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**GOVERNMENT NOTICE**  
**GOEWERMENTSKENNISGEWING**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**  
**DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

**No. R. 1263**

**29 December 2005**

**NOTICE IN TERMS OF SECTION 44(1)(a) OF THE REGULATION OF  
INTERCEPTION OF COMMUNICATIONS AND PROVISION OF  
COMMUNICATION-RELATED INFORMATION ACT, 2002 (ACT 70 OF 2002)**

I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, acting under section 44(1)(a) of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No.70 of 2002), hereby declare the instruments, devices and equipment mentioned in Column 1 of the Schedule, under the conditions or circumstances specified in Column 2 of the Schedule, to be listed equipment.

**B. S. MABANDLA**

**Minister for Justice and Constitutional Development**

## SCHEDULE

Column 1	Column 2
<p>(1) Any instrument, device or equipment which <b>is</b> capable of being used to access, record, monitor or retrieve communications from a computer, without the permission of the author of the communication, including but not limited to -</p> <p>(a) keystroke recorders; and</p> <p>(b) software that <i>can</i> be installed on a computer and which <b>has</b> the ability to retrieve and/or store information <b>so</b> as to make it available to another person without the consent of the author of the communication .</p>	<p>(1) To manufacture, assemble, possess, sell, purchase or advertise any of these instruments, devices or equipment, With the intention to use it, whether by itself or in combination with any other instrument, device, equipment or apparatus for the purposes of unlawful interception of communications in contravention of section 49 of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No.70 of 2002).</p> <p>(2) Subject to paragraph (1), above, any instrument, device or equipment or any component thereof -</p>
<p>(2) Any instrument, device or equipment which is capable <b>of</b> being used to record, monitor or listen to <b>a</b> communication, including but <b>not</b> limited to -</p> <p>(a) telephone wiretaps;</p> <p>(b) <b>long</b> range electronic audio amplified microphones;</p> <p>(c) miniature laser audio transmitters;</p> <p>(d) miniature radio frequency audio transmitters;</p> <p>(e) cellular phone intercepting devices; and</p> <p>(f) miniature sound recording devices.</p>	<p>(a) which <b>is</b> furnished to a customer by a telecommunication service provider in the ordinary course of his or her business and which <b>is</b> used by the customer in the ordinary course of his or her business;</p> <p>(b) which is furnished by such customer for <b>connection</b> to the facilities of such telecommunication service provider <b>and</b> which is used in the ordinary course of <b>his</b> or her business; or</p> <p>(c) which is used by a telecommunication service provider in the ordinary course of his or her business,</p>
<p>(3) Any instrument, device or equipment which is capable of being used to visually record, monitor or observe a communication, including but not limited to -</p> <p>(a) miniature video cameras;</p> <p>(b) miniature cameras; and</p> <p>(c) night vision apparatus.</p>	<p>is excluded from the operation of section 44(1)(a).</p>
<p>(4) Any instrument, device or equipment</p>	

<p>which is capable of being used to determine or monitor the geographical location of a person, vehicle or <i>object</i>.</p>	
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