

**Statutory Instrument No. 101 of 1969.**

**THE PRECIOUS STONES INDUSTRY  
(PROTECTION) ACT, 1969.**

**THE PRECIOUS STONES INDUSTRY (SECURITY AREA PERMITS)  
REGULATIONS, 1969.**

(Published on the 31st October, 1969)

In the exercise of the powers vested in him by section 28 of the Precious Stones Industry (Protection) Act, 1969 (No. 3 of 1969) the Minister of Commerce Industry and Water Affairs makes the following regulations –

**Citation**

1. These regulations may be cited as the Precious Stones Industry (Security Area Permits) Regulations, 1969.

**Interpretation**

2. In these regulations, unless the context otherwise requires –

“area” means a Precious Stone Security Area declared by the Minister under section 26 (1) of the act;

“Chief Security Officer” means the principal person in an area charged by the operator with the function of maintaining security;

“continuing permit” means a long-term or a short-term permit as described in regulation 3;

“issuer” means a person designated in relation to an area by the Minister under section 26 (3) of the Act for the purpose of issuing permits;

“operator” means a person, artificial or natural, having the prospecting or mining right in respect of an area;

“Permanent Secretary” means the Permanent Secretary of the Ministry of Commerce, Industry and Water Affairs;

“permit” means a document issued by an issuer permitting the holder to enter or remain within an area or any section thereof;

“register” means a register kept under the provisions of regulation 14;

“security officer” means a person employed as such in an area by the operator.

**Types of Permit**

3. The following types of permit may be issued –

(a) long-term permits, being permits valid for an indefinite period which may be issued to persons who will reside within an area for a period exceeding 28 days, to persons mentioned in regulation 5 (2), and, at the discretion of the issuer, to officials in the employ of the operator;

(b) short-term permits, being permits the duration of which is expressed to be 28 days or a shorter period;

- (c) conducting permits, being permits authorising the holder to be conducted from an entrance to an area to the office of an issuer within such area.

#### **Continuing Permits for Sections of Areas**

4. (1) A continuing permit may specify that the holder may enter or remain within any particular section or sections or all sections of an area:

Provided that any such section is clearly demarcated from any other section of the area

- (a) on a map of which a copy is filed by the operator with the Mining Commissioner and a copy is posted for inspection at the office of the issuer; and
- (b) on the ground by fencing or otherwise, and is designated by clearly legible notices in English and Setswana on the boundary with every other section.

(2) No person shall enter or remain within any such section unless he is in possession of a permit authorising him to do so.

(3) Notwithstanding anything contained in sub-regulation (2) of this regulation no permit shall be required by any child under the age of 14 years to enter or remain within any section in which one of his parents resides provided such parent has a permit to enter or remain in such section.

#### **Permits for Persons in Service of the Republic**

5. (1) No person in the service of the Republic shall enter or remain within an area or any section thereof in the course of duty unless he is in possession of a permit authorising him to do so issued in accordance with these regulations.

(2) A permit shall be issued by an issuer –

- (a) to any police officer required in writing by the Commissioner of Police to have the right to enter or to remain within an area;
- (b) to the Mining Commissioner, the Government Mining Engineer, an Assistant Government Mining Engineer, and any person in the service of the Republic required in writing by the Minister or the Permanent Secretary to have the right to enter or remain within an area.

#### **Form of Long-Term Permits**

6. A long-term permit shall be a card not less than 2½ by 1½ inches and not more than 3 x 2 inches in size bearing the following matter or particulars in the form set out in the Schedule –

- (a) at the top on the right hand side the name of the operator;
- (b) below the said name, the name of the area;
- (c) below the name of the area, the number of the permit entered in the register;
- (d) a head and shoulders photograph of the holder in the top left hand corner not less than 1-1/8th inches square and not more than 1-1/4 inches square signed or over-stamped on its bottom section with the signature of the issuer;
- (e) below the photograph, the name of the holder in typescript;

- (f) along the right hand side parallel with the right hand margin of the card the signature of the holder or, in the case of a holder unable to write his name, his thumb-print ;
- (g) the designation of the section or sections of the area which the holder is permitted to enter or remain within, entered along the bottom of the card from left to right.

**Form of Short-Term Permits**

7. A short-term permit shall have imprinted on it –
- (a) the name of the operator ; and
  - (b) the name of the area ;
- and shall have entered upon it –
- (c) the legend "Valid from..... to..... unless required to be surrendered earlier" with the relevant dates inserted ;
  - (d) the number of the permit entered in the register ;
  - (e) the name of the holder ; and
  - (f) the designation of the section or sections of the area which the holder is permitted to enter or remain within.

**Form of Conducting Permit**

8. A conducting permit shall be a card 3 by 2 inches in size bearing –
- (a) the name of the operator ;
  - (b) the name of the area ;

and stating that the holder is permitted to be conducted by a security officer from an entrance to the area to the office of the issuer for the exclusive purpose of seeking a continuing permit.

**Manner of Obtaining Conducting Permit**

9. (1) A person desiring a conducting permit may apply for it by letter addressed to an issuer, or by presenting himself at an entrance to the area, stating his name, address and his purpose in the area to a security officer, and requesting to be issued with such permit.

(2) On a request being made in terms of sub-regulation (1) it shall be the duty of the security officer to whom it is made to convey it to an issuer who shall grant or refuse it, and in the event of his granting it shall forthwith direct that a conducting permit be handed to the applicant.

**Conducting of Applicant to Officer of Issuer.**

10. (1) When a conducting permit is handed to an applicant as in regulation 9 (2) provided, he shall be conducted forthwith by a security officer to the office of the issuer.

(2) The person so conducted shall not diverge from the route along which he is conducted and shall remain in company with the security officer conducting him until he is issued with a continuing permit or until, in the event of his being refused a continuing permit, he is conducted to an entrance to the area, which he shall there-upon leave.

(3) On being conducted to an entrance as afore-said, an applicant who has been refused a continuing permit shall forthwith at such entrance surrender his conducting permit to the security officer conducting him.

#### **Manner of Obtaining Continuing Permit**

11. (1) A person desiring a continuing permit may apply for it at the office of an issuer;

Provided that if such office is within an area and the applicant is not in possession of a valid continuing permit he shall first have been conducted to such office under the authority of a conducting permit.

(2) A person applying under sub-regulation (1) shall complete and sign with his name, or if is unable to write his name, his thumb-print, an application form in which he shall state—

- (a) his full names;
- (b) his permanent address;
- (c) the purpose for which he wishes to enter or remain within the area; and
- (d) the probable duration of his visit or sojourn and the probable date of his departure.

(3) Subject to regulation 5 (2) and to such directions as may be given in the matter by the Mining Commissioner, an issuer may grant or refuse the issue of any permit.

(4) An applicant in possession of a conducting permit shall surrender it upon being issued with a continuing permit.

#### **Permits not to be Charged for**

12. No charge shall be made for any permit issued under these regulation.

#### **Provisions of Photographs**

13. Any photographs of applicants required for inclusion in permits shall be taken and provided under the instructions of the issuer and at the expense of the operator.

#### **Register of Permits to be Kept**

14. (1) Every issuer shall keep a register in which he shall enter or cause to be entered in respect of every continuing permit issued—

- (i) the number of the permit and, in the case of a short term permit the number of the token issued therewith in accordance with regulation 15;
- (ii) the date of issue;
- (iii) the full names of the person to whom it is issued;
- (iv) his permanent address;
- (v) the purpose of his visit or sojourn;
- (vi) its probable duration;
- (vii) his signature or, in the case of a person unable to write his name, his thumb-print; and
- (viii) the designation of the section or sections of the area to which the permit relates.

(2) The entry in the register of particulars in relation to a continuing permit shall in every case as soon as practicable be countersigned by the Chief Security Officer.

(3) All continuing permits shall be completed in duplicate, and duplicate copies of all such permits while in force shall be kept with the register.

#### **Tokens to be Issued with Short-Term Permits**

15. To every person to whom an issuer issues a short-term permit he shall issue together with such permit a token in the form of a numbered disc of durable material not less than 1½ inches in diameter.

#### **Tokens to be worn by Holders of Short-Term Permits**

16. While within the area, the holder of a short-term permit shall wear token issued to him, as in the last preceding regulation provided, attached to the upper part of his body or the clothing thereon so as to be visible at all times.

#### **Long-Term Permits to be carried and Produced**

17. While within the area, the holder of a long-term permit shall carry it at all times on his person and shall produce it on demand to any person producing a document purporting to be issued by the operator stating that the bearer is a senior official or a security officer employed by the operator.

#### **Holders of Continuing Permits Allowed Entry**

18. A holder of a continuing permit duly issued to him shall be allowed to enter to any section of the area designated in the permit as one which he is permitted to enter or remain within.

#### **Surrender of Permits**

19. (1) Every employee of an operator holding a long-term permit who leaves the operator's employ shall on the date of his departure from the area surrender such permit to the Chief Security Officer.

(2) Every person holding a continuing permit, other than a person to whom sub-regulation (1) applies, shall upon its expiry or upon the date of his final departure from the area, whichever is the earlier, tender such permit and any token issued therewith to the Chief Security Officer for surrender;

Provided that an issuer may in his discretion allow an unexpired permit and any token issued therewith to be retained by the holder thereof.

(3) The Chief Security Officer shall cause any permit so surrendered and the duplicate kept with the register to be cancelled on the date of surrender.

#### **Name of Security Officer to be Notified**

20. Whenever a Chief Security Officer is appointed for an area, the operator shall notify the Commissioner of Police and the Mining Commissioner of his name and the date of his appointment.

#### **Penalties**

21. (1) Any person contravening regulation 4 (2), 5 (1), or 10 (2) shall be guilty of an offence and liable on conviction to a fine of R500 and Imprisonment for six months.

