

Control of Access to Public Premises and Vehicles Act 53 of 1985 (CAPPVA)

Topic: Security

IN A CALABASH

Introduction

The Control of Access to Public Premises and Vehicles Act 53 of 1985 (CAPPVA) provides for the safeguarding of certain public premises and vehicles and the protection of the people in or at these public premises and vehicles.

Objectives of the Act

In terms of the CAPPVA, the owner of any public premises or any public vehicle, being the head of the department of State, division, office or other body which occupies or uses those premises or that vehicle or is in charge thereof, as the case may be, may direct that those premises or that vehicle may only be entered or entered upon in accordance with laid down provisions.

Furthermore, the Act allows the owner to take such steps as he or she may consider necessary for the safeguarding of those premises or that vehicle and the contents in such premises or vehicle, as well as for the protection of the people in such place or vehicle.

No person may enter any public premises or any public vehicle where a notice has been displayed advising that access to such place or vehicle is controlled without the permission of an authorised officer.

Application of the Act and its implication to Tourism

The Act applies to any public premises or any public vehicle where access is restricted and/or controlled and persons who would like to access or enter such public place, premises, or vehicle.

Summary of the provisions of the Act

Notice of access requirements

When the owner of any public premises or any public vehicle has advised or directed that those premises or that vehicle may only be entered in accordance with laid down provisions, then no person may enter the public premises or any public vehicle without the permission of an authorised officer.

Note: The owner may also take steps as he or she may consider necessary for the safeguarding of those premises or that vehicle and the contents in such premises or vehicle, as well as for the protection of the people in such place or vehicle.

Procedure

Should one wish to enter the public place or vehicle, an authorised officer may require any person requiring access to the premises or vehicle to—

- furnish his or her name, address and any other relevant information required by the authorised officer;
- produce proof of his or her identity to the satisfaction of the authorised officer;
- declare whether he or she has any dangerous object in his possession or custody or under his or her control;
- declare what the contents are of any vehicle, suitcase, attaché case, bag, handbag, folder, envelope, parcel or container of any nature which he or she has in his or her possession or custody or under his or her control and show those contents;
- subject him- or herself and anything which he or she has in his or her possession or custody or under his or her control to an examination by an electronic or other apparatus in order to determine the presence of any dangerous object; and
- hand to an authorised officer anything which he or she has in his or her possession or custody or under his or her control for examination or custody until he or she leaves the premises or vehicle.

Permission granted

An authorised officer may grant permission to a person to enter public premises or vehicles, but such permission may be subject to the following conditions—

- such person carrying or displaying some form of proof that the necessary permission has been granted;
- restrictions concerning persons, premises or vehicles which such person may not come into contact with or visit and the part of the premises or vehicle which he or she may not enter;
- the duration of such person's presence on the premises or in the vehicle;
- the escorting of such person while he or she is on or in the premises or vehicle; and
- such other requirements as the authorised officer may consider necessary.

Removal

Without prejudice to the provisions of the Trespass Act 6 of 1959, an authorised officer may at any time remove any person from any public premises or public vehicle if—

- that person enters or enters upon the premises or vehicle concerned without permission;
- that person refuses or fails to observe any laid down or stipulated condition(s);
- the authorised officer considers it necessary for the safeguarding of the premises or vehicle concerned or the contents or for the protection of the people on or in such premises or vehicle.

If it is not practical to examine or keep in custody on or in the premises or vehicle concerned anything which may be examined or kept in custody, it may be removed to a suitable place for that purpose.

Only a woman may carry out the search of a woman.



WHAT HAPPENS IF YOU DO NOT COMPLY?

Any person who contravenes the Act is guilty of an offence and liable to a fine of up to R2 000, to imprisonment for a period of up to two years or to both such fine and imprisonment.



RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT

- Ensure correct access control procedure is followed and all conditions are complied with when entering and leaving a public place or vehicle.

FURTHER INFORMATION

Regulator

Minister of Safety and Security

Website

www.saps.gov.za