

24.1.7

UNIE VAN SUID-AFRIKA.

Wetsontwerp op Onwettige Organisasies.

(Vir die tweede maal gelees te word op Woensdag, 10 Mei 1950.)

WETSONTWERP

OM

Sekere bedrywighede wat skadelik is vir die belange van die Unie, te verbied, en om voorsiening te maak om organisasies wat sulke bedrywighede bevorder, onwettig te verklaar en om sekere periodieke of ander publikasies te verbied, en vir daarmee in verband staande sake.

(Ingedien deur die MINISTER VAN JUSTISIE.)

[VW. 48—'50.]

UNION OF SOUTH AFRICA.

Unlawful Organizations Bill.

(To be read a Second Time on Wednesday, 10th May, 1950.)

BILL

TO

Prohibit certain activities detrimental to the interests of the Union, and to make provision for declaring organizations promoting such activities to be unlawful, and for prohibiting certain periodical or other publications, and for matters incidental thereto.

(Introduced by the MINISTER OF JUSTICE.)

[A.B. 48—'50.]

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WETSONTWERP

Om sekere bedrywighede wat skadelik is vir die belange van die Unie, te verbied, en om voorsiening te maak om organisasies wat sulke bedrywighede bevorder, onwettig te verklaar en om sekere periodieke of ander publikasies te verbied, en vir daarmee in verband staande sake.

(Ingedien deur die MINISTER VAN JUSTISIE.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

- Woordbepaling. 1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- (i) „ampsdraer”, met betrekking tot ’n organisasie, ’n lid van die beheerende of uitvoerende liggaam van—
 - (a) die organisasie; of
 - (b) ’n tak, afdeling of komitee van die organisasie; of
 - (c) ’n plaaslike, streek- of hulpliggaam wat deel van die organisasie uitmaak; (vi) 5
 - (ii) „beampte”, met betrekking tot ’n organisasie, iemand wat vir die organisasie werk of vir ’n tak, afdeling of komitee, of vir ’n plaaslike, streek- of hulpliggaam wat deel van die organisasie uitmaak; (vii) 15
 - (iii) „beredderaar” iemand wat kragtens paragraaf (b) van sub-artikel (1) van artikel drie as sulks aangewys is, en ook enige persoon wat ingevolge sy skriftelike magtiging optree; (iv) 15
 - (iv) „byeenkoms” enige byeenkoms, toeloop of optog in, 20 deur of langs enige plek van enige aantal persone wat ’n gemeenskaplike doel voor oë het, hetsy so ’n doel wettig of onwettig is; (iii)
 - (v) „dokument” ook ’n boek, pamflet, aantekening, lys, plakkaat, aanplakbiljet, tekening, portret of prent; (ii) 25
 - (vi) „gemagtigde beampte” iemand wat kragtens sub-artikel (1) van artikel sewe as sulks aangewys is, en ook enige persoon wat ingevolge sy skriftelike magtiging optree; (i)
 - (vii) „Minister” die Minister van Justisie; (v) 30
 - (viii) „onwettige organisasie” ’n organisasie wat luidens ’n proklamasie kragtens artikel twee ’n onwettige organisasie is, en ook enige tak, afdeling of komitee van so ’n organisasie en enige plaaslike, streek- of hulpliggaam wat deel van so ’n organisasie uitmaak; 35 (xii)
 - (ix) „organisasie” enige vereniging van persone met of sonder regspersoonlikheid, en onverskillig of hy al dan nie ooreenkomstig ’n wet gestig of geregistreer is; (viii) 40
 - (x) „periodieke publikasie” ’n publikasie wat by tussenpose verskyn; (ix)
 - (xi) „publikasie” ’n koerant, tydskrif, pamflet, boek, strooi- of aanplakbiljet; (x) en
 - (xii) „Unie” ook die gebied Suidwes-Afrika. (xi) 45
- Onwettige organisasies. 2. Indien die Goewerneur-generaal oortuig is—
- (1) dat ’n organisasie deur sy naam of andersins betuig, of op of na die vyfde dag van Mei 1950 en voor die inwerkingtreding van hierdie Wet, betuig het, dat hy ’n organisasie is vir die propagering van die beginsels 50 of die bevordering van die verspreiding van kommunisme; of
 - (2) dat dit die doel of een van die doeleindes van ’n organisasie is—
 - (a) om die beginsels van kommunisme te propageer 55 of die verspreiding daarvan te bevorder; of
 - (b) om die vestiging te bevorder van ’n regeringstelsel waaronder slegs een politieke organisasie erken word en alle ander politieke organisasies onderdruk of uitgeskakel word; of 60
 - (c) om ’n politieke, industriële, sosiale of ekonomiese verandering binne die Unie teweeg te bring deur die bevordering van onluste of wanorde, deur

BILL

To prohibit certain activities detrimental to the interests of the Union, and to make provision for declaring organizations promoting such activities to be unlawful, and for prohibiting certain periodical or other publications, and for matters incidental thereto.

(Introduced by the MINISTER OF JUSTICE.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates—
- Definitions.
- 5 (i) "authorized officer" means a person designated as such under sub-section (1) of section *seven*, and includes any person acting under his written authority; (vi)
- (ii) "document" includes any book, pamphlet, record, list, placard, poster, drawing, photograph or picture; (v)
- 10 (iii) "gathering" means any gathering, concourse, or procession in, through or along any place, of any number of persons having a common purpose, whether such purpose be lawful or unlawful; (iv)
- (iv) "liquidator" means a person designated as such under paragraph (b) of sub-section (1) of section *three*, and includes any person acting under his written authority; (iii)
- 15 (v) "Minister" means the Minister of Justice; (vii)
- (vi) "office-bearer", in relation to any organization, means a member of the governing or executive body of—
- 20 (a) the organization; or
- (b) any branch, section or committee of the organization; or
- (c) any local, regional or subsidiary body forming part of the organization; (i)
- 25 (vii) "officer", in relation to any organization, means any person working for the organization or for any branch, section or committee, or for any local, regional or subsidiary body forming part of the organization; (ii)
- 30 (viii) "organization" means any association of persons, incorporated or unincorporated, and whether or not it has been established or registered in accordance with any statute; (ix)
- 35 (ix) "periodical publication" means any publication appearing at intervals; (x)
- (x) "publication" means any newspaper, magazine, pamphlet, book, hand-bill or poster; (xi)
- 40 (xi) "Union" includes the territory of South-West Africa; (xii) and
- (xii) "unlawful organization" means an organization which is an unlawful organization in terms of a proclamation under section *two*, and includes any branch, section or committee of any such organization and any local, regional or subsidiary body forming part of any such organization. (viii)
- 45
2. If the Governor-General is satisfied—
- Unlawful organizations.
- (1) that any organization professes or has on or after the fifth day of May, 1950, and before the commencement of this Act, professed, by its name or otherwise, to be an organization for propagating the principles or promoting the spread of communism; or
- 50 (2) that the purpose or one of the purposes of any organization is—
- 55 (a) to propagate the principles or promote the spread of communism; or
- (b) to promote the establishment of a system of government under which one political organization only is recognized and all other political organizations are suppressed or eliminated; or
- 60 (c) to bring about any political, industrial, social or economic change within the Union by the promotion of disturbance or disorder, by unlawful

onwettige doen of late of deur bedreiging met sodanige doen of late of deur middels waarby die bevordering van onluste of wanorde, of sodanige doen of late of bedreiging inbegrepe is; of

- (d) om so 'n verandering teweeg te bring ooreenkomstig die voorskrifte of onder leiding van 'n vreemde regering of 'n vreemde instelling wie se doel of een van wie se doeleindes (betuig of andersins) dit is om die vestiging binne die Unie te bevorder van 'n politieke, industriële, sosiale of ekonomiese stelsel wat dieselfde of van dieselfde soort is as 'n stelsel wat in 'n vreemde land in swang is; of
- (e) om die belange van 'n vreemde regering of van so 'n vreemde instelling of van alle persone in 'n bepaalde kategorie, met inbegrip van persone in daardie kategorie buite die Unie wat nie Suid-Afrikaanse burgers is nie, te dien of te bevorder, selfs waar dit skadelik vir die belange van die Unie sou wees; of
- (3) dat 'n organisasie, hoewel hy nie 'n in paragraaf (2) genoemde doel betuig nie, hom besig hou met bedrywighede wat bereken is om die verwesenliking van so 'n doel te bevorder; of
- (4) dat 'n organisasie direk of indirek deur 'n in paragraaf (1), (2) of (3) bedoelde organisasie beheer word, kan hy, sonder kennisgewing aan die betrokke organisasie, daardie organisasie by proklamasie in die *Staatskoerant* tot 'n onwettige organisasie verklaar; en die Goewerneur-generaal kan op dergelike wyse so 'n proklamasie intrek.

Uitwerking van proklamasie' kragtens artikel 2.

3. (1) Vanaf die dag waarop 'n proklamasie kragtens artikel twee afgekondig word—

(a) mag niemand—

- (i) 'n ampsdraer, beampte of lid van die onwettige organisasie word of bly nie of enige handeling as sulks verrig nie; of
- (ii) enigiets hoegenaamd dra of vertoon wat aandui dat hy 'n ampsdraer, beampte of lid van die onwettige organisasie of op enige wyse daaraan verbonde is of was nie; of
- (iii) enigiets by wyse van 'n bydrae of andersins gee of van iemand anders vra om direk of indirek ten voordele van die onwettige organisasie gebruik te word nie; of
- (iv) op enige wyse aan enige bedrywigheid van die onwettige organisasie deelneem nie, of enige bedrywigheid waarmee die organisasie hom op genoemde datum besig gehou of kon gehou het, direk of indirek ten voordele van die onwettige organisasie voortsit nie;
- (b) gaan al die eiendom (met inbegrip van alle regte en dokumente) wat die onwettige organisasie besit, of wat op naam van enige persoon ten voordele van die onwettige organisasie gehou word, oor op die persoon wat die Minister as beredderaar van die onwettige organisasie se bates aanwys; en
- (c) word die registrasie van die onwettige organisasie, as hy in een of ander kantoor geregistreer is, beëindig, en die beampte wat vir die register verantwoordelik is, skrap sy naam uit die register.

(2) Na verloop van 'n tydperk van drie maande vanaf die datum van 'n proklamasie kragtens artikel twee, het geen hof regsbevoegdheid om oor die regsgeldigheid van daardie proklamasie uitspraak te doen nie.

(3) Die beredderaar word aangestel op die voorwaardes, en kan uit die bates van die onwettige organisasie die besoldiging vir sy dienste betaal word, wat die Minister bepaal.

(4) Ondanks andersluidende bepalings in enige geskrif, reël of ooreenkoms wat die verhoudings tussen die onwettige organisasie en sy ampsdraers, beamptes of lede beheers, kan so 'n ampsdraer, beampte of lid sy verhouding met die onwettige organisasie deur bedanking beëindig, met ingang van die datum van die bedanking.

Bevoegdhe en pligte van beredderaar.

4. (1) Die beredderaar neem onverwyld besit van al die eiendom wat kragtens paragraaf (b) van sub-artikel (1) van artikel drie op hom oorgaan, en vergewis hom of die bates voldoende is om die skulde van die onwettige organisasie te vereffen.

acts or omissions or by the threat of such acts or omissions or by means which include the promotion of disturbance or disorder, or such acts, omissions or threat; or

- 5 (d) to bring about any such change in accordance with the directions or under the guidance of or in co-operation with any foreign government or any foreign institution whose purpose or one of whose purposes (professed or otherwise) is to promote the establishment within the Union of any political, industrial, social or economic system indetical with or similar to any system in operation in any foreign country; or
- 10 (e) to serve or to promote, even where it would be to the detriment of the interests of the Union, the interests of any foreign government or of any such foreign institution or of all persons of a particular class, including persons of that class outside the Union who are not South African citizens; or
- 15 (3) that any organization, although it does not profess any purpose referred to in paragraph (2), engages in activities which are calculated to further the achievement of any such purpose; or
- 20 (4) that any organization is controlled, directly or indirectly by an organization referred to in paragraph (1), (2) or (3),

he may without notice to the organization concerned, by proclamation in the *Gazette*, declare that organization to be an
 30 unlawful organization; and the Governor-General may in like manner withdraw any such proclamation.

3. (1) As from the date of publication of a proclamation under section *two*— Effect of proclamation under section 2.

- (a) no person shall—
- 35 (i) become, continue to be or perform any act as an office-bearer, officer or member of the unlawful organization; or
- (ii) carry or display anything whatsoever indicating that he is or was an office-bearer, officer or member of or in any way associated with the
 40 unlawful organization; or
- (iii) contribute or solicit anything as a subscription or otherwise, to be used directly or indirectly for the benefit of the unlawful organization; or
- 45 (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;
- 50 (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 to be designated by the Minister as the liquidator of the assets of the unlawful organization; and
- 55 (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 therefrom.

60 (2) No court shall after the expiration of a period of three months from the date of a proclamation under section *two*, have jurisdiction to pronounce upon the validity of that proclamation.

(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 may determine.

(4) Notwithstanding anything to the contrary contained in any instrument, rule or agreement governing the relations
 70 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.

4. (1) The liquidator shall forthwith take possession of all
 75 the property vested in him under paragraph (b) of sub-section (1) of section *three* and satisfy himself as to the adequacy of the assets to pay the debts of the unlawful organization. Powers and duties of liquidator.

(2) Indien die bates voldoende is om die skulde te vereffen, tref hy na verloop van 'n tydperk van minstens drie maande vanaf die datum van die proklamasie alle maatreëls (met inbegrip van die instelling van 'n regsproses) wat nodig is om hul te gelde te maak en om uit die opbrengs die skulde te vereffen wat na sy oordeel bewys is. 5

(3) Enige oorskot wat daar mag wees nadat die skulde vereffen is, word oorbetaal aan een of meer liefdadigheids- of wetenskaplike organisasies deur die Minister aangewys.

(4) Indien die bates nie voldoende is om die skulde van die onwettige organisasie te vereffen nie, moet die beredderaar die bates te gelde maak en verdeel asof hy, na gelang van die geval, 'n kurator of likwidateur is wat bates van 'n insolvente boedel of maatskappy beredder en verdeel. 10

(5) Die datum van die toepaslike proklamasie kragtens artikel twee word vir die doeleindes van die te geldmaking en verdeling as die datum van sekwestrasie of likwidasie, na gelang van die geval, beskou. 15

(6) Enige aangeleentheid betreffende die te geldmaking en verdeling waarvoor 'n skuldeiser geregtig sou gewees het om 'n stem uit te bring as die boedel van die onwettige organisasie gesekwestreer of gelikwider was, word beslis by meerderheid van stemme wat volgens die aantal en waarde van vorderings wat na oordeel van die beredderaar bewys is, bereken word.

(7) Die rekening van 'n beredderaar wat kragtens sub-artikel (4) bates te gelde maak en verdeel, word deur hom bekendgemaak en deur die Meester bekragtig op die wyse waarop en met dieselfde regsgevolge waarmee 'n rekening deur 'n kurator of likwidateur, na gelang van die geval, in 'n insolvente boedel bekendgemaak en bekragtig word. 25 30

(8) Oor enige eiendom van die onwettige organisasie wat nie ingevolge sub-artikel (1) of (4) te gelde gemaak word nie, word beskik ooreenkomstig die voorskrif van die Minister.

(9) Die Minister kan te eniger tyd by kennisgewing in die *Staatskoerant* en met die wysigings wat hy goedvind, sodanige bepalings van die Maatskappywet, 1926 (Wet No. 46 van 1926), of die Insolvensiewet, 1936 (Wet No. 24 van 1936), wat nie met hierdie Wet onbestaanbaar is nie, as wat in 'n besondere geval nodig mag wees vir die behoorlike verdeling van die bates of die vereffening van die skulde van die onwettige organisasie, met betrekking tot die verdeling van die bates of die vereffening van die skulde van die onwettige organisasie ingevolge hierdie artikel, toepas, en kan so 'n kennisgewing op dergelike wyse wysig of intrek. 35 40

(10) Indien die Minister hom gelas om sulks te doen, stel die beredderaar 'n lys op van persone wat ampsdraers, beamptes, lede of aktiewe ondersteuners is of was van die organisasie wat tot 'n onwettige organisasie verklaar is: Met dien verstande dat iemand se naam nie in so 'n lys of in enige kategorie in so 'n lys genoem, opgeneem word nie, tensy hom 'n redelike geleentheid gegee is om aan te toon dat sy naam nie daarin behoort opgeneem te word nie. 50

(11) Die beredderaar word gemagtig om enige mededeling wat aan die onwettige organisasie of aan 'n ampsdraer of beampte daarvan as sulks geadresseer is, in ontvangs te neem en te behou, en die Posmeester-generaal moet, as die beredderaar hom versoek om dit te doen, alle aldus geadresseerde posstukke aan die beredderaar laat aflewer. 55

(12) Die bepalings van sub-artikels (3) en (4) van artikel sewe is *mutatis mutandis* van toepassing ten opsigte van enige ondersoek deur die beredderaar, wat hy in verband met die verrigting van sy werksaamhede ingevolge sub-artikel (1), (4) of (10) nodig mag ag: Met dien verstande dat paragraaf (d) van sub-artikel (3) van genoemde artikel, by sy toepassing kragtens hierdie sub-artikel, gelees word as verwysende ook na 'n dokument wat, na die mening van die beredderaar, bewys mag lewer insake 'n reg op enige eiendom of die plek waar enige eiendom is of die bestaan of bedrag van 'n skuld. 60 65

Beperkings wat Minister ampsdraers, beamptes, lede en aktiewe ondersteuners van onwettige organisasie kan ople.

5. (1) Die Minister kan by skriftelike kennisgewing enige persoon wie se naam voorkom op 'n lys wat in die bewaring van die in artikel *agt* bedoelde beampte is, of wat aan 'n misdryf ingevolge artikel *elf* skuldig bevind is, aansê—

(a) om so lank hy 'n ampsdraer, beampte of lid is van 'n organisasie in die kennisgewing vermeld, aan die voorwaardes te voldoen wat daarin voorgeskryf mag word; 75

(b) om binne die tydperk in die kennisgewing vermeld, as ampsdraer, beampte of lid van 'n aldus vermeldde organisasie te bedank, om nie weer 'n ampsdraer, beampte of lid van daardie organisasie te word nie en om geen deel aan sy bedrywighede te neem nie; 80

(2) If the assets are adequate to pay the debts, he shall after the expiration of a period of at least three months from the date of the proclamation 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 distributed to one or more charitable or scientific organizations designated by the Minister.

10 (4) If the assets are not adequate 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.

15 (5) For the purpose of such liquidation and distribution, the date of the relevant proclamation under section *two*, shall be regarded as the date of sequestration or winding-up as the case may be.

20 (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.

25 (7) The account of a liquidator liquidating and distributing assets under sub-section (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.

30 (8) Any property of the unlawful organization which is not liquidated under sub-section (1) or (4), shall be disposed of as the Minister may direct.

35 (9) The Minister may at any time by notice in the *Gazette* and subject to such modifications as he may deem fit, apply in relation to the distribution of the assets or the payment of the debts of the unlawful organization under this section, such provisions of the Companies Act, 1926 (Act No. 46 of 1926), or the Insolvency Act, 1936 (Act No. 24 of 1936), as are not inconsistent with this Act, as may be necessary in a particular case for the proper distribution of the assets or the payment of the debts of the unlawful organization, and may in like manner amend or withdraw any such notice.

40 (10) If directed by the Minister to do so, the liquidator shall compile a list of persons who are or have been office-bearers, officers, members or active supporters of the organization which has been declared an unlawful organization: Provided that the name of a person shall not be included in any such list or in any category mentioned in such list, unless he has been afforded a reasonable opportunity of showing that his name should not be included therein.

50 (11) The liquidator shall have authority to receive and retain any communication addressed to the unlawful organization or to any office-bearer or officer thereof as such, 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.

60 (12) The provisions of sub-sections (3) and (4) of section *seven* shall *mutatis mutandis* apply in respect of any investigation by the liquidator, which he may consider necessary in connection with the performance of his functions under sub-section (1), (4) or (10): Provided that in its application under this sub-section, paragraph (d) of sub-section (3) of the said section shall be read as referring also to any document which, in the opinion of the liquidator, may afford evidence in regard to any right in or the whereabouts of any property or the existence or amount of any debt.

70 5. (1) The Minister may by notice in writing require any person whose name appears on any list in the custody of the officer referred to in section *eight*, or who has been convicted of an offence under section *eleven*—

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

75 (b) to resign as an office-bearer, officer or member of an organization specified in the notice, within a period so specified, not again to become an office-bearer, officer or member of that organization and not to take part in its activities;

Restrictions which Minister may impose on office-bearers, officers, members or active supporters of unlawful organizations.

- (c) om nie 'n ampsdraer, beampte of lid van 'n organisasie in die kennisgewing vermeld of van 'n aldus vermelde soort organisasie te word nie, of aan die bedrywighede daarvan deel te neem nie;
- (d) om nie 'n lid van een of ander Huis van die Parlement of 'n provinsiale raad of die Wetgewende Vergadering van die gebied Suidwes-Afrika of 'n in die kennisgewing vermelde openbare liggaam te word of 'n aldus vermelde openbare amp, te beklee nie, of, indien hy so 'n lid is of so 'n amp beklee, as sodanige lid of uit so 'n amp binne 'n aldus vermelde tydperk te bedank en nie weer so 'n lid te word of so 'n amp te beklee nie.

(2) Die Minister kan te eniger tyd op dergelike wyse 'n kragtens sub-artikel (1) uitgereikte kennisgewing intrek of wysig.

(3) Ondanks andersluidende bepalings in enige geskrif, reël of ooreenkoms wat die betrekkinge beheers tussen enige organisasie en 'n ampsdraer, beampte of lid daarvan wat kragtens sub-artikel (1) aangesê is om te bedank, kan so 'n ampsdraer, beampte of lid sy betrekking met die vereniging deur bedanking beëindig, met ingang van die datum van die bedanking.

Die verbied van sekere publikasies.

6. Indien die Goewerneur-generaal oortuig is dat 'n periodieke of ander publikasie—

- (a) deur sy naam of andersins betuig dat hy 'n publikasie is vir die propagering van die beginsels of die bevordering van die verspreiding van kommunisme; of
- (b) uitgegee of versprei word deur, of onder voorskrif of leiding van 'n organisasie wat kragtens artikel twee tot 'n onwettige organisasie verklaar is, of deur, of onder voorskrif of leiding van so 'n organisasie uitgegee of versprei is onmiddellik voor die datum van die toepaslike proklamasie kragtens genoemde artikel; of
- (c) in hoofsaak dien as 'n middel om die sienswyses uit te druk wat deur so 'n organisasie gepropageer word, of onmiddellik voor genoemde datum aldus gedien het; of
- (d) in hoofsaak dien as 'n middel om sienswyses uit te druk of inligting te verstrek, waarvan die publikasie bereken is om die verwesenliking van 'n in sub-artikel (2) van artikel twee genoemde doel te bevorder,

kan hy, sonder kennisgewing aan 'n betrokke persoon, die druk, uitgee of verspreiding van daardie periodieke publikasie of die verspreiding van daardie ander publikasie by proklamasie in die *Staatskoerant* verbied; en die Goewerneur-generaal kan op dergelike wyse so 'n proklamasie intrek.

Ondersoeke betreffende verdagte organisasies of publikasies.

7. (1) Indien die Minister rede het om te vermoed—

- (a) dat die doeleindes, bedrywighede of beheer van 'n organisasie sulks is dat hy kragtens artikel twee tot 'n onwettige organisasie verklaar behoort te word; of
- (b) dat die omstandighede in verband met 'n periodieke of ander publikasie sulks is dat die druk, uitgee of verspreiding daarvan kragtens artikel ses verbied behoort te word,

kan hy skriftelik onder sy handtekening iemand aanwys as 'n gemagtigde beampte om ondersoek in te stel insake die doeleindes of bedrywighede van daardie organisasie, of die wyse waarop hy beheer word, of insake die omstandighede in verband met daardie periodieke of ander publikasie, na gelang van die geval.

(2) Indien die Minister, in 'n in paragraaf (a) van sub-artikel (1) bedoelde geval, hom gelas om dit te doen, stel 'n gemagtigde beampte 'n lys saam van persone wat ampsdraers, beamptes, lede of aktiewe ondersteuners van die betrokke organisasie is of was: Met dien verstande dat iemand se naam nie in so 'n lys of in enige kategorie in so 'n lys genoem, opgeneem word nie, tensy hom 'n redelike geleentheid gegee is om aan te toon dat sy naam nie daarin behoort opgeneem te word nie.

(3) Vir die doeleindes van die verrigting van sy werksaamhede ingevolge sub-artikel (1) of (2), kan 'n gemagtigde beampte—

- (a) te eniger tyd sonder voorafgaande kennisgewing enige perseel hoegenaamd betree en die ondersoek instel en die navraag doen wat hy nodig ag;
- (b) van enige persoon eis dat hy daar en dan of op 'n tyd en plek deur die gemagtigde beampte bepaal, enige dokument of enige eksemplaar van 'n periodieke of ander publikasie voorlê wat op die perseel is;

- (c) not to become an office-bearer, officer or member and not to take any part in the activities of any organization specified in the notice or of any kind of organization so specified;
- 5 (d) not to become a member of either House of Parliament or a provincial council or the Legislative Assembly of the territory of South-West Africa or any public body specified in the notice or to hold 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 not again to become
- 10 such a member or hold such office.

(2) The Minister may at any time in like manner withdraw or vary any notice under sub-section (1).

- 15 (3) Notwithstanding anything contained in any instrument, rule or agreement governing the relations between any organization and any office-bearer, officer or member thereof who has under sub-section (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.
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6. If the Governor-General is satisfied that any periodical or other publication—

- (a) professes, by its name or otherwise, to be a publication for propagating the principles or promoting the spread of communism; or
- 25 (b) is published or disseminated by or under the direction or guidance of an organization which has been declared an unlawful organization under section *two*, or was published or disseminated by or under the direction or guidance of any such organization immediately prior to the date of the relevant proclamation under the said section; or
- 30 (c) serves mainly as a means for expressing views propagated by any such organization, or did so serve immediately prior to the said date; or
- 35 (d) serves mainly as a means for expressing views or conveying information, the publication of which is calculated to futher the achievement of any purpose referred to in paragraph (2) of section *two*,

40 he may, without notice to any person concerned, by proclamation in the *Gazette* prohibit the printing, publication or dissemination of such periodical publication or the dissemination of such other publication; and the Governor-General may in like manner withdraw any such proclamation.

45 7. (1) If the Minister has reason to suspect—

- (a) that the purposes, activities or control of any organization are such that it ought to be declared an unlawful organization under section *two*; or
- 50 (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 *six*,

he may in writing under his hand designate any person as an authorized officer to investigate the purposes or activities of the

55 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 paragraph (a) of sub-section (1), an authorized officer

60 shall compile a list of persons who are or have been office-bearers, officers, members or active supporters of the organization concerned: Provided that the name of a person shall not be included in any such list or in any category mentioned in such list unless he has been afforded a reasonable opportunity

65 of showing that his name should not be included therein.

(3) An authorized officer may, for the purposes of exercising his functions under sub-section (1) or (2)—

- (a) without previous notice at any time enter upon any premises whatsoever and make such investigation and enquiry as he deems necessary;
- 70 (b) require from 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;

Prohibition of certain publications.

Investigation concerning suspected organizations or publications.

- (c) te eniger tyd en te eniger plek van iemand wat die besit of bewaring van of beheer oor 'n dokument of 'n eksemplaar van 'n periodieke of ander publikasie het, eis dat hy dit daar en dan of op 'n tyd en plek deur die gemagtigde beampte bepaal, voorlê; 5
- (d) beslag lê op 'n in paragraaf (b) of (c) bedoelde dokument of eksemplaar wat na sy mening bewys kan lewer betreffende enige in artikel twee of ses bedoelde aangeleentheid, of betreffende die persone wat ampsdraers, beamptes, lede of aktiewe ondersteuners van die betrokke organisasie is of was; 10
- (e) so 'n dokument ondersoek en uittreksels daaruit of afskrifte daarvan maak, en van enige persoon 'n uitleg vorder van enige inskrywings daarin, of van enigiets wat in so 'n periodieke of ander publikasie gepubliseer is; 15
- (f) met betrekking tot 'n in artikel twee of ses bedoelde aangeleentheid of ten einde vas te stel wie ampsdraers, beamptes, lede of aktiewe ondersteuners van die betrokke organisasie is of was, of alleen of in teenwoordigheid van 'n ander persoon, soos hy wenslik ag, enige persoon ondervra wat hy op 'n perseel vind wat hy kragtens hierdie artikel betree, of omtrent wie hy op redelike gronde aanneem dat hy 'n ampsdraer, beampte, lid of aktiewe ondersteuner van die betrokke organisasie is of was of dat hy in besit is van inligting wat hy verlang; 20
- (g) 'n in paragraaf (b), (c), (e) of (f) bedoelde persoon gelas om op 'n tyd en plek deur hom bepaal voor hom te verskyn, en daar en dan daardie persoon ondervra. 25
- (3) Iedere okkupeerder van 'n perseel wat kragtens sub-artikel (3) betree word, moet te alle tye die geriewe verskaf wat die gemagtigde beampte verlang ten einde sy bevoegdhede ingevolge genoemde sub-artikel uit te oefen. 30

Bewaring en verbetering van lyste.

8. (1) Ieder kragtens sub-artikel (10) van artikel vier saamgestelde lys word, en ieder kragtens sub-artikel (2) van artikel sewe saamgestelde lys word, indien die betrokke organisasie kragtens artikel twee tot 'n onwettige organisasie verklaar word, deur 'n beampte wat die Minister van tyd tot tyd mag aanwys in bewaring gehou totdat die desbetreffende proklamasie kragtens artikel twee ingetrek is. 35

(2) Indien enige persoon wie se naam op so 'n lys voorkom, bewys dat sy naam nie daarop behoort voor te kom nie of verkeerdelik by een of ander in die lys genoemde kategorie opgeneem is, moet genoemde beampte sy naam skrap of die lys dienooreenkomstig verbeter. 40

Die verbied van sekere byeenkomste.

9. Wanneer daar volgens oordeel van die Minister rede is om te vermoed dat die verwesening van 'n in paragraaf (2) van artikel twee bedoelde doel bevorder sou word—

(a) deur die samekoms van 'n bepaalde byeenkoms in enige plek; of 50

(b) indien 'n bepaalde persoon 'n byeenkoms in enige plek sou bywoon,

dan kan die Minister daardie byeenkoms in enige plek binne die Unie op die in sub-artikel (1) van artikel een van die „Oproerige Byeenkomste en Krimineel Recht Wijzigingswet, 1914” (Wet No. 27 van 1914), bepaalde wyse, verbied, of kan hy by wyse van 'n deur hom ondertekende kennisgewing aan bedoelde persoon gerig en oorhandig of aangebied, hom verbied om enige byeenkoms in enige plek binne 'n gebied en gedurende 'n tydperk in die kennisgewing vermeld, by te woon. 55

Sekere persone kan verbied word om binne omskrewre gebiede te wees.

10. (1) Wanneer die Minister oortuig is dat iemand die verwesening van 'n in paragraaf (2) van artikel twee bedoelde doel of enige doen of late wat bereken is die verwesening van so 'n doel te bevorder, in een of ander gebied bepleit, aanraai, verdedig of aanmoedig, of waarskynlik die verwesening van so 'n doel of so 'n doen of late in een of ander gebied sal bepleit, aanraai, verdedig of aanmoedig, kan hy by wyse van 'n deur hom ondertekende kennisgewing aan bedoelde persoon gerig en aan hom oorhandig of aangebied, hom verbied om na die verloop van 'n in die kennisgewing vermelde tydperk van minstens sewe dae na die datum van so 'n oorhandiging of aanbod en gedurende 'n aldus vermelde tydperk in 'n in die kennisgewing omskrewre gebied te wees: Met dien verstande dat die Minister so 'n kennisgewing te eniger tyd kan intrek of wysig of aan bedoelde persoon skriftelike vergunning kan verleen om tydelik 'n plek te besoek waar hy volgens bedoelde kennisgewing nie mag wees nie. 60

- (c) at any time and at any place require from any person who has the 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 *two* or *six* or in regard to the persons who are or have been office-bearers, officers, members or active supporters of the organization concerned;
- (e) examine and make extracts from and copies of any such document, and require from any person an explanation of any entries 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 thinks fit, with respect to any matter referred to in section *two* or *six* or in order to ascertain which persons are or have been office-bearers, officers, members or active supporters of the organization concerned, any person whom he finds on any premises entered in terms of this section, or whom he has reasonable grounds for believing to be or to have been an office-bearer, officer, member or active supporter of the organization concerned or to be in possession of any information required by him;
- (g) require any person referred to in paragraph (b), (c), (e) or (f) to appear before him at any time and place fixed by him and then and there question that person.
- (4) Every occupier of any premises entered under sub-section (3) shall at all times furnish such facilities as are required by an authorized officer for the purpose of exercising his powers under the said sub-section.

8. (1) Every list compiled under sub-section (10) of section *four* shall, and every list compiled under sub-section (2) of section *seven* shall, if the organization concerned is under section *two* declared to be an unlawful organization, be kept in the custody of an officer designated from time to time by the Minister, until the relevant proclamation under section *two* has been withdrawn.

Custody and correction of lists.

(2) If any person whose name appears on any such list proves that his name should not appear on it or is incorrectly included in any category mentioned in the list, the said officer shall remove his name or correct the list accordingly.

9. Whenever in the opinion of the Minister there is reason to believe that the achievement of any purpose referred to in paragraph (2) of section *two*, would be furthered—

Prohibition of certain gatherings.

- (a) by the assembly of a particular gathering in any place; or
- (b) if a particular person were to attend any gathering in any place,
- the Minister may, in the manner provided in sub-section (1) of section *one* of the Riotous Assemblies and Criminal Law Amendment Act, 1914 (Act No. 27 of 1914), prohibit the assembly of that gathering in any place within the Union, or he may by notice under his hand addressed and delivered or tendered to that particular person, prohibit him from attending any gathering in any place within an area and during a period specified in such notice.

10. (1) Whenever the Minister is satisfied that any person is in any area advocating, advising, defending or encouraging the achievement of any purpose referred to in paragraph (2) of section *two*, or any act or omission which is calculated to further the achievement of any such purpose, or is likely in any area to advocate, advise, defend or encourage the achievement of any such purpose or any such act or omission, he may by notice under his hand, addressed and delivered or tendered to such person, prohibit him, after a period stated in such notice being not less than seven days from the date of such delivery or tender, and during a period likewise stated therein, from being within any area defined in such notice: Provided that the Minister may at any time withdraw or modify any such notice or grant such person permission in writing to visit temporarily any place where he is not permitted to be in terms of such notice.

Certain persons may be prohibited from being within defined areas.

(2) Wanneer iemand wat 'n kennisgewing ingevolge sub-artikel (1) ontvang het, noodsaaklikerwys onkoste moet aangaan om aan die kennisgewing te voldoen, kan die Minister volgens goeëdoelbedoele onkoste of enige deel daarvan uit fondse wat deur die Parlement vir die doel beskikbaar gestel is, laat dek en kan hy voorts volgens goeëdoelbedoele persoon 'n billike onderhoudstoelae gedurende enige tydperk gedurende welke bedoelde kennisgewing op hom van toepassing is, uit sulke fondse laat betaal.

(3) Behoudens die voorbehoudsbepaling by sub-artikel (1) kan iemand wat 'n kennisgewing wat ingevolge sub-artikel (1) aan hom oorhandig of aangebied is, oortree of nie nakom nie, benewens enige straf wat hom opgelê mag word, te eniger tyd na verloop van die in die kennisgewing vermelde tydperk van minstens sewe dae, deur 'n lid van die polisiemag wat behoorlik deur 'n polisiebeampte met offisiersrang skriftelik daartoe gemagtig is, uit die gebied waarin sy aanwesigheid ingevolge so 'n kennisgewing verbied word, verwyder word.

Strafbepalings.

11. Iemand wat—

- (a) 'n handeling verrig wat bereken is om die verwesening van 'n in paragraaf (2) van artikel twee genoemde doel te bevorder;
 - (b) die verwesening van so 'n doel of enige doen of late wat bereken is om so 'n doel te bevorder, bepleit, aanraai, verdedig of aanmoedig;
 - (c) 'n bepaling van paragraaf (a) van sub-artikel (1) van artikel drie oortree;
 - (d) 'n periodieke publikasie in stryd met 'n proklamasie kragtens artikel ses druk, uitgee of versprei of enige ander publikasie aldus versprei;
 - (e) willens en wetens toelaat dat 'n perseel of enige ander eiendom hoegenaamd gebruik word vir die doeleindes van of in verband met 'n misdryf ingevolge paragraaf (a), (b), (c) of (d);
 - (f) versuim om te voldoen aan enige voorskrif van 'n kennisgewing ingevolge artikel vyf;
 - (g) na 'n in artikel nege bedoelde verbod en in stryd daarmee, 'n byeenkoms in enige plek belê, of by 'n byeenkoms wat ingevolge artikel nege verbied is, voorsit of so 'n byeenkoms toespreek;
 - (h) 'n byeenkoms in stryd met 'n kennisgewing wat ingevolge artikel nege aan hom oorhandig of aangebied is, bywoon;
 - (i) behoudens die voorbehoudsbepaling by sub-artikel (1) van artikel tien, 'n kennisgewing wat ingevolge sub-artikel (1) van artikel tien aan hom oorhandig of aangebied is, oortree of in gebreke bly om daaraan te voldoen;
 - (j) weier of versuim om na sy beste wete te antwoord op 'n vraag wat 'n gemagtigde beampte of 'n beredderaar by die uitoefening van sy bevoegdheid ingevolge hierdie Wet aan hom gestel het;
 - (k) weier of versuim om na die beste van sy vermoë te voldoen aan enige eis of lasgewing van 'n gemagtigde beampte of beredderaar ingevolge hierdie Wet;
 - (l) 'n gemagtigde beampte of beredderaar by die verrigting van sy werksaamheid ingevolge hierdie Wet hinder; of
 - (m) die bepaling van sub-artikel (4) van artikel sewe oortree,
- is aan 'n misdryf skuldig en strafbaar—
- (i) in die geval van 'n in paragraaf (a), (b), (c) of (d) bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar;
 - (ii) in die geval van 'n in paragraaf (e), (f), (g), (h) of (i) bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens drie jaar; en
 - (iii) in die geval van 'n in paragraaf (j), (k), (l) of (m) bedoelde misdryf, met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met beide sodanige boete en gevangenisstraf.

Vermoedens en getuienis.

12. (1) Indien dit by 'n vervolging ingevolge hierdie Wet of by siviele verrigtings wat uit die toepassing van hierdie Wet ontstaan, waarin beweerd word dat enige persoon 'n lid of aktiewe ondersteuner van 'n organisasie is of was, bewys word dat hy 'n vergadering van daardie organisasie bygewoon het, of in die openbaar die bevordering van sy doeleindes bepleit, aangeraai, verdedig of aangemoedig het, of 'n periodieke publikasie of dokument versprei het wat uitgereik is

(2) Whenever any person who has received a notice in terms of sub-section (1) is necessarily put to any expense in order to comply with such notice, the Minister may in his discretion cause such expense, or any part thereof, to be defrayed out of moneys appropriated by Parliament for the purpose and may further in his discretion, cause to be paid out of such moneys to such person a reasonable subsistence allowance during any period whilst such notice applies to him.

(3) Subject to the proviso to sub-section (1) any person who contravenes or fails to comply with any notice delivered or tendered to him in terms of sub-section (1) may at any time after the expiration of the period of not less than seven days stated in such notice, in addition to any penalty that may be imposed upon him, be removed by any member of the police force duly authorized thereto in writing by any commissioned police officer from any area wherein he is prohibited to be in terms of such notice.

11. Any person who—

Penalties.

- (a) performs any act which is calculated to further the achievement of any purpose referred to in paragraph (2) of section *two*;
- (b) advocates, advises, defends or encourages the achievement of any such purpose, or any act or omission which is calculated to further the achievement of any such purpose;
- (c) contravenes any provision of paragraph (a) of sub-section (1) of section *three*;
- (d) prints, publishes or disseminates any periodical publication or disseminates any other publication in contravention of a proclamation under section *six*;
- (e) knowingly allows any premises or any other property whatsoever to be used for the purposes of or in connection with any offence under paragraph (a), (b), (c) or (d);
- (f) fails to comply with any requirement of a notice under section *five*;
- (g) after a prohibition referred to in section *nine* and in contravention thereof, convenes a gathering in any place, or presides at or addresses a gathering the assembly whereof in any place has been prohibited under section *nine*;
- (h) in contravention of a notice delivered or tendered to him in terms of section *nine* attends any gathering;
- (i) subject to the proviso to sub-section (1) of section *ten*, contravenes or fails to comply with any notice delivered or tendered to him in terms of sub-section (1) of section *ten*;
- (j) 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 functions under this Act;
- (k) refuses or fails to comply to the best of his power with any requirement made by an authorized officer or liquidator under this Act;
- (l) hinders an authorized officer or a liquidator in the performance of his functions under this Act; or
- (m) contravenes the provisions of sub-section (4) of section *seven*,

shall be guilty of an offence, and liable—

- (i) in the case of an offence referred to in paragraph (a), (b), (c) or (d) to imprisonment for a period not exceeding five years;
- (ii) in the case of an offence referred to in paragraph (e), (f), (g), (h) or (i) to imprisonment for a period not exceeding three years; and
- (iii) in the case of an offence referred to in paragraph (j), (k), (l) or (m) to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

12. (1) If in any prosecution under this Act, or in any civil proceedings arising from the application of the provisions of this Act, in which it is alleged that any person is or was a member or active supporter of any organization, it is proved that he attended any meeting of that organization, or has publicly advocated, advised, defended or encouraged the promotion of its purposes, or has distributed any periodical or other publication or document issued by, on behalf or at the

Presumptions and evidence.

deur, ten behoeve of op versoek van daardie organisasie, dan word dit vermoed, totdat die teendeel bewys word, dat hy, na gelang van die geval, 'n lid of aktiewe ondersteuner van daardie organisasie is of was.

(2) Iemand word by 'n vervolging op 'n aanklag van 'n misdryf ingevolge paragraaf (g) van artikel *elf* geag 'n byeenkoms in enige plek te belê het indien hy—

- (a) skriftelike kennisgewing laat publiseer, versprei of uitstuur het waarin die publiek of lede van die publiek uitgenooi word om op 'n vermelde tyd en plek byeen te kom;
- (b) self of deur iemand anders die publiek of lede van die publiek mondeling uitgenooi het om aldus byeen te kom; of
- (c) enige aktiewe deel geneem het aan die reëlings vir die publikasie, verspreiding of uitsending van so 'n kennisgewing, of aan die organisasie of voorbereidings van so 'n byeenkoms.

(3) Niemand word aan 'n misdryf ingevolge paragraaf (g) van artikel *elf* skuldig bevind nie indien hy die hof oortuig dat hy geen kennis van die verbod op die betrokke byeenkoms gehad het nie.

Verbeurdverklaring.

13. (1) Die hof wat iemand aan 'n misdryf ingevolge paragraaf (e) van artikel *elf* skuldig vind, kan die eiendom ten opsigte waarvan die misdryf gepleeg is, of die regte van die skuldige bevindende persoon op daardie eiendom, aan die Staat verbeurd verklaar: Met dien verstande dat die verklaring nie die regte raak wat 'n ander persoon dan die veroordeelde op die eiendom mag hê nie, as dit bewys word dat hy nie geweet het dat dit in stryd met genoemde paragraaf gebruik is of sou word nie.

(2) Sub-artikels (4) en (5) van artikel *driehonderd ses-en-sestig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917” (Wet No. 31 van 1917), is *mutatis mutandis* ten opsigte van so 'n verbeurdverklaring van toepassing.

Uitsetting uit Unie van sekere ongewenste ingesetenes.

14. Iemand wat nie 'n Suid-Afrikaanse burger is nie en wat deur die Goewerneur-generaal, of in die geval van 'n ingesetene van die Gebied Suidwes-Afrika, deur die Administrateur van genoemde gebied, beskou word as 'n ongewenste ingesetene van die Unie of van genoemde gebied, na gelang van die geval, omdat hy betuig dat hy 'n kommunist is of omdat hy waarskynlik die verwesening van 'n in paragraaf (2) van artikel *twee* genoemde doel sal bevorder, of omdat hy skuldig bevind is aan 'n misdryf ingevolge paragraaf (a), (b), (c), (d), (e), (g), (h) of (i) van artikel *elf*, kan uit die Unie of uit genoemde gebied gesit word, en kan, in afwagting van sy uitsetting, in hegtenis gehou word op die wyse wat voorgeskryf is vir die aanhouding, in afwagting van uitsetting uit die Unie of uit genoemde gebied, van persone wat verbode immigrante is volgens die betekenis van die toepaslike wetsbepalings op die reëling van immigrasie; en daarna word daardie persoon in die sin van bedoelde wetsbepalings, as 'n verbode immigrant aangemerkt.

Verslag aan Huise van die Parlement.

15. So dikwels daar kragtens artikel *twee*, *vyf*, *ses*, *nege*, *tien* of *veertien* opgetree is, doen die Minister binne veertien dae verslag van die omstandighede aan albei Huise van die Parlement, as die Parlement dan in sitting is, en as die Parlement nie dan in sitting is nie, binne veertien dae na die aanvang van sy eersvolgende sitting.

Toepassing van sekere bepalings van Wet 27 van 1914 en Ordonnansie 9 van 1930 (S.W.A.) met betrekking tot kragtens hierdie Wet verbode byeenkomste.

16. Artikels *twee*, *drie*, *vier* en *vyf* van die „Oproerige Bijeenkomsten en Krimineel Recht Wijzigingswet, 1914” (Wet No. 27 van 1914), en artikels *twee*, *drie*, *vier* en *vyf* van die Oproerige Samekomste en Kriminele Wet Wysigingsordonnansie, 1930 (Ordonnansie No. 9 van 1930), van die Gebied Suidwes-Afrika, is *mutatis mutandis* van toepassing met betrekking tot enige byeenkoms wat kragtens artikel *nege* van hierdie Wet in die Unie of in bedoelde gebied onderskeidelik verbied is.

Toepassing in Suidwes-Afrika van hierdie Wet.

17. Hierdie Wet is ook in die Gebied Suidwes-Afrika van toepassing.

Kort titel.

18. Hierdie Wet heet die Wet op Onwettige Organisasies, 1950.

instance of that organization, he shall be presumed, until the contrary is proved, to be or to have been a member or active supporter, as the case may be, of that organization.

(2) A person shall in any prosecution for an offence under paragraph (g) of section *eleven* be deemed to have convened a gathering in any place if he—

- (a) has caused written notice to be published, distributed or despatched, inviting the public, or any members of the public, to assemble at a specified time and place;
- 10 (b) has himself, or through another person, orally invited the public or any members of the public so to assemble; or
- (c) has taken any active part in making arrangements for the publication, distribution or despatch of such a notice, or in organizing or making preparations for such an assembly.
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(3) No person shall be convicted of an offence under paragraph (g) of section *eleven* if he satisfies the court that he had no knowledge of the prohibition of the gathering concerned.

20 13. (1) The court convicting any person of an offence under paragraph (e) of section *eleven*, may declare the property in respect of which the offence was committed, or the rights of the convicted person to such property, to be forfeited to the State: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to such property, if it is proved that he did not know that it was being or would be used in contravention of the said paragraph.

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(2) Sub-sections (4) and (5) of section *three hundred and sixty-six* of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917), shall *mutatis mutandis* apply in respect of any such forfeiture.

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14. Any person who is not a South African citizen and who is deemed by the Governor-General, or in the case of an inhabitant of the Territory of South-West Africa, by the Administrator of the said territory, to be an undesirable inhabitant of the Union or of the said territory, as the case may be, because he professes to be a communist or is likely to further the achievement of any purpose referred to in paragraph (2) of section *two* or has been convicted of any offence under paragraph (a), (b), (c), (d), (e), (g), (h) or (i) of section *eleven*, may be removed from the Union or from the said territory, and pending removal, may be detained in custody in the manner provided for the detention, pending removal from the Union or from the said territory, of persons who are prohibited immigrants within the meaning of the relevant law relating to the regulation of immigration; and thereafter such person shall, for the purposes of such law, be deemed to be a prohibited immigrant.

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Removal from Union of certain undesirable inhabitants.

15. Whenever any action has been taken under section *two* five, six, nine, ten or fourteen, the Minister shall report the circumstances to both Houses of Parliament within fourteen days if Parliament be then in session or, if Parliament be not then in session, within fourteen days after the commencement of its next ensuing session.

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Reports to Houses of Parliament.

16. Sections *two, three, four* and *five* of the Riotous Assemblies and Criminal Law Amendment Act, 1914 (Act No. 27 of 1914) and sections *two, three, four* and *five* of the Riotous Assemblies and Criminal Law Amendment Ordinance, 1930 (Ordinance No. 9 of 1930) of the Territory of South-West Africa shall *mutatis mutandis* apply in relation to any gathering which has under section *nine* of this Act been prohibited respectively in the Union or the said Territory.

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Application of certain provisions of Act 27 of 1914 and Ordinance 9 of 1930 (S.W.A.) in relation to gatherings prohibited under this Act.

17. This Act shall apply also in the Territory of South-West Africa.

Application to South-West Africa of this Act.

18. This Act shall be called the Unlawful Organizations Act, 1950.

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Short title.

RR 69/50

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