

REPUBLIEK VAN SUID-AFRIKA.

Wetsontwerp op Ongewenste Publikasies.

(Soos vir die eerste maal gelees.)

WETSONTWERP

OM

Die produksie en verspreiding te verbied van publikasies en voorwerpe wat ongewens is, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan; en om die „Police Offences Ordinance, 1902” (Oranje-Vrystaat), die „Criminal Law Amendment Act, 1909” (Transvaal), die Doeanewet, 1955, en die Poswet, 1958, te wysig.

(Ingedien deur die MINISTER VAN BINNELANDSE SAKE.)

[VW. 5—'62.]

REPUBLIC OF SOUTH AFRICA.

Undesirable Publications Bill.

(As read a First Time.)

BILL

TO

Prohibit the production and dissemination of publications and objects that are undesirable, and to provide for matters incidental thereto; and to amend the Police Offences Ordinance, 1902 (Orange Free State), the Criminal Law Amendment Act, 1909 (Transvaal), the Customs Act, 1955, and the Post Office Act, 1958.

(Introduced by the MINISTER OF THE INTERIOR.)

[A.B. 5—'62.]

WETSONTWERP

Om die produksie en verspreiding te verbied van publikasies en voorwerpe wat ongewens is, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan; en om die „Police Offences Ordinance, 1902” (Oranje-Vrystaat), die „Criminal Law Amendment Act, 1909” (Transvaal), die Doeanewet, 1955, en die Poswet, 1958, te wysig.

(Ingedien deur die MINISTER VAN BINNELANDSE SAKE.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- (i) „Minister” die Minister van Binnelandse Sake; (ii) 5
 - (ii) „ongewens” ongewens volgens die bedoeling van sub-artikel (2) van artikel twee; (v)
 - (iii) „publikasie of voorwerp” ook enige—
 - (a) koerant, boek, tydskrif, pamflet, aanplakbiljet of 10 ander drukwerk;
 - (b) geskrif;
 - (c) tekening, prent, illustrasie, skildery, houtsnede of soortgelyke voorstelling;
 - (d) afdruk, foto, gravure of litografie; 15
 - (e) figuur, afgietsel, snywerk, standbeeld of model;
 - (f) plaat of ander uitvinding of toestel waarin of waarop klank vir weergawe opgeneem is; (iv)
 - (iv) „raad” die Raad van Sensors in artikel twee van die Vermaaklikheids-Sensuurwet, 1931 (Wet No. 28 van 20 1931), bedoel; (i)
 - (v) „voorgeskryf” by regulasie kragtens hierdie Wet voorgeskryf. (iii)

Produksie en verspreiding van sekere publikasies en voorwerpe verbied.

2. (1) Behoudens die bepalings van sub-artikel (3) van artikel vyf, mag geen persoon enige publikasie of voorwerp wat ongewens is, druk, uitgee, vervaardig, maak, voortbring, versprei, uitstal, vertoon, verkoop of te koop aanbied of te koop hou nie.
- (2) 'n Publikasie of voorwerp word geag ongewens te wees indien dit of enige deel daarvan—
- (a) onbetaamlik of onweloweglik is of vir die openbare 30 sedes aanstootlik of skadelik is;
 - (b) godslasterlik is of vir die godsdienstige oortuigings of gevoelens van enige bevolkingsdeel van die Republiek aanstootlik is;
 - (c) enige bevolkingsdeel van die Republiek belaglik of ver- 35 agtelik maak;
 - (d) vir die betrekkinge tussen enige bevolkingsdele van die Republiek skadelik is;
 - (e) vir die veiligheid van die Staat, die algemene welsyn of die vrede en goeie orde nadelig is; 40
 - (f) met betrekking tot enige geregtelike verrigtinge—
 - (i) enige stof openbaar maak wat onbetaamlik of onweloweglik is of wat vir die openbare sedes aanstootlik of skadelik is, of enige onbetaamlike of onweloweglike mediese, chirurgiese of fisiolo- 45 giese besonderhede openbaar, die openbaarmaking waarvan waarskynlik vir die openbare sedes aanstootlik of skadelik sal wees;
 - (ii) vir die ontbinding of nietigverklaring van 'n huwelik, vir geregtelike skeiding of vir herstel van 50 huweliksregte, enige besonderhede openbaar maak behalwe—
 - (aa) die name, adresse en beroepe van die partye en getuies;
 - (bb) 'n beknopte vermelding van die klagtes, 55 verwere en teenkagtes ter ondersteuning waarvan getuienis gelewer is;
 - (cc) submissies op enige regspunt wat in die loop van die verrigtinge ontstaan, en die beslissing van die hof daaroor; 60
 - (dd) die uitspraak en die bevinding van die hof en enige opmerkings deur die regter tydens uitspraak gemaak;

BILL

To prohibit the production and dissemination of publications and objects that are undesirable, and to provide for matters incidental thereto; and to amend the Police Offences Ordinance, 1902 (Orange Free State), the Criminal Law Amendment Act, 1909 (Transvaal), the Customs Act, 1955, and the Post Office Act, 1958.

(Introduced by the MINISTER OF THE INTERIOR.)

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

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

Definitions.

- 5 (i) "board" means the Board of Censors referred to in section *two* of the Entertainments (Censorship) Act, 1931 (Act No. 28 of 1931); (iv)
- (ii) "Minister" means the Minister of the Interior; (i)
- 10 (iii) "prescribed" means prescribed by regulation under this Act; (v)
- (iv) "publication or object" includes any—
- (a) newspaper, book, periodical, pamphlet, poster or other printed matter;
- (b) writing;
- 15 (c) drawing, picture, illustration, painting, wood-cut or similar representation;
- (d) print, photograph, engraving or lithograph;
- (e) figure, cast, carving, statue or model;
- 20 (f) record or other contrivance or device in which or on which sound has been recorded for reproduction; (iii)
- (v) "undesirable" means undesirable within the meaning of sub-section (2) of section *two*. (ii)

2. (1) Subject to the provisions of sub-section (3) of section *five*, no person shall print, publish, manufacture, make, produce, distribute, display, exhibit, sell or offer or keep for sale any publication or object that is undesirable. Production and dissemination of certain publications and objects prohibited.

(2) A publication or object shall be deemed to be undesirable if it or any part of it—

- 30 (a) is indecent or obscene or is offensive or harmful to the public morals;
- (b) is blasphemous or is offensive to the religious convictions or feelings of any section of the inhabitants of the Republic;
- 35 (c) brings any section of the inhabitants of the Republic into ridicule or contempt;
- (d) is harmful to the relations between any sections of the inhabitants of the Republic;
- 40 (e) is prejudicial to the safety of the State, the general welfare or the peace and good order;
- (f) discloses, with reference to any judicial proceedings—
- (i) any matter which is indecent or obscene or which is offensive or harmful to public morals, or any indecent or obscene medical, surgical or physiological details, the disclosure of which is likely to be offensive or harmful to the public morals;
- 45 (ii) for the dissolution or nullity of a marriage, for judicial separation or for restitution of conjugal rights, any particulars other than—
- (aa) the names, addresses and occupations of the parties and witnesses;
- (bb) a concise statement of the allegations, defences and counter-allegations in support of which evidence has been given;
- 55 (cc) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon;
- 60 (dd) the judgment and the verdict of the court and any observations made by the judge in giving judgment;

Met dien verstande dat die bepalings van hierdie sub-paragraaf nie so uitgelê word dat die openbaarmaking van enigiets strydig met die bepalings van sub-paragraaf (i) toegelaat word nie.

- (3) Die bepalings van hierdie artikel is nie van toepassing 5
nie met betrekking tot—
- (a) die druk van enige pleitstuk, oorskrif van getuienis of ander dokument vir gebruik in verband met enige geregtelike verrigtinge of die meedeling daarvan aan persone wat by die verrigtinge betrokke is; 10
- (b) die druk of publikasie—
- (i) van enige kennisgewing of verslag ooreenkomstig die opdragte van 'n geregshof;
- (ii) van enige stof in 'n afsonderlike boekdeel of deel van enige *bona fide*-reeks hofverslae wat nie deel 15
uitmaak van enige ander publikasie nie en wat uitsluitlik uit verslae van verrigtinge in geregshowe bestaan;
- (iii) van enige stof in 'n publikasie van 'n tegniese, wetenskaplike of professionele aard wat *bona fide* bedoel is vir die bevordering van of gebruik in enige besondere beroep of vertakking van die wetenskap; 20
- (iv) van enige stof in 'n publikasie van *bona fide*-godsdienstige aard. 25
- (4) Enige persoon wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sodanige boete sowel as sodanige gevangenisstraf. 30

Wanneer stof geag word onbetaamlik, onweloweglik of vir openbare sedes aanstootlik of skadelik te wees.

3. (1) Indien die vraag in enige geregshof ontstaan of enige stof onbetaamlik of onweloweglik is of vir die openbare sedes aanstootlik of skadelik is, word daardie stof geag—

- (a) onbetaamlik of onweloweglik te wees indien dit, na die oordeel van die hof, die strekking het om die gedagtes 35
van persone wat waarskynlik aan die uitwerking of invloed daarvan blootgestel sal word, te verderf of te laat ontaard; of
- (b) vir die openbare sedes aanstootlik te wees indien dit, na die oordeel van die hof, waarskynlik skokkend of 40
walglik sal wees vir persone wat dit waarskynlik sal lees of sien; of
- (c) vir die openbare sedes skadelik te wees indien dit, na die oordeel van die hof, op 'n onbetaamlike wyse handel met moord, selfmoord, die dood, grusaamheid, 45
wreedheid, vegtery, rusie, mishandeling, wetteloosheid, rampokkery, roof, misdaad, die tegniek van misdaad en misdadigers, drinkery, dronkenskap, handel in of verslaafdheid aan verdowingsmiddels, smokkelary, geslagsverkeer, prostitusie, promiskuïteit, 50
blanke slavinnehandeling, losbandigheid, wellus, hartstogtelike liefdestonele, homoseksualiteit, seksuele aanranding, verkragting, sodomie, masochisme, sadisme, seksuele bestialiteit, vrugafdrywing, geslagsverandering, naglewe, liggaamlike houdinge, naaktheid, skamel of ontoereikend geklede persone, egskeiding, huweliksontrouheid, owerspel, buite-egtelikheid, menslike of maatskaplike afwyking of ontaarding, of enige ander soortgelyke of verwante verskynsel; of 55
- (d) onbetaamlik of onweloweglik te wees vir die openbare 60
sedes aanstootlik of skadelik te wees indien dit, na die oordeel van die hof, op enige ander wyse die sedes onbehoorlik ondermyn.

(2) Dit is by die toepassing van sub-artikel (1) geen verweer dat die betrokke stof met 'n teenbedoeling gedruk, uitgegee, 65
vervaardig, gemaak, voortgebring, versprei, uitgestal, vertoon, verkoop of te koop aangebied of te koop gehou is nie.

4. 'n Vervolging ten opsigte van 'n misdryf ingevolge artikel twee word nie ingestel nie behalwe op aanbeveling van die raad en op gesag van die Prokureur-generaal. 70

Vervolging word ingestel slegs op aanbeveling van raad en op gesag van Prokureur-generaal.

Bevoegdheid van raad om publikasies en voorwerpe te ondersoek.

5. (1) Die raad is bevoeg—

- (a) om op versoek van enige persoon en by betaling van die voorgeskrewe gelde deur daardie persoon, enige publikasie of voorwerp te ondersoek en om te verklaar of daardie publikasie of voorwerp na die oordeel van 75
die raad ongewens is al dan nie;

Provided that the provisions of this sub-paragraph shall not be construed so as to permit the disclosure of anything contrary to the provisions of sub-paragraph (i).

5 (3) The provisions of this section shall not apply with reference—

- (a) to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings;
- 10 (b) to the printing or publishing—
- (i) of any notice or report in pursuance of the directions of a court of law;
- 15 (ii) of any matter in any separate volume or part of any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law;
- 20 (iii) of any matter in a publication of a technical, scientific or professional nature *bona fide* intended for the advancement of or use in any particular profession or branch of science;
- (iv) of any matter in any publication of a *bona fide* religious character.

25 (4) Any person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

30 3. (1) If the question arises in any court of law whether any matter is indecent or obscene or is offensive or harmful to the public morals, that matter shall be deemed to be—

- (a) indecent or obscene if, in the opinion of the court, it has the tendency to deprave or to corrupt the minds of persons who are likely to be exposed to the effect or influence thereof; or
- 35 (b) offensive to the public morals if, in the opinion of the court, it is likely to be outrageous or disgusting to persons who are likely to read or see it; or
- 40 (c) harmful to the public morals if, in the opinion of the court, it deals in an improper manner with murder, suicide, death, horror, cruelty, fighting, brawling, ill-treatment, lawlessness, gangsterism, robbery, crime, the technique of crimes and criminals, tippling, drunkenness, trafficking in or addiction to drugs, smuggling, sexual intercourse, prostitution, promiscuity, white-slavery, licentiousness, lust, passionate love scenes, homosexuality, sexual assault, rape, sodomy, masochism, sadism, sexual bestiality, abortion, change of sex, night life, physical poses, nudity, scantily or inadequately dressed persons, divorce, marital infidelity, adultery, illegitimacy, human or social deviation or degeneracy, or any other similar or related phenomenon; or
- 50 (d) indecent or obscene or to be offensive or harmful to the public morals if, in the opinion of the court, it is in any other manner improperly subversive of morality.

(2) It shall for purposes of sub-section (1) be no defence that the matter in question was printed, published, manufactured, made, produced, distributed, displayed, exhibited, sold or offered or kept for sale with a contrary intention.

4. No prosecution in respect of an offence under section two shall be instituted except on the recommendation of the board and on the authority of the Attorney-general.

When matter is deemed to be indecent, obscene or offensive or harmful to public morals.

Prosecution to be instituted only on recommendation of board and on authority of Attorney-general.

65 5. (1) The board shall have power—

- (a) at the request of any person and on payment of the prescribed fee by that person, to examine any publication or object and to state whether that publication or object is in the opinion of the board undesirable or not;

Power of board to examine publications and objects,

- (b) om enige publikasie of voorwerp te ondersoek ten einde 'n aanbeveling ooreenkomstig artikel vier te doen.
- (2) Vier lede van die raad maak by die toepassing van sub-artikel (1) 'n kworum uit, en die beslissing van die meerderheid van die lede teenwoordig op 'n vergadering van die raad, is die beslissing van die raad: Met dien verstande dat by 'n staking van stemme die voorsitter van die raad of in sy afwesigheid die voorsittende lid, benewens sy beraadslagende stem, ook 'n beslissende stem het. 5
- (3) Indien die raad ingevolge paragraaf (a) van sub-artikel (1) verklaar dat 'n publikasie of voorwerp na sy oordeel nie ongewens is nie, word geen vervolging kragtens hierdie Wet ingestel ten opsigte van daardie publikasie of voorwerp soos deur die raad ondersoek nie. 10
- Verbeurdverklaring van publikasies en voorwerpe.
6. (1) Die hof wat 'n persoon weens 'n misdryf kragtens hierdie Wet skuldig bevind, kan die publikasie of voorwerp ten opsigte waarvan of in verband waarmee die misdryf gepleeg is, aan die Staat verbeurd verklaar. 15
- (2) Daar word oor 'n publikasie of voorwerp wat kragtens sub-artikel (1) verbeurd verklaar is, beskik soos die Minister gelas. 20
- Regulasies.
7. (1) Die Minister kan regulasies uitvaardig—
- (a) wat die vorm waarin en die wyse waarop 'n publikasie of voorwerp ingevolge paragraaf (a) van sub-artikel (1) van artikel vyf aan die raad voorgelê moet word, voorskryf; 25
- (b) wat die gelde voorskryf wat betaalbaar is ten opsigte van 'n ondersoek wat in paragraaf (a) van sub-artikel (1) van artikel vyf bedoel word;
- (c) betreffende enige ander aangeleentheid wat kragtens hierdie Wet voorgeskryf kan word. 30
- (2) 'n Regulasie kragtens paragraaf (b) van sub-artikel (1) word in oorleg met die Minister van Finansies uitgereik.
- Wysiging van artikel 6 van Ordonnansie 21 van 1902 (Oranje-Vrystaat).
8. Artikel ses van die „Police Offences Ordinance, 1902,” van die Oranje-Vrystaat word hierby gewysig deur in sub-artikel (19) die woorde „or offering for sale or selling or distributing or exhibiting to public view any profane, indecent or obscure book, paper or other publication, or print, picture, photograph or other representation” te skrap. 35
- Wysiging van Wet 38 van 1909 (Transvaal.)
9. Die „Criminal Law Amendment Act, 1909,” van Transvaal word hierby gewysig— 40
- (a) deur in sub-artikel (4) van artikel twee die woorde „, or indecent or obscure matter” te skrap;
- (b) deur sub-artikels (6) en (7) van artikel twee te skrap; en
- (c) deur artikel sewe te herroep. 45
- Wysiging van artikel 21 van Wet 55 van 1955, soos gewysig deur artikel 1 van Wet 65 van 1957.
10. Artikel een-en-twintig van die Doeanewet, 1955, word hierby gewysig—
- (a) deur in paragraaf (f) van sub-artikel (1) die woorde „deur die Minister van Binnelandse Sake uitgereikte permit” deur die woorde „permit uitgereik deur die Raad van Sensors in artikel twee van die Vermaaklikheids-Sensuurwet, 1931 (Wet No. 28 van 1931), bedoel” te vervang; en 50
- (b) deur sub-artikel (3) deur die volgende sub-artikel te vervang: 55
- „(3) (a) Indien die vraag ontstaan of enige goedere onbetaamlik, onweloweglik of op enige grond aanstootlik is, word die vraag vir beslissing verwys na die raad wat in paragraaf (f) van sub-artikel (1) bedoel word. 60
- (b) Indien bedoelde raad beslis dat enige goedere onbetaamlik, onweloweglik of aanstootlik is en sodanige goedere bestaan uit gedrukte, gegraveerde of fotografiese materiaal in 'n publikasie vervat wat na die oordeel van die raad een van 'n reeks is, kan die raad die naam van daardie publikasie by kennisgewing in twee agtereenvolgende uitgawes van die Staatskoerant afkondig, en daarop word elke uitgawe van daardie publikasie by die toepassing van hierdie artikel geag onbetaamlik, onweloweglik of aanstootlik te wees, na gelang van die geval, totdat bedoelde kennisgewing deur die raad ingetrek word. 65 70

(b) for the purposes of making a recommendation under section *four*, to examine any publication or object.

(2) Four members of the board shall, for the purposes of sub-section (1), constitute a quorum, and the decision of the majority of the members present at any meeting of the board shall be the decision of the board: Provided that in the case of an equality of votes, the chairman of the board or in his absence the presiding member, shall have a casting vote in addition to his deliberative vote.

(3) If the board in terms of paragraph (a) of sub-section (1) states that a publication or object is in its opinion not undesirable, no prosecution shall be instituted under this Act in respect of that publication or object as examined by the board.

6. (1) The court convicting any person of an offence under this Act may declare the publication or object in respect of which or in connection with which the offence has been committed, forfeited to the State. Forfeiture of publications and objects.

(2) A publication or object declared forfeited under sub-section (1), shall be disposed of as the Minister may direct.

7. (1) The Minister may make regulations— Regulations.

(a) prescribing the form and the manner in which a publication or object shall be submitted to the board in terms of paragraph (a) of sub-section (1) of section *five*;

(b) prescribing the fees to be paid in respect of an examination referred to in paragraph (a) of sub-section (1) of section *five*;

(c) relating to any other matter which may be prescribed under this Act.

(2) Any regulation under paragraph (b) of sub-section (1) shall be issued in consultation with the Minister of Finance.

8. Section *six* of the Police Offences Ordinance, 1902, of the Orange Free State is hereby amended by the deletion in sub-section (19) of the words "or offering for sale or selling or distributing or exhibiting to public view any profane, indecent or obscene book, paper or other publication, or print, picture, photograph or other representation". Amendment of section 6 of Ordinance 21 of 1902 (Orange Free State).

9. The Criminal Law Amendment Act, 1909, of the Transvaal is hereby amended— Amendment of Act 38 of 1909 (Transvaal).

(a) by the deletion in sub-section (4) of section *two* of the words ", or indecent or obscene matter";

(b) by the deletion of sub-sections (6) and (7) of section *two*; and

(c) by the repeal of section *seven*.

10. Section *twenty-one* of the Customs Act, 1955, is hereby amended— Amendment of section 21 of Act 55 of 1955, as amended by section 1 of Act 65 of 1957.

(a) by the substitution in paragraph (f) of sub-section (1) for the words "Minister of the Interior" of the words "Board of Censors referred to in section *two* of the Entertainments (Censorship) Act, 1931 (Act No. 28 of 1931)"; and

(b) by the substitution for sub-section (3) of the following sub-section:

"(3) (a) If the question arises whether any goods are indecent, obscene or on any ground objectionable, the question shall be referred for decision to the board referred to in paragraph (f) of sub-section (1).

(b) If the said board decides that any goods are indecent, obscene or objectionable, and such goods consist of printed, lithographic or photographic matter contained in a publication which in the opinion of the board is one of a series, the board may by notice in two consecutive issues of the *Gazette* publish the name of that publication, whereupon every issue of that publication shall for the purposes of this section be deemed to be indecent, obscene or objectionable, as the case may be, until the said notice is withdrawn by the board.

- (c) 'n Beslissing van bedoelde raad kragtens paragraaf (a) dat goedere onbetaamlik, onweloweglik of aanstootlik is, is onderhewig aan appèl na die provinsiale afdeling van die Hoogeregshof van Suid-Afrika binne wie se regsgebied die betrokke goedere ingevoer is: Met dien verstande dat so 'n appèl binne een-en-twintig dae vanaf die datum van die beslissing van die raad aangeteken moet word. 5
- (d) 'n Beslissing van die hof in paragraaf (c) bedoel, 10 dat enige van die betrokke goedere onbetaamlik, onweloweglik of aanstootlik is, is aan appèl na die Appèlafdeling van die Hoogeregshof van Suid-Afrika onderhewig."

Wysiging van artikel 137 van Wet 55 van 1955.

11. Artikel *honderd sewe-en-dertig* van die Doeanewet, 1955, 15 word hierby gewysig deur na die woord „kragtens” die woorde „paragraaf (b) van” in te voeg.

Wysiging van artikel 29 van Wet 44 van 1958.

12. Artikel *nege-en-twintig* van die Poswet, 1958, word hierby gewysig deur die volgende voorbehoudsbepaling by sub-artikel (2) te voeg: 20

„Met dien verstande dat waar die betrokke posstuk of die inhoud daarvan na die oordeel van die Posmeester-generaal in stryd met hierdie Wet geos is op grond van die bepalings van paragraaf (b) van artikel *vier-en-twintig*, die Posmeester-generaal ooreenkomstig hierdie sub-artikel met 25 betrekking tot sodanige posstuk of inhoud optree slegs in oorleg met die Raad van Sensors wat in artikel *twee* van die Vermaaklikheids-Sensuurwet, 1931 (Wet No. 28 van 1931), bedoel word.”

Herroeping van Wet 31 van 1892 (Kaap).

13. „The Obscene Publications Act, 1892,” van die Kaap die 30 Goeie Hoop word hierby herroep.

Kort titel en datum van inwerking-treding van Wet.

14. (1) Hierdie Wet heet die Wet op Ongewenste Publikasies, 1962, en tree, behoudens die bepalings van sub-artikel (2), in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 35

(2) Verskillende datums kan ingevolge sub-artikel (1) ten opsigte van die onderskeie bepalings van hierdie Wet bepaal word.

- 5 (c) A decision of the said board under paragraph (a) that goods are indecent, obscene or objectionable, shall be subject to appeal to the provincial division of the Supreme Court of South Africa within whose area of jurisdiction the goods in question were imported: Provided that such an appeal shall be lodged within twenty-one days from the date of the decision of the board.
- 10 (d) A decision of the court referred to in paragraph (c) that any of the goods in question are indecent, obscene or objectionable, shall be subject to appeal to the Appellate Division of the Supreme Court of South Africa.”
- 15 11. Section *one hundred and thirty-seven* of the Customs Act, 1955, is hereby amended by the insertion after the word “under” of the words “paragraph (b) of”. Amendment of section 137 of Act 55 of 1955.
- 20 12. Section *twenty-nine* of the Post Office Act, 1958, is hereby amended by the addition to sub-section (2) of the following proviso: Amendment of section 29 of Act 44 of 1958.
- 25 “Provided that where the postal article in question or the contents thereof have in the opinion of the Postmaster-General been posted in contravention of this Act by virtue of the provisions of paragraph (b) of section *twenty-four*, the Postmaster-General shall with reference to such postal article or contents act in accordance with this sub-section only in consultation with the Board of Censors referred to in section *two* of the Entertainments (Censorship) Act, 1931 (Act No. 28 of 1931).”
- 30 13. The Obscene Publications Act, 1892, of the Cape of Good Hope is hereby repealed. Repeal of Act 31 of 1892 (Cape).
- 35 14. (1) This Act shall be called the Undesirable Publications Act, 1962, and shall, subject to the provisions of sub-section (2), come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and date of commencement of Act.
- (2) Different dates may in terms of sub-section (1) be fixed in respect of the several provisions of this Act.

Collection Number: AD1715

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS (SAIRR), 1892-1974

PUBLISHER:

Collection Funder:- Atlantic Philanthropies Foundation

Publisher:- Historical Papers Research Archive

Location:- Johannesburg

©2013

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document forms part of the archive of the South African Institute of Race Relations (SAIRR), held at the Historical Papers Research Archive at The University of the Witwatersrand, Johannesburg, South Africa.