

REPUBLIC OF SOUTH AFRICA

SAFETY AT SPORTS AND RECREATIONAL EVENTS BILL

*(As amended by the Portfolio Committee on Sport and Recreation (National Assembly))
(The English text is the official text of the Bill)*

(MINISTER OF SPORT AND RECREATION)

[B 7B—2009]

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BILL

To provide for measures to safeguard the physical well-being and safety of persons and property at sports, recreational, religious, cultural, exhibitional, organisational or similar events held at stadiums, venues or along a route; to provide for the accountability of event role-players; to provide for certain prohibitions; to provide for the risk categorisation of events; to provide for the establishment of measures to deal with safety and security at events; to provide for accreditation of role-players at events; to provide for event ticketing; to provide for the control of access of spectators and vehicles at events; to provide for the issuing of safety certificates for planned or existing stadiums or venues; to provide for the contents of safety certificates and amendments to safety certificates; to provide for appointment of inspectors and their powers of entry and inspection; to provide for the deployment of security services; to provide for spectator exclusion notices; to provide for prohibition notices; to provide for the establishment of an Appeal Board and for appeals; to provide for public liability insurance for events; to provide for payment of fees; to provide for offences and penalties; and to provide for matters connected therewith.

PREAMBLE

RECOGNISING that—

- the physical well-being and safety of all persons attending sports, recreational, religious, cultural, exhibitional, organisational or similar events as well as the safety of their property—
 - at stadiums or other venues; and
 - in the case of a race, tour or procession, along a route, must be promoted and protected;
- the rights of persons who attend sports, recreational, religious, cultural, exhibitional, organisational or similar events must be protected;

NOTING that—

- the planning, management and enforcement of safety and security at sports, recreational, religious, cultural, exhibitional, organisational or similar events held at stadiums, other venues and in respect of events in the form of a race, tour or procession along a route, must be handled by people experienced in the field of safety and security;
- all controlling bodies of sports, recreational, religious, cultural, exhibitional, organisational or similar activities, event organisers, stadium or venue owners and their managements must have proper safety and security measures in place; and
- controlling bodies of all sports, recreational, religious, cultural, exhibitional, organisational or similar activities, event organisers and stadium and venue owners and their managements must place the broader interests of sports, recreational, religious, cultural, organisational or similar activities above their own interests, particularly the promotion and maintenance of the safety, security and convenience of persons who attend sports, recreational, religious, cultural, organisational or similar events;

ACKNOWLEDGING—

- the need to determine and maintain minimum safety and security standards at sports, recreational, religious, cultural, exhibitional, organisational or similar events;
- the importance of the promotion of spectator-friendly, secure sports, recreational, religious, cultural, organisational or similar events;
- that the Republic has become a desirous destination for the hosting of major international sports, recreational, religious, cultural, exhibitional, organisational or similar events,

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

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CHAPTER 1

DEFINITIONS AND APPLICATION OF ACT

Definitions 30

1. In this Act, unless the context otherwise indicates—
 - “**access control officer**” means a person appointed in terms of section 20 to be in charge of access of persons and motor vehicles at an event;
 - “**accreditation**” means a process whereby persons and drivers of motor vehicles wishing to enter a designated area within a stadium, venue or along a route or their respective precincts must apply for, be evaluated, screened and subjected to meeting certain criteria set by the event safety and security planning committee and be issued with a special pass incorporating security features which entitles the holder thereof to gain access to the designated area as contemplated in section 18;
 - “**authorised member**” means a police official designated in terms of section 15 as Chairperson of an event safety and security planning committee and has overall authority to direct measures relating to safety and security at an event;
 - “**Authority**” means the Private Security Industry Regulatory Authority established by section 2(1) of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);
 - “**controlling body**” means a national federation as defined in section 1 of the National Sport and Recreation Act, 1998 (Act No. 110 of 1998), a provincial federation or an international controlling body or other body governing a code of sport, recreational, religious, cultural or similar activity in the Republic, but excludes the National Department of Sport and Recreation of the Republic of South Africa;
 - “**corporate hospitality**” includes the provision of food, liquid refreshments and entertainment, to members of the public or invited guests within a permanent or

temporary demarcated hospitality area which may be located within a stadium or a venue or along a route, or within the immediate or outer precincts thereof;

“designated area” means an area or zone designated by the event safety and security planning committee in the prescribed manner as contemplated in section 16(1)(e) and in respect of which access is limited to a person specifically accredited to enter such area or zone; 5

“disaster management” means a process of planning and implementation of the disaster preventative and reactive measures referred to in section 1 of the Disaster Management Act, 2002 (Act No. 57 of 2002);

“disaster management centre” means a centre established in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002); 10

“emergency services” means, in relation to a sports, recreational, religious, cultural, exhibitional, organisational or similar event, all public and private sector medical services, including emergency medical services and health services, the fire department, the disaster management department and local authority traffic or by-law enforcement department; 15

“essential services” means a department of state or other administrative unit, such as a disaster management centre and those departments responsible for electrical, water, sewerage and waste removal utilities in the administration of a local authority, including any functionary or institution performing the above or related public functions, or an external service provider as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), responsible for ensuring that the measures contemplated under the definition of ‘disaster management’ contained in section 1 of the Disaster Management Act, 2002 (Act No. 57 of 2002), are in place and complied with as far as the staging of an event at a stadium or venue or along a route is concerned; 20

“event” means sporting, entertainment, recreational, religious, cultural, exhibitional, organisational or similar activities hosted at a stadium, venue or along a route or within their respective precincts;

“event organiser” means any person who plans, is in charge of, manages, supervises or holds an event or sponsorship rights to an event or in any manner controls or has a material interest in the hosting of an event as contemplated in this Act; 30

“event safety and security planning committee” means the committee contemplated in section 15 responsible for coordinating the functions of the role-players that are involved in the provision of safety and security at an event, the safety and security planning for an event, the assignment of safety and security tasks to role-players at an event, the demarcation of safety and security areas and zones and to advise the National Commissioner of the committee’s assessment of the categorisation of an event; 35

“event ticketing” means the production, distribution and sale of tickets in respect of an event contemplated in section 19;

“exclusion notice” means the notice contemplated in section 22 which may be issued by the authorised member, VOC commander or the National Commissioner to prevent the attendance of a person or group of persons that, based on historical behaviour regarding such person or group of persons, or reliable current information, may result in the disruption of an event or cause injury to a person or damage to property; 40

“existing stadium or venue safety certificate” means a certificate issued by a local authority in terms of section 7(1)(a) regarding the infrastructural safety of an existing stadium or venue; 50

“grading certificate” means a certificate issued by a local authority in terms of section 7(2) determining the safe spectator capacity of a stadium or venue and the level of risk of the event that may be hosted at a stadium or venue;

“high-risk event safety certificate” means a certificate, which may contain specific conditions, issued by the National Commissioner in terms of section 7(3) in respect of an event that has been categorised as high-risk; 55

“liquor” means liquor as defined in section 1 of the Liquor Act, 2003 (Act No. 59 of 2003);

“local authority” means a municipality established under section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), within whose jurisdiction a stadium, venue or route is located; 60

“Minister” means the Minister responsible for sport and recreation in the Republic;

“National Commissioner” means the National Commissioner of the South African Police Service;

“National Health Act” means the National Health Act, 2003 (Act No. 61 of 2003);

“new stadium or venue design safety certificate” means a certificate contemplated in section 9 issued with regard to the infrastructural safety of a planned new stadium or venue;

“organise” includes to arrange, be in charge of or purport to be in charge of, convene, host, manage, plan, stage, supervise, hold an event or hold sponsorship rights to an event;

“peace officer” means a peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

“person” includes a natural or juristic person;

“police official” means a member as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), and includes a member of a municipal police service;

“precinct” means an enclosed or clearly defined surrounding area or environs or a specifically designated or sign-posted area immediately adjacent to or in close proximity to a stadium, venue or route which is demarcated in terms of a safety and security plan;

“prescribe” means prescribe by regulation;

“prohibition notice” means a notice contemplated in section 21 that prohibits or restricts the admission of spectators to a stadium, venue or route if the admission of spectators involves or may involve a serious risk to any person at an event;

“registered person” means a person defined in section 1 of the Engineering Profession Act, 2000 (Act No. 46 of 2000), and registered under the category of Professional Engineer; Professional Engineering Technologist; Professional Certificated Engineer; or Professional Engineering Technician in terms of section 8 of that Act;

“regulation” means a regulation made under section 45;

“route” means the way or course taken in getting from a starting point to a destination during an event which takes the form of a race or procession;

“safety certificate” means a certificate referred to in section 7 regarding the safety of a stadium or venue for holding an event or determining the safe spectator capacity of a stadium or venue and the level of risk of the event that may be hosted at a stadium or venue or issued in respect of a high-risk event;

“safety and security plan” means the safety and security plan referred to in section 16(1)(b) providing for the coordination of the functions of the role-players involved in the provision of safety and security at an event;

“safety officer” means a person appointed in terms of section 4(4)(a) to assist with the planning and oversight of safety and security measures at an event;

“security officer” means a security officer as defined in section 1 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);

“security service” means a security service as defined in section 1 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), rendered at an event;

“security service provider” means a security service provider as defined in section 1 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001);

“spectator” means a member of the public who is an attendee or part of an audience at an event held at a stadium, venue or along a route or within their respective precincts;

“stadium” means an enclosed or semi-enclosed structure which consists of seating for spectators and a field of play or a permanent or temporary podium or other area within the structure reserved for the purposes of hosting events, which has a safe seated or standing spectator capacity of at least 2000 persons as certified by a local authority;

“stadium design plan” means a stadium design plan referred to in section 9 or 10 in respect of a planned new stadium or a proposed alteration or extension to a stadium;

“stadium owner” means a person who owns, manages or is entitled to exercise the rights of an owner or occupier of a stadium used for events;

- “**steward**” means a person appointed in terms of section 4(4)(b), and exempted in terms of section 20(5) of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), to be responsible for the marshalling and overseeing of the safe and general flow of spectators, the provision of event information, including safety and security information to spectators, the provision of ushering services and the provision of assistance with emergency evacuation procedures to persons within a stadium or venue and their precincts; 5
- “**this Act**” includes a regulation made under section 45;
- “**traffic-free zone**” means an area designated by an event safety and security planning committee on a public road or other area, and clearly marked in the prescribed manner, as an area where access is limited to a motor vehicle and a person specifically accredited to enter such an area; 10
- “**vendor**” means a person authorised in writing by a controlling body, event organiser or a stadium or venue owner to sell or otherwise purvey approved goods or services within the precincts of a stadium or venue or along a route; 15
- “**venue**” means any area or place, other than a stadium where an event is hosted, that has a seating or standing spectator capacity of at least 2 000 persons as certified by a local authority, within which other permanent or temporary structures may be erected and which may be demarcated by an enclosed or semi-enclosed permanent or temporary structure; 20
- “**venue design plan**” means a venue design plan referred to in section 9 or 10 in respect of a planned new venue or a proposed alteration or extension to a venue;
- “**venue owner**” means a person who owns, manages or is entitled to exercise the rights of an owner or occupier of a venue used for events;
- “**VOC**” means a venue operations centre contemplated in section 17 where the entire safety and security operation in respect of an event at a stadium, venue or along a route is coordinated; 25
- “**VOC commander**” means the authorised member of the South African Police Service who is in charge of the VOC or police official designated in terms of section 17 to be in charge of the VOC; 30
- “**volunteer**” means a person appointed and accredited by a controlling body, event organiser or stadium or venue owner in terms of section 4(6) to supervise arrangements or provide any function or service in support of an event but shall specifically exclude the provision of a security service unless such a person is registered as a security officer. 35

Application of Act

2. (1) In the event of any conflict between this Act and any other legislation, this Act prevails if the conflict specifically relates to a matter dealt with in this Act.
- (2) This Act—
- (a) applies subject to any guarantee or undertaking given by the Government of the Republic to an event organiser or a controlling body under authority of the Cabinet or under any national legislation in respect of the hosting of a major international event in the Republic; and 40
- (b) does not apply to gatherings as defined in the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993). 45

Exemptions

3. The Minister of Police may on application in the prescribed manner—
- (a) by notice in the *Gazette* exclude from the operation of any or all of the provisions of this Act any area specified in the notice or any area other than an area so specified or any events or any class or category of such events, and may in like manner amend or repeal any such notice; or 50
- (b) by notice in writing addressed to any person, and on such conditions as he or she may deem fit, exempt such person from compliance with any or all of the said provisions, and in like manner amend or withdraw any such notice.

CHAPTER 2

ENSURING RESPONSIBILITY FOR SAFETY AND SECURITY AT EVENTS

Responsibility for safety and security at events

4. (1) A controlling body, an event organiser, or a stadium or venue owner, as the case may be, must put in place such measures as may be prescribed to ensure the physical safety and security of persons and their property at an event. 5
- (2) A person referred to in subsection (1) must cooperate with and assist the event safety and security planning committee and the VOC commander in the performance of their functions under this Act.
- (3) The National Commissioner— 10
- (a) may direct a person referred to in subsection (1) to implement such additional measures as may, in the opinion of the National Commissioner, be necessary to further the objects of this Act;
 - (b) must establish an event safety and security planning committee for each event contemplated in section 6 and categorised as either a medium-risk or high-risk event or any other event whether or not such event is in compliance with the provisions of this Act; 15
 - (c) must appoint a VOC commander as contemplated in section 17;
 - (d) may prohibit the sale of event tickets at a stadium or venue on the day of an event; 20
 - (e) may stipulate conditions to be included in a high-risk event safety certificate as contemplated in section 11(2);
 - (f) may amend or replace a safety certificate as contemplated in section 13;
 - (g) may prohibit or restrict the admission of a person or group of persons to a stadium or venue or route by issuing a prohibition notice referred to in section 21; and 25
 - (h) may issue a spectator exclusion notice referred to in section 22 with regard to an undesirable spectator.
- (4) A person referred to in subsection (1) must appoint— 30
- (a) sufficient persons to be responsible for safety and security at an event, including an event safety officer, security officers or such other persons as may be prescribed;
 - (b) stewards responsible for— 35
 - (i) the marshalling and overseeing of the safe general flow of spectators;
 - (ii) the provision of event information, including safety and security information to spectators;
 - (iii) the provision of ushering services; and
 - (iv) the provision of assistance with emergency evacuation procedures to persons within a stadium or venue and its precincts.
- (5) The persons appointed under subsection (4) must— 40
- (a) be present at an event; and
 - (b) take such steps as may be reasonably necessary for the safeguarding of an event as well as for the protection of the people and the property at an event.
- (6) A person referred to in subsection (1) may appoint volunteers to supervise arrangements or provide any function or service in support of an event. 45
- (7) A person appointed under subsection (4)(b) or (6) may not provide security services unless such a person is registered as a security officer.
- (8) An event organiser, where such person is a natural person, must—
- (a) in respect of a medium-risk or high-risk event— 50
 - (i) be at least 21 years of age; and
 - (ii) have the necessary capacity, resources and event-related experience to organise the event, and
 - (b) in respect of a low-risk event be at least 21 years of age.
- (9) An event organiser must, for every event categorised as low-risk, ensure that— 55
- (a) a safety officer is appointed for that event;
 - (b) a written safety plan is prepared detailing event—
 - (i) safety measures;
 - (ii) security measures;
 - (iii) crowd management measures;

- (iv) motor vehicle parking arrangements;
- (v) emergency medical measures, including participant medical measures as contemplated in the National Health Act;
- (c) measures contemplated in paragraph (a) and in the safety plan contemplated in paragraph (b) are put in place; and 5
- (d) ensure that the local police station is informed, prior to the event, of the event details.
- (10) The safety plan referred to in subsection (9) must include the—
 - (a) event risk assessment;
 - (b) event details including duration; 10
 - (c) stadium, venue or route design, safe capacity and compliance with other relevant safety certification;
 - (d) spectator profile and expected spectator attendance;
 - (e) control of event service providers;
 - (f) availability of ablution facilities, refuse removal, water and lighting at the event; 15
 - (g) control of liquor;
 - (h) proactive and reactive fire measures;
 - (i) emergency medical measures;
 - (j) access and egress control; 20
 - (k) safety information announcements; and
 - (l) emergency evacuation procedures detailing action to be taken by designated persons in the event of a major incident.

Prohibition

- 5. (1) No person may organise an event unless that person complies with the requirements of section 6(1) or 6(3) and section 25. 25
- (2) No person may for a commercial purpose—
 - (a) obtain an event ticket with the intention to resell or use such ticket or any right pertaining to such ticket, whether for a profit or not;
 - (b) directly or indirectly sell, dispose of or promote event tickets or any right pertaining to such tickets; 30
 - (c) use a ticket for advertising, sales or promotional purposes, or as part of a hospitality or travel package, or make it available or advertise it for any such purpose;
 - (d) use a ticket transferred or acquired in contravention of subsection (a), (b) or (c); or 35
 - (e) directly or indirectly sell or dispose of complimentary tickets,
 without the prior written authorisation of an event organiser, or a stadium or venue owner, as the case may be.

Risk categorisation of events 40

- 6. (1) An event organiser must, at least six months before the start of—
 - (a) a calendar year for a specific sport, recreational, religious, cultural, organisational or similar activity, or
 - (b) a season, in the case of a seasonal sport, recreational, religious, cultural, organisational or similar activity, 45
 submit an annual schedule of events to the National Commissioner.
- (2) The schedule of events, referred to in subsection (1) or (3), must contain—
 - (a) the prescribed information; and
 - (b) sufficient particulars of the planned events,
 to enable the National Commissioner to make a categorisation of the safety and security risk associated with each event contained in the schedule. 50
- (3) Where an event—
 - (a) cannot, by virtue of its unforeseen nature, be planned to fall within the schedule of events referred to in subsection (1); and
 - (b) is scheduled to take place within the six months contemplated in that subsection or during the calendar year or season, 55
 the event organiser must upon initiating plans for the event forthwith submit the schedule for that event to enable the National Commissioner to make a risk categorisation.

(4) The National Commissioner may require the event organiser to provide additional information or particulars necessary to make a decision regarding the risk categorisation of an event.

(5) The National Commissioner must, subject to subsection (6), consider the schedule referred to in subsection (1) or (3) and, if the schedule complies with all of the requirements of this section, make a risk categorisation of each event contained in the schedule. 5

(6) (a) The National Commissioner may refuse to make a risk categorisation if the schedule, and where applicable, the additional information submitted, do not meet the requirements of subsection (2). 10

(b) In the case of a refusal, the National Commissioner must give the event organiser notification and reasons in writing for the refusal.

(7) In making a risk categorisation for an event the National Commissioner must take the following factors into account—

(a) the popularity or reputation of any team or person participating in an event; 15

(b) the expected attendance at an event and, where available, a historic record of attendance at similar events;

(c) the location where the event is to be held;

(d) the suitability of a stadium, venue or route, having regard to its physical structure, spectator facilities, precinct layout, or any other factors that impact on its suitability for hosting an event; 20

(e) the level of physical, human resource and electronic safety and security infrastructure, as well as the state of readiness of such infrastructure for an event;

(f) the historic record of safety, security and medical incidents at similar events, where available; 25

(g) any relevant crime statistics and trends;

(h) any threat analysis information regarding an event, where available;

(i) the certified safe capacity of a stadium, venue or route and respective precincts; 30

(j) the age profile of attendees at an event, where available;

(k) any information regarding the consumption and sale of liquor to spectators at an event and the safety and security impact thereof on previous similar events;

(l) the day of the week on which an event is scheduled to be hosted including factors impacting thereon; 35

(m) the commencement time and estimated duration of an event including the expected arrival or departure of participants and spectators;

(n) the relevance of the outcome of a competitive event;

(o) the level of intensity of the rivalry between competing sports teams or sports persons participating in an event and any tensions which may exist between the supporters of those sports teams or sports persons; 40

(p) the positions of the teams on the league or the rankings of the persons participating in an event;

(q) any international, national, local, social, economic, political or security related factors which might have an impact on an event from a safety and security perspective; 45

(r) the availability of police officials, emergency and essential services to assist at an event,

(s) the weather or other natural conditions which are anticipated to prevail before or on the day of an event; 50

(t) the nature of pre-event spectator entertainment and marketing promotions of any person contemplated in section 4(1); and

(u) any other factor that the National Commissioner considers appropriate.

(8) In making the risk categorisation of each event, the National Commissioner may, if necessary— 55

(a) consult any person; and

(b) take into account any other information.

(9) The National Commissioner must categorise each event reflected in the annual schedule of events as being either low-risk, medium-risk or high-risk.

(10) Upon making the risk categorisation contemplated in this section, the National Commissioner must give written notification— 60

(a) to a local authority of the events which are scheduled to be hosted within its jurisdiction and the risk categorisation of such events; and

(b) to the event organiser concerned of the risk categorisation of the events reflected in the schedule of events submitted by such event organiser.

(11) An event organiser dissatisfied with a risk categorisation may provide additional written information to the National Commissioner and request him or her to reconsider such risk categorisation. 5

(12) After considering the information contemplated in subsection (11), the National Commissioner must where he or she has refused to amend the risk categorisation furnish such event organiser with written reasons for his or her decision.

Safety certificates

7. (1) A local authority may issue a safety certificate in respect of— 10

- (a) an existing stadium or venue as contemplated in section 8;
- (b) the design of a new stadium or venue, as contemplated in section 9; and
- (c) alterations of or extensions to a stadium or venue, as contemplated in section 10.

(2) A local authority may issue a grading certificate as contemplated in section 8(4). 15

(3) The National Commissioner may issue a high-risk event safety certificate as contemplated in section 11.

(4) A local authority must, before deciding whether to issue a safety certificate in terms of subsection (1) or (2) in respect of a stadium or venue that is owned by the local authority, consider a written recommendation of an independent registered person. 20

Existing stadium or venue safety certificate

8. (1) (a) A stadium or venue owner, as the case may be, must annually and at least 30 days before the expiry of an existing safety certificate in respect of a stadium or venue apply in the prescribed manner to a local authority for a safety certificate in respect of that stadium or venue. 25

(b) The application for safety certification of an existing stadium or venue must be made within 90 days after the commencement of this Act.

(2) The Minister, in consultation with the Minister of Science and Technology, may prescribe criteria and other requirements to ensure safety of the infrastructure and accommodation at a stadium or venue which must include provision of adequate safe access and sufficient facilities for persons with disabilities. 30

(3) If at the commencement of this Act the criteria and requirements prescribed under subsection (2) are not in place at an existing stadium or venue, they must be complied with within—

- (a) two years, if high-risk events are hosted at that stadium or venue; 35
- (b) three years, if medium-risk events are hosted at that stadium or venue; or
- (c) five years if, low-risk events are hosted at that stadium or venue,

after the commencement of this Act.

(4) (a) The certificate contemplated in subsection (1) must be accompanied by a grading certificate issued by a local authority. 40

(b) The grading certificate must state the determined safe spectator capacity of the stadium or venue and the level of risk of the event that may be hosted at a stadium or venue.

(c) A local authority may issue a high-risk event grading certificate only after consultation with the relevant authorised member. 45

New stadium or venue design safety certificate

9. (1) A stadium or venue owner, as the case may be, must at least three months before the projected commencement date of construction of a new stadium or venue apply in the prescribed manner to a local authority for a certificate in respect of the safety of the design of the new stadium or venue. 50

(2) A stadium or venue owner involved in planning and designing a new stadium or venue, must comply with—

- (a) prescribed safety and security requirements and any conditions stated in the certificate contemplated in subsection (1);
- (b) applicable building legislation and local authority by-laws and guidelines; 55
- (c) applicable building design guidelines of the South African Bureau of Standards;

- (d) applicable stadium or venue infrastructure requirements stipulated in writing by a recognised international controlling body;
- (e) applicable stadium or venue infrastructure requirements stipulated in writing by a controlling body, event organiser or stadium or venue owner;
- (f) applicable requirements relating to medical facilities; and 5
- (g) any other prescribed criteria relating to safety and security regarding the suitability of a planned stadium or venue to hold events.

Certificate in respect of alteration of or extension to stadium or venue

10. (1) Where a safety certificate has been issued in terms of section 8 or 9, and a stadium or venue owner wishes to alter or extend as prescribed— 10

- (a) an existing stadium or venue;
- (b) the design of a planned stadium or venue; or
- (c) a stadium or venue under construction,

the stadium or venue owner must, before the commencement of the proposed alteration or extension, apply in the prescribed manner to a local authority within whose jurisdiction the stadium or venue is situated for written approval of the proposed alteration or extension. 15

(2) In deciding on the application contemplated in subsection (1) the local authority must take into account—

- (a) the certified safe capacity of a stadium or venue; 20
- (b) the spectator grandstand or multi-tiered seating design of a stadium or venue;
- (c) the spectator turnstiles of a stadium;
- (d) the emergency exits, access routes or gates inside a stadium or venue or within its precincts;
- (e) the physical spectator barricading inside a stadium and within its precinct; 25
- (f) the traffic management design and impact plan;
- (g) whether the proposed alteration or extension is likely to affect the safety and security of persons at the stadium or venue; or
- (h) the duration of the proposed building operations in order to give effect to the proposed alteration or extension. 30

(3) Where a holder of a safety certificate contemplated in section 8 intends to alter or extend a stadium or venue by erecting a temporary structure, he or she must apply in the prescribed manner for written approval contemplated in subsection (1).

High-risk event safety certificate

11. (1) Where an event has been categorised as a high-risk event in terms of section 6, the event organiser must at least 60 days before the event apply in the prescribed manner to the National Commissioner for a high-risk event safety certificate. 35

(2) The National Commissioner may issue a high-risk event safety certificate, which may be subject to prescribed conditions.

Contents of safety certificates 40

12. (1) A safety certificate may contain such conditions as—

- (a) the local authority, in the case of a safety certificate contemplated in section 8, 9 or 10; or
- (b) the National Commissioner, in the case of a high-risk event safety certificate contemplated in section 11, 45

considers necessary to ensure safety and security at a stadium or venue when it is used to host the event.

(2) A safety certificate must—

- (a) reflect the terms and conditions upon which the decision to issue it is based; and 50
- (b) comply with the terms and conditions as may be prescribed.

Amendments to safety certificates

13. (1) (a) A local authority may amend or replace a safety certificate contemplated in section 8, 9 or 10 in the prescribed manner.

(b) The National Commissioner may amend the conditions of a high-risk event safety certificate contemplated in section 11, in the prescribed manner.

(2) A safety certificate referred to in subsection (1) may be amended or replaced on written application of the holder of the certificate, a controlling body, event organiser or stadium or venue owner, as the case may be. 5

(3) The Minister may prescribe the procedure for amendment or replacement of a safety certificate after consultation with the National Commissioner.

Inspectors and powers of entry and inspection

14. (1) A person appointed in writing as an inspector by a local authority may enter a stadium, venue or other business premises of a controlling body, the event organiser or a stadium or venue owner at any reasonable time during the day to conduct an inspection and make such inquiries as may be necessary to ensure compliance with this Act. 10

(2) An inspector may be accompanied during an inspection by a police official and any other person reasonably required to assist in conducting the inspection.

(3) The inspector or police official may— 15

(a) require a person who appears to be in charge of the stadium, venue or premises to produce a safety certificate, record, book or other document, including documentation in electronic format relating to compliance with this Act;

(b) examine any document referred to in paragraph (a) and where necessary make a copy of any such document; and 20

(c) direct any person who appears to be in control of such premises to take steps within a reasonable period to ensure compliance with the Act.

(4) When appointing an inspector under subsection (1), a local authority must ensure that—

(a) a person appointed has sufficient qualifications and experience in the field of safety and security; 25

(b) at least one of the appointed persons is registered with the Health Professions Council of South Africa and is registered as an advanced life support paramedic;

(c) a person appointed has not at any time been convicted of a criminal offence involving dishonesty or violence; and 30

(d) a person appointed is independent of, and has no direct or indirect financial or other material interest in—

(i) a controlling body;

(ii) the event organiser; 35

(iii) a stadium or venue owner; and

(iv) any other person who is directly or indirectly linked to the persons referred to in subparagraphs (i) to (iii).

(5) The local authority must issue an inspector appointed in terms of subsection (1) with a certificate of appointment which the inspector must produce if so requested during an inspection. 40

(6) A person present at an inspection must cooperate with and furnish such assistance as the inspector or police official may require in the exercise of his or her powers under this Act.

CHAPTER 3

PART 1

MEASURES TO ENSURE SAFETY AND SECURITY AT EVENTS

Event safety and security planning committee

- 15.** (1) The National Commissioner must designate in writing a police official, suitably qualified and experienced in event policing matters, with at least the rank of Captain as an authorised member, either in general or for a specific event. 5
- (2) An authorised member must establish the event safety and security planning committee for each event categorised as medium or high-risk.
- (3) The event safety and security planning committee consists of— 10
- (a) persons who are designated and authorised by the following role-players to take decisions on the functions of the committee:
- (i) The National Commissioner or an authorised member;
 - (ii) a local authority disaster management department or centre;
 - (iii) a controlling body, in respect of high-risk events only; 15
 - (iv) a stadium or venue owner;
 - (v) the event organiser;
 - (vi) an emergency service provider;
 - (vii) a health and medical service provider acting in terms of the National Health Act; 20
 - (viii) a security service of the State;
 - (ix) a provincial health department; and
- (b) a representative of—
- (i) a security service provider;
 - (ii) a person that an authorised member considers necessary; and 25
 - (iii) volunteers, where applicable.
- (4) The authorised member contemplated in subsection (1)—
- (a) is the Chairperson of the event safety and security planning committee;
 - (b) appoints the members of the event safety and security planning committee;
 - (c) manages and coordinates the powers and duties of the event safety and security planning committee; and 30
 - (d) has overall authority to direct measures relating to safety and security at the event.
- (5) Nothing in this section may be construed as limiting the accountability and liability of any person responsible for the management and organisation of the event to ensure safety and security, including the deployment of adequate personnel for security, safety, health and sanitation purposes. 35

Functions of event safety and security planning committee

- 16.** (1) The event safety and security planning committee must—
- (a) consider the categorisation of the event made in terms of section 6 and where circumstances impacting on the risk categorisation of the event have changed, make a written recommendation to the National Commissioner regarding that risk categorisation; 40
- (b) prepare the event-specific written safety and security plan providing for the coordination of the functions of the following persons involved in the provision of safety and security at the event: 45
- (i) A police official;
 - (ii) a member of a local authority disaster management department or centre;
 - (iii) a member of an emergency service;
 - (iv) a representative of a national controlling body; 50
 - (v) a stadium or venue owner or duly authorised representative;
 - (vi) the event organiser;
 - (vii) a security service provider employed by a controlling body, event organiser or a stadium or venue owner or other interested party;
 - (viii) a steward; 55
 - (ix) where applicable, a volunteer;

- (x) a health and medical service provider acting in terms of the National Health Act;
 - (xi) a member of a provincial health department;
 - (xii) a member of a local authority inspectorate as contemplated in section 14;
 - (xiii) a role-player that the authorised member considers necessary; and 5
 - (xiv) a member of the security services of the State.
- (c) assign specific tasks to the persons contemplated in paragraph (b), relating to—
- (i) event safety measures;
 - (ii) event security measures; 10
 - (iii) the deployment of police officials;
 - (iv) the deployment of security service providers;
 - (v) emergency and essential services measures;
 - (vi) the VOC; and
 - (vii) event medical measures; 15
- (d) determine with regard to a specific event prescribed measures relating to—
- (i) spectator access control;
 - (ii) vehicle access control, including parking measures;
 - (iii) accreditation;
 - (iv) the control of liquor and prohibited substances; 20
 - (v) the control of tobacco usage;
 - (vi) environmental control;
 - (vii) vendor control;
 - (viii) corporate hospitality;
 - (ix) volunteers; 25
 - (x) adequate access and accommodation for persons with disabilities;
 - (xi) communication;
 - (xii) spectator exclusion notices;
 - (xiii) accredited training of stadium, venue and event personnel;
 - (xiv) event ticketing safety measures; 30
 - (xv) prohibition notices; or
 - (xvi) the control of prohibited or restricted objects;
- (e) demarcate a site or an area in a site at the event as an area that may only be entered by a person in possession of a special pass in the form of— 35
- (i) an accreditation card; or
 - (ii) the event ticket;
- (f) demarcate a zone surrounding or adjacent to a stadium, venue or route as an exclusive zone where prescribed commercial activities may only be conducted by persons authorised by the event organiser; and
- (g) advise the persons referred to in section 4(1) on the steps necessary to 40 safeguard a stadium, venue or route and its respective precincts, as well as to protect persons and property therein.
- (2) In all cases where the event is categorised as high-risk, the event safety and security planning committee must, at least 60 days before the event, submit the plan contemplated in subsection (1)(b) to the National Commissioner for written approval. 45
- (3) The event safety and security planning committee must, where an event categorised as medium-risk or high-risk is to be hosted, submit the details of a security service provider or a security officer whose services are employed at the event to the Authority to satisfy itself of compliance with the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001). 50

Venue operations centre

17. (1) The VOC at an event is where the entire safety and security operation at a stadium, venue or along a route is coordinated.
- (2) (a) Where the event is categorised as either medium-risk or high-risk and is held— 55
- (i) at a stadium or venue, the stadium or venue owner; or
 - (ii) along a route, the event organiser,
- must establish the prescribed VOC.
- (b) The event safety and security planning committee may—
- (i) on written application by the event organiser or the stadium or venue owner; 60
 - or

- (ii) of its own accord,
approve the use of an alternative, temporary or mobile VOC for the event or decide that a VOC is not necessary for the event.
- (3) (a) The authorised member must determine which of the following role-players or representatives of such role-players are to staff a VOC for the duration of the event: 5
- (i) Police officials;
 - (ii) the disaster management services;
 - (iii) the private emergency medical services;
 - (iv) the fire department;
 - (v) the national or provincial health department or a member of the health 10
department of the relevant local authority;
 - (vi) the local authority and provincial traffic department;
 - (vii) the private security service providers;
 - (viii) the controlling body;
 - (ix) the event organiser; 15
 - (x) the stadium or venue owner;
 - (xi) the safety officer;
 - (xii) volunteers;
 - (xiii) any person whom the event safety and security planning committee
designates; and 20
 - (xiv) any person whom the VOC commander authorises in writing.
- (b) The authorised member must act as VOC commander or designate a suitably qualified police official, suitably qualified and experienced in event policing matters, with at least the rank of Captain as VOC commander.
- (4) The VOC commander must— 25
- (a) ensure that a written VOC contingency and operational plan is prepared by the event safety and security planning committee;
 - (b) ensure that a plan for the event categorised as high-risk is approved by the National Commissioner in writing; and
 - (c) distribute a copy of such plan at least 30 days before the commencement of the 30
event to the persons contemplated in subsection (3)(a) or such lesser period as the authorised member or VOC commander may in writing agree to.

Accreditation and access to designated areas

- 18.** (1) The controlling body, event organiser, or the stadium or venue owner, as the case may be, in consultation with the event safety and security planning committee, 35
may, in order to control access to any area within a stadium, venue or along a route designated in the prescribed manner, accredit in the prescribed manner any person who—
- (a) participates;
 - (b) officiates; 40
 - (c) provides logistical support;
 - (d) is an emergency and essential services official;
 - (e) is a police official or peace officer;
 - (f) is a security officer;
 - (g) is a host stadium or venue employee, contractor or sub-contractor; 45
 - (h) is a steward;
 - (i) is a health official;
 - (j) is an invited VVIP or VIP;
 - (k) is the event sponsor representative;
 - (l) is a media representative; 50
 - (m) is an official event broadcaster representative;
 - (n) is a volunteer;
 - (o) is a VOC representative;
 - (p) is a vendor; or
 - (q) is required to provide a support function in terms of the safety and security 55
plan.
- (2) The event organiser must ensure that every entry point of a designated area is clearly identified and must indicate on a notice at such entry point that access to that area is limited to a person specifically accredited to enter that area.
- (3) No person may enter a designated area unless in possession of an accreditation 60
card authorising him or her to enter such area.

(4) A person who enters a designated area in contravention of subsection (3) is guilty of an offence and may upon conviction be sentenced to a fine or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(5) An access control officer may request any person who enters or is found in a designated area to produce an accreditation card authorising entry to such area. 5

(6) An access control officer may refuse a person permission to enter a designated area unless such person produces an accreditation card authorising him or her to enter such area.

(7) An access control officer may remove a person found in a designated area from that area if such person upon the request of the officer refuses or fails to produce an accreditation card authorising him or her to enter such area. 10

(8) The Minister of Police may prescribe—

- (a) the process to be followed in respect of accreditation; and
- (b) identification, security and other physical features and information that have to be incorporated within accreditation cards. 15

Event ticketing

19. (1) Subject to the rules of a controlling body—

- (a) the event organiser; or
- (b) a stadium or venue owner,

as the case may be, may require persons to purchase the event ticket that entitles the person holding it to attend the event on the day and at the time indicated on the ticket. 20

(2) If event tickets are sold as contemplated in subsection (1), access to a stadium or venue may only be gained by—

- (a) producing a valid event ticket issued by the event organiser, a stadium or venue owner or an authorised agent; or 25
- (b) producing written permission of the event organiser or a stadium or venue owner.

(3) The total number of event tickets made available to spectators for the event in terms of this section, including the written permission referred to in subsection (2)(b), must not exceed the safe spectator capacity of a stadium or venue determined by a local authority for hosting the event. 30

(4) The National Commissioner may, in the prescribed manner, prohibit the sale of event tickets at a stadium or venue on the day of the event.

(5) If the sale of event tickets is permitted on the day of a high-risk event, such sale must be conducted at least one kilometre from a stadium or venue or at a location determined by the event safety and security planning committee. 35

(6) The Minister of Police may prescribe any matter relating to event ticketing necessary to ensure safety and security at events.

(7) An event ticket must at a minimum contain information relating to the—

- (a) name of the area where the event will be hosted including the name of the stadium or venue; 40
- (b) nature of the event;
- (c) date, day and time of the event;
- (d) layout plan of the stadium or venue with block or sector spectator orientation information; and 45
- (e) conditions of entry to the event.

Spectator and vehicle access control

20. (1) A controlling body, event organiser or stadium or venue owner, as the case may be, may appoint in writing—

- (a) a security officer as an access control officer to be in charge of the control of access of persons and motor vehicles at an event; and 50
- (b) peace officers to be in charge of searches and seizures at an event.

(2) A peace officer may search—

- (a) a person who enters a stadium or venue; and
- (b) a motor vehicle or container in the possession or under the control of a person who enters a stadium or venue, 55

for any prescribed prohibited or restricted object or substance and may seize such an object or substance found on such person, in or on such motor vehicle or container and deal with the seized object or substance in the prescribed manner.

(3) If an access control officer has reasonable grounds to believe that a person, motor vehicle or container found along a route is in possession of or carries a prescribed prohibited or restricted object or substance, the access control officer may request a police official at the event to search that person, motor vehicle or container and the police official may seize the prescribed prohibited object or substance and deal with the seized object or substance in the prescribed manner. 5

(4) In order to achieve the objects contemplated in subsection (2) or (3), a peace officer may request a person at the event who enters a stadium or venue or is found inside a stadium or venue or along a route to—

- (a) produce and open for inspection any bag, container or item that the person takes into, or has in his or her possession inside, a stadium, venue or along a route; 10
- (b) submit to being searched by a peace officer of the same gender;
- (c) be screened by an electronic search and scanning device; or
- (d) allow his or her belongings, including a motor vehicle, to be screened by physical or electronic scanning devices. 15

(5) An access control officer or a peace officer must have displayed on his or her person an accreditation card issued under section 18 certifying his or her appointment.

(6) An access control officer or peace officer may prevent a person from entering a stadium or venue, or request a person to leave a stadium or venue, if such person— 20

- (a) refuses to comply with a request made under subsection (4); or
- (b) appears to be intoxicated or under the influence of a prohibited substance.

(7) An access control officer may direct a person who is in a stadium, venue or along a route and who refuses to comply with a request made under subsection (4) to leave the stadium or venue or route. 25

(8) No person may take or have in his or her possession inside a stadium, venue or along a route any prescribed prohibited or restricted object or substance.

(9) The controlling body, event organiser, or the stadium or venue owner, as the case may be, must ensure that every entry point to a traffic-free zone is clearly identified and must indicate on a notice at such entry point that access to that zone is limited to a person and a motor vehicle specifically accredited to enter it. 30

(10) No person may drive a motor vehicle into or in a traffic-free zone unless he or she is in possession of an accreditation card authorising him or her and the motor vehicle to enter such zone.

(11) An access control officer who has reasonable grounds to believe that a motor vehicle found in a traffic-free zone is not accredited to enter that zone, may— 35

- (a) if the owner or driver of the motor vehicle is readily available, order such owner or driver to remove the motor vehicle from the zone; or
- (b) if the owner or driver of the motor vehicle is not readily available, request a police official or peace officer to remove the motor vehicle from the zone and impound the motor vehicle, and the owner shall bear the costs of such removal and impoundment. 40

(12) An access control officer may request a person who drives a motor vehicle into or in a traffic-free zone, to produce an accreditation card authorising such person and motor vehicle to enter that zone. 45

(13) An access control officer may refuse permission to a person to drive a motor vehicle into a traffic-free zone unless such person produces an accreditation card authorising him or her and the motor vehicle to enter such zone.

(14) An access control officer may direct a person, found in a motor vehicle in a traffic-free zone, to remove the vehicle from the zone if such person upon the request of the officer refuses or fails to produce an accreditation card authorising him or her and the motor vehicle to enter such zone. 50

(15) The Minister of Police, after consultation with the Minister, may prescribe measures necessary to control spectator and vehicle access at events.

Prohibition notices 55

21. If the admission of spectators to a stadium, venue or route involves a serious risk to any person at the event, the National Commissioner or the authorised member may, after consulting the event safety and security planning committee, issue the prescribed prohibition notice prohibiting or restricting the admission of spectators to a stadium, venue or route. 60

Spectator exclusion notices

22. (1) If the National Commissioner, event safety and security planning committee, authorised member or VOC commander has reasonable grounds to believe that there is a threat that the attendance of a person or group of persons may result in the disruption of the event or cause injury to a person or damage to property, the authorised member or VOC commander may issue a spectator exclusion notice to a person or group of persons in the prescribed manner. 5

(2) The Minister of Police, after consultation with the National Commissioner and taking into account any international standards or guidelines in respect of spectator exclusion, may prescribe factors that must be taken into account in deciding whether the attendance of a person or group of persons at the event is regarded as undesirable. 10

Event safety and security measures

23. The event safety and security planning committee, taking into consideration the categorisation of the event, must ensure that prescribed measures relating to—

- (a) safety; 15
- (b) health and medical services or facilities as contemplated in the National Health Act;;
- (c) security;
- (d) the deployment of private security service providers;
- (e) emergency and essential services; and 20
- (f) access and safety for persons with disabilities,

are in place for that event.

Deployment of state security services

24. (1) The National Commissioner or the authorised member must, taking into consideration the risk categorisation of the event in terms of section 6, ensure that the necessary security measures and deployments are in place for the event. 25

(2) If a number of events are hosted on the same day in a specific area and the authorised member has reason to believe that the police will not be able to provide adequate policing for the event, the authorised member must—

- (a) notify the relevant controlling body, event organiser or stadium or venue owner, as the case may be, accordingly; and 30
- (b) take such steps as are in the circumstances reasonable and appropriate, including negotiating with any person, to ensure the protection of persons and property at that event.

Public liability insurance 35

25. (1) A person referred to in section 4(1) must ensure that public liability insurance, as prescribed, is in place for an event.

(2) The insurance referred to in subsection (1) must be sourced from a person registered or authorised under section 7 of the Short-term Insurance Act, 1998 (Act No. 53 of 1998) or section 7 of the Long-term Insurance Act, 1998 (Act No. 52 of 1998). 40

PART 2

APPEAL BOARD AND APPEALS

Establishment, composition and appointment of Appeal Board

26. (1) There is hereby established an independent board known as the Appeal Board to hear and decide upon appeals against decisions made in terms of this Act. 45

(2) The Appeal Board consists of at least seven members appointed by the Minister on the advice of the National Assembly.

(3) The members of the Appeal Board must be appointed in a manner ensuring—

- (a) participation by the public in a nomination process;
- (b) transparency and openness; 50

- (c) that a short-list of candidates for appointment is published and that every appointment of a member of the Appeal Board is published in the *Gazette*.
- (4) (a) At least one member appointed by the Minister must be an admitted and practising attorney or advocate with at least two years experience.
- (b) The Minister must designate the member referred to in paragraph (a) as Chairperson and another member as Deputy Chairperson of the Appeal Board. 5
- (c) The Deputy Chairperson referred to in paragraph (b) must, when the Chairperson is absent or unable to perform his or her duties, act in his or her stead and when so acting, exercise or perform any function of the Chairperson. 10
- (5) The members of the Appeal Board must, when viewed collectively be persons who—
- (a) possess special knowledge and expertise relating to safety and security as well as disaster management at events; and
- (b) are committed to fairness, openness and accountability on the part of those holding public office; 15
- (6) A member of the Appeal Board is appointed for a period of two years, but is eligible for re-appointment.

Acting by member of Appeal Board after expiry of term of office

27. If, on the expiry of the term of office of a member of the Appeal Board, that member is still considering a matter before the Appeal Board, that member may continue to act as a member in respect of that matter only. 20

Resignation and casual appointment of member of Appeal Board

28. (1) A member of the Appeal Board may resign by giving the Minister one month's written notice of his or her intention to vacate office.
- (2) A member of the Appeal Board appointed to fill a casual vacancy must hold office for the unexpired portion of the period for which the vacating member was appointed. 25

Quorum and decisions of Appeal Board

29. (1) Four members of the Appeal Board, which must include the Chairperson or the Deputy Chairperson, constitute a quorum at any meeting of the Board.
- (2) A decision of the majority of the members present at any meeting constitutes a decision of the Appeal Board and, in the event of an equality of votes, the Chairperson has a casting vote in addition to his or her deliberative vote. 30

Removal of member and dissolution of Appeal Board

30. (1) The Minister must remove a member of the Appeal Board from office on account of misconduct or inability to perform his or her duties efficiently after due inquiry and upon recommendation by the National Assembly. 35
- (2) (a) The National Assembly may, after due inquiry and by the adoption of a resolution, recommend the removal of a member of the Appeal Board from office on account of any or all of the following:
- (i) Misconduct; 40
- (ii) inability to perform the duties of his or her office efficiently;
- (iii) absence from three consecutive meetings of the Appeal Board without the permission of the Appeal Board, except on good cause shown;
- (iv) failure to disclose a conflict of interest in a matter heard by the Appeal Board or participation in proceedings of the Appeal Board while having an interest in the matter heard by the Appeal Board; or 45
- (v) his or her becoming disqualified as contemplated in section 34.
- (b) The National Assembly may, after due inquiry and by the adoption of a resolution, recommend the dissolution of the Appeal Board if it fails in discharging its duties in terms of this Act. 50
- (3) The Minister—
- (a) may suspend a member of the Appeal Board from office at any time after the proceedings of the National Assembly for the removal of the member have commenced;

- (b) must act in accordance with a recommendation contemplated in subsection (2) within 30 days of receipt by the Minister of that recommendation;
- (c) must dissolve the Appeal Board if the resolution of the National Assembly recommends the removal of all the members of the Appeal Board.

Appointment of interim Appeal Board 5

31. (1) (a) Upon the dissolution of the Appeal Board, the Minister must appoint an interim Appeal Board consisting of a person referred to in section 26(4) and three other persons recommended by the National Assembly.

(b) The interim Appeal Board must be appointed within 10 days of receipt of the recommendations of the National Assembly by the Minister and is appointed for a period not exceeding six months. 10

Chairperson and Deputy Chairperson of interim Appeal Board

32. (1) (a) The Minister must designate the member of the interim Appeal Board referred to in section 26(4) as the Chairperson and another member as the Deputy Chairperson. 15

(b) The Deputy Chairperson of the interim Appeal Board designated in terms of paragraph (a) must, when the Chairperson is absent or unable to perform his or her duties, act in his or her stead and when so acting, exercise or perform any function of the Chairperson.

Quorum of interim Appeal Board 20

33. A quorum for any meeting of the interim Appeal Board is three members.

Disqualification from appointment to Appeal Board

34. A person is disqualified from appointment to the Appeal Board if such person—

- (a) is not a citizen of, or not permanently resident, in the Republic;
- (b) is subject to an order of a competent court declaring such person to be mentally ill or disordered; 25
- (c) is convicted, after the commencement of this Act, whether in the Republic or elsewhere, of any offence for which such person is sentenced to imprisonment without the option of a fine;
- (d) at any time prior to the date of commencement of this Act was convicted, or at any time after such commencement is convicted— 30
 - (i) in the Republic, of theft, fraud, forgery and uttering a forged document, perjury, or an offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004; 35
 - (ii) elsewhere, of any offence corresponding materially with any offence referred to in subparagraph (i);
 - (iii) whether in the Republic or elsewhere, of any offence involving dishonesty; or 40
- (e) has been convicted of an offence under this Act. 40

Conflicts and disclosure of interest by members of Appeal Board

35. (1) A person appointed to the Appeal Board must make the necessary disclosure whether such person— 45

- (a) directly or indirectly, whether personally or through his or her spouse, partner or associate, has a direct or indirect financial interest in a controlling body, an event organiser or a stadium or venue; or
- (b) his or her spouse, partner or associate, holds an office in or is employed by any company, organisation or other body, whether corporate or incorporate, which has a direct or indirect financial interest of the nature contemplated in paragraph (a). 50

(2) If at any stage during the course of any proceedings before the Appeal Board it appears that any member of the Appeal Board has or may have an interest which may cause a conflict of interest referred to in subsection (1) to arise on his or her part the member of the Appeal Board must forthwith fully disclose the nature of his or her interest and recuse him or herself from the proceedings of the Appeal Board. 5

Functions of Appeal Board

36. (1) In addition to hearing any dispute arising in terms of this Act, the Appeal Board may hear appeals involving a person who is aggrieved by a decision or the terms and conditions attributable to that decision regarding—

- (a) the risk categorisation of an event; 10
- (b) the issuing of a—
 - (i) safety certificate contemplated in section 8, 9, 10, or 11;
 - (ii) prohibition notice; or
 - (iii) spectator exclusion notice;
- (c) the amendment of— 15
 - (i) the risk categorisation of an event; or
 - (ii) a safety certificate or notice contemplated in paragraph (b).

(2) The Appeal Board may confirm or set aside any decision taken in terms of this Act and may, in the place of any decision so set aside, impose a decision which in its opinion is appropriate. 20

Procedure and rules of Appeal Board

37. The Appeal Board may determine its own internal procedure to dispose of appeals subject to any rules that may be prescribed.

Administrative support to Appeal Board

38. The administrative work connected with the performance of the functions of the Appeal Board must be performed by officers of the Department of Sport and Recreation of the Republic of South Africa, designated by the Director-General: Sport and Recreation South Africa for that purpose. 25

Expenditure of Appeal Board

39. The Department of Sport and Recreation of the Republic of South Africa is responsible for expenditure of the Appeal Board. 30

Remuneration of members of Appeal Board

40. The Minister may, in consultation with the Minister of Finance, determine the remuneration, allowances, and other benefits of the Chairperson, Deputy Chairperson and other members of the Appeal Board. 35

Report of Appeal Board

41. The Appeal Board must annually submit to the Minister a report on the activities of the Appeal Board which must be tabled in Parliament.

Appeals

42. (1) A person that is not satisfied with a decision taken against him or her under this Act may, within 14 days, lodge a written appeal with the Appeal Board established under section 26. 40

(2) The appeal contemplated in subsection (1) must be submitted with a written statement to the chairperson of the Appeal Board setting out the grounds upon which the appeal is based. 45

(3) Until any appeal has been decided by the Appeal Board, the decision must be regarded to have been validly made or given.

(4) The prosecution of an appeal in terms of this section must follow the prescribed procedure.

(5) The Appeal Board must promptly decide and dispose of an appeal lodged before it and in any case must ensure that the object of lodging the appeal is not defeated by the Appeal Board's delay in reaching its decision.

CHAPTER 4

GENERAL PROVISIONS, SHORT TITLE AND COMMENCEMENT 5

Fees

43. The Minister may prescribe fees that are payable to meet administrative costs relating to compliance with this Act.

Offences and penalties

44. (1) A person is guilty of an offence if that person— 10
- (a) organises the event in contravention of section 5(1);
 - (b) fails to comply with the provisions of section 4(1), 4(2), 4(4)(a), 4(4)(b), 4(5)(a) and 4(7);
 - (c) contravenes or fails to comply with section 5(2);
 - (d) fails to comply with section 14(6); 15
 - (e) organises the event without obtaining a valid certificate contemplated in section 8;
 - (f) undertakes construction of a stadium or venue without obtaining a valid certificate contemplated in section 9;
 - (g) effects alterations to or extends a stadium or venue without obtaining a valid certificate contemplated in section 10; 20
 - (h) organises the event, where the event has been categorised as a high-risk event, without obtaining a certificate contemplated in section 11;
 - (i) fails to comply with the conditions of a safety certificate contemplated in section 12; 25
 - (j) fails to comply with a prohibition notice contemplated in section 21;
 - (k) fails to comply with a spectator exclusion notice contemplated in section 22;
 - (l) contravenes the event ticket condition, or written conditions of entry into a stadium or venue or route;
 - (m) is in possession of a prohibited or restricted object or substance within a stadium or venue or along a route; 30
 - (n) fails to comply with a lawful request of or directive given by a police official, or hinders, interferes with or obstructs a police official, a private security service provider, a member of the event safety and security planning committee, an access control officer, a peace officer, a member of the emergency or essential services, or a member of a local authority, in the carrying out of their duties; 35
 - (o) hinders or interferes with or obstructs an authorised member or VOC commander in the carrying out of his or her duties;
 - (p) throws, kicks, knocks or hits any object within a stadium, venue or along a route or its respective precincts at or towards— 40
 - (i) the playing area, or any area adjacent to the playing area to which spectators are not generally admitted; or
 - (ii) any area in which spectators or other persons are or may be present, without authorisation; 45
 - (q) damages or destroys any movable or immovable property inside a stadium or venue or along a route or its respective precincts without authorisation;
 - (r) engages in delinquent and anti-social behaviour inside a stadium or venue or along a route or its respective precincts, including engaging in racist, vulgar, inflammatory, intimidating or obscene language or behaviour; 50
 - (s) enters a designated area or traffic-free zone inside a stadium, venue or route or its respective precincts, without the prior written authorisation of a controlling body, event organiser or stadium or venue owner;
 - (t) conducts commercial activities at the event without authorisation of the event organiser; or 55
 - (u) parks a motor vehicle, without the written authorisation of an event organiser, authorised member or VOC commander, within a designated traffic free zone

or any area or zone demarcated or marked as a traffic free zone or where parking of a motor vehicle is prohibited inside or outside of a stadium or a venue.

- (2) A person convicted of an offence in terms of this Act, is liable—
- (a) in the case of a contravention of subsection (1)(a), (b), (h), (j) or (n) to a fine or to imprisonment for a period not exceeding 20 years, or to both a fine and such imprisonment; 5
 - (b) in the case of a contravention of any of subsections (1)(c) to (g), (i), (m), (o) to (u), to a fine or to imprisonment for a period not exceeding 10 years, or to both a fine and such imprisonment; or 10
 - (c) in any other case, to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.

Regulations

45. (1) The Minister may make regulations regarding—
- (a) subject to subsection (2), any matter that may or must be prescribed in terms of this Act; 15
 - (b) subject to subsection (2), the form and manner in which an application required under this Act must be made;
 - (c) subject to subsection (2), the format of a certificate which may be issued under this Act; 20
 - (d) subject to subsection (2), the format of any notice contemplated in this Act;
 - (e) fees contemplated in section 43;
 - (f) the control and monitoring of commercial activities at events;
 - (g) the education of spectators and event organisers by controlling bodies;
 - (h) the accredited training of stadium, venue and event personnel; and 25
 - (i) subject to subsection (2), any other ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.
- (2) The Minister of Police may make regulations on—
- (a) matters related to safety and security, including but not limited to— 30
 - (i) the information in respect of planned events; or
 - (ii) the ticketing of events;
 - (b) the criteria, conditions and other requirements for the issuing of certificates in respect of the event; and
 - (c) all matters related to accreditation. 35
- (3) The Minister of Police may, make regulations on matters related to safety and security, including but not limited to—
- (a) the respective roles and responsibilities of safety and security role-players at events;
 - (b) the deployment of state security services at events; 40
 - (c) the provision of emergency and essential services at events;
 - (d) the powers of police officials at events;
 - (e) the functioning and monitoring of the VOC; or
 - (f) the control of vendors at events;
- (4) Any regulation made under this section may declare a contravention thereof or failure to comply therewith to be an offence and that a person convicted of such an offence may be sentenced to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment. 45

Delegation

46. (1) The Minister may delegate any of his or her powers or assign any of his or her duties imposed by this Act, excluding the power to make regulations, to any official in his or her Department holding the rank of at least Deputy Director-General. 50
- (2) Any delegation or assignment contemplated in subsection (1)—
- (a) may be made subject to such conditions as the Minister may determine; and
 - (b) must be in writing. 55
- (3) The Minister may at any time withdraw a delegation or assignment in writing.
- (4) The National Commissioner may delegate any of his or her powers or assign any of his or her duties imposed by this Act to any police official of the rank of Captain or above.

(5) Despite a delegation or assignment under subsection (4), the National Commissioner is not divested of any power or duty so delegated or assigned.

Limitation of liability

47. The following persons are not personally liable in respect of any act or omission performed in good faith while exercising powers or performing functions in terms of this Act, unless that performance was grossly negligent: 5

- (a) The Minister or the Minister of Police;
- (b) a person acting in terms of the authority of the Minister or the Minister of Police;
- (c) the National Commissioner or an authorised member; 10
- (d) a person acting under the lawful direction of the National Commissioner or authorised member;
- (e) a member of the Appeal Board contemplated in section 26; or
- (f) a combination of any of the above persons.

Short title and commencement 15

48. This Act is called the Safety at Sports and Recreational Events Act, 2010, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE SAFETY AT SPORTS AND RECREATIONAL EVENTS BILL, 2009

1. BACKGROUND

The Ellis Park soccer disaster of 2001 and the subsequent findings and recommendations of the Commission of Enquiry into the Ellis Park Soccer Disaster chaired by Justice Ngoepe have necessitated the Safety at Sports and Recreational Events Bill, 2009 (the Bill).

2. OBJECTS OF BILL

In order to address the findings and recommendations of the said Commission of Enquiry, the Bill seeks to address the following, amongst others:

- The promotion of safety and the protection of the physical well-being of both persons attending sports and recreational events and their property at stadiums, other venues and, in the case of a race, tour or procession, along a route of such race, tour or procession;
- the protection of the rights of persons who attend sports and recreational events;
- ensuring that the planning, management and enforcement of safety and security at sports and recreational events held at stadiums, other venues and at events in the form of a race, tour or procession along a route, are handled by people experienced in the field of safety and security;
- ensuring that the controlling bodies of all sports and recreational events, event organisers and stadium and venue owners and their managements have proper safety and security measures in place;
- requiring the controlling bodies of all sports and recreational events, event organisers and stadium and venue owners and their managements to place the broader sport and recreational interests above their own by the promotion and maintenance of the safety, security and convenience of persons who attend sports and recreational events;
- minimum safety and security standards at sports and recreational events;
- the promotion of spectator-friendly, secure sports and recreational events; and
- safeguarding the interests of the Republic as a desirous destination for the hosting of major international sports and recreational events.

3. SUMMARY OF BILL

3.1 **Clause 1** contains the definitions of the Bill, whereas **Clause 2** deals with the application of the Act.

3.2 **Clause 3** identifies the role-players that are responsible for the safety and security at sports and recreational events at stadiums or other venues.

3.3 **Clause 4** prohibits any person from organising the event unless that person complies with the requirements of the Act regarding the categorisation of the event in terms of clauses 5 and 6 and with regard to public liability insurance for the event.

3.4 **Clause 5** provides for the provisional risk categorisation of events by the National Commissioner, while **clause 6** provides for the final categorisation of events by the Minister of Sport and Recreation.

3.5 **Clause 7** provides for the following categories of safety certificates:

- (a) A high-risk event safety certificate;
- (b) an existing stadium or venue safety certificate;
- (c) a new stadium or venue safety certificate;
- (d) a certificate in respect of an alteration or extension to a stadium or venue; and
- (e) a grading certificate.

3.6 **Clause 8** provides for the safety certification of an existing stadium or venue.

3.7 **Clause 9** provides for safety certification of a new stadium or venue.

3.8 **Clause 10** provides for the certification in respect of an alteration of or extension to a stadium or venue.

3.9 **Clause 11** contains provisions with regard to the safety certification in respect of a high-risk event.

3.10 **Clause 12** provides for the contents of safety certificates.

3.11 **Clause 13** provides for the amendment of safety certificates.

3.12 **Clause 14** provides for the appointment of inspectors and their powers of entry and inspection.

3.13 **Clause 15** provides for the Minister of Sport and Recreation to exempt certain private events organised by natural persons.

3.14 **Clause 16** provides for the establishment of the event safety and security planning committee, and **clause 17** provides for the functions of the event safety and security planning committee.

3.15 **Clause 18** provides for the establishment of the venue operations centre (VOC), which is where the safety and security operation at a stadium, venue or along a route is coordinated.

3.16 **Clause 19** provides for the accreditation of persons at events by the controlling body, event organiser or stadium or venue owner in consultation with the event safety and security planning committee, in order to control access to any designated area within a stadium, venue or along a route.

3.17 **Clause 20** regulates the sale of tickets in respect of the event.

3.18 **Clause 21** contains provisions regulating spectator and vehicle access control at the event.

3.19 **Clause 22** provides for the issuing of a prohibition notice that prohibits the admission of spectators to a stadium or venue if the admission may pose a serious risk to the safety of spectators.

3.20 **Clause 23** provides for the issuing of spectator exclusion notices where the event safety and security planning committee, authorised member or VOC commander has reasonable grounds to believe that the attendance of a person or group of persons may disrupt the event or cause injury to persons or property.

3.21 **Clauses 24 and 25** provide for event safety and security measures and for the deployment of State security services at a stadium or a venue, respectively.

3.22 **Clause 26** provides for the establishment of an Appeal Board to hear appeals emanating from decisions made in terms of the Act. **Clause 27** provides for the appeals process.

3.23 **Clauses 28 and 29** provide for public liability insurance and for the payment of fees in respect of the Act, respectively.

3.24 **Clause 30** makes provision for offences and penalties under the Act.

3.25 **Clause 31** provides for the issuing of regulations.

3.26 **Clause 32** provides for the delegation of powers under the Act.

3.27 **Clause 33** provides for the limitation of liability for any act performed in good faith without gross negligence under the Act, and **clause 34** contains the short title and commencement of the Act.

4. DEPARTMENTS/BODIES/PERSONS CONSULTED

4.1 The following bodies/persons have been consulted:

4.1.1 Judges:

Judge Ngoepe, who spearheaded the Ngoepe Commission of Enquiry referred to in paragraph 1 above.

4.1.2 National Departments:

- (a) Safety and Security;
- (b) Arts and Culture;
- (c) Education;
- (d) Provincial and Local Government;
- (e) Health;
- (f) Public Works;
- (g) Public Enterprises;
- (h) Trade and Industry;
- (i) Communications;
- (j) Justice;
- (k) Foreign Affairs;
- (l) Labour;
- (m) National Intelligence Agency;
- (n) Environmental Affairs;

- (o) Transport;
- (p) Defence;
- (q) National Treasury; and
- (r) Public Service and Administration (DPSA).

4.1.3 Provinces:

All provincial departments of sport and recreation.

4.1.4 Statutory and other bodies:

- (a) South African Sports Commission;
- (b) Telkom;
- (c) Airports Company;
- (d) South African Institute for Drug-free Sport; and
- (e) Secretariat for Safety and Security.

4.1.5 National sports and recreation federations:

All national sport and recreation federations.

4.1.6 Major sports controlling bodies:

- (a) SAFA;
- (b) SARFU;
- (c) United Cricket Board; and
- (d) Gauteng Cricket.

4.1.7 Disaster Management:

National and Provincial Disaster Management.

4.1.8 City Metropolitan Councils:

- (a) Johannesburg Metro Disaster Management;
- (b) Johannesburg Metro Fire Brigade;
- (c) Johannesburg Metro Council;
- (d) Johannesburg Metro Police;
- (e) Tshwane Metro Council;
- (f) Ekurhuleni Metro Council; and
- (g) Buffalo City Municipality.

4.1.9 Emergency services:

- (a) Netcare;
- (b) Afrox Health; and
- (c) Free State Emergency Medical Services.

4.1.10 Sports sponsors:

- (a) MegaPro; and
- (b) SAIL.

4.1.11 Stadium Security Services:

- (a) Bhejane Security;
- (b) ADT Security; and
- (c) Wolf Security.

4.1.12 Stadium managers:

- (a) Ellis Park;
- (b) Border Rugby; and

(c) ABSA Stadium.

4.1.13 Representatives in the following fields of expertise:

- (a) Major Events Communications;
- (b) Organised labour;
- (c) Training;
- (d) Stadium Electrical Engineers; and
- (e) Stadium designers.

4.1.14 In addition to the above, the general public at large was invited to comment through three advertisements in the media and also by making the Bill accessible to the public on the Department's website.

5. IMPLICATIONS FOR PROVINCES

The Bill seeks to address safety and security at the event at a stadium or venue or along a route in South Africa from a national perspective. There are, therefore, no direct implications for the Provinces.

6. FINANCIAL IMPLICATIONS FOR STATE

6.1 The Bill will, by estimation, have the following financial implications as projected over the next three financial years:

	2010/11	2011/12	2012/13
Income	137 000	205 500	275 500
Expenditure	3 646 000	3 076 648	3 209 797
Deficit	-3 509 000	-2 871 148	-2 934 297

6.2 The administration of this Act when promulgated entails the involvement of two Ministers, namely Sport and Recreation and Safety and Security.

6.3 The costs flowing from the said proclamation shall be borne by Sport and Recreation South Africa and Safety and Security relative to the particular issues of the Act covered by the said proclamation of the President.

7. PARLIAMENTARY PROCEDURE

7.1 The State Law Advisers and the Department of Sport and Recreation are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

7.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.

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