

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 990

13 October 2006

PROMOTION OF ACCESS TO INFORMATION ACT, 2000 REGULATIONS REGARDING THE PROMOTION OF ACCESS TO INFORMATION

I, Brigette Sylvia Mabandla, MP, Minister for Justice and Constitutional Development, under section 92 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), hereby make the regulations in the Schedule.

B.S. MABANDLA, MP

Minister for Justice and Constitutional Development

SCHEDULE

Definitions

1. In these regulations ‘the Regulations’ means the Regulations published by Government Notice No. R. 187 of 15 February 2002, as amended by Government Notice No. R. 1244 of 22 September 2003.

Insertion of regulation 3A in the Regulations

2. The following regulation is hereby inserted after regulation 3 of the Regulations:

“Offences and penalties

3A (1) An information officer of a public body or a head of an office referred to in regulation 4(1)(a)(i)(bb), who wilfully or in a grossly negligent manner -

- (a) fails to comply with a provision of regulation 4(1)(a) or 5(a), as the case may be; or
 - (b) contravenes regulation 4(3) or 5(b), as the case may be; or
 - (c) charges any fee other than the fee prescribed in terms of these regulations,
- is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

(2) A head of a private body who wilfully or in a grossly negligent manner -

- (a) fails to comply with a provision of regulation 9(1)(a) or (2)(a); or
 - (b) contravenes regulation 9(2)(b); or
 - (c) charges any fee other than the fee prescribed in terms of these regulations,
- is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.”.

Amendment of regulation 4 of the Regulations

3. Regulation 4 of the Regulations is hereby amended by the substitution for subparagraph (i) of paragraph (a) of the following subparagraph:

- “(i) make available a copy of the manual in at least the three official languages in which the manual is compiled as required by section 14 of the Act, to –
- (aa) the Human Rights Commission; and
 - (bb) the head of office of every office of that public body; and”.

Amendment of regulation 5 of the Regulations

4. Regulation 5 of the Regulations is hereby amended by the substitution for the expression “5. The Human Rights Commission and the head of an office referred to in regulation 4(1)(a)(iii) –“ of the expression

“5. The Human Rights Commission and the head of an office referred to in regulation 4(1)(a)(i)(bb) -“.

Insertion of Chapter 3A in the Regulations

5. The following chapter is hereby inserted after Chapter 3 of the Regulations:

“CHAPTER 3A

TABLING OF REPORT IN TERMS OF SECTION 91A(7) OF THE ACT

Tabling of report

11A. The Minister must table a report in Parliament contemplated in section 91A(7) of the Act, -

- (a) within six months after the commencement of this regulation;
and
- (b) within six months after every date on which there is a substantial change in either the content or the implementation of the training courses or both.”.