STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer *Registered at the Post Office as a Newspaper*

PRYS (AVB ingesluit) 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

VOL. 204] KAAPSTAD, 9 JUNIE 1982 CAPE TOWN, 9 JUNE 1982 [No. 8232

KANTOOR VAN DIE EERSTE MINISTER

No. 1115. 9 Junie 1982.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 74 van 1982: Wet op Binnelandse Veiligheid, 1982.

OFFICE OF THE PRIME MINISTER

No. 1115. 9 June 1982.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 74 of 1982: Internal Security Act, 1982.

ACT

To provide for the security of the State and the maintenance of law and order; and to provide for matters connected therewith.

(*Afrikaans text signed by the State President.*)
(*Assented to 1 June 1982.*)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

		Section
Definitions		1
CHAPTER 1	Director of Security Legislation	2–3
CHAPTER 2	Measures in respect of Certain Organizations and Certain Publications	4–17
CHAPTER 3	Measures in respect of Certain Persons	18–34
CHAPTER 4	Board of Review and Inspectors of Detainees	35–45
CHAPTER 5	Measures in connection with Certain Gatherings	46–53
CHAPTER 6	Offences and Penalties	54–63
CHAPTER 7	Procedure, Jurisdiction of Courts and Evidence	64–69
CHAPTER 8	Supplementary Provisions	70–74

Definitions.

1. In this Act, unless the context otherwise indicates—

(i) "authorized officer" means a person designated as such under section 6 (1), and includes any person acting under his written authority; (vii)

(ii) "board of review" means a board of review established under section 35; (ix)

(iii) "Commissioner" means the Commissioner of the South African Police; (xii)

(iv) "communism" means any doctrine, ideology or scheme—

(a) which is based on, has developed from or is related to the tenets of Karl Marx, Friedrich Engels, Vladimir Lenin or Mao Tse-Tung, or of any other recognized theorist in connection with or exponent of those tenets, and which aims at the establishment of any form of socialism or collective ownership;

(b) which aims at the establishment, by means of a class or group polarization of the community and

the subsequent assumption of power by a particular class or group, of a despotic form of government under which one political party, group or organization only is recognized and all others are eliminated or prohibited; or

(c) which aims at bringing about any political, economic, industrial or social change within the Republic in accordance with the directions or under the guidance of or in co-operation with any foreign government or any foreign or international institution or organization whose purpose or one of whose purposes (whether professed or not) is to bring about the establishment within the Republic of any economic or social system as contemplated in paragraph *(a)* or any form of government as contemplated in paragraph *(b)*; (xiii)

(v) "Director" means the person appointed in terms of section 2 (2) to the office of Director of Security Legislation; (v)

(vi) "document" includes any book, pamphlet, record, list, placard, poster, drawing, photograph or picture, or a film as defined in section 47 (1) of the Publications Act, 1974 (Act No. 42 of 1974); (vi)

(vii) "gathering" means, for the purposes of—

(a) sections 20 (ii), 46 (1) *(b)* and (3) *(b)* and 48 (1) *(b)*, any gathering, concourse or procession of any number of persons;

(b) any other provision of this Act, a gathering, concourse or procession of any number of persons having a common purpose, whether such purpose is lawful or unlawful; (iv)

(viii) "Inspector of Detainees" means any person appointed as such under section 44 (1); (xi)

(ix) "liquidator" means a person designated as such under section 13 (1) *(b)*, and includes any person acting under his written authority; (iii)

(x) "Minister" means the Minister of Law and Order; (xiv) LE GRANGE

(xi) "office-bearer", in relation to any organization, means a member of the governing or executive body of—

(a) the organization;

(b) any branch, section or committee of the organization; or

(c) any local, regional or subsidiary body forming part of the organization; (i)

(xii) "officer", in relation to any organization, means any person working for the organization or for any branch, section or committee of the organization, or for any local, regional or subsidiary body forming part of the organization; (ii)

(xiii) "organization" means any association of persons, incorporated or unincorporated, and whether or not it has been established or registered in accordance with any statute; (xviii)

(xiv) "periodical publication" means any publication appearing at intervals; (xix)

(xv) "place" means any place, whether or not it is a public place, and includes any premises, building, dwelling, flat, room, office, shop, structure, vessel, aircraft or vehicle, and any part of a place; (xx)

(xvi) "police" means any body of men established or enrolled under any law and exercising or carrying out the powers, duties and functions of a police force, and includes any portion of the South African Defence Force when used for the prevention or suppression of terrorism or internal disorder; (xxi)

(xvii) "police officer" means any member of the Force as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), and includes any member of the South African Railways Police Force referred to in section 43 of

the South African Transport Services Act, 1981 (Act No. 65 of 1981); (xxii)

(xviii) "publication" means any newspaper, magazine, pamphlet, book, hand-bill or poster, and includes, for the purposes of section 56 (1) *(c)*, any record or other object in or on which sound has been recorded for reproduction; (xxiii)

(xix) "public body" means any institution or body contemplated in section 84 (1) *(f)* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and includes any institution or body established by law; (xvii)

(xx) "public office" means any office or post in the service of the State or a public body, and includes any office or post in the South African Defence Force or the Reserve referred to in sections 5 and 6, respectively, of the Defence Act, 1957 (Act No. 44 of 1957); (xvi)

(xxi) "this Act" includes any regulation made under any provision thereof; (x)

(xxii) "unlawful organization" means an organization—

(a) which, before the commencement of this Act, was by or under any law repealed by section 73 declared to be an unlawful organization for the purposes of the repealed law in question, and which immediately prior to the said commencement is such an unlawful organization; or

(b) which, under section 4, is at any time after the said commencement declared to be an unlawful organization, and includes any branch, section or committee of any such organization and any local, regional or subsidiary body forming part of any such organization; (xv)

(xxiii) "violence" includes the inflicting of bodily harm upon or killing of, or the endangering of the safety of, any person, or the damaging, destruction or endangering of property. (viii)

CHAPTER 1

DIRECTOR OF SECURITY LEGISLATION

Appointment and functions of Director of Security Legislation.

2. (1) The Minister of Justice shall, subject to the provisions of subsection (2), appoint an officer, to be known as the Director of Security Legislation, who shall, subject to the control and directions of the Minister, perform the functions assigned to the Director by this Act as well as such other functions as the Minister may assign to him from time to time.

(2) The Minister of Justice shall, subject to the laws governing the public service and with the concurrence of the Minister, appoint to the office of Director of Security Legislation a person holding a degree or diploma in law.

(3) The Minister of Justice may appoint, subject to the laws governing the public service and with the concurrence of the Minister, one or more Deputy Directors of Security Legislation or one or more Assistant Directors of Security Legislation or one or more such Deputy Directors and one or more such Assistant Directors, who shall respectively have the power to perform, subject to the control and directions of the Director, any of the functions of the Director.

(4) Whenever it becomes necessary to appoint an acting Director, the Minister may appoint a Deputy Director referred to in subsection (3) or, in the absence of such a Deputy Director, an Assistant Director referred to in that subsection to act as Director for the period for which such appointment is necessary.

Secretarial work.

3. The secretarial work incidental to the performance of the functions of the Director shall be performed by such persons in the service of the State as the Minister of Justice may with the concurrence of the Minister designate for that purpose.

CHAPTER 2

MEASURES IN RESPECT OF CERTAIN ORGANIZATIONS AND CERTAIN PUBLICATIONS

Declaration of certain organizations as unlawful.

4. (1) If the Minister is satisfied—

(a) that any organization engages in activities which endanger or are calculated to endanger the security of the State or the maintenance of law and order;

(b) that—

(i) any organization professes, by its name or otherwise, to be an organization for propagating the principles or promoting the spread of communism;

(ii) the purpose or one of the purposes of any organization is to propagate the principles or to promote the spread of communism;

(iii) any organization engages in activities for the achievement of any of the objects of communism;

(c) that any organization is controlled, directly or indirectly, by an organization referred to in paragraph *(a)* or *(b)*; or

(d) that any organization carries on or has been established for the purpose of carrying on, directly or indirectly, any of the activities of an unlawful organization,

he may, subject to the provisions of sections 7 and 10, without notice to the organization in question, by notice in the *Gazette* declare that organization to be an unlawful organization.

(2) *(a)* The Minister may by notice in the *Gazette* declare that any body, organization, group or association of persons, institution, society or movement described in or known by a name specified in the notice and which in his opinion exists, or existed at any time after 7 April 1960—

(i) is in fact a body or organization specified in the notice which by virtue of a notice under subsection (1) or by virtue of the provisions of paragraph *(a)* of the definition of "unlawful organization" is an unlawful organization;

(ii) was in fact at all times subsequent to a date specified in the notice, not being earlier than 8 April 1960, a body or organization so specified which by virtue of a notice under subsection (1) or by virtue of the provisions of paragraph *(a)* of the definition of "unlawful organization" is an unlawful organization,

and thereupon the said body, organization, group or association of persons, institution, society or movement shall in any criminal proceedings be deemed to exist or to have existed at all such times, as the case may be, and to be or to have been at all such times, as the case may be, the said unlawful organization.

(b) In any criminal proceedings any act or omission proved with reference to any body, organization, group or association of persons, institution, society or movement corresponding to the description or known by a name corresponding to the name of a body, organization, group or association of persons, institution, society or movement in respect of which a notice has been issued under this subsection, shall be deemed to have been proved with reference to the unlawful organization specified in the notice.

(c) Whenever in any notice under this subsection a date is specified in terms of paragraph *(a)* (ii), any person who

at any time during the period between the date so specified and the date of publication of such notice was an office-bearer, officer or member of any body, organization, group or association of persons, institution, society or movement corresponding to the description or known by a name corresponding to the name of any body, organization, group or association of persons, institution, society or movement in respect of which the notice has been issued, shall, for the purposes of any criminal proceedings, be deemed to have become an office-bearer, officer or member of the unlawful organization specified in the notice, on the day immediately following upon the date so specified.

(3) Any notice issued under subsection (1) or (2) may be withdrawn by the Minister by like notice.

(4) The provisions of subsection (1) *(a)*, *(b)* (ii) and (iii), *(c)* and *(b)* shall not apply in relation to an employers' organization or trade union registered under the Labour Relations Act, 1956 (Act No. 28 of 1956) or to any employers' organization or trade union whose registration under the said Act has been cancelled in terms of section 14 of that Act, until such organization or trade union or any office-bearer, officer or member thereof has had a reasonable opportunity of exhausting, in respect of such cancellation, the remedies provided in section 16 or 27 of the said Act.

(5) A notice under subsection (1) or (2) shall not be invalid or ineffective by reason of the fact that the organization in question was dissolved before the coming into operation of the notice.

Prohibition of certain publications.

5. (1) If the Minister is satisfied that any periodical or other publication—

(a) serves *inter alia* as a means for expressing views or conveying information the publication of which is calculated to endanger the security of the State or the maintenance of law and order;

(b) professes, by its name or otherwise, to be a publication for propagating the principles or promoting the spread of communism;

(c) serves *inter alia* as a means for expressing views or conveying information the publication of which is calculated to further the achievement of any of the objects of communism;

(d) is published or disseminated by, or under the direction or guidance of, an organization which has been declared an unlawful organization under section 4 (1) or (2) or which by virtue of the provisions of paragraph *(a)* of the definition of "unlawful organization" is an unlawful organization, or was published or disseminated by, or under the direction or guidance of, any such organization immediately prior to the date upon which it became an unlawful organization;

(e) serves *inter alia* as a means for expressing views propagated by an organization referred to in paragraph *(d)*, or did so serve immediately prior to the date referred to in that paragraph;

(f) serves *inter alia* as a means for expressing views or conveying information the publication of which is calculated to cause, encourage or foment feelings of hostility between different population groups or parts of population groups of the Republic; or

(g) is a continuation of or substitution for, whether or not under another name, any periodical or other publication the printing, publication or dissemination of which has been prohibited in terms of this section,

he may, subject to the provisions of sections 7 and 10 and without notice to any person concerned, by notice in the *Gazette* prohibit, or prohibit for a period specified in the notice, the printing, publication or dissemination of such periodical publication,

or a particular edition or particular editions thereof, or the dissemination of such other publication.

(2) Any notice issued under subsection (1) may be withdrawn by the Minister by like notice.

Investigation concerning suspected organizations or publications.

6. (1) If the Minister has reason to suspect—

(a) that the activities, purposes, control or identity of any organization is such that it ought to be declared an unlawful organization under section 4 (1) or (2); or

(b) that the circumstances connected with any periodical or other publication are such that the printing, publication or dissemination thereof ought to be prohibited under section 5,

he may in writing under his hand designate any person as an authorized officer to investigate the activities, purposes or identity of that organization or the manner in which it is controlled, or the circumstances connected with that periodical or other publication, as the case may be.

(2) If directed by the Minister to do so in any case referred to in subsection (1) *(a)*, an authorized officer shall compile a list of persons who are or at any time before or after the commencement of this Act were office-bearers, officers, members or active supporters of the organization in question.

(3) An authorized officer may, for the purposes of the performance of his functions in terms of subsection (1) or (2)—

(a) without previous notice at any time enter upon any premises whatsoever and make such investigation and inquiry as he deems necessary;

(b) require of any person the production then and there or at a time and place fixed by the authorized officer, of any document or of any copy of any periodical or other publication which is on the premises;

(c) at any time and at any place require of any person who has possession or custody or control of any document or any copy of any periodical or other publication, the production thereof then and there or at a time and place fixed by the authorized officer;

(d) seize any document or copy referred to in paragraph *(b)* or *(c)* which in his opinion may afford evidence in regard to any matter referred to in section 4 (1) or (2) or section 5, or in regard to the persons who are or have been office-bearers, officers, members or active supporters of the organization in question;

(e) examine such document and make extracts therefrom or copies thereof and ask any person whom he considers to have the necessary information, to give an explanation of any entry therein, or of any matter published in any such periodical or other publication;

(f) question either alone or in the presence of any other person, as he deems desirable, with respect to any matter referred to in section 4 (1) or (2) or section 5, or in order to ascertain which persons are or at any time before or after the commencement of this Act were office-bearers, officers, members or active supporters of the organization in question, any person whom he finds on premises entered upon by him in terms of this section, or whom he on reasonable grounds suspects to be or at any time before or after the commencement of this Act to have been an office-bearer, officer, member or active supporter of the organization in question, or to be in possession of information required by the authorized officer; and

(g) direct any person referred to in paragraph *(b)*, *(c)*, *(e)* or *(f)* to appear before the authorized officer at a time and place specified by him, and at such time and place question such person.

(4) Every occupier of premises entered upon under subsection (3) shall at all times furnish such facilities as are required by the authorized officer for the purpose of exercising his powers under the said subsection.

(5) Any person being questioned under subsection (3) *(f)* or *(g)* shall be entitled to all the privileges to which a person giving evidence before a provincial division of the Supreme Court of South Africa is entitled.

(6) The Minister may appoint a person as an assistant or two or more persons as assistants to an authorized officer to discharge duties and exercise powers, subject to the control and directions of such authorized officer, imposed or conferred upon an authorized officer by or under this section.

Appointment and functions of advisory committee.

7. (1) The Minister shall not exercise, in respect of any organization, the powers conferred upon him by section 4 (1) or, in respect of any periodical or other publication, the powers conferred upon him by section 5 (1) unless he has considered a factual report and recommendation made to him in terms of the provisions of this section regarding the organization or periodical or other publication in question by a committee (hereinafter referred to as an advisory committee).

(2) The members of an advisory committee shall be appointed by the State President on the recommendation of the Minister of Justice and shall consist of—

(a) a judge of the Supreme Court of South Africa or a person who has held office as such a judge, or a person who has held office as a magistrate of the rank of chief magistrate or as a magistrate of a regional division, or any other person, except a person in the service of the State, who by virtue of his qualifications is entitled to be admitted and authorized to practise and be enrolled as an advocate in terms of the provisions of section 3 of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), and who, after obtaining such qualifications, was concerned in the application of the law for a continuous period of not less than ten years, who shall also be the chairman of the advisory committee; and

(b) two other persons, one of whom shall be a person holding a degree or diploma in law.

(3) An advisory committee appointed under subsection (2) shall inquire into all matters relating to the organization in question or the periodical or other publication in question, as the case may be, which, in the opinion of the advisory committee, are relevant for the purposes of a decision as to whether or not the Minister ought to exercise his powers referred to in subsection (1) in respect of the organization in question or the periodical or other publication in question, as the case may be, and shall after completion of its inquiry—

(a) furnish the Minister with a factual report relating to the organization or periodical or other publication in question; and

(b) recommend to the Minister—

(i) that the organization in question be declared an unlawful organization in terms of the provisions of section 4 (1) or that the printing, publication or dissemination of the periodical publication in question or the dissemination of the other publication in question be prohibited in terms of the provisions of section 5, as the case may be; or

(ii) that no steps in terms of the said provisions be taken in respect of the organization or periodical or other publication in question, as the case may be,

depending on the conclusion to which the advisory committee came as a result of its inquiry.

(4) At an inquiry in terms of subsection (3) an advisory committee shall consider all facts and representations submitted to it in writing and may in its discretion also hear oral evidence from any person.

(5) *(a)* Unless an advisory committee is of the opinion that it would not be in the public interest to do so, the chairman of that advisory committee shall—

(i) in the case of an inquiry in respect of an organization, by means of a written notice signed by the said chairman and addressed to the organization or any office-bearer or officer thereof, notify that organization of the inquiry as well as of the fact that within a period which is specified in the notice, but which shall not exceed a period of twenty-one days from the date of the notice, written representations on behalf of the organization may be made to the advisory committee and oral evidence may be adduced before the advisory committee on behalf of the organization;

(ii) in the case of an inquiry in respect of a periodical or other publication, by means of a written notice signed by the said chairman, notify the proprietor, publisher or responsible editor thereof of the inquiry as well as of the fact that within a period which is specified in the notice, but which shall not exceed a period of twenty-one days from the date of the notice, written representations in connection with the said publication may be made to the advisory committee and oral evidence in connection therewith may be adduced before the advisory committee.

(b) If no address of an organization and no address of any office-bearer or officer thereof is known to the advisory committee in question, or if the identity or address of neither the proprietor nor the publisher or responsible editor of a periodical or other publication is known to such advisory committee, the chairman thereof may cause a notice as contemplated in subparagraph (i) or (ii), whichever is applicable, of paragraph *(a)*, to be published in the *Gazette*, and such publication in the *Gazette* shall be deemed to constitute notification in terms of paragraph *(a)* and the date of publication shall be deemed, for the purposes of paragraph *(a)*, to be the date of the notice.

(6) A member of an advisory committee who is not a judge referred to in subsection (2) *(a)* and who is not subject to the provisions of the Public Service Act, 1957 (Act No. 54 of 1957), shall be paid such remuneration, including reimbursement for transport, travelling and subsistence expenses incurred by him in the performance of his functions as such a member, as the Minister of Justice may with the concurrence of the Minister of Finance from time to time determine.

(7) If at any stage during an inquiry in terms of subsection (3) any member of the advisory committee in question dies or vacates his office for any other reason, the State President shall, subject to the provisions of subsection (2), appoint another person in his place, and the said inquiry shall thereupon be continued by the advisory committee as so constituted.

Decisions and procedure of, and subpoenaing of witnesses by, advisory committee.

8. (1) The decision of two of its members shall constitute a decision of an advisory committee.

(2) The procedure to be followed by an advisory committee at an inquiry referred to in section 7 (3), and the place where the inquiry is to be held, shall be determined by the chairman of that advisory committee at his discretion with due regard to the circumstances of the case.

(3) For the purposes of an inquiry referred to in subsection (2), an advisory committee may direct any person to appear before it to—

(a) give evidence; or

(b) produce any document in his possession or under his control,

which, in the opinion of that advisory committee, has a bearing on the matter being inquired into by the advisory committee, and the advisory committee and the Director or a person authorized thereto by the Director may examine such person or any

other person appearing as a witness before the advisory committee.

(4) Such direction shall be by way of a subpoena signed by the chairman of the advisory committee in question and served on the person subpoenaed either by a registered letter sent through the post or by delivery by a person authorized thereto by the advisory committee.

(5) Whenever an advisory committee considers it necessary to do so, it may require any person appearing as a witness before it in terms of subsection (3) to give evidence on oath or after having made an affirmation, and such person shall enjoy the same privilege as a witness testifying in a criminal proceeding before a division of the Supreme Court of South Africa.

(6) The chairman of the advisory committee in question may administer an oath to, or accept an affirmation from, any such person.

(7) No person appearing as a witness before an advisory committee in terms of this section or section 7 shall be entitled to be assisted at such appearance by a legal representative, but any person desiring to submit facts or representations in writing to the advisory committee in terms of the provisions of section 7, shall be entitled to the assistance of a legal representative in the preparation of the relevant documents.

(8) No person shall attend the proceedings of an advisory committee, except—

(a) the Director or a person authorized thereto by the Director;

(b) a person engaged in giving oral evidence before that advisory committee; or

(c) a person in the service of the State whose presence is considered necessary by the chairman of the advisory committee.

(9) An advisory committee's deliberations and recommendations shall not be disclosed, except to a person whose duty it is to deal with the subject matter of the disclosure.

(10) No person, other than a person in the service of the State while performing his official functions or a person charged with the secretarial work incidental to the performance of its functions by an advisory committee, while such secretarial work is being performed by such person, shall have the right to inspect any record of proceedings of that advisory committee.

(11) No court of law shall have jurisdiction to pronounce upon the functions or recommendations of an advisory committee.

(12) Any person who refuses or fails to comply with a direction in terms of subsection (3) or who refuses to answer any question put to him under that subsection or gives to such question an answer which to his knowledge is false, or who refuses to take the oath or to make an affirmation at the request of the advisory committee in question in terms of subsection (5), or who in contravention of the provisions of subsection (9) discloses an advisory committee's deliberations or recommendations, or who insults, disparages or belittles an advisory committee or a member of an advisory committee in his capacity as such a member, or who anticipates the proceedings at an inquiry by an advisory committee in terms of section 7 (3) or the findings or recommendations of an advisory committee in a manner calculated to influence it, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Secretarial work of advisory committee.

9. The secretarial work incidental to the performance by an advisory committee of its functions shall, subject to the directions of the chairman of the advisory committee, be performed by persons in the service of the State designated for that purpose by the Minister of Justice.

Exercise of powers and furnishing of reasons by Minister.

10. (1) If, after consideration of the relevant factual report and recommendation with which he has in terms of section 7 (3) been furnished by an advisory committee, as well as of any other

relevant information, the Minister is satisfied that a particular organization is one which ought to be declared an unlawful organization in terms of section 4 (1), or that the printing, publication or dissemination of a particular periodical or other publication ought to be prohibited in terms of section 5 (1), as the case may be, the Minister may in accordance with the provisions of section 4 (1) declare that organization to be an unlawful organization or in accordance with the provisions of section 5 (1) prohibit the printing, publication or dissemination of that periodical or other publication, as the case may be.

(2) In making a decision for the purposes of the exercise of his powers in terms of subsection (1), the Minister need not give effect to any relevant recommendation of an advisory committee.

(3) Whenever an organization is in terms of the provisions of section 4 (1) read with subsection (1) of this section declared by the Minister to be an unlawful organization or the printing, publication or dissemination of a periodical or other publication is prohibited by the Minister in terms of the provisions of section 5 (1) read with the said subsection—

(a) any person who proves to the satisfaction of the Minister that he was an office-bearer of the organization in question on the date immediately preceding the date on which it was so declared unlawful; or

(b) in the case of a periodical or other publication which is not a newspaper registered under the Newspaper and Imprint Registration Act, 1971 (Act No. 63 of 1971), the publisher of the publication in question,

as the case may be, may in writing request the Minister to furnish him with the reasons for the Minister's action, and if such request is received by the Minister within a period of fourteen days after the date of the publication in the *Gazette* of the notice declaring the organization in question to be an unlawful organization or prohibiting the printing, publication or dissemination of the periodical or other publication in question, as the case may be, the Minister shall furnish the office-bearer or publisher concerned, as the case may be, with a written statement setting forth his reasons for the notice and so much of the information which induced the Minister to issue the notice as can, in his opinion, be disclosed without detriment to the public interest.

(4) If—

(a) within the period specified in subsection (3) more than one request in terms of paragraph *(a)* of that subsection is received by the Minister, the Minister shall furnish only one of the office-bearers concerned with reasons and information in terms of the said subsection and notify the other office-bearers from whom requests are so received of the name and address of the office-bearer who has so been or will be furnished with reasons and information;

(b) a periodical or other publication the printing, publication or dissemination of which has been prohibited as contemplated in subsection (3) is a newspaper registered under the Newspaper and Imprint Registration Act, 1971, the Minister shall of his own accord and within the period specified in subsection (3) furnish the publisher of that publication with reasons and information as contemplated in that subsection.

Review of steps taken in respect of organizations or publications.

11. (1) Subject to the provisions of section 12 (3), an office-bearer, referred to in section 10 (3) *(a)*, of any organization which has been declared an unlawful organization by the Minister in terms of the provisions of section 4 (1) read with section 10 (1), or the publisher of any periodical or other publication the printing, publication or dissemination of which has been prohibited by the Minister in terms of the provisions of section 5 (1) read with section 10 (1), as the case may be, may, within the applic-

able period prescribed in subsection (2), lodge with the Minister a written petition containing—

(a) a request that the steps taken by the Minister in respect of that organization or publication, as the case may be, be submitted for review in terms of the provisions of this section; and

(b) where a notice has not in terms of the provisions of section 7 (5) been issued in respect of the said organization or publication by the advisory committee concerned, such representations on behalf of and information relating to the organization or publication in question as the said office-bearer or publisher, as the case may be, deems fit.

(2) A written petition referred to in subsection (1) shall be lodged with the Minister before the expiration of a period of fourteen days after the date of publication in the *Gazette* of the notice declaring the organization in question to be an unlawful organization or prohibiting the printing, publication or dissemination of the periodical or other publication in question, as the case may be, or, in the case where reasons and information have in terms of the provisions of section 10 (3) been furnished by the Minister, before the expiration of a period of fourteen days after the date of the written statement in which the Minister furnished such reasons and information.

(3) Subject to the provisions of section 12 (3) the Minister shall, on receipt, within the applicable period prescribed by subsection (2), of a petition referred to in subsection (1), as soon as possible submit to the Chief Justice of South Africa—

(a) a copy of the notice declaring the organization in question to be an unlawful organization or prohibiting the printing, publication or dissemination of the periodical or other publication in question, as the case may be;

(b) a written statement containing the reasons for the taking of the steps in question and all information which induced the Minister to issue the notice in question, as well as any additional information, if any, which may relate to the matter and which came to the knowledge of the Minister after the issue of the notice in question;

(c) a copy of the factual report and recommendation with which the Minister was in terms of the provisions of section 7 (3) furnished in respect of the matter in question by the advisory committee concerned;

(d) the petition in question; and

(e) any additional report or information relating to the matter which the Minister may deem necessary,

for the purposes of the review in terms of subsection (4) of the Minister's action in respect of the organization or publication in question.

(4) The Chief Justice or such other judge of the appellate division of the Supreme Court of South Africa as the Chief Justice may designate for the purpose, shall consider the contents of all documents and all information submitted to the Chief Justice in terms of subsection (3) and may, if after such consideration he is satisfied that the Minister has in the matter in question—

(a) exceeded the powers conferred upon him by this Act; or

(b) acted in bad faith; or

(c) based his decision on considerations other than those contemplated in section 4 (1) or section 5 (1), whichever may be applicable,

set aside the steps taken by the Minister in respect of the organization or periodical or other publication in question, as the case may be, whereupon the notice whereby those steps were taken shall by like notice be withdrawn by the Minister.

(5) If after consideration of the documents and information in question the Chief Justice or the judge of appeal referred to in subsection (4), as the case may be, is not satisfied as contem-

plated in that subsection, he shall endorse on the written statement referred to in subsection (3) *(b)* his certificate to the effect that no grounds exist for the setting aside of the relevant steps taken by the Minister.

(6) No court of law shall have jurisdiction to pronounce upon any finding in terms of subsection (4) or (5) of the Chief Justice or of the judge of appeal referred to in subsection (4).

(7) If the Chief Justice or a judge of appeal has under subsection (4) set aside any steps taken by the Minister, he shall furnish the Minister with the reasons for setting aside such steps.

Time limit in respect of, and effect of, certain proceedings in connection with organizations or publications.

12. (1) No proceedings shall after the expiration of a period of fourteen days from the date of a notice issued by the Minister in terms of section 4 (1) or 5 (1) be instituted in any court for an order declaring that notice invalid, and no court shall after the expiration of a period of twelve months from the date of any such notice have jurisdiction to pronounce upon the validity thereof: Provided that if the court concerned is satisfied that the fact that such proceedings have at the expiration of the said period of twelve months not yet been concluded, is not due to the fault of the party who instituted the proceedings, the court may extend that period by such further period as the court may deem fit.

(2) No court shall have jurisdiction to—

(a) pronounce upon the validity of any notice issued under section 4 (2) *(a)*;

(b) make an order whereby, pending the outcome of any proceedings referred to in subsection (1), the operation of any notice issued by the Minister in terms of section 4 (1) or 5 (1) is suspended or in any other manner postponed.

(3) The provisions of section 11 shall not apply in respect of steps taken by the Minister in terms of section 4 (1) in respect of an organization or in terms of section 5 (1) in respect of a periodical or other publication, if proceedings as contemplated in subsection (1) have been instituted in connection with the notice whereby those steps were taken by the Minister, and if such proceedings are instituted at a time when steps have by virtue of the provisions of section 11 already been taken in relation to the case in question, all steps so taken shall lapse.

Consequences of declaration of organization as unlawful.

13. (1) As from the date upon which an organization becomes an unlawful organization by virtue of a notice under section 4 (1) or (2) or, for the purposes of paragraph *(a)* of the definition of "unlawful organization", as from the date of commencement of this Act—

(a) no person shall—

(i) become, continue to be or perform any act as an office-bearer, officer or member of the unlawful organization;

(ii) carry, be in possession of or display anything whatsoever indicating that he is or was at any time before or after the commencement of this Act an office-bearer, officer or member of or in any way associated with the unlawful organization;

(iii) contribute or solicit anything as a subscription or otherwise, to be used directly or indirectly for the benefit of the unlawful organization;

(iv) in any way take part in any activity of the unlawful organization, or carry on in the direct or indirect interest of the unlawful organization, any activity in which it was or could have engaged at the said date; or

(v) advocate, advise, defend or encourage the achievement of any of the objects of the unlawful organization or objects similar to the objects of such or-

ganization, or perform any other act of whatever nature which is calculated to further the achievement of any such object;

(b) all property (including all rights and documents) held by the unlawful organization or held by any person for the benefit of the unlawful organization, shall vest in a person designated by the Minister of Justice as the liquidator of the assets of the unlawful organization; and

(c) the unlawful organization shall, if it is registered in any office, cease to be registered, and the officer in charge of the register shall remove its name from the register.

(2) The designation of a liquidator in terms of subsection (1) *(b)* shall not be invalid or ineffective by reason of the fact that the unlawful organization in question was dissolved before the designation or before the date upon which it becomes an unlawful organization by virtue of a notice under section 4 (1) or (2), or by reason of the fact that it has no assets.

(3) The liquidator shall be appointed on such conditions, and may be paid out of the assets of the unlawful organization such remuneration for his services, as the Minister of Justice may determine.

(4) Notwithstanding anything to the contrary contained in any instrument, rule or agreement governing the relations between the unlawful organization and its office-bearers, officers or members, any such office-bearer, officer or member may by resignation terminate his relationship with the unlawful organization as from the date of the resignation.

Powers and duties of liquidator.

14. (1) The liquidator shall forthwith take possession of all the property vested in him under section 13 (1) *(b)*, and shall satisfy himself as to whether the assets are adequate to pay the debts of the unlawful organization.

(2) If the assets are adequate to pay the debts, the liquidator shall after the expiration of a period of not less than six months from the date upon which the organization became an unlawful organization, but, where applicable, not before the endorsement, in relation to the declaration of the organization to be unlawful, of a certificate in terms of the provisions of section 11 (5), take all steps (including the institution of legal proceedings) necessary to liquidate them and to pay out of the proceeds the debts which have been proved to his satisfaction.

(3) Any balance remaining after the debts have been paid shall be paid into the State Revenue Fund.

(4) If the assets are inadequate to pay the debts of the unlawful organization, the liquidator shall liquidate and distribute the assets as if he were a trustee or a liquidator, as the case may be, administering and distributing the assets of an insolvent estate or company.

(5) For the purposes of such liquidation and distribution, the date upon which the organization became an unlawful organization by virtue of a notice under section 4 (1) or (2) shall be regarded as the date of sequestration or winding-up, as the case may be.

(6) Any matter relating to such liquidation and distribution upon which a creditor would have been entitled to vote if the estate of the unlawful organization had been sequestrated or wound up, shall be determined by a majority of votes reckoned according to the number and value of claims proved to the satisfaction of the liquidator.

(7) The account of a liquidator liquidating and distributing assets under subsection (4) shall be advertised by him and confirmed by the Master in like manner and with like effect as an account framed by a trustee or liquidator, as the case may be, in an insolvent estate is advertised and confirmed.

(8) Any property of the unlawful organization which is not liquidated under subsection (2) or (4) or which is found after the distribution of the assets or the payment of the debts of the un-

lawful organization in terms of this section, shall be disposed of in accordance with the direction of the Minister of Justice.

(9) The Minister of Justice may at any time by notice in the *Gazette* and subject to such modifications as he may deem fit, apply in respect of a particular case such provisions of the Companies Act, 1973 (Act No. 61 of 1973), or the Insolvency Act, 1936 (Act No. 24 of 1936), as are not inconsistent with this Act, as may be necessary in such case for the proper performance by the liquidator of his functions in terms of this section, and may in like manner amend or withdraw any such notice.

(10) If directed by the Minister to do so, the liquidator shall compile a list of persons who are or at any time before or after the commencement of this Act were office-bearers, officers, members or active supporters of the organization which has been declared an unlawful organization.

(11) The liquidator shall have the power to receive and retain any communication addressed to the unlawful organization or to any person in his capacity as an office-bearer or officer thereof, and the Postmaster-General shall, if requested to do so by the liquidator, cause all postal articles so addressed, to be delivered to the liquidator.

(12) The provisions of subsections (3) and (4) of section 6 shall, without derogating from the generality of the provisions of subsection (9) of this section, *mutatis mutandis* apply in respect of any investigation by the liquidator which he may consider necessary in connection with the performance of his functions in terms of subsection (1), (4) or (10): Provided that section 6 (3) *(d)* shall, when applied in terms of this subsection, be construed as referring also to any document which, in the opinion of the liquidator, may afford proof in regard to any right in or the whereabouts of any property or the existence or amount of any debt.

Restriction on registration of newspapers.

15. (1) No newspaper shall be registered under the Newspaper and Imprint Registration Act, 1971 (Act No. 63 of 1971)—

(a) unless a period of twenty-one days has expired after the date on which the application for such registration was received by the Director-General: Internal Affairs; and

(b) unless the proprietor of such newspaper deposits with the Minister of Internal Affairs such amount not exceeding forty thousand rand as the Minister may within the said period determine whenever he is not satisfied that a prohibition under section 5 will not at any time become necessary in respect of such newspaper.

(2) Any amount deposited in terms of subsection (1) shall be regarded as a deposit for the purposes of the Public Debt Commissioners Act, 1969 (Act No. 2 of 1969): Provided that no interest earned on any such deposit shall be paid to the proprietor concerned except in accordance with the provisions of subsection (3).

(3) Subject to the provisions of subsection (4), interest earned on any amount so deposited shall be paid to the proprietor concerned at the expiration of each full period of five years from the date of deposit and whenever such amount is refunded to the depositor.

(4) If a prohibition is imposed under section 5 in respect of any newspaper, any amount deposited in respect of such newspaper, together with any interest not paid to the proprietor concerned, shall be forfeited to the State: Provided that the Minister may direct that such portion of such amount as he may determine shall be refunded to such proprietor.

(5) Unless the Minister of Internal Affairs with the concurrence of the Minister at any time otherwise directs, the registration of a newspaper under the Newspaper and Imprint Registration Act, 1971, shall lapse—

(a) if the printing and publishing of such newspaper is not commenced within one month after registration;
(b) if the newspaper is at any time not printed and published during a period exceeding one month; or
(c) if the newspaper changes hands.

(6) The Minister of Internal Affairs shall refund to the depositor any amount deposited in respect of any newspaper—
(a) if the Minister authorizes such refund; or
(b) if the registration of such newspaper has lapsed in terms of subsection (5).

Keeping of list of names of certain persons by Director.

16. (1) The Director shall, subject to the provisions of subsections (2) and (3), draw up and keep up to date a list, hereinafter referred to as the consolidated list, of the names—
(a) of persons whose names appear on a list compiled by a liquidator in terms of the provisions of section 14 (10) and, provided the organization in question is declared under section 4 to be an unlawful organization, of persons whose names appear on a list compiled by an authorized officer in terms of the provisions of section 6 (2);
(b) of persons convicted after the commencement of this Act of the offence of sedition or of an offence referred to in section 54, 55 or 56 (1) *(a)* or *(b)* of this Act, or of any conspiracy, incitement or attempt to commit any of those offences, or of the offence of treason; and
(c) of persons in respect of whom a prohibition imposed under section 19 (1) *(a)* or (2) is in force or who are or have been detained in terms of the provisions of section 28.

(2) *(a)* The Director shall enter in the consolidated list the name of every person whose name appeared, on the date immediately preceding the date of commencement of this Act, on a list in the custody of the officer referred to in section 8 of the Internal Security Act, 1950 (Act No. 44 of 1950), unless the Minister is of the opinion that any such name ought not to be so entered.
(b) If at the expiration of a period of five years after the date of commencement of this Act any name referred to in paragraph *(a)* has not in terms of the provisions of that paragraph been entered in the consolidated list, such name shall be deemed to have been removed from the list on which it appeared as contemplated in that paragraph.
(c) All restrictions, prohibitions or disqualifications contemplated in, or any other provisions of, the Internal Security Act, 1950, which on the date immediately preceding the date of commencement of this Act were in force in respect of any person by virtue of the fact that his name appeared on a list in the custody of the officer referred to in section 8 of the first-mentioned Act, shall remain so in force until his name is in terms of the provisions of paragraph *(b)* deemed to have been removed.

(3) *(a)* The name of a person shall not in terms of subsection (1) *(a)* be entered in the consolidated list or in any category mentioned in the consolidated list unless the Minister has afforded the person concerned a reasonable opportunity of showing that his name ought not to be so entered.
(b) Representations made to the Minister in terms of paragraph *(a)* may also relate to the fact, the onus of proving which shall rest with the person concerned, that the said person neither knew nor could reasonably have

been expected to know that the activities, purposes, control or identity of the organization in question were of such a nature as might render that organization liable to be declared an unlawful organization under section 4 (1) or (2).

(c) The Director shall in writing notify every person whose name has by virtue of the provisions of subsection (1) *(b)* or *(c)* been entered in the consolidated list that his name has been so entered.

(4) The Minister may, on good cause shown, direct the Director to remove from the consolidated list the name of a person appearing thereon, and the Director shall upon receipt of such direction remove the name in question accordingly.

(5) The name of a person whose name appears on the consolidated list by virtue of the provisions of subsection (1) *(a)* shall be removed therefrom by the Director if the notice declaring the organization in question to be an unlawful organization is withdrawn in terms of any provision of this Act.

(6) The Director shall—

(a) before the expiration of a period of twelve months from the date of commencement of this Act cause to be published in the *Gazette* the consolidated list containing such names as have already been entered by him in the said list in terms of the provisions of this section, and shall thereafter from time to time but at intervals not exceeding three years cause the consolidated list as kept up to date by him to be so published;

(b) give notice in the *Gazette* of every removal by him, in terms of the provisions of this section, of a name from the consolidated list.

Presumption in respect of correctness of consolidated list.

17. (1) In any prosecution in terms of this Act or in any civil proceedings arising from the application of the provisions of this Act it shall be presumed, unless the contrary is proved, that the name of any person appearing on the consolidated list has rightly been entered in the said list: Provided that in any such prosecution or civil proceedings instituted after the expiration of a period of twelve months as from the date upon which the name of the person concerned was entered in the consolidated list, no person shall question the correctness of the entering in the consolidated list of the name of the said person unless proceedings for the removal from the said list of the name of the said person have been instituted by him within the said period of twelve months and such proceedings have at the expiration of the said period not yet been concluded.

(2) No proceedings for the removal from the consolidated list of the name of any person appearing on the consolidated list shall be instituted in any court after the expiration of a period of twelve months as from the date upon which the name of such person has been entered in the list.

(3) Proceedings in any court for the removal of the name of any person from the consolidated list shall be instituted by way of action only.

CHAPTER 3

MEASURES IN RESPECT OF CERTAIN PERSONS

Restrictions in respect of certain persons relating to membership of certain organizations and public bodies.

18. (1) The Minister may by a written notice signed by him and addressed and delivered or tendered to the person concerned, require any person—

(a) who the Minister is satisfied engages in activities which endanger or are calculated to endanger the security of the State or the maintenance of law and order or propagates or promotes or is likely to propagate or promote such activities; or

(b) whose name appears on the consolidated list, or who has been convicted of an offence specified in Schedule 2, and who the Minister has reason to suspect engages or is likely to engage in activities which endanger or are calculated to endanger the security of the State or the maintenance of law and order or propagates or promotes or is likely to propagate or promote such activities,

to—

(i) comply, while he is an office-bearer, officer or member of any organization specified in the notice or a member of any public body so specified, or while he holds any public office so specified, with such conditions as may be prescribed in the notice;

(ii) resign as an office-bearer, officer or member of an organization specified in the notice, within a period so specified and to refrain from again becoming an office-bearer, officer or member of that organization and from taking any part in its activities;

(iii) refrain from becoming an office-bearer, officer or member or from taking part in the activities of any organization specified in the notice or of any kind of organization so specified;

(iv) refrain from becoming a member of any public body specified in the notice or from holding any public office so specified or, if he is such a member or holds such an office, to resign, within a period so specified, as such member or from such office and to refrain from again becoming such a member or holding such office.

(2) The Minister shall not exercise the powers conferred upon him by subsection (1) (i) or (ii) in relation to any person who is an office-bearer or officer or a member of an employers' organization or a trade union registered under the Labour Relations Act, 1956 (Act No. 28 of 1956), nor require any person in terms of subsection (1) (iii) not to become an office-bearer or officer or a member or not to take part in the activities of such employers' organization or such trade union, except after consultation with the Minister of Manpower.

(3) Notwithstanding anything to the contrary contained in any instrument, rule or agreement governing the relations between any organization and any office-bearer, officer or member thereof who has under subsection (1) been required to resign, such office-bearer, officer or member may by resignation terminate his relationship with such organization as from the date of the resignation.

(4) Nothing in this section contained shall derogate from the provisions of section 66 (3) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or section 10 (7) of the Supreme Court Act, 1959 (Act No. 59 of 1959).

Restrictions relating to presence in or absence from certain places or areas.

19. (1) The Minister may by a written notice signed by him and addressed and delivered or tendered to the person concerned, prohibit any person—

(a) who the Minister is satisfied engages in activities which endanger or are calculated to endanger the security of the State or the maintenance of law and order or propagates or promotes or is likely to propagate or promote such activities; or

(b) (i) whose name appears on the consolidated list; or

(ii) who has been convicted of an offence specified in Schedule 2,

and who the Minister has reason to suspect engages or is likely to engage in activities which endanger or are calculated to endanger the security of the State or the maintenance of law and order or propagates or promotes or is likely to propagate or promote such activities,

subject to such exceptions as may be specified in the notice or as the Minister or, on the authority of the Minister, the Director, or a magistrate acting in pursuance of the general or special instructions of the Minister, may at any time authorize in writing, from being within or absenting himself from, during a period so specified, any place or area specified in the notice or, while the prohibition is in force, communicating with any person or category of persons specified in the notice or receiving any visitor or performing any act so specified: Provided that no such prohibition shall debar any person from communicating with or receiving as a visitor any advocate or attorney who manages his affairs and whose name does not appear on the consolidated list and in respect of whom no prohibition under this Act by way of a notice addressed and delivered or tendered to him is in force.

(2) The Minister may by a notice and in the manner contemplated in subsection (1) prohibit any person—

(a) who has been convicted of an offence under section 59 or 60 or of any offence for which he has been sentenced under section 58, and who the Minister has reason to suspect is likely to commit an offence referred to in section 59 or 60; or

(b) who the Minister is satisfied is causing, encouraging or fomenting or will cause, encourage or foment feelings of hostility between different population groups or parts of population groups of the Republic in any area,

from being, during a period determined in the notice—

(i) in the case of a person referred to in paragraph *(a)*, within or absent from any area specified in the notice; or

(ii) in the case of a person referred to in paragraph *(b)*, within any area specified in the notice.

(3) While any notice issued under subsection (1) or (2) is in force, the period of the prohibition in question as determined in such notice may be extended by a notice signed by the Minister and addressed and delivered or tendered to the person concerned.

(4) Any person who has by notice under this section been prohibited from being within or absenting himself from any place or area may, if, at the time the notice is delivered or tendered to him or at any time thereafter, he is at or in or elsewhere than at or in that place or area, as the case may be, be arrested without warrant by any police officer and be removed from or to such place or area by that police officer or any other police officer and may pending his removal be detained in custody.

(5) Any person who has by notice under this section been prohibited from absenting himself from any place or area shall be deemed to have absented himself from such place or area if, at any time after the notice has been delivered or tendered to him, he is elsewhere than at such place or in such area.

Restrictions in respect of certain persons relating to attendance at gatherings.

20. The Minister may by a written notice signed by him and addressed and delivered or tendered to the person concerned prohibit any person—

(a) who the Minister is satisfied engages in activities which endanger or are calculated to endanger the security of the State or the maintenance of law and order or propagates or promotes or is likely to propagate or promote such activities;

(b) whose name appears on the consolidated list, or who has been convicted of an offence specified in Schedule 2 or under section 59 or 60 or of any offence for which he has been sentenced under section 58, and who the Minister has reason to suspect engages or is likely to engage in activities which endanger or are calculated to

endanger the security of the State or the maintenance of law and order or propagates or promotes or is likely to propagate or promote such activities; or

(c) who the Minister is satisfied is causing, encouraging or fomenting or will cause, encourage or foment feelings of hostility between different population groups or parts of population groups of the Republic in any area,

from attending—

(i) any gathering; or

(ii) any particular gathering or any gathering of a particular nature, class or kind,

at any place or in any area during any period or on any day or during specified times or periods within any period, except in such cases as may be specified in the notice or as the Minister or, on the authority of the Minister, the Director, or a magistrate acting in pursuance of the general or special instructions of the Minister, may at any time authorize in writing.

Order for periodical reporting at police station.

21. The Minister may at any time by a written notice signed by him and addressed and delivered or tendered to any person whose name appears on the consolidated list or in respect of whom any prohibition under this Act by way of a notice addressed and delivered or tendered to him is in force, order such person to report, subject to such exceptions as the Minister or, on the authority of the Minister, the Director, or a magistrate acting in pursuance of the general or special instructions of the Minister, may at any time authorize in writing, to the officer in charge of such police station and at such times and during such period as may be specified in the notice in question.

Restrictions by way of general notice.

22. (1) The Minister may by notice in the *Gazette* prohibit all persons—

(a) whose names appear on the consolidated list;

(b) who, at any time before or after any organization has been declared to be an unlawful organization by or under this Act, were or are office-bearers, officers or members of that organization; or

(c) in respect of whom any prohibition under this Act by way of notices addressed and delivered or tendered to them is in force,

from—

(i) being or becoming office-bearers, officers or members;

(ii) making or receiving any contribution of any kind for the direct or indirect benefit; or

(iii) in any manner taking part in any activity,

of any particular organization or any organization of a nature, class or kind specified in such notice, except with the written consent of the Minister or the Director acting under the authority of the Minister or a magistrate acting in pursuance of the general or special instructions of the Minister: Provided that the Minister shall not issue any such notice in relation to any employers' organization or trade union registered under the Labour Relations Act, 1956 (Act No. 28 of 1956), except after consultation with the Minister of Manpower.

(2) Any notice issued under subsection (1) may at any time be withdrawn or amended by the Minister by like notice.

Restrictions relating to publication or dissemination of speeches, utterances, etc., of certain persons.

23. (1) If the Minister is satisfied that, in the Republic or elsewhere, any person who was resident in the Republic engages or has engaged in activities which endanger or are calculated to endanger the security of the State or the maintenance of law and order, or advocates, advises, defends or encourages, or has ad-

vocated, advised, defended or encouraged such activities or the achievement in the Republic of any of the objects of communism, the Minister may, without notice to any person concerned, by notice in the *Gazette* declare the provisions of section 56 (1) *(p)* applicable in respect of such first-mentioned person.

(2) Any notice issued under subsection (1) may at any time be withdrawn by the Minister by like notice.

Withdrawal or amendment of notices by Minister.

24. Any notice issued by the Minister under section 18, 19, 20, 21 or 46 (3) may be withdrawn or amended by him by like notice, and the Minister may, in the case of a notice issued under section 19, in writing grant the person concerned permission to visit temporarily any place where he is not permitted to be in terms of such notice.

Furnishing of reasons for certain restrictions and making of representations by persons subject to such restrictions.

25. (1) A notice referred to in section 18, 19 or 20 shall be accompanied by a written statement by the Minister setting forth the reasons for such notice and so much of the information which induced the Minister to issue such notice as can, in the opinion of the Minister, be disclosed without detriment to the public interest.

(2) Any person to whom a notice under section 18, 19 or 20 has been delivered or tendered may at any time within a period of fourteen days as from the date of such delivery or tender make representations in writing to the Minister relating to the requirement or prohibition which by virtue of the notice became applicable in respect of him, and may within the said period in writing submit to the Minister any other information relating to the circumstances of his case.

Financial assistance to persons affected by certain restrictions.

26. Whenever any person to whom a notice under section 19 has been delivered or tendered is necessarily put to any expense in order to comply with such notice, the Minister may, on the recommendation of the Director, in his discretion cause such expense or any part thereof to be defrayed out of State moneys and may, further, in his discretion, cause to be paid out of State moneys to such person a reasonable subsistence allowance during any period while such notice applies to him.

Service of documents by publication in *Gazette* and publication in like manner of certain particulars.

27. (1) If the Minister is satisfied that in the carrying out of any of the provisions of this Act reasonable but unsuccessful attempts have been made to serve, deliver or tender any order, notice or document on or to any person, and that a copy of such order, notice or document has been affixed to the main entrance of the last-known place of residence of such person, he may cause such order, notice or document to be published in the *Gazette*, whereupon it shall be deemed to have been served, delivered or tendered on or to such person on the date of publication.

(2) The Minister may cause particulars of any notice addressed to any person under section 20 to be published in the *Gazette*.

(3) The Minister shall from time to time but at intervals not exceeding twelve months cause to be published in the *Gazette* lists containing the names of—

(a) all persons in respect of whom a prohibition under section 20 is in force; and

(b) all persons in respect of whom a notice referred to in section 23 (1) is in force,

respectively.

Detention of certain persons in a prison in order to prevent commission of certain offences or endangering of security of State or of maintenance of law and order.

28. (1) Notwithstanding anything to the contrary in any law or the common law contained, the Minister may—

(a) if in his opinion there is reason to apprehend that a particular person will commit an offence referred to in section 54 (1), (2) or (3);

(b) if he is satisfied that a particular person engages in activities which endanger or are calculated to endanger

the security of the State or the maintenance of law and order or that he propagates or promotes or is likely to propagate or promote such activities; or

(c) if he has reason to suspect that a particular person who has been convicted of an offence specified in Schedule 2, engages or is likely to engage in activities which endanger or are calculated to endanger the security of the State or the maintenance of law and order, or propagates or promotes or is likely to propagate or promote such activities,

by a written notice signed by him and addressed to a member of the Prisons Service, as defined in section 1 of the Prisons Act, 1959 (Act No. 8 of 1959), who is in charge of a prison referred to in section 20 (1) *(a)* of the said Act, direct that the said person be detained in that prison.

(2) A notice referred to in subsection (1) shall be deemed to be a warrant referred to in section 27 (2) *(e)* of the Prisons Act, 1959, and the person to whom the notice relates shall be detained, in accordance with the provisions of regulations made by the Minister of Justice, in the prison in question for the period during which the notice is in force.

(3) *(a)* A copy of the notice referred to in subsection (1), signed by the Minister or certified by any officer acting under his authority to be a true copy, shall be delivered or tendered by a police officer to the person concerned and shall serve as a warrant for his arrest and removal to the prison in question (if he is not already in detention in the said prison) by that police officer.

(b) A copy referred to in paragraph *(a)* shall be accompanied by a written statement by the Minister setting forth the reasons for the detention of the person concerned and so much of the information which induced the Minister to issue the notice in question as can, in the opinion of the Minister, be disclosed without detriment to the public interest.

(4) Any police officer who has received information that a notice referred to in subsection (1) has been issued in respect of any person may without warrant arrest such person and keep him in custody for a period not exceeding seven days for the purposes of handing him over to the police officer referred to in subsection (3) *(a)*.

(5) A telegram purporting to be from the Minister or any officer acting under his authority, stating that a notice has under subsection (1) been issued in respect of a particular person shall have the effect of such notice: Provided that if any such telegram is used in lieu of the notice in question, the Minister or the said officer shall as soon as possible forward the notice to the person referred to in subsection (1) who is in charge of the prison where the person to whom the notice applies is to be detained under such notice.

(6) Any person being detained in a prison by virtue of a notice referred to in subsection (1) may, if the Minister so directs in writing, be removed in custody from that prison and detained in any other prison referred to in section 20 (1) *(a)* of the Prisons Act, 1959, until such time as he is in terms of subsection (2) required to be released from detention.

(7) No court of law shall have jurisdiction to pronounce upon the validity of any regulation made under subsection (2).

(8) No person, other than the Minister, the Director, a judge of the Supreme Court of South Africa, a chairman of a board of review or any other person acting by virtue of his office in the service of the State—

(a) shall have access to any person detained by virtue of the provisions of subsection (2), except with the consent of and subject to such conditions as may be determined by the Minister or the Commissioner; or

(b) shall be entitled to any official information relating to or obtained from such person:

Provided that the provisions of this subsection relating to access to the person concerned shall not apply in respect of a legal representative assisting such person in the preparation of written documents referred to in subsection (9), provided such legal representative's name does not appear on the consolidated list and no prohibition under this Act by way of a notice addressed and delivered or tendered to him is in force in respect of the said legal representative.

(9) Any person detained by virtue of the provisions of subsection (2) may at any time within a period of fourteen days as from the date upon which the copy of the notice in question, referred to in subsection (3), was delivered or tendered to him, make representations in writing to the Minister relating to his detention or release, and may within the said period in writing submit to the Minister any other information relating to the circumstances of his case.

(10) The Minister may at any time in writing withdraw a notice referred to in subsection (1).

(11) The Minister may in his discretion cause to be paid out of State moneys to any person detained by virtue of the provisions of subsection (2) an allowance in accordance with such scales as the Minister of Justice may with the concurrence of the Minister of Finance determine.

Detention of certain persons for interrogation.

29. (1) Notwithstanding anything to the contrary in any law or the common law contained but subject to the provisions of subsection (3), any commissioned officer as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), of or above the rank of lieutenant-colonel may, if he has reason to believe that any person who happens to be at any place in the Republic—

(a) has committed or intends or intended to commit an offence referred to in section 54 (1), (2) or (4), excluding, in the case of an offence referred to in section 54 (4), such an offence which the suspect committed or intends or intended to commit in connection with a person suspected of having intended to commit or having committed the offence of sabotage; or

(b) is withholding from the South African Police any information relating to the commission of an offence referred to in paragraph *(a)* or relating to an intended commission of such offence or relating to any person who has committed or who intends to commit such offence,

without warrant arrest such person or cause him to be arrested and detain such person or cause him to be detained for interrogation in accordance with such directions as the Commissioner may, subject to the directions of the Minister, from time to time issue, until—

(i) the Commissioner orders his release when satisfied that the said person has satisfactorily replied to all questions at the interrogation or that no useful purpose will be served by his further detention in terms of the provisions of this section: Provided that in the case where at the conclusion of the interrogation the matter is submitted to the attorney-general for his decision as to whether or not a prosecution should be instituted against the said person, that person shall, notwithstanding the aforegoing provisions of this paragraph, be detained in terms of the provisions of this section until—

(aa) in the case where the attorney-general declines to prosecute, his decision in this regard is made known; or

(bb) in the case where the attorney-general decides to institute a prosecution against the said person, the relevant indictment is served upon the said person; or

(ii) the said person's release is ordered under subsection (5),

whichever takes place first.

(2) *(a)* The commissioned officer referred to in subsection (1) shall as soon as possible after an arrest in terms of that subsection notify the Commissioner thereof, and the Commissioner shall as soon as possible after having been so notified advise the Minister of the name of the person so arrested and the place where he is being detained and shall—

(i) once a month furnish the Minister with reasons why the said person should not be released; and

(ii) if the said person has at the expiration of a period of six months as from the date of his arrest not yet been released from detention in terms of this section, and thereafter at intervals of not less than three months while such person is so in detention, in person or through a commissioned officer referred to in subsection (1), designated by him for that purpose, adduce reasons before a board of review as to why the said person should not be released.

(b) At proceedings for the hearing of reasons adduced before it in terms of paragraph *(a)* (ii), the board of review shall consider such written representations, if any, as the person whose further detention in terms of this section is in issue, wishes to submit in connection with the matter, and may in its discretion also hear oral evidence or representations from that person.

(c) At the conclusion of the proceedings referred to in paragraph *(b)*, the board of review shall submit to the Minister a written report relating to the proceedings and its findings.

(d) The provisions of section 8 (8) shall *mutatis mutandis* apply in respect of the proceedings, referred to in paragraph *(b)*, of the board of review.

(3) *(a)* Notwithstanding the provisions of subsection (1) no person shall be detained in terms of the provisions of that subsection for a period exceeding thirty days as from the date of his arrest, except under a written authority for his further detention granted by the Minister.

(b) The Minister shall not grant any authority referred to in paragraph *(a)* unless he is satisfied, on the ground of a written application which is signed by the Commissioner and in which full reasons are given as to why the person concerned should not be released, that the further detention of the person concerned is necessary for the purposes of the interrogation in question.

(c) Any person in respect of whom an application has been made in terms of paragraph *(b)* may, pending the result of such application, be detained as if the application had been granted.

(4) Any person detained in terms of the provisions of this section may at any time make representations in writing to the Minister relating to his detention or release.

(5) The Minister may at any time order the release of any person detained in terms of the provisions of this section.

(6) No court of law shall have jurisdiction to pronounce upon the validity of any action taken in terms of this section, or to order the release of any person detained in terms of the provisions of this section.

(7) No person other than the Minister or a person acting by virtue of his office in the service of the State—

(a) shall have access to any person detained in terms of the provisions of this section, except with the consent of and subject to such conditions as may be determined by the Minister or the Commissioner; or

(b) shall be entitled to any official information relating to or obtained from such person.

(8) The provisions of section 335 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall not apply in respect of any statement by any person detained in terms of the provisions of this section, made during such detention: Provided that if in the course of any subsequent criminal proceedings relating to the matter in connection with which the said person made that statement, any part of such statement is put to him by the prosecutor, any person in possession of the statement shall at the request of such first-mentioned person furnish him with a copy of the said statement.

(9) Any person detained in terms of the provisions of this section shall, in addition to any visits under this Act by an Inspector of Detainees, be not less than once a fortnight—

(a) visited in private by a magistrate;

(b) visited in private by a district surgeon.

Powers of attorney-general to prohibit release on bail or on warning.

30. (1) Whenever any person has been arrested on a charge of having committed any offence referred to in Schedule 3, the attorney-general may, if he considers it necessary in the interests of the security of the State or the maintenance of law and order, issue an order that such person shall not be released on bail or on warning as contemplated in the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(2) *(a)* Notwithstanding the provisions of any other law, but subject to the provisions of subsection (3), no person shall be released on bail or on warning contrary to the provisions of an order issued under subsection (1).

(b) Whenever any person arrested for an offence referred to in subsection (1) applies to be released on bail or on warning and the public prosecutor informs the judge, court or magistrate to whom or to which the application is made that the matter has been referred to the attorney-general concerned with a view to the issue of an order under subsection (1), such person shall, pending the decision of the attorney-general, not be released on bail or on warning: Provided that if no such order is issued within the period of fourteen days immediately following upon the date on which such judge, court or magistrate is so informed, such person may again apply to be released on bail or on warning and may, subject to the provisions of any law, be so released.

(3) The attorney-general may at any time before its expiration withdraw any order issued under subsection (1).

(4) Any telegraphic copy purporting to be a copy of an order under subsection (1) transmitted by telegraph shall for all purposes be *prima facie* proof of the facts set forth in such copy.

Detention of witnesses under warrant issued by attorney-general.

31. (1) Whenever in the opinion of the attorney-general there is any danger that any person likely to give material evidence for the State in any criminal proceedings in connection with facts which may serve as a basis for a charge relating to an offence referred to in Schedule 3, may be tampered with or intimidated or that any such person may abscond, or whenever he deems it to be in the interests of such person or of the administration of justice, he may issue a warrant for the arrest and detention of such person.

(2) Notwithstanding the provisions of any other law, any person arrested by virtue of a warrant under subsection (1) shall, as soon as possible, be taken to the place specified in the warrant and detained there or at any other place determined by the attorney-general from time to time, in accordance with regulations made by the Minister of Justice.

(3) Any person arrested and detained under a warrant referred to in subsection (1) shall be detained for the period terminating on the day on which the criminal proceedings in question are concluded, unless—

(a) the attorney-general orders that he be released earlier; or

(b) no charge-sheet in respect of an accused in the criminal proceedings in question has been lodged or no indictment has been served on such accused, as the case may be, in terms of the provisions of section 76 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), within a period of six months as from the date upon which the said person was so arrested, in which case the said person shall be released after the expiration of the said period of six months.

(4) No person, other than a person acting by virtue of his office in the service of the State, shall have access to any person detained under subsection (1), except with the consent of and subject to such conditions as may be determined by the attorney-general or an officer in the service of the State delegated thereto by him.

(5) Any person detained under subsection (1) shall not less than once a fortnight be visited—

(a) in private by a magistrate;

(b) in private by a district surgeon.

(6) For the purposes of section 191 of the Criminal Procedure Act, 1977, any person detained under subsection (1) shall be deemed to have attended the criminal proceedings in question as a witness for the State during the whole of the period of his detention.

(7) No court shall have jurisdiction to order the release from custody of any person detained under subsection (1) or to pronounce upon the validity of any regulation made under subsection (2) or the refusal of the consent required in terms of subsection (4) or upon any condition referred to in subsection (4).

Amendment of Schedule 3.

32. The State President may from time to time by proclamation in the *Gazette* remove from or add to Schedule 3 any offence specified in the proclamation.

Certain disqualifications for membership of House of Assembly or a provincial council.

33. (1) If a committee of the House of Assembly reports to the House of Assembly in connection with any member of the House of Assembly or of a provincial council—

(a) that the name of such member appears on the consolidated list and that there are no circumstances which would justify the removal of his name from the list; or

(b) that such member has been convicted of an offence in terms of section 54, 55 or 56; or

(c) that such member is or was at any time before or after the commencement of this Act an office-bearer, officer, member or active supporter of the organization known as the Communist Party of South Africa, whether or not his name appears on the consolidated list, or that he has at any time before or after the commencement of this Act advocated, advised, defended or encouraged the achievement in the Republic of any of the objects of communism, or any act or omission calculated to further the achievement thereof,

the Minister may, if the said report is approved by the House of Assembly and the House of Assembly does not recommend that no action be taken, notify that member and also the Speaker of the House of Assembly or the Chairman of the pro-

vincial council concerned, as the case may be, in writing that the said member shall as from a date specified in the notice cease to be such a member, and as from such date he shall for all purposes be deemed to be incapable of sitting as such a member in terms of section 55 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or in terms of the said section as applied to members of the provincial councils by section 70 of the said Act, as the case may be, and his seat shall become vacant.

(2) No person in respect of whom a notice has been issued in terms of subsection (1) and no person whose name appears on the consolidated list or who has been convicted of an offence in terms of section 54, 55 or 56, shall be capable of being elected and, if he is elected, of sitting as a member of the House of Assembly or of a provincial council unless he obtained, prior to his election, the written approval of the Minister or the leave of the House of Assembly.

(3) If any person who in terms of subsection (2) is incapable of being elected, is elected as such a member, the Minister shall in writing notify that member and also the Speaker of the House of Assembly or the Chairman of the provincial council concerned, as the case may be, that the said member was in terms of subsection (2) incapable of being elected as such a member, and his seat shall thereupon be deemed vacant.

Certain disqualifications for practising of certain legal professions.

34. (1) Notwithstanding anything to the contrary in any law contained—

(a) no person shall be admitted by the court of any division of the Supreme Court of South Africa to practise as an advocate, attorney, notary or conveyancer, unless such person satisfies such court that his name does not appear on the consolidated list and that he has not before or after the commencement of this Act been convicted of an offence in terms of section 11 *(a)*, *(b)*, *(b)bis*, *(b)ter* or *(c)* of the Internal Security Act, 1950 (Act No. 44 of 1950), or has not after such commencement been convicted of an offence in terms of section 54, 55 or 56 (1) *(a)* of this Act;

(b) the court of any division of the Supreme Court of South Africa shall, on an application made by the Director-General: Justice, order that the name of any person be struck off the roll or list of advocates, attorneys, notaries or conveyancers to be kept in terms of the relevant law relating to the admission of advocates, attorneys, notaries or conveyancers, if the court is satisfied that such person's name appears on the consolidated list or that he has before or after the commencement of this Act been convicted of an offence referred to in paragraph *(a)*.

(2) Notwithstanding the provisions of subsection (1) *(a)*, the court may admit any person convicted of an offence referred to in that subsection if he produces a certificate signed by the Minister of Justice to the effect that despite such conviction the said Minister has no objection to the admission of such person.

CHAPTER 4

Board of Review and Inspectors of Detainees

Establishment and constitution of board of review.

35. (1) The State President shall for the purposes of this Act establish a board and may, if he deems it expedient, establish two or more such boards.

(2) A board established under subsection (1) shall be known as a board of review.

(3) A board of review shall consist of three members, who shall be appointed by the State President on the recommendation of the Minister of Justice and of whom—

(a) one shall be a judge of the Supreme Court of South Africa or a person who has held office as such a judge, or a person who has held office as a magistrate of the

rank of chief magistrate or as a magistrate of a regional division or any other person, except a person in the service of the State, who by virtue of his qualifications is entitled to be admitted and authorized to practise and be enrolled as an advocate in terms of the provisions of section 3 of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), and who, after obtaining such qualifications, was concerned in the application of the law for a continuous period of not less than ten years, who shall also be the chairman of the board of review; and

(b) one of the remaining two shall be a person holding a degree or diploma in law.

(4) The State President may for good cause withdraw the appointment of a member of a board of review and may, subject to the provisions of subsection (3), appoint another person in his place.

(5) If at any stage during the investigation and consideration of a matter by a board of review in terms of section 38 (3) any member of that board of review dies or vacates his office for any other reason, the State President shall, subject to the provisions of subsection (3), appoint another person in his place, and the investigation and consideration of the matter in question shall thereupon be continued by the board of review as so constituted.

Term of office and certain conditions of office of members of board of review.

36. (1) A member of a board of review shall be appointed for such period as the State President may determine at the time of the appointment.

(2) A person whose term of office as a member of a board of review has expired shall be eligible for reappointment.

(3) *(a)* The regulations made under the provisions of section 2 (*b*) of the Judges' Remuneration Act, 1978 (Act No. 91 of 1978), or which are in terms of the provisions of section 4 (2) of the said Act deemed to have been made under the first-mentioned provisions, shall *mutatis mutandis* apply to that member of a board of review who is a judge of the Supreme Court of South Africa.

(b) A member of a board of review who is not such a judge and who is not subject to the provisions of the Public Service Act, 1957 (Act No. 54 of 1957), shall be paid such remuneration, including reimbursement for transport, travelling and subsistence expenses incurred by him in the performance of his functions under this Act, as the Minister of Justice may with the concurrence of the Minister of Finance from time to time determine.

Decisions of board of review.

37. The decision of two of its members shall constitute a decision of a board of review.

Investigation by board of review of Minister's actions in respect of persons.

38. (1) Subject to the provisions of section 42 (3) the Minister shall, whenever he has in terms of the provisions of section 18 (1), 19 (1) or (2), 20 or 28 (1) taken steps in respect of a particular person, submit the matter in the manner prescribed in this section to a board of review for investigation and consideration.

(2) The Minister shall as soon as possible after the expiration of the period of fourteen days referred to in section 25 (2) or 28 (9), whichever is applicable, cause to be submitted to the board of review—

(a) a copy of the notice whereby the steps referred to in subsection (1) were taken;

(b) a written statement containing the reasons for the taking of the steps in question and all information which induced the Minister to issue the notice in question, as well as such additional information, if any, as may relate to the matter and which may have come to the knowledge of the Minister after the issue of the notice in question;

(c) a copy of any written representations or information, if any, submitted in terms of the provisions of section 25 (2) or 28 (9) to the Minister by the person concerned; and

(d) such additional report or information relating to the matter as the Minister may deem necessary.

(3) After having received the documents and information referred to in subsection (2), the board of review shall investigate and consider the matter and may for that purpose, subject to the provisions of subsection (4), in its discretion also hear oral evidence or representations from any person.

(4) If the person in respect of whom the steps were taken which form the subject of the matter being investigated by the board of review, in writing applies therefor to the board of review, the board of review shall afford that person an opportunity of giving oral evidence before it, unless the chairman of the board of review is of the opinion that it would not be in the public interest so to hear such person.

(5) After having investigated and considered a matter as contemplated in subsection (3) the board of review shall, subject to the provisions of subsection (6), furnish the Minister with a written report on its findings in relation to the matter.

(6) The board of review shall in a report referred to in subsection (5)—

(a) state whether or not it is of the opinion, by virtue of its investigation and consideration of the matter in question, that grounds exist for the amendment of the provisions of, or the withdrawal of, the notice whereby the steps in question were taken by the Minister; and

(b) where the board of review is of the opinion that grounds exist for such amendment or withdrawal, make a recommendation in this regard to the Minister.

(7) The Minister shall as soon as possible after receipt of the report referred to in subsection (5) notify the person concerned of the findings and the recommendation, if any, of the board of review.

Procedure of and subpoenaing of witnesses by board of review.

39. (1) The provisions of section 8 (2) to (12), inclusive, shall *mutatis mutandis* apply in respect of a board of review.

(2) For the purposes of subsection (1) any reference in the said provisions of section 8 to—

(a) an inquiry, referred to in section 7 (3), by an advisory committee shall be construed as a reference to the investigation and consideration by a board of review of a matter in terms of section 38 (3);

(b) the chairman of an advisory committee shall be construed as a reference to the chairman of a board of review;

(c) a person appearing as a witness before an advisory committee in terms of section 7 or 8 shall be construed as a reference to a person appearing as a witness before a board of review in terms of section 38 or this section; or

(d) the proceedings, deliberations, recommendations, record of proceedings or functions of an advisory committee shall be construed as a reference to the proceedings, deliberations, recommendations, record of proceedings or functions of a board of review.

Secretarial work of board of review.

40. The secretarial work incidental to the performance by a board of review of its functions shall, subject to the directions of the chairman of the board of review, be performed by persons in the service of the State designated for that purpose by the Minister of Justice.

Review in certain circumstances by Chief Justice or other judge of appellate division

41. (1) The Minister need not give effect to any recommendation made to him by a board of review in terms of section 38 (6) *(b)*, but if the Minister's refusal to give effect to such recommendation has the effect that stricter measures than those recom-

mended by the board of review remain in force in respect of the person concerned, the Minister shall within fourteen days after such refusal submit— of steps taken in respect of persons.

(a) all the documents referred to in section 38 (2);

(b) a copy of the report submitted to him by the board of review in terms of section 38 (5); and

(c) such further report, if any, as the Minister may deem necessary,

and which relate to the matter in question, to the Chief Justice of South Africa for the purposes of the review, in terms of subsection (2), of the Minister's action in respect of the person concerned.

(2) The Chief Justice or such other judge of the appellate division of the Supreme Court of South Africa as may be designated for that purpose by the Chief Justice shall consider the contents of all documents submitted to the Chief Justice in terms of subsection (1) and may, if after such consideration he is satisfied that in the matter in question the Minister—

(a) exceeded the powers conferred upon him by this Act; or

(b) acted in bad faith; or

(c) based his decision on considerations other than those contemplated in section 18 (1), 19 (1) or (2), 20 or 28 (1), whichever is applicable in the matter in question,

set aside the steps taken by the Minister in respect of the person concerned, whereupon the notice whereby those steps were taken shall by like notice be withdrawn by the Minister.

(3) If the Chief Justice or the judge of appeal referred to in subsection (2), as the case may be, is after consideration of the documents in question not satisfied as contemplated in that subsection, he shall endorse on the written statement referred to in section 38 (2) *(b)* which has been submitted to the Chief Justice in terms of subsection (1) *(a)* of this section, his certificate to the effect that no grounds exist for the setting aside of the relevant steps taken by the Minister.

(4) No court of law shall have jurisdiction to pronounce upon any finding in terms of subsection (2) or (3) of the Chief Justice or of the judge of appeal referred to in subsection (2).

(5) If the Chief Justice or a judge of appeal has under subsection (2) set aside any steps taken by the Minister, he shall furnish the Minister with the reasons for setting aside such steps.

42. (1) No proceedings shall after the expiration of a period of fourteen days as from the date upon which a notice was in terms of section 18 (1), 19 (1) or (2), 20 or 28 (3) *(a)* delivered or tendered to the person concerned, be instituted in any court for an order declaring that notice invalid, and no court shall after the expiration of a period of twelve months as from that date have jurisdiction to pronounce in such proceedings upon the validity of that notice: Provided that if the court concerned is satisfied that the fact that such proceedings have at the expiration of the said period of twelve months not yet been concluded, is not due to the fault of the party who instituted the proceedings, the court may extend that period by such further period as the court may deem fit. Time limit in respect of institution of proceedings in connection with restrictions imposed upon persons, and effect of such proceedings.

(2) No court shall have jurisdiction to make an order whereby, pending the outcome of any proceedings referred to in subsection (1), the operation of any notice which has in terms of section 18 (1), 19 (1) or (2), 20 or 28 (3) *(a)* been delivered or tendered to the person concerned, is suspended or in any other manner postponed.

(3) The provisions of section 38 shall not apply in respect of steps taken by the Minister in terms of section 18 (1), 19 (1) or (2), 20 or 28 (1) in respect of any person, if proceedings as contemplated in subsection (1) have been instituted in connection with the notice whereby those steps were taken by the Minister, and if such proceedings are instituted at a time when steps have

by virtue of the provisions of section 38 already been taken in relation to the case in question, all steps so taken shall lapse.

Periodical review of cases of persons subject to certain restrictions, or in detention under section 28, and review of such cases at request of Minister.

43. (1) Any person who—

(a) is subject to any restriction imposed upon him by way of a notice in terms of section 18 (1), 19 or 20; or

(b) is in detention in terms of the provisions of section 28,

may after the expiration of a period of—

(i) in the case of a person referred to in paragraph *(a)*, twelve months; or

(ii) in the case of a person referred to in paragraph *(b)*, six months,

as from the date upon which that person was in terms of the provisions of section 38 (7) notified of the outcome of the investigation by a board of review in respect of his case, and thereafter at intervals of not less than twelve months, in the case of a person referred to in paragraph *(a)*, or six months, in the case of a person referred to in paragraph *(b)*, as from the date upon which such person was notified of the outcome of an investigation in terms of this section, request the Minister in writing to submit his case to the board of review concerned for investigation and consideration and may in such request specify any change in the circumstances or of the facts pertaining to his case which has occurred since the initial investigation referred to in this subsection, and which in his opinion may serve as justification for the amendment of the provisions of, or the withdrawal of, the notice in terms of which the said restrictions are applicable to him or he is in detention.

(2) As soon as possible after receipt of a request referred to in subsection (1), the Minister shall submit such request together with his report on the matter to the board of review concerned for investigation and consideration.

(3) The provisions of section 38 (3) to (7), inclusive, shall *mutatis mutandis* apply in respect of the investigation and consideration by the board of review of any matter submitted to it in terms of subsection (2), and to the furnishing of the Minister with a report after the conclusion of such investigation.

(4) The Minister need not give effect to any recommendation made to him by a board of review by virtue of the provisions of subsection (3), but if the Minister's refusal to give effect to such recommendation has the effect that stricter measures than those recommended by the board of review remain in force in respect of the person concerned, the Minister shall within fourteen days after such refusal submit a copy of—

(a) the request referred to in subsection (1);

(b) his report referred to in subsection (2); and

(c) the report of the board of review referred to in subsection (3),

to the Chief Justice of South Africa for the purposes of the review of the Minister's action in respect of the person concerned, and the provisions of section 41 (2) to (4), inclusive, shall *mutatis mutandis* apply in respect of such review.

(5) The case of a person referred to in subsection (1) *(a)* or *(b)* of this section in respect of whom an investigation in terms of section 38 was excluded by virtue of the provisions of section 42 (3) may, notwithstanding the provisions of the said section 42 (3), be submitted, in the circumstances referred to in and in accordance with the provisions of this section, for investigation and consideration by a board of review, and the reference in subsection (1) to the date upon which a person was in terms of the provisions of section 38 (7) notified of the outcome of the investigation by a board of review in respect of his case shall, for the purposes of this subsection, be construed as a reference to the date upon which judgment was given by the court concerned in a relevant proceeding referred to in section 42 (3).

(6) Notwithstanding anything to the contrary contained in this Act the Minister may at any time of his own accord submit, *mutatis mutandis* in accordance with the provisions of section 38, the case of any person referred to in subsection (1) *(a)* or *(b)* to a board of review for the investigation and consideration thereof, and the making of a recommendation in connection therewith to the Minister, by the board of review.

Appointment of Inspectors of Detainees.

44. (1) The Minister of Justice may appoint so many persons as he may deem necessary as Inspectors of Detainees and may from time to time appoint a person as an acting Inspector of Detainees to perform the functions of a particular Inspector of Detainees whenever such Inspector of Detainees is for any reason unable to perform his functions.

(2) Every Inspector of Detainees shall be so appointed to perform in respect of a particular part of the Republic the functions prescribed by section 45.

(3) An Inspector of Detainees shall hold office on such conditions, including conditions pertaining to remuneration and allowances, as the Minister of Justice may with concurrence of the Minister of Finance from time to time determine.

Functions of Inspectors of Detainees.

45. (1) An Inspector of Detainees shall as frequently as possible visit every person who is under the provisions of section 29 being detained within the area in respect of which such inspector has been appointed as such, so as to satisfy himself as to the well-being of that person.

(2) A visit referred to in subsection (1) shall take place in private: Provided that if the Inspector of Detainees deems it necessary for the purposes of an interview with any person visited by him in terms of that subsection, an interpreter may be present.

(3) An Inspector of Detainees shall in writing report any matter in connection with the circumstances of a person referred to in subsection (1) which in the opinion of the said inspector needs to be rectified, to the person in charge of the place where such first-mentioned person is being detained and shall furnish the Minister as well as the Commissioner with a copy of such report.

(4) An Inspector of Detainees shall after each visit referred to in subsection (1), fully and in writing report to the Minister regarding his findings during that visit and regarding steps, if any, taken by him in terms of subsection (3), and may in such report make such recommendations as he may deem necessary.

(5) Whenever an Inspector of Detainees is of the opinion, on the ground of his findings during any visit referred to in subsection (1), that an offence may have been committed in respect of a person referred to in subsection (1) during such person's detention, he shall furnish the attorney-general concerned with a copy of the report referred to in subsection (4).

CHAPTER 5

MEASURES IN CONNECTION WITH CERTAIN GATHERINGS

Power to prohibit gatherings in certain cases or to impose conditions for the holding thereof.

46. (1) Whenever a magistrate has reason to apprehend that the public peace would be seriously endangered—

(a) by any gathering in his district; or

(b) by a particular gathering or any gathering of a particular nature, class or kind at a particular place or in a particular area or wheresoever in his district,

he may—

(i) prohibit for a period not exceeding forty-eight hours every gathering in his district or that particular gathering or any gathering of a particular nature, class or kind at a particular place or in a particular area or everywhere in his district, except in such cases as he may expressly authorize in the prohibition in question or at any time thereafter; or

(ii) direct that that particular gathering or any other gathering with the same purpose shall be held only in accordance with such conditions as he may determine in the direction in question, including, in the case of any gathering which takes the form of a procession, and without derogating from the generality of the preceding provisions of this paragraph, conditions—

(aa) prescribing the route to be taken by the procession concerned;

(bb) prohibiting the procession or any person forming part thereof from entering any place specified in the direction;

(cc) requiring the persons forming the procession to travel in vehicles,

as the case may be.

(2) A magistrate who—

(a) imposes a prohibition under subsection (1) (i) shall do so—

(i) by notice in the *Gazette*; or

(ii) by notice in a newspaper circulating where the prohibition is to apply; or

(iii) by causing it to be made known by means of radio; or

(iv) by causing notices to be distributed amongst the public and to be affixed in public or prominent places where the prohibition is to apply; or

(v) by causing it to be announced orally where the prohibition is to apply;

(b) issues a direction under subsection (1) (ii) shall do so by a written notice signed by him and addressed and delivered or tendered to the person desiring to convene or organize the gathering in question, and shall in addition publish that direction in a manner provided in paragraph *(a)*: Provided that if the identity or whereabouts of the person desiring to convene or organize the gathering in question is unknown, or if in view of the urgency of the case it is not feasible to deliver or tender the said written notice to him, publication of the direction in a manner determined in paragraph *(a)* shall be sufficient.

(3) The Minister may, if he deems it necessary or expedient in the interest of the security of the State or for the maintenance of the public peace or in order to prevent the causing, encouraging or fomenting of feelings of hostility between different population groups or parts of population groups of the Republic, prohibit in a manner determined in subsection (2) *(a)*—

(a) any gathering in any area; or

(b) any particular gathering or any gathering of a particular nature, class or kind at a particular place or in a particular area or wheresoever in the Republic,

during any period or on any day or during specified times or periods within any period, except in those cases determined in the prohibition in question by the Minister or which the Minister or a magistrate acting in pursuance of the Minister's general or special instructions may at any time expressly authorize.

Power to close places to prevent prohibited gatherings.

47. (1) A police officer of or above the rank of warrant officer may, if he has reason to believe that a gathering prohibited under section 46 will take place, cause access to any place or area where he believes it will take place, and to any other place or area adjacent thereto, to be barred and such place or area to be kept closed or inaccessible to the public, for such time as may be necessary to prevent the gathering from taking place.

(2) The said police officer shall notify the fact that a place or area is so closed or inaccessible to members of the public, at the entrance thereto or in the vicinity of the place or area in a manner described in section 46 (2) *(a)* (iv) or (v).

Dispersal of prohibited or riotous gatherings, and manner of dispersal.

48. (1) Whenever—

(a) a gathering which has been prohibited in terms of section 46 takes place or is proceeded with; or

(b) any of the persons attending a gathering (whether or not the gathering has been so prohibited)—

(i) kill or seriously injure, or attempt to kill or seriously injure, or show a manifest intention of killing or seriously injuring, any person; or

(ii) destroy or do serious damage to, or attempt to destroy or do serious damage to, or show a manifest intention of destroying or doing serious damage to, any valuable property, whether movable or immovable,

a police officer of or above the rank of warrant officer may call upon the persons attending the gathering to disperse, and for that purpose he shall endeavour to obtain the attention of those persons by such lawful means as he deems most suitable, and then in a loud voice order them in each of the official languages to disperse and to depart from the place of the gathering within the time specified by him.

(2) If within the time so specified the persons assembled have not so dispersed and departed, a police officer of or above the rank aforesaid may order the police under his command to disperse the gathering and may for that purpose order the use of force, including, subject to the provisions of section 49, the use of firearms and the other weapons therein mentioned, but the degree of force which may be so used shall not be greater than is necessary for dispersing the persons assembled, and the force used shall be moderated and proportionate to the circumstances of the case and the object to be attained.

Restriction as to use of firearms or other lethal weapons to disperse gatherings.

49. (1) Firearms or other weapons likely to cause serious bodily injury or death shall not, by virtue of the power conferred by section 48, be used to disperse a gathering until weapons less likely to cause such injury or death have been used and the gathering has not been dispersed, or unless or until any of the persons attending the gathering—

(a) kill or seriously injure, or attempt to kill or seriously injure, or show a manifest intention of killing or seriously injuring, any person;

(b) destroy or do serious damage to, or attempt to destroy or do serious damage to, or show a manifest intention of destroying or doing serious damage to, any valuable property, whether movable or immovable.

(2) Firearms or other weapons likely to cause serious bodily injury or death shall be used for the purposes aforesaid with all reasonable caution, without recklessness or negligence, and so as to produce no further injury to any person than is necessary for the attainment of the object aforesaid.

Action to combat state of unrest.

50. (1) If a police officer of or above the rank of warrant officer is of the opinion—

(a) (i) that the actions of a particular person contribute towards the continuation of a state of public disturbance, disorder, riot or public violence which exists at any place within the Republic; and

(ii) that the detention of that person will contribute towards the termination or combating of that state of public disturbance, disorder, riot or public violence; or

(b) that the detention of a particular person will contribute towards the prevention of the resumption, at the same place or at any other place in the Republic, of such a state of public disturbance, disorder, riot or public violence,

he may without warrant arrest that person or cause him to be arrested and, subject to the provisions of this section, cause him to

be detained in a prison referred to in section 20 (1) *(a)* or *(b)* of the Prisons Act, 1959 (Act No. 8 of 1959), or a police cell or lock-up.

(2) *(a)* Any person arrested in terms of the provisions of subsection (1) may at any time be released from detention, but shall at the expiration of a period of forty-eight hours as from the time of his arrest be released from detention unless a warrant for his further detention has in terms of the provisions of paragraph *(b)* been issued before the expiration of the said period: Provided that no such person shall on any particular occasion when he is being detained in terms of the provisions of this section be so detained for a period exceeding fourteen days as from the date of his arrest.

(b) Whenever a magistrate is of the opinion, on the ground of information submitted to him upon oath by a police officer, that the further detention of any person arrested in terms of subsection (1) is justified on the ground of a consideration contemplated in paragraph *(a)* or *(b)*, as the case may be, of that subsection, he may on the application of the said police officer issue a warrant for the further detention of such person.

(c) An application referred to in paragraph *(b)* shall be heard behind closed doors.

(d) For the purposes of this section "magistrate" shall include an additional magistrate and an assistant magistrate.

(3) Any person being detained in terms of the provisions of this section shall be so detained in accordance with the provisions of the Prisons Act, 1959, which relate to unconvicted prisoners awaiting trial for an alleged offence.

(4) The Commissioner shall, as soon as possible after the arrest of any person in terms of the provisions of subsection (1), notify the Minister of his name and the place where he is being detained unless such person has in terms of the provisions of this section been released from detention before the Commissioner could reasonably have effected such notification.

(5) A magistrate may at any time before the expiration of the period of fourteen days referred to in subsection (2) order the release of any person being detained in terms of the provisions of this section.

Saving of other laws as to dispersal of riotous gatherings.

51. Nothing in this Chapter contained shall be construed as affecting or derogating from any right conferred or duty imposed upon any member of the police or any member of the public under any other statute or under the common law to assist in the dispersal of riotous gatherings or in the prevention and suppression of riotous and seditious acts.

Abrogation of common law relating to gatherings in open air.

52. So much of the common law as renders illegal any gathering of persons in the open air without the consent of the authorities shall cease to be in operation in the Republic.

Permission of magistrate required for processions, in addition to permission of certain authorities.

53. (1) Whenever the holding or organizing of any procession without the permission, approval or leave of an institution or a body referred to in section 84 (1) *(f)* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), is prohibited in terms of a provision of any law, it shall for the purposes of such provision be deemed that, nothwithstanding the granting of such permission, approval or leave for holding or organizing a procession, such permission, approval or leave has not been granted unless the magistrate of the district in which the procession is to be held or organized has also granted his permission, approval or leave for the holding or organizing of such procession.

(2) A magistrate shall refuse to grant his permission, approval or leave referred to in subsection (1), only if he has reason to believe that the holding or organizing of the procession may endanger the maintenance of law and order.

(3) The Minister may from time to time by notice in the *Gazette* suspend the operation of subsections (1) and (2) in areas specified in the notice, or in areas other than areas so specified, and may by like notice withdraw or amend any such notice.

CHAPTER 6

OFFENCES AND PENALTIES

Terrorism and related offences, and penalties therefor.

54. (1) Any person who with intent to—

(a) overthrow or endanger the State authority in the Republic;

(b) achieve, bring about or promote any constitutional, political, industrial, social or economic aim or change in the Republic;

(c) induce the Government of the Republic to do or to abstain from doing any act or to adopt or to abandon a particular standpoint; or

(d) put in fear or demoralize the general public, a particular population group or the inhabitants of a particular area in the Republic, or to induce the said public or such population group or inhabitants to do or to abstain from doing any act,

in the Republic or elsewhere—

(i) commits an act of violence or threatens or attempts to do so;

(ii) performs any act which is aimed at causing, bringing about, promoting or contributing towards such act or threat of violence, or attempts, consents or takes any steps to perform such act;

(iii) conspires with any other person to commit, bring about or perform any act or threat referred to in paragraph (i) or act referred to in paragraph (ii), or to aid in the commission, bringing about or performance thereof; or

(iv) incites, instigates, commands, aids, advises, encourages or procures any other person to commit, bring about or perform such act or threat,

shall be guilty of the offence of terrorism and liable on conviction to the penalties provided for by law for the offence of treason.

(2) Any person who with intent to achieve any of the objects specified in paragraphs *(a)* to *(d)*, inclusive, of subsection (1)—

(a) causes or promotes general dislocation or disorder at any place in the Republic, or attempts to do so;

(b) cripples, prejudices or interrupts at any place in the Republic any industry or undertaking, or industries or undertakings generally, or the production, supply or distribution of commodities or foodstuffs, or attempts to do so;

(c) interrupts, impedes or endangers at any place in the Republic the manufacture, storage, generation, distribution, rendering or supply of fuel, petroleum products, energy, light, power or water, or of sanitary, medical, health, educational, police, fire-fighting, ambulance, postal or telecommunication services or radio or television transmitting, broadcasting or receiving services or any other public service, or attempts to do so;

(d) endangers, damages, destroys, renders useless or unserviceable or puts out of action at any place in the Republic any installation for the rendering or supply of

any service referred to in paragraph *(c)*, any prohibited place or any public building, or attempts to do so;

(e) prevents or hampers, or deters any person from assisting in, the maintenance of law and order at any place in the Republic, or attempts to do so;

(f) impedes or endangers at any place in the Republic the free movement of any traffic on land, at sea or in the air, or attempts to do so;

(g) causes, encourages or foments feelings of hostility between different population groups or parts of population groups of the Republic, or attempts to do so;

(h) destroys, pollutes or contaminates any water supply which is intended for public use in the Republic, or attempts to do so;

(i) in the Republic or elsewhere performs any act or attempts, consents or takes any steps to perform any act which results in or could have resulted in or promotes or could have promoted the commission of any of the acts or the bringing about of any of the results contemplated in paragraphs *(a)* to *(h)*, inclusive;

(j) conspires with any other person to commit, bring about or perform any of the acts or results contemplated in paragraphs *(a)* to *(h)*, inclusive, or any act contemplated in paragraph *(i)*, or to aid in the commission, bringing about or performance thereof; or

(k) incites, instigates, commands, aids, advises, encourages or procures any other person to commit, bring about or perform such act or result,

shall be guilty of the offence of subversion and liable on conviction—

(i) to imprisonment for a period not exceeding twenty years; or

(ii) if the act with which the accused had been charged and by virtue of which he was convicted resulted in the commission of violence and the court is of the opinion that in performing the said act the accused should have foreseen the commission of such violence as a reasonable possibility, to imprisonment for a period not exceeding twenty-five years.

(3) Any person who with intent to—

(a) endanger the safety, health or interests of the public at any place in the Republic;

(b) destroy, pollute or contaminate any water supply in the Republic which is intended for public use;

(c) interrupt, impede or endanger at any place in the Republic the manufacture, storage, generation, distribution, rendering or supply of fuel, petroleum products, energy, light, power or water, or of sanitary, medical, health, educational, police, fire-fighting, ambulance, postal or telecommunication services or radio or television transmitting, broadcasting or receiving services or any other public service;

(d) endanger, damage, destroy, render useless or unserviceable or put out of action at any place in the Republic any installation for the rendering or supply of any service referred to in paragraph *(c)*, any prohibited place or any public building;

(e) cripple, prejudice or interrupt at any place in the Republic any industry or undertaking or industries or undertakings generally or the production, supply or distribution of commodities or foodstuffs; or

(f) impede or endanger at any place in the Republic the free movement of any traffic on land, at sea or in the air,

in the Republic or elsewhere—

(i) commits any act;

(ii) attempts to commit such act;

(iii) conspires with any other person to commit such act or to bring about the commission thereof or to aid in the commission or the bringing about of the commission thereof; or

(iv) incites, instigates, commands, aids, advises, encourages or procures any other person to commit such act,

shall be guilty of the offence of sabotage and liable on conviction to imprisonment for a period not exceeding twenty years.

(4) Any person who has reason to suspect that any other person intends to commit or has committed any offence referred to in subsection (1), (2) or (3) and any person who is aware of the presence at any place of any other person who is so suspected of intending to commit or having committed such an offence, and who—

(a) harbours or conceals that other person;

(b) directly or indirectly renders any assistance to that other person; or

(c) fails to report or cause to be reported to any member of the police such presence of that other person at any place,

as the case may be, shall be guilty of an offence and liable on conviction to the penalty to which the person whom he so harboured or concealed or to whom he so rendered assistance or whose presence he so failed to report or to cause to be reported would have been liable on conviction of the offence which the last-mentioned person intended to commit or committed, as the case may be.

(5) No person shall be convicted of an offence in terms of subsection (1), (2) or (3) committed at any place outside the Republic, if such person proves that he is not a South African citizen and has not at any time before or after the commencement of this Act been resident in the Republic and that he has not at any time after 27 June 1962 entered or been in the Republic in contravention of any law.

(6) If the evidence in any prosecution for an offence in terms of—

(a) subsection (1) does not prove that offence but does prove an offence in terms of subsection (2), (3) or (4);

(b) subsection (2) does not prove that offence but does prove an offence in terms of subsection (3) or (4),

the accused may be found guilty of the offence so proved.

(7) For the purposes of subsection (1) (ii), and without derogating from the generality of the meaning of the word "act", the undergoing of specific training or the possession of any substance or thing shall be deemed also to constitute the performance of an act.

(8) For the purposes of this section—

"Government of the Republic" includes a provincial administration or any institution or body contemplated in section 84 (1) *(f)* of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961);

"prohibited place" means a prohibited place as defined in section 1 (1) of the Official Secrets Act, 1956 (Act No. 16 of 1956);

"public building" means any building which or part of which is occupied by the State, any institution or body contemplated in section 84 (1) *(f)* of the Republic of South Africa Constitution Act, 1961, or any other body which has been instituted by or under any law and to which local or other governmental functions have been assigned.

Offence in connection with communism.

55. Any person who advocates, advises, defends or encourages the achievement in the Republic of any of the objects of communism or performs any other act of whatever nature calcu-

lated to further the achievement thereof in the Republic, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding ten years.

Offences in connection with unlawful organizations and prohibited publications, and by persons subject to certain restrictions, and penalties therefor.

56. (1) Any person who—

(a) contravenes any provision of section 13 (1) *(a)*;

(b) prints, publishes or disseminates any periodical publication or disseminates any other publication in contravention of a notice under section 5 (1);

(c) without the consent of the Minister, is in possession of any publication published or disseminated by or under the direction or guidance or on behalf of an unlawful organization;

(d) while his name appears on the consolidated list or while any prohibition under this Act by way of a notice addressed and delivered or tendered to him is in force, changes his place of residence or employment and fails forthwith to give notice thereof in person to an officer in charge of a police station;

(e) while his name so appears or while any such prohibition is in force, when called upon by a peace officer as defined in the Criminal Procedure Act, 1977 (Act No. 51 of 1977), to furnish him with his full name and address, fails to do so or furnishes a false or incorrect name and address;

(f) fails to comply with a notice addressed and delivered or tendered to him under section 21;

(g) knowingly permits any premises or any other property whatsoever, situated in the Republic, to be used for the purposes of or in connection with any offence in terms of section 57 (1) or paragraph *(a)* or *(b)* of this subsection;

(h) without the consent of the Minister, is in possession of any periodical or other publication which is subject to a prohibition imposed under section 5 (1);

(i) fails to comply with any requirement of a notice in terms of section 18 (1);

(j) in contravention of a notice delivered or tendered to him in terms of section 20 *(a)* or *(b)* attends any gathering;

(k) subject to the provisions of section 24, contravenes or fails to comply with any notice delivered or tendered to him in terms of section 19 (1);

(l) subject to the provisions of section 24, contravenes or fails to comply with any notice delivered or tendered to him in terms of section 19 (2) (i);

(m) subject to the provisions of section 24, contravenes or fails to comply with any notice delivered or tendered to him in terms of section 19 (2) (ii);

(n) in contravention of a notice delivered or tendered to him in terms of section 20 *(c)* attends any gathering;

(o) in contravention of a notice under section 22 is or becomes an office-bearer or officer or a member of, or makes or receives any contribution of any kind for the direct or indirect benefit of, or participates in any manner in any activity of, any organization;

(p) without the consent of the Minister or except for the purposes of any proceedings in a court of law, records or reproduces by mechanical or other means or prints, publishes or disseminates any speech, utterance, writing or statement or any extract from or recording or reproduction of any speech, utterance, writing or statement made or produced or purporting to have been made or produced anywhere at any time by any person—

(i) who has been prohibited under section 20 from attending any gathering;

(ii) in respect of whom the provisions of this paragraph apply by virtue of a notice issued under section 23 (1); or

(iii) whose name appears on the consolidated list;

(q) while being incapable in terms of section 33 (2) of being elected a member of the House of Assembly or of a provincial council, accepts nomination for election as such a member;

(r) refuses or fails to answer to the best of his knowledge any question which an authorized officer or a liquidator has put to him in the exercise of his powers in terms of this Act;

(s) refuses or fails to comply to the best of his ability with any requirement or direction of an authorized officer or a liquidator in terms of this Act;

(t) hinders an authorized officer or a liquidator in the performance of his functions in terms of this Act or, without the consent of the liquidator of an unlawful organization, destroys, alters or removes any property or document held by that organization or held by any person for the benefit of that organization; or

(u) contravenes the provisions of section 6 (4),

shall, subject to the provisions of subsections (2) and (3), be guilty of an offence and liable on conviction—

(i) in the case of an offence referred to in paragraph *(a)*, *(b)*, *(d)*, *(e)* or *(f)*, to imprisonment for a period not exceeding ten years;

(ii) in the case of an offence referred to in paragraph *(c)*, *(g)*, *(h)*, *(i)*, *(j)*, *(k)*, *(o)*, *(p)* or *(q)*, to imprisonment for a period not exceeding three years;

(iii) in the case of an offence referred to in paragraph *(l)*, *(m)* or *(n)*, to imprisonment for a period not exceeding one year and on a second or subsequent conviction to imprisonment for a period not exceeding two years;

(iv) in the case of an offence referred to in paragraph *(r)*, *(s)*, *(t)* or *(u)*, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

(2) No person shall be convicted of an offence referred to in subsection (1) *(c)* or *(h)* if he satisfies the court that as soon as practicable after having become aware of being in possession of a publication referred to in that subsection, he took reasonable steps to report the fact of his being so in possession of such publication to a police officer, or to deliver the publication in question to a police officer.

(3) No person shall be convicted of an offence referred to in paragraph *(p)* of subsection (1) by virtue of the provisions of subparagraph (i) or (ii) of the said paragraph unless the name of the person in connection with whose speech, utterance, writing or statement the offence is alleged to have been committed, appeared at the time of the alleged offence on a list referred to in section 27 (3) or, in a case where the name of the said person has not yet been entered in such list, unless particulars of the relevant prohibition or of the relevant declaration had at that time been published in the *Gazette* in accordance with the provisions of section 27 (2) or by way of a notice contemplated in section 23 (1), as the case may be.

(4) The provisions of subsection (1) *(p)* shall not prohibit any university established or incorporated by an Act of Parliament, or any other institution designated by the Minister from time to time by notice in the *Gazette,* from keeping, subject to the provisions of regulations made under subsection (5), any publication containing or consisting of any speech, utterance, writing or statement referred to in subsection (1) *(p),* or any extract from

or reproduction of any such speech, utterance, writing or statement, in a library under its control for the purposes of *bona fide* study or research in that library by members of the staff of such institution or of the teaching staff of a university referred to in this subsection, or by persons registered as post-graduate students at such university.

(5) The Minister may make regulations relating to the place in a library referred to in subsection (4) where and the manner in which publications referred to in the said subsection shall be kept, the control to be exercised over such publications and the supervision to be exercised over the use thereof for the purposes referred to in subsection (4).

Offences in connection with certain gatherings, and penalties therefor.

57. (1) Any person who after the prohibition under section 46 (1) (i) or (3) of a gathering—

(a) convenes it or encourages, promotes or by means of threats causes the attendance thereof, or presides thereat or addresses it;

(b) prints, publishes, distributes or in any manner circulates a notice convening it, or advertises it or in any other manner makes it known; or

(c) attends it,

shall be guilty of an offence unless, if the prohibition has not been published in the *Gazette,* he satisfies the court that he had no knowledge of the prohibition, and liable on conviction—

(i) in the case of an offence referred to in paragraph *(a)*, to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years, and on a second or subsequent conviction to a fine not exceeding three thousand rand or to imprisonment for a period not exceeding three years;

(ii) in the case of an offence referred to in paragraph *(b)* or *(c)*, to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months.

(2) Any person who—

(a) holds any gathering in a manner contrary to any condition contained in a direction issued under section 46 (1) (ii);

(b) attends any gathering so held in contravention of any such condition; or

(c) attends any gathering to which such direction relates, where such attendance constitutes a contravention of any such condition,

shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years.

(3) For the purposes of subsection (1) a person shall be deemed to have convened a gathering—

(a) if he has caused a written notice to be published or distributed, inviting the public or any section of the public to assemble at a specified time and place;

(b) if he has himself or through another person orally invited the public or any section of the public so to assemble; or

(c) if he has taken an active part in making arrangements for the publication or distribution of such notice, or in organizing or making preparations for such gathering.

(4) Any person who, without the permission of the police on duty, enters or remains in any place or area closed or made inaccessible under section 47, while it is closed or inaccessible, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred and fifty rand or to imprisonment for a period not exceeding three months.

(5) Any person who refuses or fails forthwith to obey an order given under section 48 (1) by a police officer referred to in that

section shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year.

Increased penalties for offences committed in certain circumstances.

58. Whenever any person is convicted of an offence which is proved to have been committed by way of protest against any law or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law or for the variation or limitation of the application or administration of any law, the court convicting him may, notwithstanding anything to the contrary contained in any law, sentence him to a fine not exceeding three thousand rand or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

Incitement, etc., to commit an offence with certain objects.

59. Any person who—

(a) in any manner whatsoever advises, encourages, incites, commands, aids or procures any other person or persons in general; or

(b) uses any language or does any act or thing calculated to cause any person or persons in general,

to commit an offence by way of protest against any law or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law or for the variation or limitation of the application or administration of any law, shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand rand or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

Prohibition of offer or acceptance of financial or other assistance for organized resistance against laws of Republic.

60. (1) Any person who solicits, accepts or receives from any person or body of persons, whether within or outside the Republic, or who offers or gives to any person or body of persons any money or other article for the purpose of—

(a) assisting any campaign (conducted by means of any unlawful act or omission or the threat of such act or omission or by means which include or necessitate such act or omission or such threat) against any law, or against the application or administration of any law; or

(b) enabling or assisting any person to commit any offence by way of protest against any law or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law or for the variation or limitation of the application or administration of any law; or

(c) unlawfully assisting any person who has committed any offence referred to in paragraph *(b)*,

shall be guilty of an offence and liable on conviction to the penalties prescribed in section 59.

(2) The court convicting any person for receiving or accepting any money or other article for any purpose referred to in subsection (1) shall, in addition to any penalty which it may lawfully impose, declare that money or that article forfeit to the State if such money or article is found in the possession or under the control of the person convicted, or declare so much of that money or article as was found in possession or under the control of the said person to be so forfeit.

Recovery of fines imposed in terms of section 58, 59 or 60.

61. (1) Whenever an offender has been sentenced in terms of section 58, 59 or 60 to pay a fine, the court which passed the sentence shall, unless the fine has been paid within forty-eight hours of its having become payable, and unless the court is satisfied that the offender does not possess any movable or immovable property, issue a warrant addressed to the sheriff or messenger of the court authorizing him to levy the amount of that fine as well as the costs and expenses of the said warrant and of the attachment and sale thereunder, by attachment and sale of any

movable property belonging to the offender, regardless of whether the sentence directs that in default of payment of the fine the offender shall undergo imprisonment.

(2) If the proceeds of the sale of the movable property of the offender are insufficient to satisfy the amount of the fine and the cost and expenses aforesaid, the court shall issue a warrant for the levy of the amount unpaid against the immovable property of the offender.

Prohibition of causing, encouragement or fomenting of feelings of hostility between different population groups.

62. Any person who utters words or perfoms any other act with intent to cause, encourage or foment feelings of hostility between different population groups or parts of population groups of the Republic, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Forfeiture of property in respect of which certain offence has been committed.

63. (1) The court convicting any person of an offence referred to in section 56 (1) *(g)* may declare the property in respect of which the offence was committed, or the rights of the convicted person to such property, forfeit to the State: Provided that such a declaration of forfeiture shall not affect any rights which any person other than the convicted person may have to such property, if it is proved that the said other person did not know that the property was being or would be used in contravention of the said section.

(2) Section 35 (4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall *mutatis mutandis* apply in respect of such a forfeiture.

CHAPTER 7

Procedure, Jurisdiction of Courts and Evidence

Authority of attorney-general required for certain prosecutions.

64. No prosecution for an offence referred to in section 54 shall be instituted without the written authority of the attorney-general.

Hearing of certain applications behind closed doors.

65. Any application for a direction referred to in section 153 (1) or (2) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall, if the criminal proceedings in connection with which that application is made is a prosecution for an offence referred to in section 54, be heard behind closed doors.

Privilege arising out of considerations relating to security of State.

66. (1) Notwithstanding anything to the contrary in any law or the common law contained, no person shall be compelled and no person shall be permitted or ordered to give evidence or to furnish any information in any proceedings in any court of law or before any body or institution established by or under any law or before any commission as contemplated in the Commissions Act, 1947 (Act No. 8 of 1947), as to any fact, matter or thing or as to any communication made to or by such person, and no book or document shall be produced in any such proceedings, if an affidavit purporting to have been signed by the Minister responsible in respect of such fact, matter, thing, communication, book or document, or, in the case of a provincial administration, the Administrator concerned, is produced to the court of law, body, institution or commission concerned, to the effect that the said Minister or Administrator, as the case may be, has personally considered the said fact, matter, thing, communication, book or document, that, in his opinion, it affects the security of the State and that disclosure thereof will, in his opinion, prejudicially affect the security of the State.

(2) The provisions of subsection (1) shall not derogate from the provisions of any law or of the common law which do not compel or permit any person to give evidence or to furnish any information in any proceedings in any court of law or before any body or institution established by or under any law or before any commission as contemplated in the Commissions Act, 1947, as to any fact, matter or thing or as to any communication made to

or by such person, or to produce any book or document, in nection with any matter other than a matter affecting the security of the State.

Joint trial of certain accused.

67. Notwithstanding anything to the contrary in any law or the common law contained, whenever two or more persons are in any indictment, summons or charge alleged to have committed—

(a) whether jointly or severally, offences in terms of section 54;

(b) at the same time and place or at the same place and at approximately the same time, offences under this Act; or

(c) at the same time and place or at the same place and at approximately the same time, similar offences by way of protest against any law or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law or for the variation or limitation of the application or administration of any law,

such persons may be tried jointly for such offences on that indictment, summons or charge.

Jurisdiction of courts and venue of trial.

68. (1) Notwithstanding anything to the contrary in any law or the common law contained—

(a) any offence under this Act shall, for the purposes of determining the jurisdiction of a court to try the offence, be deemed to have been committed at the place where it actually was committed and also at any place where the accused happens to be, and any attorney-general in the Republic shall have jurisdiction in respect of such offence committed outside the area of jurisdiction of that attorney-general, as if it had been committed within such area of jurisdiction;

(b) the trial of any person accused of having committed any offence in terms of section 54 may, subject to the provisions of this section, be held at any time and at any place within the area of jurisdiction of the court concerned.

(2) If the Minister of Justice so directs, the trial of any person for an offence in terms of section 54 shall take place at such place in the Republic as the said Minister may determine.

(3) Whenever the trial for an offence in terms of section 54 committed outside the Republic takes place in the Republic, whether or not on the instructions of the Minister of Justice, the laws relating to procedure and evidence of the Republic shall apply in respect of such trial.

(4) A magistrate's court which is not the court for a regional division shall, notwithstanding anything to the contrary in any law contained, have jurisdiction to impose any sentence or make any order provided for in sections 58, 59 and 60: Provided that no such magistrate's court shall have jurisdiction to impose a sentence of a fine exceeding three thousand rand or imprisonment for a period exceeding three years.

Presumptions and evidence.

69. (1) If in any prosecution in terms of this Act, or in any civil proceedings arising from the application of any provision of this Act, in which it is alleged that any person is or was a member or an active supporter of any organization, it is proved that he attended any meeting of that organization, or has advocated, advised, defended or encouraged the promotion of any of its purposes, or has distributed or assisted in the distribution of or caused to be distributed any periodical or other publication or document issued by, on behalf of or at the instance of that organization, he shall be presumed, until the contrary is proved, to be or to have been a member or an active supporter, as the case may be, of that organization.

(2) If in any prosecution for an offence in terms of section 56 (1) *(d)* it is proved that the accused has changed his place of residence or employment, he shall be deemed to have failed to give notice thereof as required by the said section, unless the contrary is proved.

(3) If in any prosecution for an offence in terms of section 56 (1) *(k)* it is proved that the accused communicated with a person whose name appears on the consolidated list or in respect of whom any prohibition under this Act is in force, and that the name of that person corresponds substantially to a name which appears on the consolidated list as published in terms of section 16 (6) in the *Gazette*, or in particulars which have been published in the *Gazette* in terms of section 27 (2), it shall be presumed that the accused, when he communicated with that person, knew that the name of that person appeared on the consolidated list or that a prohibition under this Act was in force in respect of that person, as the case may be, unless the contrary is proved.

(4) In any prosecution for an offence in terms of this Act or in any civil proceedings arising from the application of the provisions of this Act, any document, book, record, pamphlet or other publication or written instrument—

(a) which has been found in or removed from the possession, custody or control of the accused or any party to the proceedings or of any person who was at any time before or after the commencement of this Act an office-bearer or officer or a member or an active supporter of an organization of which the accused or the said party is alleged to be or to have been an office-bearer or officer or a member or an active supporter;

(b) which has been found in or removed from any office or other premises occupied or used at any time before or after the commencement of this Act by any organization of which the accused or the said party is alleged to be or to have been an office-bearer or officer or a member or an active supporter, or by any person in his capacity as an office-bearer or officer of such organization; or

(c) which on the face thereof has been compiled, kept, maintained, used, issued or published by or on behalf of any organization of which the accused or the said party is alleged to be or to have been an office-bearer or officer or a member or an active supporter, or by or on behalf of any person having a name corresponding substantially to that of the accused or the said party,

and any reproduction of such document, book, record, pamphlet, other publication or written instrument, shall be admissible in evidence against the accused or the said party to the proceedings, as the case may be, as *prima facie* proof of the contents thereof.

(5) If in any prosecution for an offence in terms of section 54 (1) or (2) it is proved that the accused has committed any act alleged in the charge, and if such act resulted or was likely to have resulted in the achievement of any of the objects specified in section 54 (1) *(a)* to *(d)*, inclusive, it shall be presumed, unless the contrary is proved, that the accused has committed that act with intent to achieve such object.

(6) *(a)* If in any prosecution for an offence in terms of section 54 (1) the act with which the accused is charged, consists thereof, and it is proved, that he unlawfully had in his possession any automatic or semi-automatic rifle, machine gun, sub-machine gun, machine pistol, rocket launcher, recoilless gun or mortar, or any ammunition for or component part of such weaponry, or any grenade, mine, bomb or explosive, it shall be presumed, unless the contrary is proved, that the accused had the said weaponry, ammunition, component part, grenade, mine, bomb or explosive in his possession with intent

to commit therewith or in connection therewith in the Republic, in order to achieve any of the objects specified in section 54 (1) *(a)* to *(d)*, inclusive, any of the acts contemplated in section 54 (1) (i) to (iv), inclusive.

(b) If in any prosecution for an offence in terms of section 54 (1) the act with which the accused is charged consists thereof, and it is proved, that he unlawfully had in his possession any firearm or ammunition other than any firearm or ammunition referred to in paragraph *(a)*, or so unlawfully had in his possession more than one such other firearm, and if in the opinion of the court the nature of that other firearm or firearms or of that ammunition or the circumstances in which the accused so had such other firearm, firearms or ammunition in his possession or the quantity thereof which the accused so had in his possession can justify the inference that the accused so had possession thereof with intent to commit therewith or in connection therewith in the Republic any of the acts contemplated in section 54 (1) (i) to (iv), inclusive, it shall be presumed, unless the contrary is proved, that the accused had the said other firearm, firearms or ammunition in his possession with intent to commit therewith or in connection therewith in the Republic, in order to achieve any of the objects specified in section 54 (1) *(a)* to *(d)*, inclusive, any of the acts contemplated in section 54 (1) (i) to (iv), inclusive.

(7) *(a)* If it is relevant for the purposes of any prosecution for an offence in terms of section 54 (1) or (2), the court shall take notice of the fact that the objects of an unlawful organization specified in Schedule 4 include the achievement, by means of violence or threats of violence, of the object specified in section 54 (1) *(a)*.

(b) The State President may from time to time by proclamation in the *Gazette* remove from or add to Schedule 4 the name of any unlawful organization specified in the proclamation.

(8) If in any prosecution against any person in which it is alleged that the offence charged was committed by way of protest against any law, or in support of any campaign against any law, or in support of any campaign for the repeal or modification of any law or for the variation or limitation of the application or administration of any law, it is proved that the offence was committed in the company of two or more other persons who have been or are being charged with having committed similar offences at the place where the offence which forms the subject of the prosecution was committed, and at the same time or approximately the same time as such offence was committed, it shall be presumed, unless the contrary is proved, that the offence was committed as alleged.

(9) A certificate purporting to have been signed by the Director, to the effect that a name specified therein appears on the consolidated list, shall, if such name corresponds substantially to that of an accused in any prosecution under this Act or to that of any party to any civil proceedings under or arising from the application of the provisions of this Act, on its mere production in such prosecution or civil proceedings, be *prima facie* proof of the fact that the name of such accused or of such party, as the case may be, appears on the consolidated list.

CHAPTER 8

SUPPLEMENTARY PROVISIONS

Warning by Minister before action against

70. (1) Without derogating from the provisions of section 4 (1), 5 (1), 18 (1), 19 (1) or (2) *(b)*, 20 or 28 (1), the Minister may, before deciding to—

(a) declare any organization to be an unlawful organization in terms of the said section 4 (1); organization, publication or person.

(b) prohibit the printing, publication or dissemination of any periodical or other publication in terms of the said section 5 (1);

(c) impose a particular prohibition upon any person in terms of the said section 18 (1), 19 (1) or (2) *(b)* or 20; or

(d) cause any person to be detained in terms of the said section 28 (1),

as the case may be—

(i) warn such organization to refrain from specified activities;

(ii) warn such publication to refrain from specified actions or the propagation of specified views; or

(iii) warn a person referred to in paragraph *(c)* or *(d)* to refrain from engaging in specified activities or from any specified action,

as the case may be.

(2) Any warning referred to in subsection (1) shall be administered to the organization, publication or person concerned either by means of a written notice signed by the Minister and addressed to the organization, publication or person concerned and served upon an office-bearer of the organization, the proprietor or publisher of the publication or the person concerned, as the case may be, or, on the instructions of the Minister, by the Director or a magistrate.

71. (1) Any postal article containing or suspected to contain any money or other article intended for any of the purposes referred to in section 60 (1) may be detained by the Postmaster-General and forwarded to the Commissioner for disposal as hereinafter provided. Seizure of money or other articles transmitted through post for certain purposes.

(2) The Commissioner may open for examination any postal article received by him in pursuance of the provisions of subsection (1).

(3) If a postal article opened in terms of subsection (2) contains any money or other article which the Commissioner has reason to believe is intended for any of the purposes referred to in section 60 (1), he shall forward it to the Minister for disposal as hereinafter provided.

(4) The Minister may, if he has reason to believe that the money or other article contained in a postal article forwarded to him in terms of subsection (3) is intended for any of the purposes referred to in section 60 (1), cause that money or other article to be seized and shall cause the sender thereof, if his name and address are known, and the person to whom the postal article is addressed, to be informed forthwith of the seizure and of the reasons therefor.

(5) Any money or other article seized in terms of subsection (4) shall be forfeited to the State unless the sender or the person to whom it was addressed, within ninety days of the seizure satisfies the Minister that the said money or other article was not intended for any of the purposes referred to in section 60 (1).

(6) Any postal article detained under subsection (1) and not dealt with as provided in subsection (3), (4) or (5), shall be forwarded without delay to the person to whom it is addressed.

(7) For the purposes of this section "postal article" means a postal article as defined in section 1 of the Post Office Act, 1958 (Act No. 44 of 1958).

72. Whenever— Reports to Parliament.

(a) any action has been taken under section 4 (1) or (2), 5 (1), 18 (1), 19 (1) or (2), 20 or 28 (1);

(b) any gathering has been prohibited under the provisions of section 46 (1) (i) or (3) or a direction in connection

with the holding of any gathering has been issued under the provisions of section 46 (1) (ii); or

(c) a police officer has under the provisions of section 48 (1) ordered the persons attending a gathering to disperse; or

(d) the Minister has rejected any recommendation made to him by an advisory committee or board of review and after the Chief Justice has reviewed the matter, where applicable,

the Minister shall report the circumstances to the House of Assembly within fourteen days after the date of the action, prohibition, direction or order in question if Parliament is then in session or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing ordinary session.

Repeal of laws, and savings.

73. (1) Subject to the provisions of subsections (2) and (3), the laws specified in Schedule 1 are hereby repealed to the extent set out in the third column of that Schedule.

(2) Any regulation, notice, order, prohibition, authority, permission, information or document which has been made, issued, imposed, given, granted or furnished and any other thing which has been done in terms of the provisions of any law repealed by subsection (1) or of any law repealed by a law so repealed, and which could be made, issued, imposed, given, granted, furnished or done in terms of the provisions of this Act, shall be deemed to have been made, issued, imposed, given, granted, furnished or done in terms of the last-mentioned provisions: Provided that the provisions of section 43 shall not apply in relation to any person in respect of whom, on the date immediately preceding the date of commencement of this Act, any restriction or prohibition is in force by virtue of a notice delivered or tendered to him in terms of the provisions of any law so repealed, or any person who, on the date first mentioned in this proviso, is in detention by virtue of such a notice: Provided further that at the expiration of a period of twelve months after the date of commencement of this Act all notices referred to in the immediately preceding proviso shall be deemed to be withdrawn.

(3) Anything which has been done by the State President or the Minister of Justice in terms of the provisions of any law repealed by subsection (1) and which could be done by the Minister of Law and Order in terms of the provisions of this Act, shall be deemed to have been done by the Minister of Law and Order in terms of the last-mentioned provisions.

Short title and commencement.

74. This Act shall be called the Internal Security Act, 1982, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Schedule 1

LAWS REPEALED

No. and year of law	Short title	Extent of repeal
Act No. 44 of 1950	Internal Security Act, 1950	The whole, except section 17*bis*
Act No. 50 of 1951	Suppression of Communism Amendment Act, 1951	The whole
Act No. 8 of 1953	Criminal Law Amendment Act, 1953	The whole
Act No. 15 of 1954	Riotous Assemblies and Suppression of Communism Amendment Act, 1954	So much as is unrepealed
Act No. 17 of 1956	Riotous Assemblies Act, 1956	Sections 1 to 9, inclusive, and sections 19 and 20
Act No. 34 of 1960	Unlawful Organizations Act, 1960	The whole
Act No. 39 of 1961	General Law Amendment Act, 1961	Sections 6 and 7
Act No. 76 of 1962	General Law Amendment Act, 1962	Sections 1 to 15, inclusive, and sections 19, 20 and 21
Act No. 37 of 1963	General Law Amendment Act, 1963	Sections 3, 4, 5, 6, 7, 14, 15, 16 and 17
Act No. 80 of 1964	General Law Amendment Act, 1964	Sections 14, 15 and 46
Act No. 97 of 1965	Suppression of Communism Amendment Act, 1965	The whole
Act No. 8 of 1966	Suppression of Communism Amendment Act, 1966	The whole
Act No. 62 of 1966	General Law Amendment Act, 1966	Sections 3, 4, 5, 6 and 22
Act No. 24 of 1967	Suppression of Communism Amendment Act, 1967	The whole
Act No. 83 of 1967	Terrorism Act, 1967	The whole, except section 7
Act No. 102 of 1967	General Law Amendment Act, 1967	Section 6
Act No. 70 of 1968	General Law Amendment Act, 1968	Section 36
Act No. 34 of 1969	Abolition of Juries Act, 1969	Section 34
Act No. 101 of 1969	General Law Amendment Act, 1969	Section 29
Act No. 92 of 1970	General Law Further Amendment Act, 1970	Section 15
Act No. 2 of 1972	Suppression of Communism Amendment Act, 1972	The whole
Act No. 102 of 1972	General Law Amendment Act, 1972	Section 25
Act No. 30 of 1974	Riotous Assemblies Amendment Act, 1974	Sections 1 to 8, inclusive, and section 11
Act No. 94 of 1974	Second General Law Amendment Act, 1974	Section 1
Act No. 57 of 1975	General Law Amendment Act, 1975	Section 13
Act No. 79 of 1976	Internal Security Amendment Act, 1976	The whole, except sections 10, 13 and 14
Act No. 91 of 1977	Lower Courts Amendment Act, 1977	Sections 14, 15 and 16
Act No. 79 of 1978	Criminal Procedure Matters Amendment Act, 1978	Section 1

Schedule 2

OFFENCES A CONVICTION OF WHICH MAY, IF CERTAIN ADDITIONAL CIRCUMSTANCES ARE PRESENT, RENDER A PERSON SUBJECT TO ACTION AGAINST HIM IN TERMS OF SECTION 18 (1) *(b)*, 19 (1) *(b)*, 20 *(b)* OR 28 (1) *(c)*

Sedition.

Any other common law offence, the circumstances pertaining to the commission of which in the opinion of the Minister relate to or are connected with activities which endangered or could have endangered the security of the State or the maintenance of law and order.

Any offence referred to in section 54, 55 or 56 of this Act.

Any offence referred to in section 11 *(a)*, *(b)*, *(b)bis*, *(b)ter*, *(c)*, *(d)*, *(d)bis* or *(d)ter* of the Internal Security Act, 1950 (Act No. 44 of 1950), or that Act as applied by any other law.

Any offence referred to in section 21 of the General Law Amendment Act, 1962 (Act No. 76 of 1962).

Any offence referred to in section 2 or 3 of the Terrorism Act, 1967 (Act No. 83 of 1967).

Any conspiracy, incitement or attempt to commit any of the above-mentioned offences.

Treason.

Schedule 3

OFFENCES IN RESPECT OF WHICH THE ATTORNEY-GENERAL MAY UNDER SECTION 30 ORDER THAT THE ACCUSED SHALL NOT BE RELEASED ON BAIL OR ON WARNING OR UNDER SECTION 31 ISSUE A WARRANT FOR THE ARREST AND DETENTION OF A WITNESS

Sedition.

Contravention of the provisions of section 13 (1) *(a)* (iv) of this Act.

Any offence referred to in section 54 or 55 of this Act.

Any conspiracy, incitement or attempt to commit any of the above-mentioned offences.

Treason.

Schedule 4

UNLAWFUL ORGANIZATIONS IN RESPECT OF WHICH THE PROVISIONS OF SECTION 69 (7) ARE APPLICABLE

1. The African National Congress, also known as the ANC, including Umkhonto we Sizwe.
2. The Pan African Congress, also known as the PAC or Poqo.
3. The South African Communist Party, also known as the Communist Party of South Africa or SACP.