;”;
- (h) deur die volgende omskrywing na die omskrywing van “klaringsondersoek” in te voeg: 20
 “**‘kuberveiligheid’** die praktyk waardeur die netwerke wat die kuberruim uitmaak, beveilig word teen indringing, sodat vertroulikheid, beskikbaarheid en die integriteit van inligting gehandhaaf word, indringings en insidente wat wel voorkom, te bespeur, en daarop te reageer en daarvan te herstel;”;
- (i) deur die omskrywing van “Nasionale Intelligensiestrukture” deur die volgende omskrywing te vervang: 25
 “**‘Nasionale Intelligensiestrukture’**—
 (a) Nikok; 30
 (b) die intelligensie-afdeling van die Nasionale Weermag ingestel kragtens die ‘Defence Act, 2002’ (Wet No. 42 van 2002);
 (c) die intelligensie-afdeling van die Suid-Afrikaanse Polisie; [en]
 (d) die Agentskap[.]; en 35
 (e) Diens.”;
- (j) deur die volgende omskrywing na die omskrywing van “nasionale intelligensiestrukture” in te voeg: 40
 “**‘nasionale kritieke-inligtinginfrastruktuur’** infrastruktuur, produkte of stelsels wat gebruik word om inligting en kommunikasie te ontvang, te versend en te berg wat geïdentifiseer en verklaar is as kritiek vir die sosio-ekonomiese welstand van burgers en wat noodsaaklik is vir die beskerming van die nasionale veiligheid van die Republiek ingevolge artikel 2(2)(b) van hierdie Wet;”;
- (k) deur die omskrywing van “nasionale veiligheidsintelligensie” deur die volgende omskrywing te vervang: 45
 “**‘nasionale veiligheidsintelligensie’** intelligensie wat betrekking het op of relevant kan wees by die beoordeling van enige geleentheid of bedreiging of potensiële bedreiging vir die nasionale veiligheid van die Republiek op enige terrein;”;
- (l) deur die volgende omskrywings na die omskrywing van “regulasie” in te voeg: 50
 “**‘Sentrum’** die Nasionale Kommunikasiesentrum bedoel in artikel 5 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);
‘spioenasie’ die wederregtelike en opsetlike oordrag, lewering of beskikbaarstelling van geklassifiseerde inligting om ’n vreemde staat, persone of instelling regstreeks of onregstreeks te bevoordeel;”;
- (m) deur die omskrywing van “tersaaklike lede van die Nasionale Intelligensiestrukture” deur die volgende omskrywing te vervang: 55
 “**‘tersaaklike lede van die Nasionale Intelligensiestrukture’**— 60
 (a) die intelligensie-afdeling van die Nasionale Weermag;
 (b) die intelligensie-afdeling van die Suid-Afrikaanse Polisie; [en]

- (o) by the insertion before the definition of “vetting field work units” of the following definitions:

“**‘threat to national security’** includes any action or omission which may potentially cause damage, harm or loss to the national security;”;
and

- (p) by the insertion after the definition of “vetting investigation” of the following definition:

“**‘verification services’** means services designed to identify the origin or the integrity of an information and communications security product, system or service;”.

Amendment of section 2 of Act 39 of 1994, as amended by section 2 of Act 37 of 1998, section 2 of Act 67 of 2002 and section 2 of Act 11 of 2013

2. Section 2 of the National Strategic Intelligence Act, 1994, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The functions of the Service shall, subject to section 2(2)(b) and section 3, and in the prescribed manner—

- (a) to gather, correlate, evaluate, and analyse foreign intelligence (excluding foreign military intelligence), in order to—
 (i) identify any opportunity or threat to national security;
 (ii) supply intelligence regarding any such threat or opportunity to Nicoc;
 (iii) to institute counterintelligence measures within the Service;
 (iv) to gather departmental intelligence at the request of any interested department of state, and, without delay to evaluate and transmit such intelligence and any other intelligence at the disposal of the Service and which constitutes departmental intelligence, to the department concerned; and
 (v) to provide periodic national security briefings to the Joint Standing Committee on Intelligence, and members of Cabinet;”;

- (b) by the substitution in section 2 for paragraph (b) of the following paragraph:

“(b) The functions of the Agency shall, subject to section 2(2)(b) and section 3, and in a prescribed manner—

- (i) be to fulfil national counter-intelligence responsibilities and for this purpose to conduct and coordinate counter-intelligence and to gather, correlate, evaluate, analyse information regarding counter-intelligence and domestic intelligence in order to—
 (aa) identify and impede any threat to the security of the Republic and its people;
 (bb) protect members and in particular those who are exposed to high risk intelligence operations against threats to personal security, unauthorised disclosure of information, identity and other acts of hostility aimed at harming members;
 (cc) inform the President of any such threat;
 (dd) supply, where necessary, intelligence relating to any such threat to the South African Police Service for the purposes of investigating any offence or alleged offence;
 (ee) impede and neutralise members suspected of contravention of this Act and related regulations and hand them to the relevant law enforcement agencies;
 (ff) supply intelligence relating to any such threat to the Department of Home Affairs for the purposes of fulfilment of any function;
 (gg) supply intelligence relating to any such threat to any other department of State for the purposes of fulfilment of its departmental functions;

- (c) die Agentskap; en
 (d) die Diens;” en
 (n) deur die volgende omskrywing na die omskrywing van “veiligheidsbevoegdheid” in te voeg:
 “‘verifiëringsdienste’ dienste wat ontwerp is om die oorsprong of die integriteit van ’n inligtings- en veiligheidsproduk, -stelsel of -diens te identifiseer;”.

Wysiging van artikel 2 van Wet 39 van 1994, soos gewysig deur artikel 2 van Wet 37 van 1998, artikel 2 van Wet 67 van 2002 en artikel 2 van Wet 11 van 2013

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

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) Die werksaamhede van die Diens is, onderhewig aan artikel 2(2)(b) en artikel 3, en op die voorgeskrewe wyse—
 (a) om buitelandse intelligensie in te samel, te korreleer, te evalueer en te ontleed (met uitsondering van buitelandse militêre intelligensie), ten einde—
 (i) enige geleentheid of bedreiging vir nasionale veiligheid te identifiseer;
 (ii) intelligensie oor enige sodanige bedreiging of geleentheid aan Nikok te verskaf;
 (iii) teenintelligensiemaatreëls binne die Diens in te stel;
 (iv) departementele intelligensie in te samel op versoek van enige belanghebbende staatsdepartement, en om, sonder versuim, sodanige intelligensie en enige ander intelligensie tot die beskikking van die Diens en wat departementele intelligensie uitmaak, te evalueer en aan die betrokke departement oor te dra; en
 (v) periodieke nasionale veiligheidsinligtingsessies aan die Gesamentlike Staande Komitee oor Intelligensie en aan Kabinetslede te verskaf;”;
 (b) deur in artikel (2) paragraaf (b) deur die volgende paragraaf te vervang:
 “(b) Die werksaamhede van die Agentskap is, behoudens en artikel 2(2)(b) en artikel 3, en op ’n voorgeskrewe wyse—
 (i) om nasionale teenintelligensie-verantwoordelikhede te vervul en vir hierdie doel om teenintelligensie te doen en te koördineer en om informasie oor teenintelligensie en binnelandse intelligensie in te samel, te korreleer, te evalueer en te analiseer ten einde—
 (aa) enige bedreiging vir die veiligheid van die Republiek en sy mense te identifiseer en te belemmer;
 (bb) lede te beskerm, in die besonder diegene wat blootgestel is aan hoë-risiko-intelligensieoperasies teen bedreigings teen persoonlike veiligheid, ongemagtigde openbaarmaking van inligting en ander handeling van vyandigheid wat daarop gemik is om lede leed aan te doen;
 (cc) die President van enige sodanige bedreiging te verwittig;
 (dd) waar nodig, intelligensie rakende enige sodanige bedreiging aan die Suid-Afrikaanse Polisiediens te voorsien vir die doeleindes van die ondersoek van enige misdryf of beweerde misdryf;
 (ee) lede wat verdink word van die oortreding van hierdie Wet en verwante regulasies, te belemmer en te neutraliseer en hulle aan die tersaaklike wetstoepassingsagentskappe te oorhandig;
 (ff) inligting met betrekking tot enige sodanige bedreiging aan die Departement van Binnelandse Sake te verskaf vir die doeleindes van die vervulling van enige werksaamheid;
 (gg) inligting met betrekking tot enige sodanige bedreiging aan enige ander Staatsdepartement te verstrek vir doeleindes van die vervulling van sy departementele werksaamhede;

- (hh) supply intelligence relating to national strategic intelligence to Nicoc;
- (ii) provide periodic national security briefing to the Joint Standing Committee on Intelligence, members of Cabinet, Premiers and the Chief Justice; 5
- (jj) gather departmental intelligence at the request of any interested department of State, and, without delay to evaluate and transmit such intelligence and any other intelligence at the disposal of the Agency and which constitutes departmental intelligence, to the department concerned and to Nicoc; and 10
- (kk) conduct security competence assessments on categories of persons or institutions referred to in section 2A of the Act in order to issue or decline to issue a security clearance certificate.”; and 15
- (c) by the insertion after section 2(2A) of the following sections:
- “**2B.** (1) The Centre shall, in a prescribed manner, and with regard to foreign signals, communications and non-communications—
- (a) gather, correlate, evaluate and analyse relevant intelligence in order to identify any threat to national security subject to— 20
- (i) submission of bulk interception application for approval by a retired Judge appointed by the President, after consultation with the Chief Justice; and
- (ii) the Centre supplying intelligence to the relevant intelligence structures. 25
- (2) In a prescribed manner, and with regard to information security and cryptography, the Centre shall—
- (a) identify and secure national critical information infrastructures and protect intelligence from unauthorised access, disclosure, technical and related threats; 30
- (b) provide verification services for electronic communications security products used by organs of State;
- (c) provide and coordinate research and development with regard to electronic communications, products and any other related services; 35
- (d) support secure electronic communications solutions to identified organs of State; and
- (e) coordinate cybersecurity activities in order to identify and impede any cyber enabled threats.
- (3) When performing any function referred to in section 2B, the Centre is exempted from any licensing requirement contemplated in— 40
- (a) the Broadcasting Act, 1999 (Act No. 4 of 1999); and
- (b) the Electronic Communications Act, 2005 (Act No. 36 of 2005).
- (4) The Judge appointed in terms of subsection (1) must take due cognisance of, in addition to South African law, applicable International Agreements in terms of section 231 of the Constitution and international law including the Universal Declaration of Human Rights when considering an application for bulk interception.
- (5) A bulk interception application must be brought by the Centre in the form and manner as prescribed and include— 50
- (a) reasons for the granting of the application; and
- (b) indicate the period for which the application ought to be granted.

Management of bulk interception data

- 2C.** (1) The procedures to be followed for the processing, examining, copying, sharing, disclosing, sorting through, using, storing or destroying of any data obtained pursuant to, and resulting from surveillance in terms of this Act must be in the prescribed manner and on the prescribed conditions. 55

- (hh) intelligensie met betrekking tot nasionale strategiese intelligensie aan Nikok te voorsien;
- (ii) om periodieke nasionale veiligheidsinstruksie te gee aan die Gesamentlike Staande Komitee oor Intelligensie, Kabinetslede, Premiers en die Hoofregter; 5
- (jj) departementele intelligensie in te samel op versoek van enige belangstellende Staatsdepartement en om sodanige intelligensie en enige ander intelligensie tot beskikking van die Agentskap en wat departementele intelligensie daarstel, sonder oponthoud te evalueer en aan die betrokke departement en aan Nikok oor te dra; en 10
- (kk) beoordelings van veiligheidsbevoegdheid van kategorieë persone of instellings in artikel 2A van die Wet bedoel, te doen ten einde 'n veiligheidsklaringsertifikaat uit te reik of te weier om dit uit te reik.”; en 15
- (c) deur die volgende artikels na artikel 2(2A) in te voeg:
- “**2B.** (1) Die Sentrum sal op 'n voorgeskrewe wyse en met betrekking tot buitelandse seine, kommunikasie en nie-kommunikasie—
- (a) relevante inligting versamel, korreleer, evalueer en ontleed ten einde enige bedreiging vir nasionale veiligheid te identifiseer onderhewig aan— 20
- (i) indiening van 'n massaonderskeppingsaansoek vir goedkeuring deur 'n afgetrede regter wat deur die President aangestel is, na oorlegpleging met die Hoofregter; en
- (ii) verskaffing van intelligensie aan die betrokke intelligensiestructure deur die Sentrum. 25
- (2) Op 'n voorgeskrewe wyse, en met betrekking tot inligtingsekuriteit en kriptografie, moet die Sentrum—
- (a) nasionale kritieke inligtinginfrastruktuur identifiseer en beveilig en intelligensie teen ongemagtigde toegang, openbaarmaking, tegniese en verwante bedreigings beskerm; 30
- (b) verifikasiedienste verskaf vir elektroniese kommunikasiesekuriteitsprodukte wat deur staatsorgane gebruik word;
- (c) navorsing en ontwikkeling met betrekking tot elektroniese kommunikasie, produkte en enige ander verwante dienste verskaf en koördineer; 35
- (d) veilige elektroniese kommunikasie-oplossings aan geïdentifiseerde staatsorgane ondersteun; en
- (e) kuberveiligheidsaktiwiteite koördineer ten einde enige kuber-geaktiveerde bedreigings te identifiseer en te belemmer. 40
- (3) Wanneer die Sentrum enige funksie verrig waarna in artikel 2B verwys word, word die Sentrum vrygestel van enige lisensievereiste beoog in—
- (a) die Uitsaaiwet, 1999 (Wet No. 4 van 1999); en
- (b) die Wet op Elektroniese Kommunikasie, 2005 (Wet No. 36 van 2005). 45
- (4) Die Regter wat ingevolge subartikel (1) aangestel is, moet behoorlik kennis neem van, benewens die Suid-Afrikaanse reg, toepaslike internasionale ooreenkomste ingevolge artikel 231 van die Grondwet en volkereg, insluitend die Universele Verklaring van Menseregte wanneer 'n aansoek om massaonderskepping oorweeg word. 50
- (5) 'n Massaonderskeppingsaansoek moet deur die Sentrum gebring word in die vorm en wyse soos voorgeskryf en sluit in—
- (a) redes vir die toestaan van die aansoek; en
- (b) dui die tydperk aan waarvoor die aansoek toegestaan behoort te word. 55

Bestuur van massaonderskeppingsdata

- 2C.** (1) Die prosedures wat gevolg moet word vir die verwerking, ondersoek, kopiëring, deel, openbaarmaking, sortering, gebruik, berging of vernietiging van enige data wat ingevolge en voortspruitend uit waarneming ingevolge hierdie Wet verkry is, moet op die voorgeskrewe wyse en op die voorgeskrewe voorwaardes geskied. 60

- (2) The development of procedures in terms of subsection (1) must take into account principles for the safeguarding of data, including—
- (a) accountability, together with conditions for lawful processing, examining, copying, sharing, disclosing, sorting through, using, storing or destroying; 5
 - (b) processing limitations, including processing in a lawful and reasonable manner and not processing more data than what is required in respect of the purpose;
 - (c) purpose-specific processing of data, including processing for a lawful purpose which is explicit, not retaining data for longer than is necessary in connection with the purpose for which it was obtained and reviewing compliance with destruction instructions; 10
 - (d) limitation on the use of data for a lawful purpose, including restricting access to data on certain conditions, conditions for sharing and disclosing data and limitations on the copying of data, including the keeping of relevant records; 15
 - (e) conditions for the storage of data, including the type of data stored and the manner of storage;
 - (f) security safeguards, including controlled access to data, processes to prevent unlawful modification and unauthorised disclosure, procedures to identify any foreseeable internal and external risks, and policies and procedures to safeguard information; and 20
 - (g) where applicable participation of the data subject, through post-surveillance notification.

Surveillance arising from bulk interception

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2D. (1) If whilst conducting bulk interception, it becomes necessary to engage in surveillance of a citizen of the Republic of South Africa whether within or outside of the Republic, the Centre must comply with the procedure envisaged in the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002), to obtain the requisite approval. 30

(2) The centre must notify, in writing, the person who is the subject of the surveillance and, within 15 days of doing so, certify in writing to the designated judge as contemplated in section 15A of the Regulation of Interception of Communication and Provision of Communication-related Information Act, Judge of a High Court, Regional Court Magistrate or Magistrate that the person has been so notified. 35

(3) If the notification contemplated in subsection (2)—

- (a) cannot be given without jeopardising the purpose of the surveillance, the designated judge, Judge of a High Court, Regional Court Magistrate or Magistrate may, upon application by the Centre, direct that the giving of notification be withheld for a period which must not exceed 90 days at a time or two years in aggregate; or 40
- (b) has the potential to impact negatively on national security, the designated judge, judge of a High Court, Regional Court Magistrate or Magistrate may, upon application by the Centre, direct that the giving of notification be withheld for such period as may be determined by the respective judge.”. 45

Amendment of section 2A of Act 39 of 1994, as inserted by section 3 of Act 67 of 2002 and amended by section 2 of Act 52 of 2003 and section 3 of Act 11 of 2013 50

3. Section 2A of the National Strategic Intelligence Act, 1994, is hereby amended—

(a) by the substitution for subsection 1(a) of the following subsection:

“(1) The relevant members of the National [Security] Intelligence Structures [may] must conduct a vetting investigation in the prescribed manner to determine the security competence of a person, if such a person— 55

- (2) Die ontwikkeling van prosedures ingevolge subartikel (1), moet beginsels vir die beveiliging van data in ag neem, met inbegrip van—
- (a) aanspreeklikheid, tesame met voorwaardes vir wettige verwerking, ondersoek, kopiëring, deel, openbaarmaking, sorteer deur, gebruik, berging of vernietiging; 5
 - (b) verwerkingsbeperkings, met inbegrip van verwerking op 'n wettige en redelike wyse en nie die verwerking van meer data as wat vir die doel vereis word nie;
 - (c) doelspesifieke verwerking van data, insluitend verwerking vir 'n wettige doel wat eksplisiet is, om nie data langer te behou as wat nodig is in verband met die doel waarvoor dit verkry is nie en die nakoming van vernietigingsinstruksies na te gaan; 10
 - (d) beperking op die gebruik van data vir 'n wettige doel, insluitend die beperking van toegang tot data op sekere voorwaardes, voorwaardes vir die deel en openbaarmaking van data en beperkings op die kopiëring van data, insluitend die hou van relevante rekords; 15
 - (e) voorwaardes vir die berging van data, met inbegrip van die tipe data wat geberg word en die wyse van berging;
 - (f) veiligheidsmaatreëls, met inbegrip van beheerde toegang tot data, prosesse om onwettige wysiging en ongemagtigde openbaarmaking te voorkom, prosedures om enige voorsienbare interne en eksterne risiko's te identifiseer, en beleid en prosedures om inligting te beskerm; en 20
 - (g) waar van toepassing, deelname van die datasubjek, deur middel van na-waarnemingskennisgewing. 25

Waarneming voortspruitend uit massaonderskepping

- 2D.** (1) Indien dit tydens massaonderskepping nodig word om 'n burger van die Republiek van Suid-Afrika waar te neem, hetsy binne of buite die Republiek, moet die Sentrum voldoen aan die prosedure wat in die Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting, 2002 (Wet No. 70 van 2002), beoog word, om die nodige goedkeuring te verkry. 30
- (2) Die sentrum moet die persoon wat die onderwerp van die waarneming is, skriftelik in kennis stel en binne 15 dae nadat dit gedoen is, skriftelik aan die aangewese regter, Regter van 'n Hooggeregshof, Streekhoflanddros of Landdros sertifiseer soos beoog in artikel 15A van die Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting, 2002, dat die persoon aldus in kennis gestel is. 35
- (3) Indien die kennisgewing in subartikel (2) beoog— 40
- (a) nie gegee kan word sonder om die doel van die waarneming in gevaar te stel nie, kan die aangewese regter, regter van 'n Hooggeregshof, Streekhoflanddros of Landdros, op aansoek deur die Sentrum, gelas dat die gee van kennisgewing vir 'n tydperk weerhou word wat nie 90 dae op 'n slag of twee jaar in totaal mag oorskry nie; of 45
 - (b) die potensiaal het om 'n negatiewe invloed op nasionale veiligheid te hê, kan die aangewese regter, regter van 'n Hooggeregshof, Streekhoflanddros of Landdros, op aansoek deur die Sentrum, gelas dat 'n kennisgewing nie gegee word nie vir die tydperk soos deur die betrokke regter bepaal.". 50

Wysiging van artikel 2A van Wet 39 van 1994, soos ingevoeg deur artikel 3 van Wet 67 van 2002 en gewysig deur artikel 2 van Wet 52 van 2003 en artikel 3 van Wet 11 van 2013

3. Artikel 2A van die Wet op Nasionale Strategiese Intelligensie, 1994, word hierby gewysig— 55

- (a) deur subartikel (1)(a) deur die volgende subartikel te vervang:

“(1) Die betrokke lede van die Nasionale Intelligensiestructure **[kan]** moet 'n klaringsondersoek op die voorgeskrewe wyse uitvoer om die veiligheidsbevoegdheid van 'n persoon vas te stel indien so 'n persoon—

- (a) falls within a prescribed category of persons or institutions who must have a security clearance—
- (i) in order to be employed or render a particular service to an organ of state;
 - (ii) in order to have access to classified information and intelligence in the possession of that organ of state; or
 - (iii) in order to have access to areas designated as critical infrastructure areas in terms of the relevant law;”;
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) The Agency shall be responsible for **[vetting]** conducting security competence assessments of persons contemplated in subsection (1) and, on request of the South African Police Service, the Service or the National Defence Force, to persons employed by, applicants to or persons rendering a service to the South African Police Service, the Service or the Department of Defence and Military Veterans.”.

Amendment of section 3 of Act 39 of 1994, as substituted by section 3 of Act 37 of 1998 and amended by section 4 of Act 11 of 2013

4. Section 3 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:
- “If any law expressly or by implication requires any department of State, other than the Agency or the Service, to perform any function with regard to the security of the Republic or the combating of any threat to the national security of the Republic, such law shall be deemed to empower such department to gather departmental intelligence, and to evaluate, correlate and interpret such intelligence for the purpose of discharging such function: Provided that such department of State—; and
- (b) by the substitution for subsection (5) of the following subsection:
- “(5) Notwithstanding any law to the contrary, no department of State or statutory body shall withhold information in its possession or under its control from the Agency or Service when such information is reasonably required for any investigation in terms of section 2(1) and (2).”.

Amendment of section 4 of Act 39 of 1994, as substituted by section 4 of Act 37 of 1998 and amended by section 25 of Act 66 of 2000, section 4 of Act 67 of 2002 and section 5 of Act 11 of 2013

5. Section 4 of the National Strategic Intelligence Act, 1994, is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (c) of the following paragraph:
- “(c) **[head of the domestic division of the Agency]** Director-General of the Service;”;
- (b) by the deletion of subsection (1)(d);
- (c) by the substitution for subsection (3) of the following subsection:
- “(3) The Coordinator for Intelligence—
- (a) must, after consultation with the Minister, appoint members or persons who will provide coordination and administrative support to Nicoc on such conditions of employment and security requirements as are applicable to members of the intelligence services;
 - (b) may determine the organisational structure for the functioning of Nicoc in terms of the Intelligence Services Act, 2002 (Act No. 65 of 2002); and
 - (c) prescribe the manner in which Nicoc may co-opt the Private Security Industry Regulator as defined in the Private Security Industry Regulator Act, 2001 (Act No. 56 of 2001) in an *ad hoc* or permanent basis.”;

- (a) binne 'n voorgeskrewe kategorie persone val wat 'n sekerheids-
klaring moet hê—
- (i) om in diens geneem te word of 'n bepaalde diens te lewer aan 'n staatsorgaan;
 - (ii) ten einde toegang tot geklassifiseerde inligting en intelligensie te hê wat in die besit van daardie staatsorgaan is; of
 - (iii) om toegang te hê tot gebiede wat ingevolge die tersaaklike wet as gebiede van kritieke infrastruktuur aangewys is;”;
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Die Agentskap is verantwoordelik vir **[klaring]** die doen van beoordelings van veiligheidsbevoegdheid van persone in subartikel (1) beoog en, op versoek van die Suid-Afrikaanse Polisie, die Diens of die Nasionale Weermag, van persone in diens van, applikante aan of persone wat 'n diens verskaf aan die Suid-Afrikaanse Polisie, die Diens of die Departement van Verdediging en Militêre Veterane.”.

Wysiging van artikel 3 van Wet 39 van 1994, soos vervang deur artikel 3 van Wet 37 van 1998 en gewysig deur artikel 4 van Wet 11 van 2013

4. Artikel 3 van die Wet op Nasionale Strategiese Intelligensie, 1994, word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
- “Indien 'n wet uitdruklik of by implikasie van 'n ander Staatsdepartement as die Agentskap of die Diens vereis om enige werksaamheid met betrekking tot die veiligheid van die Republiek of die bekamping van enige bedreiging vir nasionale veiligheid van die Republiek te verrig, word so 'n wet geag aan so 'n departement die bevoegdheid te verleen om departementele intelligensie in te samel en dit te evalueer, te korreleer en te vertolk ten einde bedoelde werksaamheid te verrig: Met dien verstande dat so 'n Staatsdepartement—”; en
- (b) deur subartikel (5) deur die volgende subartikel te vervang:
- “(5) Ondanks enige teenstrydige wetsbepaling mag geen Staatsdepartement of statutêre liggaam inligting wat in sy besit of onder sy beheer is van die Agentskap of Diens weerhou wanneer sodanige inligting redelik benodig word vir enige ondersoek ingevolge artikel 2(1) en (2) nie.”.

Wysiging van artikel 4 van Wet 39 van 1994, soos vervang deur artikel 4 van Wet 37 van 1998 en gewysig deur artikel 25 van Wet 66 van 2000, artikel 4 van Wet 67 van 2002 en artikel 5 van Wet 11 van 2013

5. Artikel 4 van die Wet op Nasionale Strategiese Intelligensie, 1994, word hierby gewysig—

- (a) deur in subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang:
- “(c) die **[hoof van die binnelandse afdeling van die Agentskap]** Direkteur-generaal van die Diens;”;
- (b) deur subartikel (1)(d) te skrap;
- (c) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Die Intelligensiekoördineerder—
- (a) moet, na oorleg met die Minister, lede of persone aanstel wat koördinasie en administratiewe ondersteuning aan Nikok sal voorsien oor sodanige diensvoorwaardes en veiligheidsvereistes soos op lede van die intelligensiedienste van toepassing is;
 - (b) kan die organisatoriese struktuur vir die funksionering van Nikok ingevolge die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), bepaal; en
 - (c) kan die wyse voorskryf waarop Nikok die Reguleerder vir die Private Sekuriteitsbedryf soos omskryf in die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 (Wet No. 56 van 2001), kan koöpteer op 'n *ad hoc*- of heeltidse grondslag.”; en

(d) by the insertion after subsection (3) of the following subsection:

“(4) The budget of Nicoc shall be appropriated by Parliament as part of the budget vote of the intelligence services, and shall be expended in accordance with the rules and procedures set out in the Public Finance Management Act, 1999 (Act No. 1 of 1999).”.

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Amendment of section 6 of Act 39 of 1994, as substituted by section 7 of Act 37 of 1998 and amended by section 26 of Act 66 of 2000, section 7 of Act 67 of 2002 and section 7 of Act 11 of 2013

6. Section 6 of the National Strategic Intelligence Act, 1994, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) [the protection of] information security and protection of intelligence;”;

(b) by the substitution in subsection (1) for paragraph (fD) of the following subparagraph:

“(fD) any matter necessary for the effective execution and administration of counter-intelligence functions and the co-ordination and interpretation of intelligence products; [and]”;

(c) by the insertion in subsection (1) after subparagraph (fD) of the following subparagraphs:

“(fE) the manner and form in which the operations of the Service, the Agency and Centre shall be coordinated;

(fF) the manner and form in which cybersecurity operations shall be conducted and coordinated in the Republic including the establishment of required technical capacities;

(fG) the manner and form in which national critical information infrastructures shall be identified, protected and secured;

(fH) the manner and form in which policy and legislative compliance monitoring shall be enforced by the Minister in the exercise of Ministerial control and direction as envisaged in the Constitution;

(fI) the manner and form in which the former members of Intelligence Services shall be structured and utilised within the Intelligence Services;

(fJ) the code of conduct of former and current members of intelligence Services, current and former Ministers and current and former Members of Parliament with access to intelligence information; and

(fK) the manner and form in which the Intelligence Services shall supply post-interception reporting to the Judge referred to in section 2(2)(b);”;

(d) by the insertion after subsection (1) of the following subsection:

“(1A) The regulations contemplated in subsection (1)(a) to (fK) must be made within 12 months after the commencement of the General Intelligence Laws Amendment Act, 2024.”.

Amendment of section 1 of Act 40 of 1994, as amended by section 1 of Act 31 of 1995, section 1 of Act 42 of 1999, section 1 of Act 66 of 2002, section 3 of Act 52 of 2003 and section 8 of Act 11 of 2013

7. Section 1 of the Intelligence Services Oversight Act, 1994, is hereby amended—

(a) by the insertion before the definition of “accounting officer” of the following definition:

“‘Academy’ means the South African National Academy of Intelligence referred to in section 5 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”;

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

“‘Agency’ means the [State Security] South African Intelligence Agency referred to in section 3 of the Intelligence Services Act, 2002;”;

(d) deur die volgende subartikel na subartikel (3) in te voeg:

“(4) Die begroting van Nikok word deur die Parlement bewillig as deel van die begrotingspos van die intelligensiedienste, en moet uitgegee word ooreenkomstig die reëls en prosedures in die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), uiteengesit.”.

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Wysiging van artikel 6 van Wet 39 van 1994, soos vervang deur artikel 7 van Wet 37 van 1998 en gewysig deur artikel 26 van Wet 66 van 2000, artikel 7 van Wet 67 van 2002 en artikel 7 van Wet 11 van 2013

6. Artikel 6 van die Wet op Nasionale Strategiese Intelligensie, 1994, word hierby gewysig—

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(a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) **[die beskerming van inligting]** inligtingsveiligheid en beskerming van intelligensie;”;

(b) deur in subartikel (1) paragraaf (fD) deur die volgende paragraaf te vervang:

“(fD) enige aangeleentheid nodig vir die doeltreffende uitvoering en administrasie van teenintelligensiewerksaamhede en die koördinasie en vertolking van intelligensieprodukte; **[en]**”;

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(c) deur die volgende subparagraawe na subparagraaf (fD) in subartikel (1) in te voeg:

“(fE) die wyse en vorm waarop die bedrywighede van die Diens, die Agentskap en die Sentrum gekoördineer moet word;

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(fF) die wyse en vorm waarop kuberveiligheidsbedrywighede in die Republiek gevoer en gekoördineer moet word, met inbegrip van die vestiging van die nodige tegniese kapasiteit;

(fG) die wyse en vorm waarop nasionale kritieke inligtingsinfrastrukture geïdentifiseer, beskerm en beveilig moet word;

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(fH) die wyse en vorm waarop die monitering van voldoening aan beleid en wetgewing deur die Minister afgedwing moet word in die uitoefening van Ministeriële beheer en leiding soos in die Grondwet beoog;

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(fI) die wyse en vorm waarop die gewese lede van Intelligensiedienste binne die Intelligensiedienste gestruktureer en benut moet word;

(fJ) die gedragskode van gewese en huidige lede van intelligensiedienste, huidige en voormalige Ministers en huidige en voormalige Parlementslede met toegang tot intelligensie-inligting; en

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(fK) die wyse en vorm waarop die Intelligensiedienste post-onder-skeppingsverslagdoening aan die regter in artikel 2(2)(b) bedoel, sal verstrek;”;

(d) deur die volgende subartikel na subartikel (1) in te voeg:

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“(1A) Die regulasies beoog in subartikel (1)(a) tot (fK) moet uitgevaardig word binne 12 maande na die inwerkingtreding van die Algemene Wysigingswet op Intelligensiewette, 2024.”.

Wysiging van artikel 1 van Wet 40 van 1994, soos gewysig deur artikel 1 van Wet 31 van 1995, artikel 1 van Wet 42 van 1999, artikel 1 van Wet 66 van 2002, artikel 3 van Wet 52 van 2003 en artikel 8 van Wet 11 van 2013

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

(a) deur die omskrywing van “Agentskap” deur die volgende omskrywing te vervang:

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“‘**Agentskap**’ die **[Staatsveiligheidsagentskap]** Suid-Afrikaanse Intelligensie-agentskap bedoel in artikel 3 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);”;

(b) deur die volgende omskrywing voor die omskrywing van “Beoordelingskomitee” in te voeg:

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“‘**Akademie**’ die Suid-Afrikaanse Nasionale Intelligensie-akademie bedoel in artikel 5 van die Wet op Intelligensiedienste, 2002;”;

- (c) by the substitution for the definition of “Head of Service” of the following definition:
- “**‘Head of a Service’** means the Director-General of the Agency or the South African Intelligence Service, the head of the Intelligence Division of the National Defence Force or the head of the Intelligence Division of the South African Police Service, but for the purposes of financial and administrative accounting, the head of the Intelligence Division of the South African National Defence Force means the Secretary for Defence and of the South African Police Service means the National Commissioner;”;
- (d) by the insertion after the definition of “intelligence” of the following definitions:
- “**‘Intelligence Services’** means the South African Intelligence Agency and the South African Intelligence Service as referred to in section 1 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”;
- “**‘Intelligence Services Entities’** means the Academy, the Centre and the Office;”;
- (e) by the substitution for the definition of “Office” of the following definition:
- “**‘Office’** means the Office for Interception Centres established by section 33 of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002);” and
- (f) by the substitution for the definition of “Services” of the following definition:
- “**‘Services’** means the Agency, Service, the Intelligence Division of the National Defence Force and the Intelligence Division of the South African Police Service;”.

Amendment of section 2 of Act 40 of 1994, as amended by section 2 of Act 31 of 1995, section 2 of Act 42 of 1999, section 2 of Act 66 of 2002, section 4 of Act 52 of 2003 and section 9 of Act 11 of 2013

8. Section 2 of the Intelligence Services Oversight Act, 1994, is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:
- “(b) in respect of the administration, financial management and expenditure of the [Office] Intelligence Services Entities;”;
- (b) by the substitution in subsection (3) for paragraph (c) of the following paragraph:
- “(c) The Committee shall within a period of two years after [its first meeting] the commencement of the General Intelligence Laws Amendment Act, 2024, review the appointment procedures referred to in [paragraphs (a) and (b)] subsection (2).”; and
- (c) by the insertion after subsection (8) of the following subsection:
- “(9) No person shall be designated in terms of subsection (8) before the Agency has issued a security clearance in the prescribed manner in respect of that person.”.

Amendment of section 3 of Act 40 of 1994, as amended by section 3 of Act 31 of 1995, section 3 of Act 42 of 1999, section 3 of Act 66 of 2002, section 61 of Act 70 of 2002, section 5 of Act 52 of 2003 and section 10 of Act 11 of 2013

9. Section 3 of the Intelligence Services Oversight Act, 1994, is hereby amended—
- (a) by the substitution in paragraph (a)(i) for item (aa) of the following item:
- “(aa) the financial statements of the Services and the [Office] Intelligence Services Entities;”;
- (b) by the substitution in paragraph (a)(i) for item (cc) of the following item:
- “(cc) any reports issued by the Auditor-General on the affairs of the Services and the [Office] Intelligence Services Entities;”;

- (c) deur die omskrywing van “Dienste” deur die volgende omskrywing te vervang:
 “**‘Dienste’** die Agentskap, Diens, die Inligtingsafdeling van die Nasionale Weermag en die Intelligensie-afdeling van die Suid-Afrikaanse Polisiediens;”;
- (d) deur die omskrywing van “Hoof van ’n Diens” deur die volgende omskrywing te vervang:
 “**‘Hoof van ’n Diens’** die Direkteur-generaal van die Agentskap of die Suid-Afrikaanse Intelligensiediens, die hoof van die Intelligensie-afdeling van die Nasionale Weermag of die hoof van die Intelligensie-afdeling van die Suid-Afrikaanse Polisiediens, maar vir die doeleindes van finansiële en administratiewe rekenpligtigheid, die hoof van die Intelligensie-afdeling van die Nasionale Weermag die Sekretaris van Verdediging en vir die Suid-Afrikaanse Polisiediens die Nasionale Kommissaris;”;
- (e) deur die volgende omskrywings na die omskrywing van “Intelligensie” in te voeg:
 “**‘Intelligensiedienste’** die Suid-Afrikaanse Intelligensie-agentskap en die Suid-Afrikaanse Intelligensiediens soos bedoel in artikel 1 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);
‘Intelligensiediensentiteite’ die Akademie, die Sentrum en die Kantoor;”;
- (f) deur die omskrywing van “Kantoor” deur die volgende omskrywing te vervang:
 “**‘Kantoor’** die Kantoor vir Onderskeppingsentrums ingestel by artikel 33 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 31 van 1995, artikel 2 van Wet 42 van 1999, artikel 2 van Wet 66 van 2002, artikel 4 van Wet 52 van 2003 en artikel 9 van Wet 11 van 2013

8. Artikel 2 van die Wet op Toesig oor Intelligensiedienste, 1994, word hierby gewysig—

- (a) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:
 “(b) ten opsigte van die administrasie, finansiële bestuur en besteding van die **[Kantoor]** Intelligensiediens-entiteite;”;
- (b) deur in subartikel (3) paragraaf (c) deur die volgende paragraaf te vervang:
 “(c) Die Komitee moet binne ’n tydperk van twee jaar na **[sy eerste vergadering]** die inwerkingtreding van die Algemene Wysigingswet op Intelligensiewette, 2024, die aanstellingsprosedure bedoel in **[paragrafe (a) en (b)]** subartikel (2) hersien.”;
- (c) deur die volgende subartikel na subartikel (8) in te voeg:
 “(9) Niemand word ingevolge subartikel (8) aangewys voordat die Agentskap ’n sekerheidsklaring op die voorgeskrewe wyse vir daardie persoon uitgereik het nie.”.

Wysiging van artikel 3 van Wet 40 van 1994, soos gewysig deur artikel 3 van Wet 31 van 1995, artikel 3 van Wet 42 van 1999, artikel 3 van Wet 66 van 2002, artikel 61 van Wet 70 van 2002, artikel 5 van Wet 52 van 2003 en artikel 10 van Wet 11 van 2013

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

- (a) deur in paragraaf (a)(i) item (aa) deur die volgende item te vervang:
 “(aa) die finansiële state van die Dienste en die **[Kantoor]** Intelligensiediens-entiteite;”;
- (b) deur in paragraaf (a)(i) item (cc) deur die volgende item te vervang:
 “(cc) enige verslae wat deur die Ouditeur-generaal uitgereik is oor die sake van die Dienste en die **[Kantoor]** Intelligensiediens-entiteite;”;

- (c) by the substitution in paragraph (a) for subparagraph (iv) of the following subparagraph:
- “(iv) the Ministers responsible for the Services and the **[Office]** Intelligence Services Entities, a report regarding the budget for each Service or Entity for which he or she is responsible **[the office as the case may be]**”; 5
- (d) by the substitution for paragraphs (d) and (e) of the following paragraphs, respectively:
- “(d) to review and make recommendations on regulations made under section 6 of the National Strategic Intelligence Act, 1994 (Act 10 No. 39 of 1994), and regulations regarding the intelligence functions of the Service and counter-intelligence functions of the Agency, made under section 37 of the Intelligence Services Act, 2002 (Act No. 65 of 2002), section 82 of the Defence Act, 2002 (Act 15 No. 42 of 2002), or section 24 of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- (e) to review and make recommendations regarding interdepartmental co-operation and the rationalisation and demarcation of functions relating to intelligence and counter-intelligence between the Agency, the Service, the National Defence Force and the South 20 African Police Service;”; and
- (e) by the substitution for paragraph (l) of the following paragraph:
- “(l) to consider and report on the appropriation of revenue for moneys for the functions of the Services and the **[Office]** Intelligence Services Entities.”. 25

Amendment of section 4 of Act 40 of 1994, as amended by section 4 of Act 66 of 2002, section 6 of Act 52 of 2003 and section 11 of Act 11 of 2013

10. Section 4 of the Intelligence Services Oversight Act, 1994, is hereby amended—
- (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 **[the Office]** an Intelligence Services Entity, the Head of a Service, the Director or the Inspector-General to appear before it to give evidence, to produce any document or **[thing]** item and answer questions put to him or her.”; and 35
- (b) by the substitution in subsection (3) for paragraph (c) of the following paragraph:
- “(c) have the right to be assisted by members of the Services or **[the Office, as the case may be]** the relevant Intelligence Service’s entities.”.

Amendment of Section 6 of Act 40 of 1994, as amended by section 1 of Act 31 of 1995, section 1 of Act 42 of 1999, section 1 of Act 66 of 2002, section 3 of Act 52 of 2003, section 3 of Act 52 of 2003 and section 8 of Act 11 of 2013

11. Section 6 of the Intelligence Services Oversight Act, 1994, is hereby amended by the substitution of subsection (1) of the following subsection: 45
- “(1) The Committee shall, within five months after its first appointment, and thereafter within **[two]** eight months after 31 March in each year, table in Parliament a report on the activities of the Committee during the preceding year, together with the finding made by it and the recommendations it deems appropriate, and provide a copy thereof to the President and the Minister responsible for each Service.”. 50

- (c) deur in paragraaf (a) subparagraaf (iv) deur die volgende subparagraaf te vervang:
- “(iv) van die Ministers wat vir die Dienste en die **[Kantoor]** Intelligensiediens-entiteite verantwoordelik is, ’n verslag betreffende die begroting vir elke Diens of **[Kantoor, na gelang van die geval]** Entiteit waarvoor hy of sy verantwoordelik is, te verkry;”;
- (d) deur paragrafe (d) en (e) onderskeidelik deur die volgende paragrafe te vervang:
- “(d) om regulasies kragtens artikel 6 van die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994), uitgevaardig, en regulasies betreffende die **[intelligensie-]** intelligensiewerksaamhede van die Diens en teenintelligensiewerksaamhede van die Agentskap wat kragtens artikel 37 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), artikel 82 van die ‘Defence Act, 2002’ (Wet No. 42 van 2002), of artikel 24 van die Wet op die Suid-Afrikaanse Polisiediens, 1995 (Wet No. 68 van 1995), uitgevaardig is, te hersien en aanbevelings daaroor te doen;
- (e) om interdepartementele samewerking en die rasionalisering en afbakening van werksaamhede betreffende intelligensie en teenintelligensie tussen die Agentskap, die Diens, die Nasionale Weermag en die Suid-Afrikaanse Polisiediens te hersien en aanbevelings daaroor te doen;”;
- (e) deur paragraaf (l) deur die volgende paragraaf te vervang:
- “(l) om die bewilliging van inkomste of gelde vir die werksaamhede van die Dienste en die **[Kantoor]** Intelligensiediens-entiteite te oorweeg en daaroor verslag te doen.”.

Wysiging van artikel 4 van Wet 40 van 1994, soos gewysig deur artikel 4 van Wet 66 van 2002, artikel 6 van Wet 52 van 2003 en artikel 11 van Wet 11 van 2013

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

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

Wysiging van artikel 6 van Wet 40 van 1994, soos gewysig deur artikel 1 van Wet 31 van 1995, artikel 1 van Wet 42 van 1999, artikel 1 van Wet 66 van 2002, artikel 3 van Wet 52 van 2003, artikel 3 van Wet 52 van 2003 en artikel 8 van Wet 11 van 2013

11. Artikel 6 van die Wet op Toesig oor Intelligensiedienste, 1994, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- “(1) Die Komitee lê binne vyf maande na sy eerste aanstelling en daarna binne **[twee]** agt maande na 31 Maart in elke jaar ’n verslag in die Parlement ter tafel aangaande die bedrywighede van die Komitee gedurende die voorafgaande jaar, tesaam met sy bevindings en die aanbevelings wat hy geskik ag, en besorg ’n afskrif daarvan aan die President en aan die Minister wat vir elke Diens verantwoordelik is.”.

Amendment of section 7 of Act 40 of 1994, as amended by section 5 of Act 31 of 1995, section 5 of Act 42 of 1999, section 7 of Act 66 of 2002, section 7 of Act 52 of 2003, section 36 of Act 12 of 2004 and section 12 of Act 11 of 2013

12. Section 7 of the Intelligence Services Oversight Act, 1994, is hereby amended—
- (a) by the insertion after subsection (1) of the following subsection: 5
 “(1A) No person shall be appointed as an Inspector-General without a security clearance issued by the Agency in the prescribed manner.”;
 - (b) by the substitution for subsection (5) of the following subsection: 10
 “(5) **[If the]** The Inspector-General who is the subject of an investigation by the Committee in terms of subsection (4) **[he or she]** may be suspended by the President pending a decision in such investigation.”;
 - (c) by the insertion in subsection (7) before the word “President” of the word “Committee”; and
 - (d) by the substitution for subsection (12) of the following subsection: 15
 “(12) The Inspector General of Intelligence—
 - (a) must, after consultation with the Minister, appoint such number of persons to the office of the Inspector-General as may be necessary for the performance of the functions of that office, on such conditions of employment and security requirements as are applicable to members of the intelligence services; 20
 - (b) may determine the organisational structure for the functioning of the Office of the Inspector-General in terms of the Intelligence Services Act, 2002 (Act No. 65 of 2002; and
 - (c) has a budget which shall be appropriated by Parliament as part of the budget of the intelligence services, and shall be expended in accordance with the rules and procedures set out in the Public Finance Management Act, 1999 (Act No.1 of 1999).” 25

Amendment of section 8 of Act 40 of 1994, as substituted by section 6 of Act 31 of 1995, as amended by section 7 of Act 42 of 1999 and section 8 of Act 66 of 2002 30

13. Section 8 of the Intelligence Services Oversight Act, 1994, is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 35
 “(1) The Minister, acting with the concurrence of the Committee, **[may]** must make regulations regarding—”;
 - (b) by the substitution in subsection (1) for paragraph (b) of the following paragraph: 40
 “(b) the performance of **[his or her]** the functions designated to the Inspector-General under section 7(7)(c) [by the Inspector-General]”; and
 - (c) by the insertion after subsection (1) of the following subsection:
 “(1A) The regulations contemplated in subsection (1)(b) to (i) must be made within 12 months after the commencement of the General Intelligence Laws Amendment Act, 2024.”.

Amendment of section 1 of Act 65 of 2002, as amended by section 13 of Act 11 of 2013 45

14. Section 1 of the Intelligence Services Act, 2002, is hereby amended—
- (a) by the insertion before the definition of “accounting officer” of the following definition: 50
 “**‘Academy’** means the South African National Academy of Intelligence referred to in section 5 of this Act;”;

Wysiging van artikel 7 van Wet 40 van 1994, soos gewysig deur artikel 5 van Wet 31 van 1995, artikel 5 van Wet 42 van 1999, artikel 7 van Wet 66 van 2002, artikel 7 van Wet 52 van 2003, artikel 36 van Wet 12 van 2004 en artikel 12 van Wet 11 van 2013

12. Artikel 7 van die Wet op Toesig oor Intelligensiedienste, 1994, word hierby gewysig— 5

(a) deur die volgende subartikel na subartikel (1) in te voeg:

“(1A) Niemand word as ’n Inspekteur-generaal aangestel sonder ’n sekerheidsklaring wat op die voorgeskrewe wyse deur die Agentskap uitgereik is nie.”;

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(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) [Indien die] Die Inspekteur-generaal wat onderwerp word aan ’n ondersoek deur die Komitee ingevolge subartikel (4), kan [hy of sy] deur die President geskors word hangende ’n beslissing in sodanige ondersoek.”;

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(c) deur in subartikel (7) die woord “komitee” voor die woord “President” in te voeg; en

(d) deur subartikel (12) deur die volgende subartikel te vervang:

“(12) Die Inspekteur-generaal van Intelligensie—

(a) moet, na oorleg met die Minister, sodanige getal persone in die kantoor van die Inspekteur-generaal aanstel as wat nodig mag wees vir die verrigting van die werksaamhede van daardie kantoor, op sodanige diensvoorwaardes en sekuriteitsvereistes wat van toepassing is op lede van die intelligensiedienste;

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(b) kan die organisatoriese struktuur vir die funksionering van die Kantoor van die Inspekteur-generaal ingevolge die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), bepaal; en

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(c) se begroting word deur die Parlement bewillig as deel van die begroting van die intelligensiedienste, en word bestee in ooreenstemming met die reëls en prosedures uiteengesit in die Wet op Openbare Finansiële Bestuur, 1999 (Wet No.1 van 1999).”.

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Wysiging van artikel 8 van Wet 40 van 1994, soos vervang deur artikel 6 van Wet 31 van 1995, soos gewysig deur artikel 7 van Wet 42 van 1999 en artikel 8 van Wet 66 van 2002

13. Artikel 8 van die Wet op Toesig oor Intelligensiedienste, 1994, word hierby gewysig— 35

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“(1) Die Minister, handelende met die instemming van die Komitee, [kan] moet regulasies uitvaardig aangaande—”;

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(b) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) die verrigting van [sy of haar] die werksaamhede, [deur] wat aan die Inspekteur-generaal toegewys is kragtens artikel 7(7)(c);”;

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(c) deur die volgende subartikel na subartikel (1) in te voeg:

“(1A) Die regulasies in subartikel (1)(b) tot (i) beoog, moet binne 12 maande sedert die inwerkingtreding van die Algemene Wysigingswet op Intelligensiewette, 2024, gemaak word.”.

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Wysiging van artikel 1 van Wet 65 van 2002, soos gewysig deur artikel 13 van Wet 11 van 2013

14. Artikel 1 van die Wet op Intelligensiedienste, 2002, word hierby gewysig— 50

(a) deur die omskrywing van “Agentskap” deur die volgende omskrywing te vervang:

“‘Agentskap’ die [Staatsveiligheidsagentskap] Suid-Afrikaanse Intelligensie-agentskap in artikel 3 van hierdie Wet bedoel;”;

- (b) by the substitution for the definition of “Agency” of the following definition:
 “**‘Agency’** means the [State Security] South African Intelligence Agency referred to in section 3 of this Act;
- (c) by the insertion after the definition of “Auditor-General” of the following definition:
 “**‘Civilian Intelligence Structures’** means the Agency, Service and the Academy;”;
- (d) by the substitution for the definition of “Council” of the following definition:
 “**‘Council’** means the Intelligence Services Council [on Conditions of Service] established by section 22;”;
- (e) by the substitution for the definition of “former member” of the following definition:
 “**‘former member’** means any member of the [Agency or of the former National Intelligence Agency, South African Secret Service or South African National Academy of] National Intelligence Structures whose services have been terminated for any reason;”;
- (f) by the insertion after the definition of “former member” of the following definition:
 “**‘Intelligence Services’** means the South African Intelligence Agency and the South African Intelligence Service as referred to in section 1 of this Act;”;
- (g) by the insertion after the definition of “security service” of the following definition:
 “**‘Service’** means the South African Intelligence Service referred to in section 3 of this Act;”.

Amendment of section 2 of Act 65 of 2002

15. The Intelligence Services Act, 2002, is hereby amended by the substitution for section 2 of the following section—

“Application of Act

2. Unless the context indicates otherwise, this Act applies in respect of all members and former members, irrespective of whether they were members at the commencement of this Act or were appointed after the commencement of this Act, and irrespective of whether they work or worked in or outside the Republic.”.

Substitution of heading of Chapter II of Act 65 of 2002, as amended by section 14 of Act 11 of 2013

16. The following heading is hereby substituted for Chapter II of the Intelligence Services Act, 2002:

“**ESTABLISHMENT, COMPOSITION AND ORGANISATION OF [AGENCY] INTELLIGENCE SERVICES, ACADEMY AND CENTRE**”.

Amendment of section 3 of Act 65 of 2002, as amended by section 15 of Act 11 of 2013

17. Section 3 of the Intelligence Services Act, 2002, is hereby amended—

- (a) by the substitution for the heading of the following heading:
 “**Establishment of Agency, Service and Centre**”;
- (b) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 “The South African Intelligence Service and the South African Intelligence Agency are national departments as referred to in Schedule 1 of the Public Service Act, 1994 (Proclamation No. 103 of 1994), and consist of the following persons—”;
- (c) by the deletion of subsection (1A);
- (d) by the substitution for subsection (3) of the following subsection:
 “(3)(a) The President must appoint a Director-General for the Service as the head and accounting officer.
 (b) The President must appoint a Director-General of the Agency as the head and accounting officer.”; and

- (b) deur die volgende omskrywings na die omskrywing van “Agentskap” in te voeg:
 “**‘Akademie’** die Suid-Afrikaanse Nasionale Akademie van Intelligensie in artikel 5 van hierdie Wet bedoel;
‘Burgerlike Intelligensiestrukture’ die Agentskap, Diens en die Akademie;”;
- (c) deur die volgende omskrywing na die omskrywing van “Departement” in te voeg:
 “**‘Diens’** die Suid-Afrikaanse Intelligensiediens in artikel 3 van hierdie Wet bedoel;”;
- (d) deur die omskrywing van “gewese lid” deur die volgende omskrywing te vervang:
 “**‘gewese lid’** enige lid van die [Agentskap of die voormalige Nasionale Intelligensie-agentskap, Suid-Afrikaanse Geheime diens of Suid-Afrikaanse Nasionale Akademie van Intelligensie] Nasionale Intelligensiestrukture wie se dienste om enige rede beëindig is;”;
- (e) deur die volgende omskrywing na die omskrywing van “hierdie Wet” in te voeg:
 “**‘Intelligensiedienste’** die Suid-Afrikaanse Intelligensie-agentskap en die Suid-Afrikaanse Intelligensiediens soos in artikel 1 van hierdie Wet bedoel;”;
- (f) deur die omskrywing van “Raad” deur die volgende omskrywing te vervang:
 “**‘Raad’** die [Intelligensieraad oor Diensvoorwaardes] Intelligensiediensteraad by artikel 22 ingestel;”.

Wysiging van artikel 2 van Wet 65 van 2002

15. Die Wet op Intelligensiedienste, 2002, word hierby gewysig deur artikel 2 deur die volgende artikel te vervang:

“Toepassing van Wet

2. Tensy dit uit die samehang anders blyk, is hierdie Wet van toepassing op alle lede en gewese lede, ongeag of hulle met die inwerkingtreding van hierdie Wet lede was of na die inwerkingtreding van hierdie Wet aangestel is, en ongeag of hulle binne of buite die Republiek werk of gewerk het.”.

Vervanging van opskrif van Hoofstuk II van Wet 65 van 2002, soos gewysig deur artikel 14 van Wet 11 van 2013

16. Die opskrif van Hoofstuk II van die Wet op Intelligensiedienste, 2002, word hierby deur die volgende opskrif vervang:

**“INSTELLING, SAMESTELLING EN ORGANISASIE VAN [AGENTS-
 SKAP] INTELLIGENSIEDIENSTE, AKADEMIE EN SENTRUM”.**

Wysiging van artikel 3 van Wet 65 van 2002, soos gewysig deur artikel 15 van Wet 11 van 2013

17. Artikel 3 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

- (a) deur die opskrif deur die volgende opskrif te vervang:
“Instelling van Agentskap, Diens en Sentrum”;
- (b) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 “Die Suid-Afrikaanse Intelligensiediens en die Suid-Afrikaanse Intelligensie-agentskap is nasionale departemente soos bedoel in Bylae 1 van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), en bestaan uit die volgende persone—”;
- (c) deur subartikel (1A) te skrap;
- (d) deur subartikel (3) deur die volgende subartikel te vervang:
 “(3)(a) Die President moet ’n Direkteur-generaal vir die Diens aanstel as die hoof en rekenpligtige beampte.
 (b) Die President moet ’n Direkteur-generaal vir die Agentskap aanstel as die hoof en rekenpligtige beampte.”; en

- (e) by the insertion after subsection (3) of the following subsections:
- “(4) The Directors-General are appointed in terms of the Intelligence Services Act 2002, (Act No. 65 of 2002), read together with the Public Service Act, 1994 (Proclamation 103 of 1994).”
- (5) There is hereby established a National Communications Centre within the Agency and shall consist of the Head and members seconded from the Agency.
- (6) The head of the Centre shall be appointed by the Minister at a level of the Deputy Director-General and perform their functions in terms of this Act impartially and without fear, favour or prejudice.
- (7) The Centre shall perform the functions provided for in section 2(2B) of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994).”.

Amendment of section 4 of Act 65 of 2002, as amended by section 16 of Act 11 of 2013

18. Section 4 of the Intelligence Services Act, 2002, is hereby amended—
- (a) by the substitution for the heading of the following heading:
- “**Composition of Service, Agency and Centre**”;
- (b) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- “The Minister must for [the Agency] each of the Intelligence Services and the Centre—” and
- (c) by the substitution in subsection (1) for paragraph (b) of the following paragraph:
- “(b) create posts, structures and prescribe functions thereof;”.

Substitution of section 5 of Act 65 of 2002, as amended by section 17 of Act 11 of 2013

19. Section 5 of the Intelligence Services Act, 2002, is hereby amended—
- (a) by the substitution for the heading of the following heading:
- “**Establishment of [Training Fund for Agency] Academy**”;
- (b) by the insertion after the heading of the following subsection:
- “(1)(a) There is hereby established a South African National Academy of Intelligence as a training Academy for intelligence structures.
- (b) The South African National Academy for Intelligence is a branch of the Agency and the head of the Academy reports to the Director-General of the Agency.
- (c) The Minister must, in consultation with the President, appoint a Head of the Academy who is at the level of a Deputy Director-General and acts as Executive Director and Principal of the Academy.
- (d) The Minister may create posts and structures necessary for the functioning of the Academy.”;
- (c) by the substitution for subsection (2) of the following subsection:
- “(2) The Academy must, in the prescribed manner, and after consultation with the Agency and Service—”;
- (a) provide training for members of the National Intelligence Structures and other government departments including—
- (i) training to persons in, or conduct such examinations or tests as a qualification for the appointment, promotion or transfer of persons in or to, the Intelligence Services, Academy or departments, as the case may be, as the Minister may prescribe;
- (ii) issuing diplomas or certificates to person who have passed such examination or tests; and
- (iii) establishing and maintaining training institutions or centres, in accordance with applicable laws or regulations, for the training of students or intelligence members.”;

(e) deur die volgende subartikels na subartikel (3) in te voeg:

“(4) Die Direkteurs-generaal word aangestel ingevolge die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 20023), gelees met die Staatsdienswet, 1994 (Proklamasie 103 van 1994).

(5) ’n Nasionale Kommunikasiesentrum word hierby binne die Agentskap gestig, wat sal bestaan uit die Hoof en lede wat van die Agentskap gesekondeer is. 5

(6) Die hoof van die Sentrum moet deur die Minister aangestel word op ’n vlak van Adjunk Direkteur-generaal en moet hul werksaamhede ingevolge hierdie Wet onpartydig en sonder vrees, guns of vooroordeel verrig. 10

(7) Die Sentrum moet die werksaamhede verrig waarvoor in artikel 2(2B) van die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994), voorsiening gemaak word.”.

Wysiging van artikel 4 van Wet 65 van 2002, soos gewysig deur artikel 16 van Wet 11 van 2013 15

18. Artikel 4 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

“**Samestelling van Diens, Agentskap en Sentrum**”;

(b) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 20

“Die Minister moet vir [die Agentskap] elkeen van die Intelligensiedienste en die Sentrum—”; en

(c) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) poste en strukture skep en werksaamhede daarvan voorskryf;”. 25

Vervanging van artikel 5 van Wet 65 van 2002, soos gewysig deur artikel 17 van Wet 11 van 2013

19. Artikel 5 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

“**Instelling van [Opleidingsfonds vir Agentskap] Akademie**”; 30

(b) deur die volgende subartikel na die opskrif in te voeg:

“(1)(a) ’n Suid-Afrikaanse Nasionale Akademie van Intelligensie word hierby as ’n opleidingsakademie vir intelligensiestrukture ingestel.

(b) Die Suid-Afrikaanse Nasionale Akademie vir Intelligensie is ’n tak van die Agentskap en die hoof van die Akademie doen verslag aan die Direkteur-generaal van die Agentskap. 35

(c) Die Minister moet, in oorleg met die President, ’n Hoof van die Akademie aanstel wat op die vlak van ’n Adjunk Direkteur-generaal is en as uitvoerende direkteur en prinsipaal van die Akademie optree.

(d) Die Minister kan poste en strukture skep wat nodig is vir die werking van die Akademie.”; 40

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

“(2) Die Akademie moet, op die voorgeskrewe wyse en na oorleg met die Agentskap en Diens—

(a) opleiding verskaf aan lede van die Nasionale Intelligensiestrukture en ander staatsdepartemente, met inbegrip van— 45

(i) opleiding aan persone in, of persone eksamens of toetse laat skryf, as ’n kwalifikasie vir die aanstelling, bevordering of oorpasing van persone in of na, die Intelligensiedienste, Akademie of departemente, na gelang van die geval, soos die Minister mag voorskryf; 50

(ii) die uitreiking van diplomas of sertifikate aan persone wat sodanige eksamens of toetse geslaag het; en

(iii) die stigting en instandhouding van opleidingsinstellings of -sentrums, ooreenkomstig toepaslike wette of regulasies, vir die opleiding van studente of intelligensielede.”; 55

- (d) by the substitution for subsection (3) of the following subsection:
 “(3) The [Agency] Academy must have a Training Fund of which the funding consists of—
 (a) all moneys which immediately prior to the commencement of this Act were moneys defrayed for training **[under the former National Intelligence Agency]**; 5
[(aA) all moneys which immediately prior to the commencement of the General Intelligence Laws Amendment Act, 2013, were moneys defrayed for training under the South African National Academy of Intelligence]; 10
 (b) money appropriated by Parliament from time to time for promoting training under this Act; and
 (c) any other money **[accruing to the Training Fund]** to be utilised for training in terms of this Act or from any other source subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999).”; 15
- (e) by the substitution in subsection (4) for paragraph (a) of the following paragraph:
 “(a) The Training Fund must be administered by the **[Director-General]** Executive Director.”; 20
- (f) by the deletion in subsection (4) of paragraph (c); 20
- (g) by the substitution in subsection (5)(b) for the words preceding subparagraph (i) of the following words:
 “(b) The **[Director-General]** Executive Director must—”; 25
- (h) by the insertion after subsection (5)(c) for the following paragraph:
 “(d) The Executive Director must, at the end of each financial year, submit the report of the Academy compiled in accordance with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999), to the Director-General of the Agency for consideration.”; and 25
- (i) by the substitution for subsections (7) and (8) of the following subsections respectively: 30
- “(7) The [Agency] Academy may in relation to training co-operate with any institution of higher learning, in the Republic or elsewhere, to achieve its objectives.
 (8) The accreditation and recognition of the [Agency’s] Academy’s qualifications must be done in accordance with the provisions of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), and the Skills Development Act, 1998 (Act No. 97 of 1998).” 35

Amendment of section 8 of Act 65 of 2002, as amended by section 20 of Act 11 of 2013

20. Section 8 of the Intelligence Services Act, 2002, is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph— 40

- “(a) appoint any person as a member of the [Agency] Civilian Intelligence Service.”;

Amendment of section 9 of Act 65 of 2002, as amended by section 21 of Act 11 of 2013 45

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

- (a) by the substitution for subsection (1) of the following subsection:
 “(1)(a) There is hereby established a Ministerial Advisory Committee on Training which consists of the Head of the Academy and the Heads of the National Intelligence Structures or their alternatives. 50
 (b) The Minister may appoint not more than eight other persons on the basis of necessity and required expertise to serve on the committee.”;
- (b) by the substitution for subsection (2) of the following subsection:
 “(2) The persons appointed under subsection 1[d] (b) may hold office for a renewable period of three years, and at least three **[of them]** persons appointed must have extensive academic experience and knowledge.”; 55
 and

- (d) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Die **[Agentskap] Akademie** moet ’n Opleidingsfonds hê waarvan die fondse bestaan uit—
- (a) alle gelde wat onmiddellik voor die inwerkingtreding van hierdie Wet gelde was wat vir opleiding **[onder die voormalige Nasionale Intelligensie-agentskap]** aangewend is; 5
- [(aA) alle gelde wat onmiddellik voor die inwerkingtreding van die Algemene Wysigingswet op Intelligensiewette, 2013, gelde is wat vir opleiding onder die Suid-Afrikaanse Nasionale Akademie van Intelligensie aangewend is;]** 10
- (b) geld wat van tyd tot tyd deur die Parlement bewillig word vir die bevordering van opleiding kragtens hierdie Wet;
- (c) enige ander geld wat vir opleiding benut gaan word ingevolge hierdie Wet of uit enige ander bron **[aan die Opleidingsfonds toeval]** behoudens die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).”; 15
- (e) deur in subartikel (4) paragraaf (a) deur die volgende paragraaf te vervang:
- “(a) Die Opleidingsfonds moet deur die **[Direkteur-generaal]** Uitvoerende Direkteur geadministreer word.”;
- (f) deur in subartikel (4) paragraaf (c) te skrap; 20
- (g) deur in subartikel (5)(b) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:
- “(b) Die **[Direkteur-generaal]** Uitvoerende Direkteur moet—”;
- (h) deur die volgende paragraaf na subartikel (5)(c) in te voeg: 25
- “(d) Die Uitvoerende Direkteur moet, aan die einde van elke boekjaar, die verslag van die Akademie wat volgens die bepalings van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), opgestel is aan die Direkteur-generaal van die Agentskap voorlê vir oorweging.”; en
- (i) deur subartikels (7) en (8) onderskeidelik deur die volgende subartikels te vervang: 30
- “(7) Die **[Agentskap] Akademie** kan in verband met opleiding met enige inrigting vir hoër onderwys, in die Republiek of elders, saamwerk om sy oogmerke te bereik.
- (8) Die akkreditering en erkenning van die **[Agentskap] Akademie** se kwalifikasies moet ooreenkomstig die bepalings van die ‘National Qualifications Framework Act, 2008’ (Wet No. 67 van 2008), en die ‘Skills Development Act, 1998’ (Wet No. 97 van 1998), gedoen word.”. 35

Wysiging van artikel 8 van Wet 65 van 2002, soos gewysig deur artikel 20 van Wet 11 van 2013

20. Artikel 8 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang: 40

“(a) enige persoon as ’n lid van die **[Agentskap]** Burgerlike Intelligensiediens aanstel.”.

Wysiging van artikel 9 van Wet 65 van 2002, soos gewysig deur artikel 21 van Wet 11 van 2013 45

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

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1)(a) ’n Ministeriële Advieskomitee oor Opleiding word hierby ingestel wat bestaan uit die Hoof van die Akademie en die Hoofde van die Nasionale Intelligensiestrukture of hulle alternatiewe. 50
- (b) Die Minister kan hoogstens agt ander persone aanstel op grond van nodigheid en vereiste kundigheid om op die komitee te dien.”; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Die persone wat kragtens subartikel (1) [(d)] (b) aangestel is, mag die amp beklee vir ’n hernubare tydperk van drie jaar, en minstens drie 55
- van die **[lede]** persone wat aangestel is, moet beskik oor uitgebreide akademiese ondervinding en kennis.”; en

- (c) by the substitution in subsection (7) for paragraph (b) of the following paragraph:

“(b) assist the **[Director-General]** head of the Academy to develop a curriculum and to make recommendations to the Minister in that regard.”.

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Amendment of section 10 of Act 65 of 2002, as amended by section 9 of Act 52 of 2003 and section 22 of Act 11 of 2013

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

- (a) by the substitution of the heading of the following heading:

“**Heads of Intelligence Services and Academy**”;

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- (b) by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) The Director-General concerned or the Executive Director as the case may be, must, subject to the written directions of the Minister and this Act, exercise command and control of the **[Agency] Service, Agency, or the Academy.**

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(2) The Director-General concerned or the Executive Director as the case may be, may, in a prescribed manner and subject to the approval of the Minister and the provisions of this Act, issue functional directives applicable to—

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

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

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- (c) by the substitution for subsection (3) for the words preceding paragraph (a) for the following words:

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

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

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“(f) any other matter that is necessary for the intelligence and counter-intelligence functions of the **Service and the Agency respectively;**”;

- (e) by the substitution for subsection (4) of the following subsection:

“(4) The Director-General concerned or the Executive Director must, as far as is reasonably practicable, take steps to ensure that—

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- (a) national security intelligence, intelligence collection methods, sources of information and the identity of members of the **[Agency] Intelligence Services, Centre, or the Academy, as the case may be,** are protected from unauthorised disclosure;

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- (b) neither the **[Agency] Intelligence Services, Centre, or the Academy, as the case may be,** nor any of its members may, in the performance of their functions—

- (i) prejudice a political party interest that is legitimate in terms of the Constitution; or

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- (ii) further, in a partisan manner, any interest of a political party; or

- (iii) instruct or expect their members to obey a manifestly illegal order;

- (c) the powers of the Intelligence services are limited to what is necessary for the purposes of the discharge of its functions in terms of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994), and the Secret Services Act, 1978 (Act No. 56 of 1978).”;

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- (c) deur in subartikel (7) paragraaf (b) deur die volgende paragraaf te vervang:
 “(b) die **[Direkteur-generaal]** hoof van die Akademie by te staan om ’n kurrikulum te ontwikkel en om aanbevelings in dié verband aan die Minister te doen.”.

Wysiging van artikel 10 van Wet 65 van 2002, soos gewysig deur artikel 9 van Wet 52 van 2003 en artikel 22 van Wet 11 van 2013 5

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

- (a) deur die opskrif deur die volgende opskrif te vervang:
“Hoofde van Intelligensiedienste en Akademie”;
- (b) deur subartikels (1) en (2) onderskeidelik deur die volgende subartikels te 10
 vervang:
 “(1) Die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, moet, behoudens die skriftelike lasgewings van die Minister en hierdie Wet, bevel en beheer uitoefen oor die Diens, Agentskap of Akademie. 15
 (2) Die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, kan, op ’n voorgeskrewe wyse en behoudens die goedkeuring van die Minister en die bepalinge van hierdie Wet, funksionele direktiewe uitreik wat van toepassing is op—
 (a) diensvoorwaardes en mensehulpbronne van die **[Agentskap]** Intelligensiedienste, of die Akademie, na gelang van die geval: Met dien verstande dat sodanige funksionele direktiewe vir oorweging voorgelê moet word aan die Raad; en
 (b) enige ander aangeleentheid wat hy of sy dienstig ag vir die doeltreffende bevel en beheer van die **[Agentskap]** Intelligensiedienste, of die Akademie, na gelang van die geval.”; 25
- (c) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 “Die betrokke Direkteur-generaal kan, na gelang van die geval, op ’n voorgeskrewe wyse, behoudens die **[goedkeuring van die Minister en die]** bepalinge van hierdie Wet en in oorleg met die Minister, funksionele direktiewe uitreik wat van toepassing is op—”; 30
- (d) deur in subartikel (3) paragraaf (f) deur die volgende paragraaf te vervang:
 “(f) enige ander aangeleentheid wat nodig is vir die intelligensie en teenintelligensiefunksies van onderskeidelik die Diens en die Agentskap”; 35
- (e) deur subartikel (4) deur die volgende subartikel te vervang:
 “(4) Die betrokke Direkteur-generaal of die Uitvoerende Direkteur moet, so ver dit redelikerwys doenlik is, stappe doen om te verseker dat— 40
 (a) nasionale veiligheidsintelligensie, intelligensie-insamelingsmetodes, bronne van inligting en die identiteit van lede van die **[Agentskap]** Intelligensiedienste, Sentrum of Akademie, na gelang van die geval, teen ongemagtigde openbaarmaking beskerm word;
 (b) nóg die **[Agentskap]** Intelligensiedienste, Sentrum, of die Akademie, na gelang van die geval, nóg enige van sy lede, in die uitvoer van hulle werksaamhede kan— 45
 (i) enige politieke partybelang wat wettig is ingevolge die Grondwet, benadeel; of
 (ii) op ’n partydige manier enige belang van ’n politieke party bevorder; of 50
 (iii) hulle lede opdrag gee of van hulle verwag om ’n klaarblyklik onwettige bevel te gehoorsaam nie;
 (c) die bevoegdhede van die Agentskap beperk word tot wat noodsaaklik is met die oog op die verrigting van sy werksaamhede 55
 ingevolge die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994), en die Wet op Geheime Dienste, 1978 (Wet No. 56 van 1978).”;

- (f) by the substitution in subsection (5) for paragraph (a) of the following paragraph:

“(a) The Director-General concerned or the Executive Director as the case may be, must at the end of each financial year submit to the Minister a report on the activities of the [Agency] Intelligence Services, or the Academy for the relevant financial year, that must—

(i) include information about any co-operation by the [Agency] Intelligence Services, or the Academy with an authority of another country in planning or undertaking activities pertaining to the [Agency’s] Intelligence Services, or the Academy’s mandate; and

(ii) except for classified information, be publicly accessible.”.

Amendment of section 11 of Act 65 of 2002, as amended by section 10 of Act 52 of 2003 and section 23 of Act 11 of 2013

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

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

“(a) there is on any premises information which has or could probably have a bearing on the functions of the [Agency] Intelligence Services as contemplated in section 2 of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994), which information is of substantial importance and is necessary for the proper discharge of the functions of the [Agency] Intelligence Services;”;

- (b) by the substitution in subsection (2) for the words preceding subparagraph (i) of the following words:

“he or she may issue the [Agency] Intelligence Services with a direction authorising any member when reasonably necessary—”; and

- (c) 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 [Agency] Intelligence Services who is authorised to do so by a senior member of the [Agency] Intelligence Services holding a post of at least a General Manager.”.

Amendment of section 12 of Act 65 of 2002, as amended by section 11 of Act 52 of 2003 and section 24 of Act 11 of 2013

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

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The Minister may, subject to this Act, do or cause to be done all things which are necessary for the efficient superintendence, control and functioning of the [Agency] Intelligence Services, Centre, or the Academy.”;

- (b) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

“(a) acquire any immovable property, with or without any buildings thereon which is necessary for the efficient functioning of the [Agency] Intelligence Services, Centre, or the Academy and, subject to section 70 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), supply guarantees, indemnities and securities for [that purpose] those purposes;”;

- (c) by the substitution in subsection (2) for paragraph (c) of the following paragraph:

“(c) acquire, hire or utilise any movable property and any other equipment which may be necessary for the efficient functioning of the [Agency] Intelligence Services, Centre, or the Academy: Provided that the utilisation of intrusive equipment is as prescribed in accordance with the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994);”.

- (f) deur in subartikel (5) paragraaf (a) deur die volgende paragraaf te vervang:
- “(a) Die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, moet aan die einde van elke boekjaar ’n verslag oor die aktiwiteite van die **[Agentskap] Intelligensiedienste**, of die Akademie vir die toepaslike boekjaar aan die Minister voorlê wat—
- (i) inligting moet insluit oor enige samewerking deur die **[Agentskap] Intelligensiedienste**, of die Akademie met ’n owerheid van ’n ander land in die beplanning of onderneming van aktiwiteite wat met die **[Agentskap] Intelligensiedienste**, of die Akademie se mandaat verband hou; en
- (ii) met uitsondering van geklassifiseerde inligting, vir die publiek toeganklik moet wees.”.

Wysiging van artikel 11 van Wet 65 van 2002, soos gewysig deur artikel 10 van Wet 52 van 2003 en artikel 23 van Wet 11 van 2013

23. Artikel 11 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—
- (a) deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang:
- “(a) daar op enige perseel inligting is wat betrekking het of waarskynlik kan hê op die werksaamhede van die **[Agentskap] Intelligensiedienste** soos beoog in artikel 2 van die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet 39 van 1994), welke inligting van wesenlike belang is en nodig is vir die behoorlike verrigting van die werksaamhede van die **[Agentskap] Intelligensiedienste**.”;
- (b) deur in subartikel (2) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:
- “kan hy of sy ’n lasgewing aan die **[Agentskap] Intelligensiedienste** uitreik wat enige lid magtig om, wanneer dit redelikerwys nodig is—”;
- en
- (c) deur in subartikel (3) paragraaf (b) deur die volgende paragraaf te vervang:
- “(b) ’n Lasgewing in paragraaf (a) bedoel, kan uitgevoer word deur ’n lid van die **[Agentskap] Intelligensiedienste** wat gemagtig is om dit te doen deur ’n senior lid van **[Agentskap] Intelligensiedienste** wat ’n pos van minstens Algemene Bestuurder beklee.”.

Wysiging van artikel 12 van Wet 65 van 2002, soos gewysig deur artikel 11 van Wet 52 van 2003 en artikel 24 van Wet 11 van 2013

24. Artikel 12 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Die Minister kan behoudens hierdie Wet, alle dinge doen of laat doen wat nodig is vir die doeltreffende toesig en beheer oor en funksionering van die **[Agentskap] Intelligensiedienste**, Sentrum, of die Akademie.”;
- (b) deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang:
- “(a) enige onroerende eiendom, met of sonder enige geboue daarop, wat nodig is vir die doeltreffende funksionering van die **[Agentskap] Intelligensiedienste**, Sentrum, of die Akademie verkry en, behoudens artikel 70 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), waarborge, vrywarings en sekuriteite vir daardie **[doeleinde]** doeleindes verskaf;”;
- en
- (c) deur in subartikel (2) paragraaf (c) deur die volgende paragraaf te vervang:
- “(c) enige roerende eiendom en enige ander toerusting wat nodig is vir die doeltreffende funksionering van die **[Agentskap] Intelligensiedienste**, Sentrum, of die Akademie, verkry, huur of benut: Met dien verstande dat die benutting van indringende toerusting ooreenkomstig die Wet op Nasionale Strategiese Intelligensie, 1994 (Wet No. 39 van 1994), geskied;”.

Amendment of section 13 of Act 65 of 2002, as amended by section 25 of Act 11 of 2013

25. Section 13 of the Intelligence Services Act, 2002, is hereby amended—

- (a) by the substitution for subsection (4) of the following subsection: 5
 “(4) Notwithstanding subsection (1), a member shall have the right to retire from the [Agency] Intelligence Services, or the Academy on the date on which he or she attains the age of [55] 60 years, or on any date after that date.”; and
- (b) by the insertion after subsection (4) of the following subsection: 10
 “(5) In a prescribed manner, the Minister may determine the role of former members of the civilian Intelligence services.”.

Amendment of section 14 of Act 65 of 2002, as amended by section 12 of Act 52 of 2003 and by section 26 of Act 11 of 2013

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

- (a) by the substitution for subsection (1) for paragraph (a) of the following paragraph: 15
 “(a) information with respect to that person has been gathered in the prescribed manner in a security competence assessment investigation by the [Agency] Intelligence Services;”;
- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 20
 “(2) In order to gather the information contemplated in subsection (1)(a), the [Agency] Intelligence Services may, in a prescribed manner, have access to—”;
- (c) by the substitution in subsection (2) for the proviso of the following proviso: 25
 “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 [Agency] Intelligence Services must perform this function in accordance with the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002).”; 30
- (d) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words: 35
 “(4) The Director-General concerned may, in the prescribed manner, issue directives on—”;
- (e) by the substitution in subsection (5) of the following subsection: 35
 “(5) The Director-General concerned may, after evaluating the information gathered as contemplated in subsection (1)(b), issue, degrade, withdraw or refuse to grant a security clearance certificate.”;
- (f) by the substitution in subsection (7) for the words preceding paragraph (a) of the following words: 40
 “If the certificate referred to in subsection (5) is withdrawn, the member concerned is deemed unfit for further membership of the [Agency] Intelligence Services, the Centre, or the Academy, as the case may be and the Minister may—”; 45
- (g) by the substitution in subsection (7) for paragraph (a) of the following paragraph: 45
 “(a) discharge such person or member from the [Agency] Intelligence Services, the Centre, or the Academy, as the case may be; or”; and
- (h) by the substitution for subsections (8) and (9) of the following subsections, respectively: 50
 “(8)(a) A person whose security clearance has been degraded, withdrawn or refused by the Director-General concerned may, in the prescribed manner, appeal to the Minister. 55
 (b) Such appeal must—
 (i) be lodged within 60 days from the date on which the decision was made known by the Director-General concerned or such later date as the Minister permits; and
 (ii) set out the grounds for the appeal.

Wysiging van artikel 13 van Wet 65 van 2002, soos gewysig deur artikel 25 van Wet 11 van 2013

25. Artikel 13 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

- (a) deur subartikel (4) deur die volgende subartikel te vervang: 5
 “(4) Ondanks subartikel (1), het ’n lid die reg om uit die **[Agentskap]** Intelligensiedienste, of die Akademie af te tree op die datum waarop hy of sy die ouderdom van **[55]** 60 jaar bereik, of op enige datum na daardie datum.”; en
- (b) deur die volgende subartikel na subartikel (4) in te voeg: 10
 “(5) Die Minister kan op ’n voorgeskrewe wyse die rol van gewese lede van die burgerlike intelligensiedienste bepaal.”.

Wysiging van artikel 14 van Wet 65 van 2002, soos gewysig deur artikel 12 van Wet 52 van 2003 en deur by artikel 26 van Wet 11 van 2013

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

- (a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang: 15
 “(a) inligting met betrekking tot daardie persoon op die voorgeskrewe wyse ingesamel is in ’n klaringsondersoek deur die **[Agentskap]** Intelligensiedienste.”;
- (b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 20
 “(2) Ten einde die inligting in subartikel (1)(a) bedoel in te samel, kan die **[Agentskap]** Intelligensiedienste, op ’n voorgeskrewe wyse, toegang hê tot—”;
- (c) deur in subartikel (2) die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang: 25
 “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 **[Agentskap]** Intelligensiedienste hierdie werksaamheid ooreenkomstig die Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting, 2002 (Wet No. 70 van 2002), moet uitvoer.”; 30
- (d) deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 35
 “(4) Die betrokke Direkteur-generaal kan, op die voorgeskrewe wyse, direkteiewe uitvaardig oor—”;
- (e) deur subartikel (5) deur die volgende subartikel te vervang: 40
 “(5) Die betrokke Direkteur-generaal kan, na evaluering van die ingesamelde inligting in subartikel (1)(b) bedoel, ’n veiligheidsklaring-sertifikaat uitreik, afgradeer, terugtrek of weier om ’n veiligheidsklaring-sertifikaat uit te reik.”;
- (f) deur in subartikel (7) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 45
 “Indien die sertifikaat in subartikel (5) bedoel, teruggetrek word, word die betrokke lid onbevoeg geag vir verdere lidmaatskap van die **[Agentskap]** Intelligensiedienste, die Sentrum, of die Akademie, na gelang van die geval en die Minister kan—”;
- (g) deur in subartikel (7) paragraaf (a) deur die volgende subparagraaf te vervang: 50
 “(a) sodanige persoon of lid uit die **[Agentskap]** Intelligensiedienste, die Sentrum, of die Akademie, na gelang van die geval, ontslaan; of”; en
- (h) deur subartikels (8) en (9) onderskeidelik deur die volgende subartikels te vervang: 55
 “(8)(a) ’n Persoon wie se veiligheidsklaring deur die betrokke Direkteur-generaal afgegradeer, teruggetrek of geweier is, kan, op die voorgeskrewe wyse, na die Minister appelleer.
 (b) Sodanige appèl moet—
 (i) binne 60 dae vanaf die datum waarop die betrokke Direkteur-generaal die besluit bekend gemaak het, of sodanige latere datum wat die Minister toelaat, aangeteken word; en 60
 (ii) die gronde van appèl uiteensit.

(c) After considering the grounds of appeal and the concerned Director-General's reasons for the decision, the Minister must as soon as practicable—

- (i) confirm, set aside or vary the decision; or
- (ii) substitute any other decision for the decision of the Director-General concerned. 5

(9) On intervals prescribed by the Minister, a member may be subjected to a vetting investigation to determine his or her security competence to remain in the [Agency] Intelligence Services, Centre, or the Academy, as the case may be." 10

Amendment of section 15 of Act 65 of 2002, as substituted by section 27 of Act 11 of 2013

27. Section 15 of the Intelligence Services Act, 2002, is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 15

"Any member who absents himself or herself, whether voluntarily or involuntarily, from his or her official duties without the permission of the Director-General or the Executive Director concerned, as the case may be, for a period [exceeding 10] of 15 consecutive working days, is deemed to have been discharged from the [Agency] Intelligence Services, Centre, or the Academy, as the case may be, on account of misconduct, with effect from the date immediately following upon the last day on which he or she was present at his or her place of duty: Provided that if—"; 20

- (b) by the substitution in subsection (1) for paragraph (b) of the following paragraph: 25

"(b) a member deemed to have been so discharged again reports for duty, the Director-General concerned or the Executive Director, as the case may be, may, on good cause shown and notwithstanding anything to the contrary contained in any law but subject to the approval of the Minister, reinstate the member in his or her former post or appoint him or her to any other post in the [Agency] Intelligence Services, Centre, or the Academy, as the case may be, on such conditions as the Director-General concerned or the Executive Director, as the case may be, may deem fit and in that event the period of his or her absence from his or her official duties is deemed to have been absence on vacation leave without pay, or leave on such other conditions as the concerned Director-General or the Executive Director, as the case may be, may determine;"; and 30

- (c) by the substitution in subsection (1) for paragraph (c) of the following paragraph: 40

"(c) the Director-General concerned or the Executive Director as the case may be, refuses to reinstate the member, the latter may appeal to the Minister, stating the reasons why he or she should be reinstated." 45

Amendment of section 16 of Act 65 of 2002, as substituted by section 28 of Act 11 of 2013

28. Section 16 of the Intelligence Services Act, 2002, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection: 50

"(1) Any member may be discharged from the [Agency] Intelligence Services, Centre, or the Academy, as the case may be, by the Director-General concerned or the Executive Director, as the case may be, if, after a hearing in the prescribed manner as to his or her state of health, [the] such Director-General or the Executive Director, as the case may be, is of the opinion that the member is by reason of ill-health unfit to remain in the [Agency] Intelligence Services, Centre or Academy, as the case may be." 55

(c) Na oorweging van die gronde van appèl en die betrokke Direkteur-generaal se redes vir die besluit, moet die Minister so gou doenlik—

- (i) die besluit bevestig, tersyde stel of wysig; of
- (ii) die besluit van die betrokke Direkteur-generaal met enige ander besluit vervang.

(9) By tussenposes deur die Minister voorgeskryf, kan 'n lid aan 'n klaringsondersoek onderwerp word om sy of haar veiligheidsbevoegdheid om in die **[Agentskap]** Intelligensiedienste, Sentrum, of die Akademie, na gelang van die geval, aan te bly, te bepaal.”.

Wysiging van artikel 15 van Wet 65 van 2002, soos vervang deur artikel 27 van Wet 11 van 2013

27. Artikel 15 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Enige lid wat vrywillig of onvrywillig afwesig is van sy of haar amptelike pligte sonder die toestemming van die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, vir 'n tydperk van **[langer as 10]** 15 agtereenvolgende werksdae, word geag uit die **[Agentskap]** Intelligensiedienste, Sentrum, of die Akademie, na gelang van die geval, ontslaan te wees op grond van wangedrag, met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy of sy op sy of haar plek van diens was: Met dien verstande dat indien—”;

- (b) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) 'n lid wat geag word aldus ontslaan te wees, weer vir diens aanmeld, die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, by die aanvoer van goeie gronde en ondanks enige andersluidende bepaling vervat in enige wet maar behoudens die goedkeuring van die Minister, hom of haar in sy of haar vorige pos kan herstel of hom of haar in enige ander pos in die **[Agentskap]** Intelligensiedienste, Sentrum, of die Akademie, na gelang van die geval, kan aanstel op die voorwaardes wat die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, geskik ag, en in daardie geval word die tydperk van sy of haar afwesigheid van sy of haar amptelike pligte geag afwesigheid met vakansieverlof sonder besoldiging te wees, of verlof op die ander voorwaardes wat die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, bepaal;”;

- (c) deur in subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang:

“(c) die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, weier om die lid in sy of haar pos te herstel, laasgenoemde na die Minister kan appelleer met vermelding van die redes waarom hy of sy aldus herstel moet word.”.

Wysiging van artikel 16 van Wet 65 van 2002, soos vervang deur artikel 28 van Wet 11 of 2013

28. Artikel 16 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Enige lid kan uit die **[Agentskap]** Intelligensiedienste, Sentrum, of die Akademie, na gelang van die geval, ontslaan word deur die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, indien na 'n verhoor op die voorgeskrewe wyse oor sy of haar gesondheidstoestand, **[die]** sodanige Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, van mening is dat die lid as gevolg van swak gesondheid ongeskik is om in die Agentskap te bly.”;

en

- (b) by the substitution for subsection (2) of the following subsection:
 “(2) Any member discharged from the [Agency] Intelligence Services, Centre, or the Academy in terms of subsection (1) may in the prescribed manner appeal to the Minister, who may thereupon set aside or confirm his or her discharge.”.

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Amendment of section 17 of Act 65 of 2002, as amended by section 29 of Act 11 of 2013

29. Section 17 of the Intelligence Services Act, 2002, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
 “(1) A member may be discharged from the [Agency] Intelligence Services, Centre, or the Academy or demoted by the Director-General concerned or the Executive Director, as the case may be, if, after a hearing in the prescribed manner as to his or her fitness to remain in employment or to retain his or her rank or grade, [the] such Director-General or the Executive Director, as the case may be, is of the opinion that such member is incapable of performing his or her duties efficiently.”; and
 (b) by the substitution for subsection (2) of the following subsection:
 “(2) A member who has been discharged from the [Agency] Civilian Intelligence Service or demoted in terms of subsection (1) may in the prescribed manner appeal to the Minister, who may thereupon set aside or confirm his or her discharge or demotion, as the case may be.”.

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Amendment of section 18 of Act 65 of 2002, as amended by section 30 of Act 11 of 2013

30. Section 18 of the Intelligence Services Act, 2002, is hereby amended by the substitution for subsections (2) and (3) of the following subsections, respectively:

- “(2) A member may be discharged from the [Agency] Civilian Intelligence Service or demoted by the Director-General concerned or the Executive Director, as the case may be, if, after a hearing in the prescribed manner as to his or her fitness to remain in employment or to retain his or her rank or grade, [the] such Director-General, or the Executive Director, as the case may be, is of the opinion that such member is guilty of misconduct.
 (3) A member who has been discharged from the [Agency] Civilian Intelligence Service or demoted in terms of subsection (2) may in the prescribed manner appeal to the Minister, who may thereupon set aside or confirm his or her discharge or demotion, as the case may be.”.

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Amendment of section 19 of Act 65 of 2002, as amended by section 31 of Act 11 of 2013

31. Section 19 of the Intelligence Services Act, 2002, is hereby amended—

- (a) by the substitution in subsection (1)(a) for subparagraph (i) of the following subparagraph:
 “(i) in the [Agency] Civilian Intelligence Service.”;
 (b) by the substitution in subsection (1)(a) for item (cc) of the *proviso* of the following item:
 “(cc) a member may not without his or her consent be transferred to a post outside the [Agency] Civilian Intelligence Service if such transfer will, save for his or her salary, result in a change in his or her conditions of service.”;
 (c) by the substitution in subsection (1) for paragraph (b) of the following paragraph:
 “(b) discharge any member from the [Agency] Civilian Intelligence Service on such conditions as the Minister may determine.”; and
 (d) by the substitution for subsection (2) of the following subsection:
 “(2) The Minister may, with the consent of a member and upon such conditions as the Minister may determine, second a member, for the performance of a particular service or for a specified period, to the

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

“(2) Enige lid wat ingevolge subartikel (1) uit die **[Agentskap]** Intelligensiedienste, Sentrum, of die Akademie, ontslaan word, kan op die voorgeskrewe wyse na die Minister appelleer, wat sy of haar ontslag dan ter syde kan stel of bevestig.”.

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Wysiging van artikel 17 van Wet 65 van 2002, soos gewysig deur artikel 29 van Wet 11 van 2013

29. Artikel 17 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) ’n Lid kan uit die **[Agentskap]** Intelligensiedienste, Sentrum, of die Akademie, ontslaan of gedemoveer word deur die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, indien na ’n verhoor op die voorgeskrewe wyse oor sy of haar geskiktheid om in diens te bly of om sy of haar rang of graad te behou, **[die]** sodanige Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, van mening is dat sodanige lid onbekwaam is om sy of haar pligte doeltreffend te verrig.”; en

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

“(2) Enige lid wat ingevolge subartikel (1) uit die **[Agentskap]** Burgerlike Intelligensiediens ontslaan word of gedemoveer word, kan op die voorgeskrewe wyse na die Minister appelleer, wat sy of haar ontslag of demovering, na gelang van die geval, dan ter syde kan stel of bevestig.”.

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Wysiging van artikel 18 van Wet 65 van 2002, soos gewysig deur artikel 30 van Wet 11 van 2013

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30. Artikel 18 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur subartikels (2) en (3) onderskeidelik deur die volgende subartikels te vervang:

“(2) ’n Lid kan uit die **[Agentskap]** Burgerlike Intelligensiediens ontslaan of gedemoveer word deur die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, indien na ’n verhoor op die voorgeskrewe wyse oor sy of haar geskiktheid om in diens te bly of om sy of haar rang of graad te behou, **[die]** sodanige Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, van mening is dat sodanige lid hom of haar aan wangedrag skuldig gemaak het.

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(3) Enige lid wat ingevolge subartikel (2) uit die **[Agentskap]** Burgerlike Intelligensiediens ontslaan of gedemoveer is, kan op die voorgeskrewe wyse na die Minister appelleer, wat sy of haar ontslag of demovering, na gelang van die geval, dan ter syde kan stel of bevestig.”.

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Wysiging van artikel 19 van Wet 65 van 2002, soos gewysig deur artikel 31 van Wet 11 van 2013

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31. Artikel 19 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

(a) deur in subartikel (1)(a) subparagraaf (i) deur die volgende subparagraaf te vervang:

“(i) in die **[Agentskap]** Burgerlike Intelligensiediens”;;

(b) deur in subartikel (1)(a) item (cc) van die voorbehoudsbepaling deur die volgende item te vervang:

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“(cc) ’n lid nie sonder sy of haar instemming na ’n pos buite die **[Agentskap]** Burgerlike Intelligensiediens oorgeplaas mag word nie indien sodanige oorplasing sal lei tot ’n verandering in sy of haar diensvoorwaardes, uitgesonderd sy of haar salaris”;;

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(c) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) enige lid uit die **[Agentskap]** Burgerlike Intelligensiediens ontslaan op die voorwaardes wat die Minister bepaal.”; en

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

“(2) Die Minister kan, met die instemming van ’n lid en op die voorwaardes wat die Minister bepaal, ’n lid vir die verrigting van ’n bepaalde diens of vir ’n bepaalde tydperk sekondeer aan die diens van

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service of any other department, Intelligence Services Academy, or to any other authority, board, entity, establishment, institution or body, but, while so seconded, the member remains subject to this Act and any other law which applies to him or her.”.

Amendment of section 20 of Act 65 of 2002, as amended by section 13 of Act 52 of 2003 and section 32 of Act 11 of 2013 5

32. Section 20 of the Intelligence Services Act, 2002, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The Minister may in writing and on such conditions as [he or she] the Minister 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), 9(3), (4), (5), (8) and (9), 10(1), (2) and (3), 12(1) and (2)(a) and (b), 13(3), 14(6), (7), (8), (9) and (11), 15(b) and (c), 16(2), 17(2), 18(3), 19(4), 21(2), 22(1), (5) and (7), 23(3)(a) (i) and (ii), 28(2), 30 and 37, to the Director-General concerned or Executive Director, or any other member of the [Agency] Intelligence Services or Academy, as the case may be.”; and 10 15

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

“(2) [The] A Director-General or Executive Director may delegate any power conferred upon or duty assigned to him or her by or under this Act to any other member of the [Agency] Intelligence Services or Academy, as the case may be, but not any power or duty delegated under subsection (1).”.

Amendment of section 21 of Act 65 of 2002, as amended by section 33 of Act 11 of 2013 25

33. Section 21 of the Intelligence Services Act, 2002, is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) No member of the [Agency] Civilian Intelligence Service may strike or induce or conspire with any other member or person to strike. 30

(2) The Minister must in the prescribed manner make provision for internal rules to deal with complaints, grievances and consultation on conditions of service and human resources within the [Agency] Civilian Intelligence Service.”.

Amendment of section 22 of Act 65 of 2002, as amended by section 14 of Act 52 of 2003 and substituted by section 34 of Act 11 of 2013 35

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

(a) by the substitution for the heading of the following heading:

“**Establishment of Intelligence Services Council [on Conditions of Service]**”;

(b) by the substitution for subsection (1) of the following subsection: 40

“(1) There is hereby established an Intelligence Services Council [on Conditions of Service] which consists of not more than three persons appointed [on contract] by the Minister, one of whom must be Chairperson.”;

(c) by the insertion after subsection (2) of the following subsections: 45

“(2A) A member of the Council—

(a) holds office for a period not exceeding five years; and
(b) may, in the interest of continuity, be reappointed, but may not serve more than two consecutive terms.

(2B) A person may not be appointed as a member of the Council before the Agency has issued a security clearance in the prescribed manner in respect of that person. 50

(2C) The Minister may remove a member of the Council from office on account of misconduct, incapacity, incompetence, withdrawal of his or her security clearance or absence from three consecutive meetings of the Council without the prior permission of the chairperson, except on good cause shown.”;

enige ander departement, Intelligensiedienste, Akademie, of na enige ander owerheid, raad, entiteit, instelling, inrigting of liggaam, maar terwyl sodanige lid aldus gesekondeer is, bly hy of sy onderworpe aan hierdie Wet en enige ander wet wat op hom of haar van toepassing is.”.

Wysiging van artikel 20 van Wet 65 van 2002, soos gewysig deur artikel 13 van Wet 52 van 2003 en artikel 32 van Wet 11 van 2013 5

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

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan skriftelik en op die voorwaardes wat [hy of sy] die Minister 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), 9(3), (4), (5), (8) en (9), 10(1), (2) en (3), 12(1) en (2)(a) en (b), 13(3), 14(6), (7), (8), (9) en (11), 15(b) en (c), 16(2), 17(2), 18(3), 19(4), 21(2), 22(1), (5) en (7), 23(3)(a)(i) en (ii), 28 (2), 30 en 37, aan die betrokke Direkteur-generaal of Uitvoerende Direkteur of enige ander lid van die [Agentskap] Intelligensiedienste of Akademie, na gelang van die geval, delegeer.”; en

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

“(2) [Die] ’n Direkteur-generaal of Uitvoerende Direkteur kan enige bevoegdheid of plig wat by of kragtens hierdie Wet aan hom of haar verleen of opgelê is, delegeer aan enige ander lid van die [Agentskap] Intelligensiedienste of Akademie na gelang van die geval, maar nie ’n bevoegdheid of plig wat kragtens subartikel (1) gedelegeer is nie.”.

Wysiging van artikel 21 van Wet 65 van 2002, soos gewysig deur artikel 33 van Wet 11 van 2013 25

33. Artikel 21 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur subartikels (1) en (2) onderskeidelik deur die volgende subartikels te vervang:

“(1) Geen lid van die [Agentskap] Burgerlike Intelligensiediens mag staak of enige ander lid daartoe oorhaal of met enige ander lid of persoon saamsweer om te staak nie. 30

(2) Die Minister moet op die voorgeskrewe wyse voorsiening maak vir interne reëls om klagtes, griewe en oorleg oor diensvoorwaardes en menslike hulpbronne in die [Agentskap] Burgerlike Intelligensiediens te hanteer.”.

Wysiging van artikel 22 van Wet 65 van 2002, soos gewysig deur artikel 14 van Wet 52 van 2003 en vervang deur artikel 34 van Wet 11 van 2013 35

34. Artikel 22 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

“**Instelling van [Intelligensieraad op Diensvoorwaardes] Intelligensiediensteraad**”; 40

(b) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Daar word hierby ’n [Intelligensieraad op Diensvoorwaardes] Intelligensiediensteraad ingestel, wat bestaan uit nie meer as drie persone [op kontrak] deur die Minister aangestel, van wie een Voorsitter moet wees.”; 45

(c) deur die volgende subartikels na subartikel (2) in te voeg:

“(2A) ’n Lid van die Raad—

(a) beklee ’n amp vir ’n tydperk van hoogstens vyf jaar; en
(b) moet, in die belang van kontinuïteit, heraan gestel word, maar mag nie vir meer as twee agtereenvolgende termyne dien nie. 50

(2B) ’n Persoon mag nie as ’n lid van die Raad aangestel word voordat die Agentskap ’n sekerheidsklaring op die voorgeskrewe wyse uitgereik het ten opsigte van daardie persoon nie.

(2C) Die Minister kan ’n lid van die Raad uit die amp onthef weens wangedrag, ongeskiktheid, onbevoegdheid, intrekking van sy of haar sekerheidsklaring of afwesigheid van drie agtereenvolgende vergaderings van die Raad sonder die vooraftoestemming van die voorsitter, behalwe by die aanvoer van goeie gronde.”; 55

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

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

- (e) by the substitution in subsection (3)(c) for item (iv) of the following item:

“(iv) to invite the [Director-General] Directors-General, Executive Director, the Chairpersons of the staff forum, members and any other interested party to give representations on any matter relating to the purview of its functions;”;

- (f) by the substitution for subsection (4) of the following subsection:

“(4) The Chairperson may co-opt [the] a Director-General or Executive Director to participate in the functioning of the Council: Provided that [the] such Director-General or Executive Director does not have voting powers.”; and

- (g) by the substitution for subsection (5) of the following subsection:

“(5) The conditions of service of the members of the Council may be determined by the Minister in accordance with the conditions of service and security requirements applicable to members.”.

Amendment of section 23 of Act 65 of 2002, as amended by section 35 of Act 11 of 2013

35. Section 23 of the Intelligence Services Act, 2002, is hereby amended by the substitution for subsection (3) of the following subsection: 25

“(3)(a) Where a member receives any remuneration, allowance or other reward in connection with the performance of his or her work, otherwise than in accordance with this Act or in contravention of subsection (1)(b), such member must pay to the [Agency] Intelligence Services, Centre, or the Academy, as the case may be, an amount equal to the amount of such remuneration, allowance or reward or, where it does not consist of money, the value thereof as determined by the concerned Director-General, or the Executive Director, as the case may be, and if he or she does not do so, [the] such Director-General or the Executive Director may recover it from him or her by way of legal proceedings: Provided that— 30

- (i) the member has a right of appeal to the Minister against the determination by the Director-General or the Executive Director of the value of the remuneration, allowance or reward; and 35
- (ii) the Minister may approve the retaining by a member of the whole or a portion of that remuneration, allowance or reward.

(b) Where a member has received any remuneration, allowance or other reward as contemplated in paragraph (a) which is still in his or her possession or under his or her control or in the possession or under the control of some other person on his or her behalf or, if it is money, has been deposited in any bank or other financial institution in his or her name or in the name of some other person on his or her behalf, the Director-General or Executive Director concerned, as the case may be, may in writing require such member or such other person or such bank or financial institution not to dispose thereof, or, if it is money, to retain a corresponding sum of money, as the case may be, pending the outcome of any legal proceedings for the recovery of such remuneration, allowance or reward or the value thereof.”. 40 45

Amendment of section 24 of Act 65 of 2002, as substituted by section 36 of Act 11 of 2013 50

36. Section 24 of the Intelligence Services Act, 2002, is hereby amended by the substitution for section 24 of the following section:

“The Director-General or the Executive Director concerned, as the case may be, may, with the approval of the Minister, award to any person who is or was a member, for extraordinary diligence or devotion in the performance of his or her duties as a member, such monetary or other reward as he or she considers appropriate in the circumstances.”. 55

- (d) deur in subartikel (3) paragraaf (bA) deur die volgende paragraaf te vervang:
 “(bA) om maatreëls te bevorder en standaarde te stel om die doeltreffende en doelmatige uitvoering en implementering van beleidsrigtings oor menshulpbronne binne die **[Agentskap]** Intelligensiedienste, of Akademie, na gelang van die geval, te verseker en aanbevelings aan die Minister te doen;”;
- (e) deur in subartikel (3)(c) item (iv) deur die volgende item te vervang:
 “(iv) om die **[Direkteur-generaal]** Direkteurs-generaal, Uitvoerende Direkteur, die Voorsitters van die personeelforum, lede en enige ander belanghebbende party uit te nooi om vertoë te rig oor enige aangeleentheid rakende die bestek van sy werksaamhede;”;
- (f) deur subartikel (4) deur die volgende subartikel te vervang:
 “(4) Die Voorsitter kan **[die]** ’n Direkteur-generaal of Uitvoerende Direkteur koöpteer om deel te neem aan die funksionering van die Raad: Met dien verstande dat **[die]** sodanige Direkteur-generaal of Uitvoerende Direkteur nie **[stemreg]** stembevoegdheid het nie.”; en
- (g) deur subartikel (5) deur die volgende subartikel te vervang:
 “(5) Die diensvoorwaardes van die lede van die Raad kan deur die Minister bepaal word in ooreenstemming met diensvoorwaardes en veiligheidsvereistes wat op lede van toepassing is.”.

Wysiging van artikel 23 van Wet 65 van 2002, soos gewysig deur artikel 35 van Wet 11 van 2013

35. Artikel 23 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

- “(3)(a) Waar ’n lid enige besoldiging, toelae of ander beloning ontvang in verband met die verrigting van sy of haar werk, anders as in ooreenstemming met hierdie Wet of strydig met subartikel (1)(b), moet sodanige lid aan die **[Agentskap]** Intelligensiedienste, Sentrum, of die Akademie, na gelang van die geval, ’n bedrag betaal gelyk aan die bedrag van sodanige besoldiging, toelae of beloning of, waar dit nie uit geld bestaan nie, die waarde daarvan soos bepaal deur die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, en indien hy of sy dit nie doen nie, kan **[die]** sodanige Direkteur-generaal of die Uitvoerende Direkteur, dit van hom of haar verhaal deur middel van geregtelike verrigtinge: Met dien verstande dat—
- (i) die lid ’n reg van appèl na die Minister het teen die bepaling deur die Direkteur-generaal of die Uitvoerende Direkteur van die waarde van die besoldiging, toelaag of beloning; en
- (ii) die Minister die behoud van daardie besoldiging, toelaag of beloning deur ’n lid in geheel of gedeeltelik kan goedkeur.
- (b) Waar ’n lid enige besoldiging, toelaag of ander beloning ontvang het soos in paragraaf (a) beoog wat nog in sy of haar besit of onder sy of haar beheer of in die besit of onder die beheer van ’n ander persoon namens hom of haar is of, indien dit geld is, by enige bank of ander finansiële instelling gedeponeer is op sy of haar naam of op die naam van ’n ander persoon ten behoeve van hom of haar, kan die betrokke Direkteur-generaal of Uitvoerende Direkteur, na gelang van die geval, skriftelik van sodanige lid of sodanige ander persoon of sodanige bank of finansiële instelling vereis om nie daarvoor te beskik nie of, indien dit geld is, om ’n ooreenstemmende bedrag geld te behou, na gelang van die geval, hangende die uitkoms van enige geregtelike verrigtinge vir die verhaal van sodanige besoldiging toelaag of beloning of die waarde daarvan.”.

Wysiging van artikel 24 van Wet 65 van 2002, soos vervang deur artikel 36 van Wet 11 van 2013

36. Artikel 24 van die Wet op Intelligensiedienste, 2002, word hierby deur die volgende artikel vervang:

- “Die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, kan met die goedkeuring van die Minister aan enige persoon wat ’n lid is of was, vir buitengewone ywer of toewyding by die uitvoering van sy of haar pligte as lid, die monetêre of ander beloning toeken wat hy of sy in die omstandighede gepas ag.”.

Amendment of section 25 of Act 65 of 2002, as substituted by section 37 of Act 11 of 2013

37. Section 25 of the Intelligence Services Act, 2002, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may establish and introduce decorations and medals, as well as bars, clasps and ribbons in respect of such decorations and medals, which may be awarded by him or her, subject to such conditions as may be prescribed, to any person who is or was a member in respect of his or her services as a member or to any other person who has rendered exceptional services to the [Agency] Civilian Intelligence Service.”.

Amendment of section 26 of Act 65 of 2002, as amended by section 15 of Act 52 of 2003 and section 38 of Act 11 of 2013

38. Section 26 of the Intelligence Services Act, 2002, is hereby amended—

(a) by the substitution in subsection (1)(a) for subparagraph (iii) of the following subparagraph:

“(iii) discloses classified information or material entrusted to him or her by the Director-General concerned, Executive Director or a member without permission of the Director-General concerned or the Executive Director, as the case may be;”;

(b) by the substitution in subsection (1) for paragraphs (c) and (d) of the following paragraphs, respectively:

“(c) not being the person to whom a decoration or medal was awarded, wears it or, without the written permission of the Director-General concerned or the Executive Director, as the case may be, makes use of any decoration or medal established or introduced under this Act, or of its bar, clasp or ribbon, or anything so closely resembling any such decoration, medal, bar, clasp or ribbon as to be calculated to deceive;

(d) without the approval of the Minister, in connection with any activity carried on by him or her takes, assumes, uses or in any manner publishes any name, description, title or symbol that indicates or conveys or purports to indicate or which is likely to lead other persons to believe or infer that such activity is carried on under or by virtue of this Act or under the patronage of the [Agency] Intelligence Services, Centre, or the Academy, or is in any manner associated or connected with the [Agency] Civilian Intelligence Service;”;

(c) by the substitution in subsection (1)(f) for subparagraph (i) of the following subparagraph:

“(i) discloses classified information or material without the permission of the Director-General concerned or the Executive Director;”;

(d) 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 of the Agency or service.”.

Amendment of section 27 of Act 65 of 2002, as amended by section 39 of Act 11 of 2013

39. Section 27 of the Intelligence Services Act, 2002, is hereby amended by the substitution for subsections (1), (2) and (3) of the following subsections, respectively:

“(1) Subject to section (10)(3)(a), a former member may not disclose in any form or any manner any information or material to any other person unless the Director-General or the Executive Director concerned, as the case may be, has granted permission for the disclosure of such information or material.

Wysiging van artikel 25 van Wet 65 van 2002, soos vervang deur artikel 37 van Wet 11 van 2013

37. Artikel 25 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan dekorasies en medaljes, asook stawe, knippe en linte ten opsigte van sodanige dekorasies en medaljes, instel en bekendstel, wat deur hom of haar toegeken kan word, behoudens die voorwaardes wat voorgeskryf word, aan enige persoon wat ’n lid is of was, ten opsigte van sy of haar dienste as lid of aan enige ander persoon wat uitsonderlike dienste aan die **[Agentskap] Burgerlike Intelligensiediens** gelewer het.”.

Wysiging van artikel 26 van Wet 65 van 2002, soos gewysig deur artikel 15 van Wet 52 van 2003 en artikel 38 van Wet 11 van 2013

38. Artikel 26 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

(a) deur in subartikel (1)(a) subparagraaf (iii) deur die volgende subparagraaf te vervang:

“(iii) geklassifiseerde inligting of materiaal wat aan hom of haar toevertrou is deur die betrokke Direkteur-generaal, Uitvoerende Direkteur of ’n lid, sonder die toestemming van die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, openbaar maak;”;

(b) deur in subartikel (1) paragrafe (c) en (d) onderskeidelik deur die volgende paragrafe te vervang:

“(c) ’n dekorasie of medalje dra terwyl hy of sy nie die persoon is aan wie dit toegeken is nie of, sonder die skriftelike toestemming van die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, gebruik maak van enige dekorasie of medalje wat kragtens hierdie Wet ingestel of bekendgestel is, of van die staaf, knip of lint daarvan, of enigiets wat in so ’n mate met sodanige dekorasie, medalje, staaf, knip of lint ooreenstem dat die bedoeling is om te bedrieg;

(d) sonder die goedkeuring van die Minister, in verband met enige optrede wat deur hom of haar verrig word, enige naam, beskrywing, titel of simbool neem, aanneem, gebruik of op enige wyse publiseer, wat aandui of te kenne gee of voorgee om aan te dui of wat waarskynlik sal veroorsaak dat ander persone glo of aflei dat sodanige aktiwiteit uitgevoer word kragtens of uit hoofde van hierdie Wet of onder die beskerming van die **[Agentskap] Intelligensiedienste, Sentrum, of die Akademie** of op enige wyse met of aan die **[Agentskap] Burgerlike Intelligensiediens** geassosieer of gekoppel word;”;

(c) deur in subartikel (1)(f) subparagraaf (i) deur die volgende subparagraaf te vervang:

“(i) geklassifiseerde inligting of materiaal openbaar maak sonder die toestemming van die betrokke Direkteur-generaal of die Uitvoerende Direkteur;”;

(d) deur in subartikel (1) paragraaf (g) 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 Direkteur-generaal van die Agentskap of diens.”.

Wysiging van artikel 27 van Wet 65 van 2002, soos gewysig deur artikel 39 van Wet 11 van 2013

39. Artikel 27 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur subartikels (1), (2) en (3) onderskeidelik deur die volgende subartikels te vervang:

“(1) Behoudens artikel 10(3)(a) mag ’n gewese lid geen inligting of materiaal in enige vorm of op enige wyse aan enige ander persoon openbaar maak nie tensy die betrokke Direkteur-generaal of Uitvoerende Direkteur, na gelang van die geval, toestemming vir die openbaarmaking van sodanige inligting of materiaal gegee het.

(2) Subsection (1) applies to any information or material received by the former member during, or subsequent to, the former member's employment or other service with the [Agency] Civilian Intelligence Service, or with the former National Intelligence Agency, the South African Secret Service, the South African National Academy of Intelligence or the State Security Agency, that was marked as classified or that the former member knew or ought reasonably to have known was classified. 5

(3) For the purposes of subsection (1), the Director-General or the Executive Director concerned may consult any member or person to advise him or her on the considerations of applications by former members for permission to disclose classified information or material." 10

Amendment of section 28 of Act 65 of 2002, as amended by section 40 of Act 11 of 2013

40. Section 28 of the Intelligence Services Act, 2002, is hereby amended by the substitution for subsection (1) of the following subsection: 15

"(1) A former member may not, for a period of three years after leaving the [Agency] Civilian Intelligence Service or the former State Security Agency render a security service unless he or she has obtained a clearance certificate from the Director-General of the Agency."

Amendment of section 29 of Act 65 of 2002, as amended by section 41 of Act 11 of 2013 20

41. Section 29 of the Intelligence Services Act, 2002, is hereby amended by the substitution for paragraphs (a) and (b) of the following paragraphs, respectively:

- "(a) who is or was a member, representative or associate of the [Agency] Civilian Intelligence Service, or of the former National Intelligence Agency, the South African Secret Service [or], the South African National Academy of Intelligence, the State Security Agency or a foreign intelligence service; 25
- (b) who co-operates or who has co-operated with the [Agency] Civilian Intelligence Service or with the former National Intelligence Agency, the South African Secret Service [or], the South African National Academy of Intelligence or the State Security Agency in respect of matters concerning the security of the Republic." 30

Amendment of section 30 of Act 65 of 2002, as amended by section 42 of Act 11 of 2013

42. Section 30 of the Intelligence Services Act, 2002, is hereby amended by the substitution for subsection (1) of the following subsection: 35

"(1) A former member may appeal to the Minister against a decision of the Director-General or the Executive Director concerned in terms of section 27(1) or 28(1)."

Amendment of section 33 of Act 65 of 2002, as amended by section 44 of Act 11 of 2013 40

43. Section 33 of the Intelligence Services Act, 2002, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister may by notice in the *Gazette* and in any other appropriate manner prohibit or restrict access to any premises under the control of the [Agency] Civilian Intelligence Services." 45

Amendment of section 34 of Act 65 of 2002, as amended by section 45 of Act 11 of 2013

44. Section 34 of the Intelligence Services Act, 2002, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection: 50
- "(1) Notwithstanding anything to the contrary contained in any other law, the Minister may establish canteens for the [Agency] Civilian

(2) Subartikel (1) is van toepassing op enige inligting of materiaal wat die gewese lid ontvang het tydens of na die lid se indienshouding of ander diens by die [Agentskap] Burgerlike Intelligensiediens of met die voormalige Nasionale Intelligensie-agentskap, die Suid-Afrikaanse Geheimeidiens of die Suid-Afrikaanse Nasionale Akademie van Intelligensie of die Staatsveiligheidsagentskap wat as geklassifiseer gemerk is of wat die gewese lid geweet het of redelikerwys moes geweet het geklassifiseer was. 5

(3) Vir doeleindes van subartikel (1) kan die betrokke Direkteur-generaal of die Uitvoerende Direkteur enige lid of persoon raadpleeg om hom of haar te adviseer oor die oorweging van aansoeke deur voormalige lede vir toestemming om geklassifiseerde inligting of materiaal openbaar te maak.”. 10

Wysiging van artikel 28 van Wet 65 van 2002, soos gewysig deur artikel 40 van Wet 11 van 2013

40. Artikel 28 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 15

“(1) ’n Gewese lid mag nie, vir ’n tydperk van drie jaar nadat hy of sy die [Agentskap] Burgerlike Intelligensiediens of die voormalige Staatsveiligheidsagentskap verlaat het, ’n sekuriteitsdiens lewer nie tensy hy of sy ’n klaring-sertifikaat van die Direkteur-generaal van die Agentskap verkry het.”.

Wysiging van artikel 29 van Wet 65 van 2002, soos gewysig deur artikel 41 van Wet 11 van 2013 20

41. Artikel 29 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur paragrawe (a) en (b) onderskeidelik deur die volgende paragrawe te vervang:

“(a) wat ’n lid, verteenwoordiger of medewerker van die [Agentskap] Burgerlike Intelligensiediens, of van die voormalige Nasionale Intelligensie-agentskap, die Suid-Afrikaanse Geheimeidiens [of], die Suid-Afrikaanse Nasionale Akademie van Intelligensie, die Staatsveiligheidsagentskap of ’n buitelandse intelligensiediens is of was; 25

(b) wat ten opsigte van aangeleenthede rakende die veiligheid van die Republiek met die [Agentskap] Burgerlike Intelligensiediens of met die voormalige Nasionale Intelligensie-agentskap, die Suid-Afrikaanse Geheimeidiens [of], die Suid-Afrikaanse Nasionale Akademie van Intelligensie of die Staatsveiligheidsagentskap saamwerk of saamgewerk het.”. 30

Wysiging van artikel 30 van Wet 65 van 2002, soos gewysig deur artikel 42 van Wet 11 van 2013 35

42. Artikel 30 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) ’n Gewese lid kan na die Minister appelleer teen ’n besluit van die betrokke Direkteur-generaal of die Uitvoerende Direkteur ingevolge artikel 27(1) of 28(1).”.

Wysiging van artikel 33 van Wet 65 van 2002, soos gewysig deur artikel 44 van Wet 11 van 2013

43. Artikel 33 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan by kennisgewing in die Staatskoerant en op enige ander gepaste wyse toegang tot enige perseel onder die beheer van die [Agentskap] Burgerlike Intelligensiedienste verbied of beperk.”. 45

Wysiging van artikel 34 van Wet 65 van 2002, soos gewysig deur artikel 45 van Wet 11 van 2013

44. Artikel 34 van die Wet op Intelligensiedienste, 2002, word hierby gewysig— 50

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Ondanks enige andersluidende bepaling vervat in enige ander wet kan die Minister verversingslokale vir die [Agentskap] Burgerlike

Intelligence Services and for the organisational components thereof.”; and

- (b) by the substitution for subsection (3) of the following subsection:
- “(3) For the purposes of this section ‘canteen’ includes any mess, pub or institution of the [Agency] Intelligence Services, or the Academy, as the case may be, or any premises temporarily or permanently used for providing recreation, refreshments or necessities mainly for members or retired members or for the families of such members or retired members or for persons employed in any work in or in connection with any such mess, pub, institution or premises.”.

Amendment of section 35 of Act 65 of 2002, as amended by section 46 of Act 11 of 2013

45. Section 35 of the Intelligence Services Act, 2002 is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) If a member is missing and the Director-General or the Executive Director concerned, as the case may be, is satisfied that his or her absence arose from the performance of his or her functions in terms of this Act, such member shall for all purposes be deemed to be still employed by the [Agency] Intelligence Services or the Academy, as the case may be, until the day on which he or she again reports for duty or until the day on which a competent court issues an order whereby the death of such member is presumed.”; and
- (b) by the substitution for subsection (4) of the following subsection:
- “(4) Notwithstanding subsection (2), the Director-General concerned or the Executive Director may in the prescribed manner direct that only a portion of the salary or wages and allowances of a member be paid or that no portion thereof be so paid.”.

Amendment of section 36 of Act 65 of 2002, as amended by section 47 of Act 11 of 2013

46. Section 36 of the Intelligence Services Act, 2002, is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The Minister may, in the event of war or when a state of emergency exists and having regard to the requirements of the [Agency] Civilian Intelligence Services second any member for service or training in the South African National Defence Force or the South African Police Service.”.

Amendment of section 37 of Act 65 of 2002, as substituted by section 16 of Act 52 of 2003 and section 48 of Act 11 of 2013

47. Section 37 of the Intelligence Services Act, 2002, is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (d) of the following paragraph:
- “(d) the numerical establishment of the [Agency] Intelligence Services and Academy, the conditions of service of the members thereof, the salaries, salary scales, wages and allowances of members and the systems relating to the administration and determination thereof and the various divisions, branches, grades, ranks and designations in the [Agency] Civilian Intelligence Service;”;
- (b) by the substitution in subsection (1) for paragraph (f) of the following paragraph:
- “(f) all matters relating to discipline, command and control of members of the [Agency] Civilian Intelligence Services, the suspension of members and the establishment of boards of inquiry into the conduct and discipline of members;”;

Intelligensiedienste en vir die organisasiekomponente daarvan instel.”; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) By die toepassing van hierdie artikel sluit ‘verversingslokaal’ in enige menasie, kroeg of instelling van die **[Agentskap]** Intelligensiedienste, of die Akademie, na gelang van die geval, of enige perseel wat tydelik of permanent gebruik word vir die verskaffing van ontspanning, verversings of noodsaaklikhede hoofsaaklik vir lede of afgetrede lede of vir die gesinne van sodanige lede of afgetrede lede of vir persone in diens in enige werk in of in verband met enige sodanige menasie, kroeg, instelling of perseel.”.

Wysiging van artikel 35 van Wet 65 van 2002, soos gewysig deur artikel 46 van Wet 11 van 2013

45. Artikel 35 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Indien ’n lid vermis word en die betrokke Direkteur-generaal of die Uitvoerende Direkteur, na gelang van die geval, oortuig is dat sy of haar afwesigheid uit die verrigting van sy of haar werksaamhede ingevolge hierdie Wet voortspruit, word sodanige lid in alle opsigte geag steeds in diens van die **[Agentskap]** Intelligensiedienste of die Akademie, na gelang van die geval, te wees tot die dag waarop hy of sy weer vir diens aanmeld of tot die dag waarop ’n bevoegde hof ’n bevel uitreik waarvolgens die dood van sodanige lid vermoed word.”; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Ondanks subartikel (2) kan die betrokke Direkteur-generaal of die Uitvoerende Direkteur op ’n voorgeskrewe wyse gelas dat net ’n gedeelte van die salaris of loon en toelaes van ’n lid betaal word of dat geen gedeelte daarvan aldus betaal word nie.”.

Wysiging van artikel 36 van Wet 65 van 2002, soos gewysig deur artikel 47 van Wet 11 van 2013

46. Artikel 36 van die Wet op Intelligensiedienste, 2002, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan in die geval van oorlog of wanneer daar ’n noodtoestand heers en met inagneming van die vereistes van die **[Agentskap]** Burgerlike Intelligensiedienste, enige lid vir diens of opleiding in die Suid-Afrikaanse Nasionale Weermag of die Suid-Afrikaanse Polisiediens sekondeer.”.

Wysiging van artikel 37 van Wet 65 van 2002, soos vervang deur artikel 16 van Wet 52 van 2003 en artikel 48 van Wet 11 van 2013

47. Artikel 37 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

(a) deur in subartikel (1) paragraaf (d) deur die volgende paragraaf te vervang:

“(d) die numeriese diensstaat van die **[Agentskap]** Intelligensiedienste en Akademie, die diensvoorwaardes van die lede daarvan, die salarisse, salarisskale, lone en toelaes van lede en die stelsels rakende die administrasie en bepaling daarvan, en die verskillende afdelings, takke, grade, range en benamings in die **[Agentskap]** Burgerlike Intelligensiediens;”;

(b) deur in subartikel (1) paragraaf (f) deur die volgende paragraaf te vervang:

“(f) alle aangeleenthede rakende dissipline, bevel en beheer van lede van die **[Agentskap]** Burgerlike Intelligensiedienste, die skorsing van lede en die instelling van rade van ondersoek na die gedrag en dissipline van lede;”;

- (c) by the insertion in subsection (1) after paragraph (j) of the following paragraph:
 “(jA) subject to the Public Service Act, 1994 (Proclamation No.103 of 1994), and any other applicable laws, the conditions of service of the Directors-General, after consultation with the Minister of Public Service and Administration;”;
- (d) by the substitution in subsection (1) for paragraphs (l) and (m) of the following paragraphs, respectively:
 “(l) the retention of rank on retirement or resignation from the [Agency] Civilian Intelligence Service, and the award of honorary ranks;
 (m) the control over and administration of funds appropriated to the [Agency] Civilian Intelligence Service in order to bring about the systematic and orderly management thereof and to promote efficiency and economy in the utilisation thereof;”;
- (e) by the substitution in subsection (1) for paragraphs (o) and (p) of the following paragraphs:
 “(o) the conditions for and procedures regarding the permission of access to any premises under the control of the [Agency] Civilian Intelligence Services, and matters relating thereto;
 (p) any matter relating to the information, communications, computer and physical security of the [Agency] Civilian Intelligence Services;”;
- (f) by the substitution in subsection (1) for paragraph (s) of the following paragraph:
 “(s) vetting investigations of members and persons to be employed in the [Agency] Civilian Intelligence Services;”;
- (g) by the substitution in subsection (1) for paragraph (sA) of the following paragraph:
 “(sA) the [establishment,] structure and [functions of a civilian intelligence veterans association] role of the former members of the Civilian Intelligence Services;”;
- (h) by the substitution in subsection (1) for paragraph (sE) of the following paragraph:
 “(sE) persons authorised to task the [Agency] Intelligence Services to gather and produce intelligence;”;
- (i) by the insertion in subsection (1) after paragraph (sE) of the following paragraph:
 “(sF) role of the former members of the Civilian Intelligence services;”.

Amendment of section 38 of Act 65 of 2002, as amended by section 49 of Act 11 of 2013

48. Section 38 of the Intelligence Services Act, 2002, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
 “(1) The rights in respect of all discoveries and inventions and all improvements in respect of processes, apparatus and machinery made by a member resulting from research undertaken by such member in the course of his or her employment as a member vest in the [Agency] Intelligence Services or Academy, as the case may be.”; and
- (b) by the substitution for subsections (3) and (4) of the following subsections, respectively:
 “(3) If the rights in respect of any discovery, invention or improvement vest in the [Agency] Intelligence Services or Academy in terms of subsection (1), the Minister may award to the person responsible for the discovery, invention or improvement such bonus as he or she deems fit, or make provision for financial participation by such person in the profits derived from the discovery, invention or improvement to such extent as the Minister may determine with the concurrence of the Minister of Finance.
 (4) The Minister may apply for a patent in the name of the [Agency] Intelligence Services or Academy, in respect of any discovery, invention or improvement referred to in subsection (1), and the [Agency] Intelligence Services or Academy, must for the purposes of the Patents Act, 1978 (Act No. 57 of 1978), be regarded as the assignee of the discoverer or inventor concerned.”.

- (c) deur in subartikel (1) die volgende paragraaf na paragraaf (j) in te voeg:
 “(jA) behoudens die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), en enige ander toepaslike wette, die diensvoorwaardes van die Direkteurs-generaal, na oorleg met die Minister van Staatsdiens en Administrasie;”;
- (d) deur in subartikel (1) paragrafe (l) en (m) onderskeidelik deur die volgende paragrafe te vervang:
 “(l) die behoud van rang by aftrede of bedanking uit die [Agentskap] Burgerlike Intelligensiediens, en die toekenning van ererange;
 (m) die beheer oor en administrasie van fondse wat vir die [Agentskap] Burgerlike Intelligensiediens bewillig is ten einde die stelselmatige en ordelike bestuur daarvan teweeg te bring en om doeltreffendheid en spaarsamigheid by die aanwending daarvan te bevorder;”;
- (e) deur in subartikel (1) paragrafe (o) en (p) deur die volgende paragrafe te vervang:
 “(o) die voorwaardes vir en prosedures rakende die toelating van toegang tot enige perseel onder die beheer van die [Agentskap] Burgerlike Intelligensiedienste, en aangeleenthede wat daarmee in verband staan;
 (p) enige aangeleentheid rakende inligting-, kommunikasie-, rekenaar- en fisiese veiligheid van die [Agentskap] Burgerlike Intelligensiedienste;”;
- (f) deur in subartikel (1) paragraaf (s) deur die volgende paragraaf te vervang:
 “(s) klaringsondersoeke van lede en persone vir indiensneming deur die [Agentskap] Burgerlike Intelligensiedienste;”;
- (g) deur in subartikel (1) paragraaf (sA) deur die volgende paragraaf te vervang:
 “(sA) die [instelling,] struktuur en [werkzaamhede van ’n vereniging van burgerlike-intelligensie veterane] rol van die gewese lede van die Burgerlike Intelligensiedienste;”;
- (h) deur in subartikel (1) paragraaf (sE) deur die volgende paragraaf te vervang:
 “(sE) persone gemagtig om die [Agentskap] Intelligensiedienste opdrag te gee om intelligensie in te samel en te produseer;”;
- (i) deur in subartikel (1) na paragraaf (sE) die volgende paragraaf in te voeg:
 “(sF) rol van die gewese lede van die Burgerlike Intelligensiedienste;”.

Wysiging van artikel 38 van Wet 65 van 2002, soos gewysig deur artikel 49 van Wet 11 van 2013

48. Artikel 38 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) Die regte ten opsigte van alle ontdekkings en uitvindings en alle verbeterings ten opsigte van prosesse, apparaat en masjinerie wat deur ’n lid gemaak word voortspruitend uit navorsing deur sodanige lid gedoen in die loop van sy of haar diens as lid, berus by die [Agentskap] Intelligensiedienste of Akademie, na gelang van die geval.”;
- (b) deur subartikels (3) en (4) onderskeidelik deur die volgende subartikels te vervang:
 “(3) Indien die regte op enige ontdekking, uitvinding of verbetering ingevolge subartikel (1) by die [Agentskap] Intelligensiedienste of Akademie berus, kan die Minister aan die persoon verantwoordelik vir die ontdekking, uitvinding of verbetering die bonus toeken wat hy of sy geskik ag, of voorsiening maak vir finansiële deelname deur sodanige persoon aan die winste verkry uit die ontdekking, uitvinding of verbetering in die mate wat die Minister met die instemming van die Minister van Finansies bepaal.
 (4) Die Minister kan aansoek doen om ’n patent op naam van die [Agentskap] Intelligensiedienste of Akademie, ten opsigte van enige ontdekking, uitvinding of verbetering in subartikel (1) bedoel, en die [Agentskap] Intelligensiedienste of Akademie, moet by die toepassing van die Wet op Patente, 1978 (Wet No. 57 van 1978), beskou word as die regsverkrygende van die betrokke ontdekker of uitvinder.”.

Amendment of section 40 of Act 65 of 2002, as substituted by section 50 of Act 11 of 2013

49. Section 40 of the Intelligence Services Act, 2002, is hereby amended—

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

“(2) All assets, liabilities, rights and duties including funds, resources and administrative records of the former **[National Intelligence Agency, South African Secret Service, South African National Academy of Intelligence and Electronic Communication Security (Pty) Ltd (herein after referred to as Comsec)]** State Security Agency must be transferred in accordance with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999) to the **[Agency]** South African Intelligence Agency, South African Intelligence Service, Centre and South African National Academy of Intelligence within **[six]** 24 months after the commencement of the General Intelligence Laws Amendment Act, **[2013]** 2024, and must vest from the date of transferral in, and must from that date be regarded as having been acquired or incurred by, the **[Agency]** South African Intelligence Agency, South African Intelligence Service, Centre, and the South African National Academy of Intelligence, as the case may be.”;

(b) by the substitution in subsection (4) for paragraph (a) of the following paragraph:

“(a) A registrar of deeds must, upon the production to him or her of a certificate by the Minister that immovable property described in the certificate vests in the **[Agency]** South African Intelligence Agency, South African Intelligence Service, Centre, and the South African National Academy of Intelligence, as the case may be, in terms of subsection (2), make such entries and endorsements as he or she may deem necessary in or on any relevant register, title deed or other document in his or her office, so as to give effect to subsection (2).”;

(c) by the substitution for subsections (5) and (6) of the following subsections, respectively:

“(5) If an inquiry into alleged misconduct has been instituted by an entity referred to in subsection (2) but not yet concluded at the commencement of the General Intelligence Laws Amendment Act, **[2013]** 2024, such proceedings must be continued and concluded in accordance with the law in terms of which the inquiry was instituted.

(6) Disciplinary proceedings may be instituted and concluded in terms of this Act against alleged improper conduct of any person who at any time prior to the commencement of the General Intelligence Laws Amendment Act, **[2013]** 2024, was in the service of an Intelligence structure or an entity referred to in subsection (2), provided that the act or omission concerned is substantially the same as an act constituting misconduct in terms of this Act.”; and

(d) by the insertion after subsection (9) of the following subsections:

“(10) Any regulation issued in terms of section 37 of the Intelligence Services Act, 2002 (Act No. 65 of 2002), shall remain in force for a period of 12 months after the date of commencement of the General Intelligence Laws Amendment Act, 2024, unless it is inconsistent with this Act.

(11) Any memorandum of understanding or agreement entered into by or on behalf of the former State Security Agency, will remain in force after the date of commencement of General Intelligence Laws Amendment Act, 2024, to the extent that they remain applicable.”.

Wysiging van artikel 40 van Wet 65 van 2002, soos vervang deur artikel 50 van Wet 11 van 2013

49. Artikel 40 van die Wet op Intelligensiedienste, 2002, word hierby gewysig—

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

“(2) alle bates, laste, regte en pligte met inbegrip van fondse, 5
hulpbronne en administratiewe rekords van die voormalige [**Nasionale Intelligensie-agentskap, Suid-Afrikaanse Geheimeidiens, Suid-Afrikaanse Nasionale Akademie van Intelligensie en Electronic Communications Security (Pty) Ltd (hierna Comsec genoem)**] 10
Staatsveiligheidsagentskap, moet binne [ses] 24 maande na die inwerkingtreding van die Algemene Wysigingswet op Intelligensiewette, 10
[2013] 2024, ooreenkomstig die bepalings van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999) na die [**Agentskap**] 15
Suid-Afrikaanse Intelligensie-agentskap, Suid-Afrikaanse Intelligensiediens, Sentrum, en Suid-Afrikaanse Nasionale Akademie van Intelligensie oorgedra word, en [vestig] moet vanaf die datum van oordrag in die [**Agentskap**] Suid-Afrikaanse Intelligensie-agentskap, Suid-Afrikaanse Intelligensiediens, Sentrum, en Suid-Afrikaanse Nasionale Akademie van Intelligensie, na gelang van die geval, vestig en moet 20
vanaf daardie datum geag word deur die [**Agentskap**] Suid-Afrikaanse Intelligensie-agentskap, Suid-Afrikaanse Intelligensiediens, Sentrum, en Suid-Afrikaanse Nasionale Akademie van Intelligensie, na gelang van die geval, verkry of aangegaan te wees.”;

(b) deur in subartikel (4) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) ’n Aktesregistrateur moet, by die toon van ’n sertifikaat van die 25
Minister aan hom of haar dat onroerende bates in die sertifikaat beskryf ingevolge subartikel (2) in die [**Agentskap**] Suid-Afrikaanse Intelligensie-agentskap, Suid-Afrikaanse Intelligensiediens, Sentrum, en 30
die Suid-Afrikaanse Nasionale Akademie van Intelligensie, na gelang van die geval, vestig, sodanige inskrywings en endossemente wat hy of sy nodig mag ag in of op enige toepaslike register, titelaktes of ander 30
dokument in sy of haar kantoor maak, ten einde aan subartikel (2) gevolg te gee.”;

(c) deur subartikels (5) en (6) onderskeidelik deur die volgende subartikels te 35
vervang:

“(5) As ’n ondersoek na beweerde wangedrag deur ’n entiteit in subartikel (2) bedoel ingestel is, maar teen die inwerkingtreding van die Algemene Wysigingswet op Intelligensiewette, [2013] 2024, nog nie afgehandel is nie, moet sodanige verrigtinge ooreenkomstig die wet ingevolge waarvan die ondersoek ingestel is voortgaan en afgehandel 40
word.

(6) Dissiplinêre verrigtinge kan ingevolge hierdie Wet ingestel en gevoer word teen beweerde onbehoorlike gedrag van ’n persoon wat ter enige tyd voor die inwerkingtreding van die Algemene Wysigingswet op Intelligensiewette, [2013] 2024, in diens was van ’n entiteit in subartikel 45
(2) bedoel, met dien verstande dat die betrokke handeling of versuim wesenlik dieselfde is as ’n handeling wat wangedrag ingevolge hierdie Wet daarstel.”; en

(d) deur die volgende subartikels na subartikel (9) in te voeg:

“(10) Enige regulasie uitgereik ingevolge artikel 37 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), bly van krag vir ’n 50
tydperk van 12 maande na die datum van inwerkingtreding van die Algemene Wysigingswet op Intelligensiewette, 2024, tensy dit teenstrydig met hierdie Wet is.

(11) Enige memorandum van verstandhouding of ooreenkoms wat 55
deur of namens die voormalige Staatsveiligheidsagentskap aangegaan is, sal van krag bly na die datum van inwerkingtreding van die Algemene Wysigingswet op Intelligensiewette, 2024, in die mate wat dit van toepassing bly.”.

Substitution of long title of Act 65 of 2002

50. The long title of the Act is hereby substituted for the following long title:

“To regulate the establishment, administration, organisation and control of the [State Security Agency] South African Intelligence Service, South African Intelligence Agency, South African National Academy of Intelligence and the Centre; to establish and regulate the Intelligence Services Council [on Conditions of Service]; [to repeal certain laws;] and to provide for certain transitional measures and savings, and to provide for matters connected therewith.”. 5

Amendment of Laws

10

51. The laws specified in Schedule 1 are hereby amended to the extent indicated in the third column thereof.

Short title and commencement

52. (1) This Act is called the General Intelligence Laws Amendment Act, 2024, and shall come into operation on a date determined by the President by proclamation in the *Gazette*. 15

(2) Different dates may so be determined in respect of different—

- (a) provisions of this Act; and
- (b) categories of intelligence entities.

Vervanging van lang titel van Wet 65 van 2002

50. Die lang titel van die Wet word hierby deur die volgende lang titel vervang:
“Om die instelling, administrasie, organisasie en beheer van die
[Staatsveiligheidsagentskap] Suid-Afrikaanse Intelligensiediens, Suid-
Afrikaanse Intelligensie-agentskap, Suid-Afrikaanse Nasionale Akademie van
Intelligensie en die Sentrum te reël; om die [Intelligensieraad op
Diensvoorwaardes] Intelligensiediensteraad in te stel en te reël; [om sekere
wette te herroep;] en om voorsiening te maak vir sekere oorgangsmatreëls en
voorbehoudsbepalings, en om voorsiening te maak vir aangeleenthede wat
daarmee in verband staan.”.

5

10

Wysiging van Wette

51. Die wette in Bylae 1 gespesifiseer word hierby gewysig tot die mate in die derde kolom daarvan uiteengesit.

Kort titel en inwerkingtreding

52. (1) Hierdie Wet heet die Algemene Wysigingswet op Intelligensiewette, 2024, en
tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant*
vasgestel. 15
- (2) Verskillende datums kan aldus bepaal word ten opsigte van verskillende—
- (a) bepalings van hierdie Wet; en
 - (b) kategorieë van intelligensie-entiteite. 20

SCHEDULE 1

LAWS AMENDED

(Section 54)

No. and year of Act	Short title	Extent of Amendment
Act No. 81 of 1969	Security Services Special Account Act, 1969	1. The amendment of section 2 by the substitution in subsection (2) for paragraphs (a) and (b) of the following paragraphs, respectively: “(a) the performance of the function and duty of the [Agency] Intelligence Services as defined in section 1 of the Intelligence Services Act, 2002 (Act No. 65 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 (b) by the organisation of, the exercising of the powers and the performance of the duties and functions of any member of, the exercising of the powers of the President or the Minister in relation to the superintendence and control of, and the action by and the functioning of, the [Agency] Civilian Intelligence Services as defined in section 1 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”. 2. The substitution for section 3 for the following section: “Control of expenditure 3. Subject to the provisions of section 2, the account shall be under the control of the Director-General: [State Security Agency] South African Intelligence Agency and the Director-General: South African Intelligence Service, who shall cause proper records to be kept for all moneys received or expended.”. 3. The substitution for section 5 of the following section: “Investment of balances 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 [State Security Agency] Civilian Intelligence Services or the Office with the concurrence of the Minister of Finance.”.
Act No. 84 of 1982	Protection of Information Act, 1982	1. The amendment of section 1 by the substitution for the definition of “security matter” of the following definition: “‘security matter’ includes any matter which is dealt with by— (a) the [Agency] Civilian Intelligence Services as defined in section 1 of the Intelligence Services Act, 2002 (Act No. 65 of 2002); or (b) 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), or which relates to the functions of the [Agency] Civilian Intelligence Services or the Office or to the relationship existing between any person and the [Agency] Intelligence Services, the Academy, or the Office.”.
Proclamation 103 of 1994	Public Service Act, 1994	1. The Amendment of section 1— (a) by the substitution for the definition of “member of the Intelligence Services” of the following definition: “‘member of the Intelligence Services’ means a member of the [State Security Agency] Civilian Intelligence Services appointed or deemed to have been appointed in terms of the Intelligence Services Act, 2002;”.

BYLAE 1

WETTE GEWYSIG

(Artikel 54)

No. en jaar van Wet	Kort titel	Omvang van Wysiging
Wet No. 81 van 1969	Wet op die Spesiale Rekening vir Veiligheidsdienste, 1969	1. Wysiging van artikel 2 deur in subartikel (2) paragrawe (a) en (b) onderskeidelik deur die volgende paragrawe te vervang: “(a) die verrigting van die funksie en die plig van die [Agentskap] Intelligensiedienste soos omskryf in artikel 1 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), en die Kantoer 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); en (b) die organisasie van, die uitoefening van die bevoegdhede en die verrigting van die pligte en werksaamhede van 'n lid van, die uitoefening van die bevoegdhede van die President of die Minister met betrekking tot die toesig en beheer oor, en die optrede en funksionering van, die [Agentskap] Burgerlike Intelligensiedienste soos omskryf in artikel 1 van die Wet op Intelligensiedienste, 2002.” 2. Deur artikel 3 deur die volgende artikel te vervang: “Beheer oor uitgawes 3. Behoudens die bepalings van artikel 2 staan die rekening onder die beheer van die Direkteur-generaal: [Staatsveiligheidsagentskap] Suid-Afrikaanse Intelligensie-agentskap en die Direkteur-generaal: Suid-Afrikaanse Intelligensiediens, wat van alle gelde ontvang of bestee, behoorlik moet laat boekhou.” 3. Artikel 5 word deur die volgende artikel vervang: “Belegging van saldo's 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 [Staatsveiligheidsagentskap] Burgerlike Intelligensiedienste of die Kantoer met die instemming van die Minister van Finansies bepaal.”
Wet No. 84 van 1982	Wet op die Beveiling van Inligting, 1982	1. Wysiging van artikel 1 deur die omskrywing van “veiligheidsaangeleentheid” deur die volgende omskrywing te vervang: “‘veiligheidsaangeleentheid’ ook enige aangeleentheid wat hanteer word deur— (a) die [Agentskap] Burgerlike Intelligensiedienste soos in artikel 1 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), omskryf; of (b) die Kantoer soos in artikel 1 van die Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasieverwante Inligting, 2002 (Wet No. 70 van 2002), omskryf, of wat verband hou met die werksaamhede van die [Agentskap] Burgerlike Intelligensiedienste of die Kantoer of met die verhouding wat bestaan tussen 'n persoon en die [Agentskap] Intelligensiedienste, die Akademie, of die Kantoer.”
Proklamasie 103 van 1994	Staatsdienswet, 1994	1. Wysiging van artikel 1— (a) deur die omskrywing van “lid van die Intelligensiedienste”: “‘lid van die Intelligensiedienste’ 'n lid van die [Staatsveiligheidsagentskap] Burgerlike Intelligensiedienste aangestel of aangestel geag, ingevolge die Wet op Intelligensiedienste, 2002;”;

No. and year of Act	Short title	Extent of Amendment
		(b) by the deletion of the definition of “State Security Agency”. 2. The amendment of section 16 by the substitution in subsection (1)(a), (2)(a), (2A)(a), (4) and (7) for the words “State Security Agency” of the words “Agency or the Service”. 3. The deletion in Schedule 1 of the words “State Security Agency” and “Director-General: State Security Agency”. 4. The insertion in Columns 1 and 2 of Schedule 1 of the words “National Security Agency” and “Director-General: South African Intelligence Agency”; and “South African Intelligence Service” and “Director-General: South African Intelligence Service”. 5. The insertion in Columns 1 and 2 of Part A of Schedule 3 of the words “South African National Academy of Intelligence” and “Executive Director: South African National Academy of Intelligence”.
Act No. 66 of 1995	Labour Relations Act, 1995	1. The substitution for section 2 of the following section: “Exclusion from application of this Act 2. This Act does not apply to members Of— (a) the National Defence Force; (b) the [State Security] South African Intelligence Agency; (c) the South African Intelligence Service; (d) the South African National Academy of Intelligence; (e) National Communications Centre.”.
Proclamation 21 of 1996	Government Employees Pension Law, 1996	1. The amendment of section 1 by the deletion of the following definition “[‘State Security Agency’ means the State Security Agency referred to in section 3 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);]”. 2. The substitution in Rule 1.24 of the Rules of the Government Employees Pensions Fund contained in Schedule 1, for the definition of “Services” of the following definition: “ ‘Services’, the [State Security Agency] the South African Intelligence Agency, South African National Defence Force, South African Police Service and South African Intelligence Service as described in section 1 of the Law” 3. The substitution in Rule 14.2.4 of the Rules of the Government Employees Pension Fund contained in schedule 1, for paragraph (a) of the following paragraph: “(a) of a member who is a member of the South African Police Service, the Correctional Services, the South African national Defence Force [or the State Security Agency], the South African Intelligence Agency or the South African Intelligence Service, shall be increased by a period which is equal to one quarter of the period by which his or her pensionable service exceeds the period of 10 years;”. 4. The substitution for the words “State Security Agency” of the words “South African Intelligence Agency and the “South African intelligence Service”, wherever it occurs, in— “(i) sections 18(2) and 29(1)(a); (ii) the definition of “responsible Minister” contained in Rule 1.22 of the Rules of the Government Employees Pensions Fund contained in Schedule 1; and (iii) Rule 4.1.3(b) and subparagraph (i) of the proviso to Rule 14.8 of the said Rules.

No. en jaar van Wet	Kort titel	Omvang van Wysiging
		(b) deur die omskrywing van “Staatsveiligheidsagentskap” te skrap. 2. Wysiging van artikel 16 deur in subartikel (1)(a), (2)(a), (2A)(a), (4) en (7) die woorde “Staatsveiligheidsagentskap” deur die woorde “Agentskap of die Diens” te vervang. 3. Deur in Bylae 1 die woorde “Staatsveiligheidsagentskap” en “Direkteur-generaal: Staatsveiligheidsagentskap”, te skrap. 4. Deur in Kolomme 1 en 2 van Bylae 1 die woorde “Nasionale Veiligheidsagentskap” en “Direkteur-generaal: Suid-Afrikaanse Intelligensie-agentskap”, en “Suid-Afrikaanse Intelligensiediens” en “Direkteur-generaal: Suid-Afrikaanse Intelligensiediens” in te voeg. 5. Deur in Kolomme 1 en 2 van Deel A van Bylae 3 die volgende woorde in te voeg: “Suid-Afrikaanse Nasionale Akademie van Intelligensie” en “Uitvoerende Direkteur: Suid-Afrikaanse Nasionale Akademie van Intelligensie”.
Wet No. 66 van 1995	Wet op Arbeidsverhoudinge, 1995	1. Deur artikel 2 deur die volgende artikel te vervang: “Uitsluiting van toepassing van hierdie Wet 2. Hierdie Wet is nie van toepassing nie op lede van— (a) die Nasionale Weermag; (b) die [Staatsveiligheidsagentskap] Suid-Afrikaanse Intelligensie-agentskap; (c) die Suid-Afrikaanse Intelligensiediens; (d) die Suid-Afrikaanse Nasionale Akademie van Intelligensie; (e) Nasionale Kommunikasiesentrum.”.
Simemetelo 21 sanga-1996	UMtsetfo Wemhlalaphansi Wetisebenti Tahulumende, 1996	1. Kuchitjiyelwa kwesigaba 1 ngekususa lenchazelo lelandzelako: “[‘Luphiko lweTekuphepha lwaHulumende’ kusho Luphiko lweTekuphepha lwaHulumende loluphawulwe esigabeni 3 seMtsetfo Wetinsita Tetekuhlola, 2002 (uMtsetfo No. 65 wanga-2002);]”. 2. Kufakwa esikhundleni kuMtsetfo 1.24 weMtsetfo weSikhwama semPhesheni weTisebenti taHulumende lokuShejuli 1, esikhundleni senchazelo ye-“Tinsita” ufake lenchazelo lelandzelako: “‘Tinsita’; [Luphiko lweTekuphepha lwaHulumende] i-Ejensi yeLuhlolo yaseNingizimu Afrika, Umbutfo Wetekuvikela Wavelonkhe WaseNingizimu Afrika, Luphiko Lwemaphoyisa LwaseNingizimu Afrika kanye Nemibutfo Yetekuhlola YaseNingizimu Afrika njengobe kuchaziwe kusigaba 1 seMtsetfo” 3. Kufakwa esikhundleni sendzima (a) yalenzima lelandzelako kumtsetfosimiso 14.2.4 weMitsetfosimiso weSikhwama Semhlalaphansi weTisebenti taHulumende lokucuketfwe kuShejuli 1, kulenzima lelandzelako: “(a) kwelilunga lelingulomunye weLuphiko lwemi-Sebenti yemaPhoyisa aseNingizimu Afrika, uMbutfo weTemajele, uMbutfo weTekuvikela waVelonkhe waseNingizimu Afrika, [nobe Luphiko lweTekuphepha lwaHulumende], i-Ejensi yeLuhlolo yaseNingizimu Afrika nobe Luphiko lweLuhlolo lwaseNingizimu Afrika, ngekwengetelwa sikhatsi lesilingana nelinani lelingukunye kulokune kwesikhatsi lesengca iminyaka lelithubi yemsebenti wakhe wekutfola umhlalaphasi; 4. Kufakwa esikhundleni semagama latsi “Luphiko lweTekuphepha lwaHulumende” kwemagama latsi “IEjensi yeLuhlolo yaseNingizimu Afrika” kanye ne-“Luphiko lwekuhlolo lwaseNingizimu Afrika”— “(i) tigaba 18(2) na-29(1)(a); (ii) inchazelo ye“Ndvuna yeMbuso lephetse” lefakwe ngekulandzela sigaba 1.22 seMitsetfomgomo waHulumende weSikhwama semphesheni yebasebenti kuShejuli 1; futsi (iii) Umtsetfo 4.1.3 (b) kanye nendzinyana (i) seMbandzela ngekulandzela sigaba 14.8 yeMtsetfosisekelo.

No. and year of Act	Short title	Extent of Amendment
Act No. 75 of 1997	Basic Conditions of Employment Act, 1997	1. The amendment of section 1 by the deletion in the definition of “Public Service” of paragraph (b), (c), (d) and (e). 2. The amendment of section 3— (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph: “(a) members of the [State Security Agency] Civilian Intelligence Service;”.
Act No. 112 of 1998	Witness Protection Act, 1998	1. The amendment of section 1 by the substitution in the definition of “law enforcement officer” for paragraph (a) of the following paragraph: “(a) a member [of the State Security Agency referred to in section 3] as defined in section 1 of the Intelligence Services Act, 2002 (Act No. 65 of 2002).”. 2. The amendment of section 6 by the substitution in subsection (1) for paragraphs (c) and (d) of the following paragraphs, respectively: “(c) the Director-General: [State Security] South African Intelligence Agency; (d) the Director-General: South African Intelligence Service;”.
Act No. 131 of 1998	Medical Schemes Act, 1998	1. The amendment of section 1— (a) by the insertion before the definition of “actuary” of the following definition: “‘Academy’ means the South African National Academy of Intelligence established by section 5 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”; (b) by the insertion after the definition of “administer” of the following definition: “‘Agency’ means the South African Intelligence Agency established in terms of section 3(1) of the Intelligence Services Act, 2002 (Act No. 65 of 2002);” and (c) by the insertion after the definition of “Minister” of the following definitions: “‘Service’ means the South African Intelligence Service established in terms of section 3(1) of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”. 2. The amendment of section 2 by the substitution for subsection (3) of the following subsection: “(3) Notwithstanding the provisions of subsections (1) and (2), this Act shall not apply to the [State Security Agency] Civilian Intelligence Service referred to in section 1 of the Intelligence Services Act, 2002 (Act No. 65 of 2002).”.
Act No. 38 of 2001	Financial Intelligence Centre Act, 2001	1. The amendment of section 1 by the substitution for the definition of “intelligence services” of the following definition: “‘intelligence services’ means the [State Security Agency] Intelligence Services as defined in section 1 of the Intelligence Services Act, 2002 (Act No. 65 of 2002).”. 2. The amendment of section 12 by the substitution in subsection (1) for paragraph (a) of the following paragraph: “(a) information with respect to that person has been gathered in a vetting investigation by the [State Security] South African Intelligence Agency referred to in section 3 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”. 3. The amendment of section 13 by the substitution in subsection (1) for paragraph (a) of the following paragraph: “(a) information with respect to that person has been gathered in a vetting investigation by the [State Security] South African Intelligence Agency referred to in section 3 of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”. 4. The amendment of section 19 by the substitution in subsection (1) for paragraph (e) of the following paragraph: “(e) the Director-General of the [State Security] South African Intelligence Agency;”.

No. en jaar van Wet	Kort titel	Omvang van Wysiging
Wet No. 75 van 1997	Wet op Basiese Diensvoorwaardes, 1997	1. Die wysiging van artikel 1 deur in die omskrywing van “Staatsdiens” paragrawe (b), (c), (d) en (e) te skrap. 2. Die wysiging van artikel 3— (a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang: “(a) lede van die [Staatsveiligheidsagentskap] Burgerlike Intelligensiediens;”.
Wet No. 112 van 1998	Wet op Getuiebeskerming, 1998	1. Die wysiging van artikel 1 deur in die omskrywing van “wetstoepassingsbeampte” paragraaf (a) deur die volgende paragraaf te vervang: “(a) ’n lid [van die Staatsveiligheidsagentskap, bedoel in artikel 3] soos omskryf in artikel 1 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);” en 2. Die wysiging van artikel 6 deur in subartikel (1) paragrawe (c) en (d) onderskeidelik deur die volgende paragrawe te vervang: “(c) die Direkteur-generaal: [Staatsveiligheidsagentskap] Suid-Afrikaanse Intelligensie-agentskap; (d) die Direkteur-generaal: Suid-Afrikaanse Intelligensiediens;”.
Wet No. 131 van 1998	Wet op Mediese Skemas, 1998	1. Die wysiging van artikel 1— (a) deur die volgende omskrywings na die omskrywing van “afhanklike” in te voeg: “‘Agentskap’ die Suid-Afrikaanse Intelligensie-agentskap ingevolge artikel 3(1) van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002); ‘Akademie’ die Suid-Afrikaanse Nasionale Akademie van Intelligensie gestig by artikel 5 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);” en (b) deur die volgende omskrywing na die omskrywing van “boekjaar” in te voeg: “‘Diens’ die Suid-Afrikaanse Intelligensiediens ingevolge artikel 3(1) van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), ingestel;”. 2. Die 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 [Staatsveiligheidsagentskap] Burgerlike Intelligensiedienste in artikel 3 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), bedoel van toepassing nie.”.
Wet No. 38 van 2001	Wet op die Finansiële Intelligensiesentrum, 2001	1. Die wysiging van artikel 1 deur die omskrywing van “intelligensiediens” deur die volgende omskrywing te vervang: “‘intelligensiediens’ die [Staatsveiligheidsagentskap] Intelligensiediens bedoel in artikel 3 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);”. 2. Die wysiging van artikel 12 deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang: “(a) inligting met betrekking tot daardie persoon ingesamel is in ’n klaringsondersoek deur die [Staatsveiligheidsagentskap] Suid-Afrikaanse Intelligensie-agentskap bedoel in artikel 3 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), ingestel;”. 3. Die wysiging van artikel 13 deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang: “(a) inligting met betrekking tot daardie persoon ingesamel is in ’n klaringsondersoek deur die [Staatsveiligheidsagentskap] Suid-Afrikaanse Intelligensie-agentskap bedoel in artikel 3 van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002), ingestel;”. 4. Die wysiging van artikel 19 deur in subartikel (1) paragraaf (e) deur die volgende paragraaf te vervang: “(e) die Direkteur-generaal van die Suid-Afrikaanse Intelligensie-agentskap;”.

No. and year of Act	Short title	Extent of Amendment
Act No. 56 of 2001	Private Security Industry Regulation Act, 2001	1. The amendment of section 7 by the substitution of paragraph (e) of the following paragraph: “(e) has not obtained such a security clearance by the [State Security] South African Intelligence Agency as may have been determined by the Minister;”. 2. The amendment of section 14 by the substitution in subsection (4) for paragraph (c) of the following paragraph: “(c) Staff members of the Authority may not have any financial interest in the private security industry and must successfully undergo such security clearance check by the [State Security] South African Intelligence Agency, as may be determined by the Council if this is relevant in respect of their work.”. 3. The amendment of section 23 by the substitution for subsection (5) of the following subsection: “(5) Despite any provision to the contrary, a person in the permanent employ of the Service, [the State Security Agency] the South African Intelligence Agency, the South African Intelligence Service, the South African National Defence Force or the Department of Correctional Services may not be registered as a security service provider while so employed.”.
Act No. 40 of 2002	Institution of Legal Proceedings against certain Organs of State Act, 2002	1. The amendment of section 5 by the substitution in subsection (1)(b) for subparagraph (i) of the following subparagraph: “(i) Minister [of State Security] for Intelligence is the defendant or respondent may be served on the Director-General: [State Security] South African Intelligence Agency or the Director-General: South African Intelligence Service;”.
Act No. 70 of 2002	Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002	1. The amendment of section— (a) by the substitution in subsection (1) for paragraph (c) of the definition of “applicant” of the following paragraph: “(c) a member as defined in section 1 of the Intelligence Services Act, if the member concerned obtained in writing the approval in advance of another member of the Agency, or the Service, as the case may be, holding a post of at least general manager;”; (b) by the substitution in subsection (1) for paragraph (c) of the definition of “law enforcement agency” of the following paragraph: “(c) The Agency or the Service;” (c) by the by the substitution in subsection (1) for the definition of “Minister” of the following definition: “‘Minister’ means the Cabinet member responsible for the administration of justice, except in Chapter 6 where it means the Cabinet member responsible for [state security] intelligence;”; (d) by the substitution in subsection (1) for paragraph (c) of the definition of “relevant Ministers” for the following paragraph: “(c) [state security] intelligence; and”; and (e) by the insertion after the definition of “Service” of the following definition: “‘Service’ means the South African Intelligence Services established in terms of section 3(1) of the Intelligence Services Act, 2002 (Act No. 65 of 2002);”. 2. The amendment of section 34 by the substitution in subsection (4)(a) for subparagraphs (iii) and (iv) of the following subparagraphs respectively: “(iii) Director-General:[State Security] South African Intelligence Agency; [and] (iv) Director-General: South African Intelligence Service;”.

No. en jaar van Wet	Kort titel	Omvang van Wysiging
Wet No. 56 van 2001	Wet op die Regulering van die Private Sekuriteitsbedryf, 2001	1. Die wysiging van artikel 7 deur paragraaf (e) deur die volgende paragraaf te vervang: “(e) nie die sekerheidsklaring deur die [Staatsveiligheidsagentskap] Suid-Afrikaanse Intelligensie-agentskap wat deur die Minister bepaal mag gewees het, verkry het nie;”. 2. Die wysiging van artikel 14 deur in subartikel (4) paragraaf (c) deur die volgende paragraaf te vervang: “(c) Personeellede van die Owerheid mag nie enige finansiële belang in die private sekuriteitsbedryf hê nie en moet, indien dit ten opsigte van hulle werk relevant is, die sekerheidsklaring deur die [Staatsveiligheidsagentskap] Suid-Afrikaanse Intelligensie-agentskap uitgevoer, wat deur die Raad bepaal word, suksesvol ondergaan.”. 3. Die wysiging van artikel 23 deur subartikel (5) deur die volgende subartikel te vervang: “(5) Ondanks enige bepaling tot die teendeel, kan ’n persoon in die permanente diens van die Diens, die [Staatsveiligheidsagentskap] die Suid-Afrikaanse Intelligensie-agentskap, die Suid-Afrikaanse Intelligensiediens, die Suid-Afrikaanse Weermag of die Departement van Korrektiewe Dienste nie as ’n sekuriteitsdiensverskaffer geregistreer word terwyl hy of sy daar in diens is nie.”.
Wet No. 40 van 2002	Wet op die Instel van Regsgedinge teen Staatsorgane, 2002	1. Die wysiging van artikel 5 deur in subartikel (1)(b) subparagraaf (i) deur die volgende subparagraaf te vervang: “(i) Minister [van Staatsveiligheid] vir Intelligensie die verweerder of respondent is, beteken word aan die Direkteur-generaal: [Staatsveiligheidsagentskap] Suid-Afrikaanse Intelligensie-agentskap of die Direkteur-generaal: Suid-Afrikaanse Intelligensiediens;”.
Wet No. 70 van 2002	Wet op die Reëling van Onderskepping van Kommunikasies en Verstrekking van Kommunikasie-verwante Inligting, 2002	1. Die wysiging van artikel— (a) deur in subartikel (1) paragraaf (c) van die omskrywing van “aansoeker” deur die volgende paragraaf te vervang: “(c) ’n lid soos omskryf in artikel 1 van die Wet op Intelligensiedienste, indien die betrokke lid vooraf die skriftelike goedkeuring verkry het van ’n ander lid van die Agentskap, of die Diens, na gelang van die geval, wat ’n pos van minstens algemene bestuurder beklee;”; (b) deur in subartikel (1) paragraaf (c) van die omskrywing van “wetstoepassingsbeampte” deur die volgende paragraaf te vervang: “(c) die Agentskap of die Diens;” (c) deur in subartikel (1) die omskrywing van “Minister” deur die volgende omskrywing te vervang: “‘Minister’ die lid van die Kabinet verantwoordelik vir die regspleging, behalwe in Hoofstuk 6 waar dit beteken die lid van die Kabinet verantwoordelik vir [staatsveiligheid] intelligensie;”; (d) deur in subartikel (1) paragraaf (c) van die omskrywing van “betrokke Ministers” deur die volgende paragraaf te vervang: “(c) [staatsveiligheid] intelligensie; en”; en (e) deur die volgende omskrywing na die omskrywing van “dekripteringsleutelhouer” in te voeg: “‘Diens’ die Suid-Afrikaanse Intelligensiediens ingestel ingevolge artikel 3(1) van die Wet op Intelligensiedienste, 2002 (Wet No. 65 van 2002);”. 2. Die wysiging van artikel 34 deur in subartikel (4)(a) subparagrafe (iii) en (iv) onderskeidelik deur die volgende subparagrafe te vervang: “(iii) Direkteur-generaal: [Staatsveiligheidsagentskap] Suid-Afrikaanse Intelligensie-agentskap; [en] (iv) Direkteur-generaal: Suid-Afrikaanse Intelligensiediens;”.