**Report of the Portfolio Committee on Police on Draft Regulations of the Critical Infrastructure Protection Act, 2019** **(Act No 8 of 2019**), **dated 31 August 2022**

The Portfolio Committee on Police, having considered the Draft Regulations of the CriticalInfrastructure Protection Act, 2019 (Act No 8 of 2019), reports as follows:

1. **Introduction**

The Critical Infrastructure Protection Act, 2019 (No. 08 of 2019) (CIPA) was assented to by the President on 20 December 2019. As per section 27 of the CIPA, the Minister of Police must table any proposed regulations in Parliament for scrutiny before promulgation. On 21 July 2022, the Speaker of the National Assembly referred the Draft Regulations to the Portfolio Committee on Police (ATC No 106-2022) for consideration and report.

1. **Draft Regulations of the Critical Infrastructure Protection Act Regulations**

The Draft Regulations deal with the following 14 aspects, related mainly to the functions and procedures to be followed by the Critical Infrastructure Council:

* Regulation 1: Definitions
* Regulation 2: Establishment and functions of the Critical Infrastructure Council
* Regulation 3: Ordinary meetings of the Critical Infrastructure Council
* Regulation 4: Special meetings of the Critical Infrastructure Council
* Regulation 5: Resolutions of the Critical Infrastructure Council in respect of application for declaration of infrastructure as critical infrastructure
* Regulation 6: Resolutions of the Critical Infrastructure Council to dispense with publication
* Regulation 7: Resolutions of the Critical Infrastructure Council in respect of policies, protocols and standards
* Regulation 8: Assignment of functions by the Minister
* Regulation 9: Ad hoc committees
* Regulation 10: Standing committees
* Regulation 11: Establishment of Critical Infrastructure Protection Regulator
* Regulation 12: Functions of the Critical Infrastructure Protection Regulator
* Regulation 13: Manner of service of notice
* Regulation 14: Commencement
1. **Proposed Amendments to Critical Infrastructure Protection Act Regulations**

The Committee proposed amendments on the following Regulations:

The Committee proposed that the definition of ‘applicant’ must include the National Commissioner and the definition of ‘application’ must include reference to section 18 of the CIPA.

“applicant” means:

(a) a person in control of infrastructure who submits an application for declaration of that infrastructure as critical infrastructure in terms of section 17(1) of the Act; or

(b) the National Commissioner when he or she submits an application for declaration of that infrastructure as critical infrastructure in terms of section 18(1) of the Act;

The Committee proposed that the definition of ‘application’ must be amended to include an application by the National Commissioner in terms of section 18 of the CIPA. The definition of an application should read –

“application” means an application contemplated in section 17 or 18 of the Act to have infrastructure declared as critical infrastructure by the Minister in terms of section 20.

The Committee proposed that Regulation 5(8) should read:

The Chairperson must submit the application to the Minister for consideration accompanied by—

(a) the recommendation based on the final resolution of the Council referred to in sub-regulation (6)(a), (b) and where applicable (c), together with the reasons referred to in sub-regulation (7) which must include the reasons recorded for any dissenting vote;

(b) any written comments made by interested persons in terms of section 17(4)(a)(ii) of the Act;

(c) the assessment of the National Commissioner in terms of section 17(4)(b) of the Act;

(d) any submissions made by the applicant regarding the risk category referred to in section 17(4)(b)(iv) of the Act;

(e) any submissions by the Head of a Government Department in terms of section 18(3)(b);

(f) any other representations made by the applicant or any other person in terms of section 19(3)(b) of the Act.

1. **Recommendation**

The Committee recommends that the National Assembly approve the Draft Regulations of the Critical Infrastructure Protection Act, 2019 (No. 08 of 2019), as amended.

**Report to be considered**