

**Clauses prepared by the Chief State Law Adviser
for consideration by the Ad Hoc Committee**

1. The following correction is proposed:

“Failure to report possession of classified information

42. Any person who fails to comply with section 13 is guilty of an offence and liable to a fine or imprisonment for a period not exceeding five years.”

2. The following amendment is proposed:

“Improper classification

45. (1) Any person who intentionally classifies state information as top secret, secret or confidential, in order to achieve any purpose ulterior to this Act, including the classification of state information in order to—

- (a) conceal breaches of the Prevention and combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004) or any other law, unlawful act or omission, incompetence, inefficiency or administrative error;
 - (b) promote or further an unlawful act, inefficiency or administrative error;
 - (c) prevent embarrassment to a person, organisation or the Agency; or
 - (d) give undue advantage to anyone within a competitive bidding process,
- is guilty of an offence and liable to the punishment contemplated in subsection (2).

(2) A person convicted of an offence involving state information classified as—

- (a) top secret, is liable to imprisonment for a period not exceeding 15 years;
- (b) secret, is liable to imprisonment for a period not exceeding 10 years; or

(c) confidential, is liable to a fine or to imprisonment for a period not exceeding five years.”

3. It is proposed that the following typographical errors be corrected:

CLAUSE 1

1. On page 7, in line 30, to omit “consitutional” and to substitute “constitutional”.

CLAUSE 8

1. On page 10, in line 13, to omit “an”.

2. On page 10, in line 36, to omit “foe” and to substitute “for”.