South Africa

Regulation of Gatherings Act, 1993

Act 205 of 1993

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South Africa

Regulation of Gatherings Act, 1993

Act 205 of 1993

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[Amended by Dangerous Weapons Act, 2013 (Act 15 of 2013) on 2 January 2014]

ACT

To regulate the holding of public gatherings and demonstrations at certain places; and to provide for matters connected therewith.

WHEREAS every person has the right to assemble with other persons and to express his views on any matter freely in public and to enjoy the protection of the State while doing so;

AND WHEREAS the exercise of such right shall take place peacefully and with due regard to the rights of others:

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

1. Definitions

In this Act, unless the context otherwise indicates—

"**authorized member**" means a member of the Police authorized in terms of section 2(2) to represent the Police as contemplated in the said section;

"**branch**", in relation to an organization, includes—

(a) any section or committee of the organization; and

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

[definition of "Commissioner" deleted by section 1 of Act 90 of 1996]

"**convener**" means—

(a) any person who, of his own accord, convenes a gathering; and

(b) in relation to any organization or branch of any organization, any person appointed by such organization or branch in terms of section 2(1);

"**demonstration**" includes any demonstration by one or more persons, but not more than 15 persons, for or against any person, cause, action or failure to take action;

"**gathering**" means any assembly, concourse or procession of more than 15 persons in or on any public road as defined in the Road Traffic Act, 1989 (Act No. 29 of 1989), or any other public place or premises wholly or partly open to the air—

(a) at which the principles, policy, actions or failure to act of any government, political party or political organization, whether or not that party or organization is registered in terms of any applicable law, are discussed, attacked, criticized, promoted or propagated; or

(b) held to form pressure groups, to hand over petitions to any person, or to mobilize or demonstrate support for or opposition to the views, principles, policy, actions or omissions of any person or body of persons or institution, including any government, administration or governmental institution;

"**local authority**" means any local authority body established in terms of any law which applies in an area which forms part of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in areas where only a regional authority body, established in terms of a law, has jurisdiction, that regional authority body;

[definition of "local authority" substituted by section 1 of Act 90 of 1996]

"**magistrate**" means a magistrate appointed in terms of the Magistrates Act, 1993 (Act No. 90 of 1993);

[definition of "magistrate" substituted by section 1 of Act 90 of 1996]

"**marshal**" means any person appointed as such in terms of section 8(1);

"**Minister**" means the Minister for Safety and Security;

[definition of "Minister" substituted by section 1 of Act 90 of 1996]

"**National Commissioner**" means the National Commissioner referred to in section 6(1) of the South African Police Service Act, 1995 (Act No. 68 of 1995), and includes a Provincial Commissioner referred to in section 6(2) of the said Act;

[definition of "National Commissioner" inserted by section 1 of Act 90 of 1996]

"**organization**" means any association, group or body of persons, whether or not such association, group or body has been incorporated, established or registered in accordance with any law;

[definition of "peace committee" deleted by section 1 of Act 90 of 1996]

"**Police**" means the South African Police Service established by section 5(1) of the South African Police Service Act, 1995, and includes any body of persons established or enrolled under any law and exercising or performing the powers, duties and functions of a police service, but does not include any body of traffic officers.

[definition of "Police" substituted by section 1 of Act 90 of 1996]

"**responsible officer**" means a person appointed in terms of section 20(4)(a) as responsible officer or deputy responsible officer, and includes any person deemed in terms of section 2(4) to be a responsible officer;

"**riot damage**" means any loss suffered as a result of any injury to or the death of any person, or any damage to or destruction of any property, caused directly or indirectly by, and immediately before, during or after, the holding of a gathering.

Chapter 1

2. Appointment of conveners, authorized members and responsible officers

(1) (a) An organization or any branch of an organization intending to hold a gathering shall appoint —

(i) a person to be responsible for the arrangements for that gathering and to be present thereat, to give notice in terms of section 3 and to act on its behalf at any consultations or negotiations contemplated in section 4, or in connection with any other procedure contemplated in this Act at which his presence is required; and

(ii) a deputy to a person appointed in terms of subparagraph (i).

(b) Such organization or branch, as the case may be, shall forthwith notify the responsible officer concerned of the names and addresses of the persons so appointed and the responsible officer shall notify the authorized member concerned accordingly.

(c) If a person appointed in terms of paragraph (a) is or becomes unable to perform or to continue to perform his functions in terms of this Act, the organization or branch, as the case may be, shall forthwith appoint another person in his stead, and a person so appointed shall be deemed to have been appointed in terms of paragraph (a): Provided that after the appointment of aperson in terms of this paragraph, no further such appointment shall be made, except with the approval of the responsible officer concerned.

(2) (a) The Commissioner or a person authorized thereto by him shall authorize a suitably qualified and experienced member of the Police, either in general or in a particular case, to represent the Police at consultations or negotiations contemplated in section 4 and to perform such other functions as are conferred or imposed upon an authorized member by this Act, and shall notify all local authorities or any local authority concerned of every such authorization, and of the name, rank and address of any authorized member concerned.

(b) If an authorized member is or becomes unable to perform or to continue to perform his functions in terms of this Act, the Commissioner or a person authorized thereto by him shall forthwith designate another member of the Police to act in his stead, either in general or in a particular case, and the member so designated shall be deemed to have been authorized in terms of paragraph (a) for the purposes contemplated in the said paragraph: Provided that after the designation of a member of the Police in terms of this paragraph, no further such designation shall be made, except with the approval of the responsible officer concerned.

(3) If any consultations, negotiations or proceedings in terms of this Act at which the presence of a convener or an authorized member is required, are to take place and such convener or member is not available, such consultations or negotiations or other proceedings may be conducted in the absence of such convener or member, and the organization or Police, as the case may be, shall be bound by the result of such consultations, negotiations or proceedings as if it or they had agreed thereto.

(4) (a) A local authority within whose area of jurisdiction a gathering is to take place or the management or executive committee of such local authority shall appoint a suitable person, and a deputy to such person, to perform the functions, exercise the powers and discharge the duties of a responsible officer in terms of this Act.

(b) If, for any reason, a local authority has not made an appointment in terms of paragraph (a) when a convener is required to give notice in terms of section 3(2) or when a member of the Police is required to submit information in terms of section 3(5)(a), such notice shall be given or such information shall be submitted to the chief executive officer or, in his absence, his immediate junior, who shall thereupon be deemed to be the responsible officer in regard to the gathering in question for all the purposes of this Act.

3. Notice of gatherings

(1) The convener of a gathering shall give notice in writing signed by him of the intended gathering in accordance with the provisions of this section: Provided that if the convener is not able to reduce a proposed notice to writing the responsible officer shall at his request do it for him.

(2) The convener shall not later than seven days before the date on which the gathering is to be held, give notice of the gathering to the responsible officer concerned: Provided that if it is not reasonably possible for the convener to give such notice earlier than seven days before such date, he shall give such notice at the earliest opportunity: Provided further that if such notice is given less than 48 hours before the commencement of the gathering, the responsible officer may by notice to the convener prohibit the gathering.

(3) The notice referred to in subsection (1) shall contain at least the following information:

(a) The name, address and telephone and facsimile numbers, if any, of the convener and his deputy;

(b) the name of the organization or branch on whose behalf the gathering is convened or, if it is not so convened, a statement that it is convened by the convener;

(c) the purpose of the gathering;

(d) the time, duration and date of the gathering;

(e) the place where the gathering is to be held;

(f) the anticipated number of participants;

(g) the proposed number and, where possible, the names of the marshals who will be appointed by the convener, and how the marshals will be distinguished from the other participants in the gathering;

(h) in the case of a gathering in the form of a procession—

(i) the exact and complete route of the procession;

(ii) the time when and the place at which participants in the procession are to assemble, and the time when and the place from which the procession is to commence;

(iii) the time when and the place where the procession is to end and the participants are to disperse;

(iv) the manner in which the participants will be transported to the place of assembly and from the point of dispersal;

(v) the number and types of vehicles, if any, which are to form part of the procession;

(i) if notice is given later than seven days before the date on which the gathering is to be held, the reason why it was not given timeously;

(j) if a petition or any other document is to be handed over to any person, the place where and the person to whom it is to be handed over.

(4) If a local authority does not exist or is not functioning in the area where a gathering is to be held, the convener shall give notice as contemplated in this section to the magistrate of the district within which that gathering is to be held or to commence, and such magistrate shall thereafter fulfil the functions, exercise the powers and discharge the duties conferred or imposed by this Act on a responsible officer in respect of such gathering.

(5) (a) When a member of the Police receives information regarding a proposed gathering and if he has reason to believe that notice in terms of subsection (1) has not yet been given to the responsible officer concerned, he shall forthwith furnish such officer with such information.

(b) When a responsible officer receives information other than that contemplated in paragraph (a) regarding a proposed gathering of which no notice has been given to him, he shall forthwith furnish the authorized member concerned with such information.

(c) Without derogating from the duty imposed on a convener by subsection (1), the responsible officer shall, on receipt of such information, take such steps as he may deem necessary, including the obtaining of assistance from the Police, to establish the identity of the convener of such gathering, and may request the convener to comply with the provisions of this Chapter.

4. Consultations, negotiations, amendment of notices, and conditions

(1) If a responsible officer receives notice in terms of section 3(2), or other information regarding a proposed gathering comes to his attention, he shall forthwith consult with the authorized member regarding the necessity for negotiations on any aspect of the conduct of, or any condition with regard to, the proposed gathering.

(2) (a) If, after such consultation, the responsible officer is of the opinion that negotiations are not necessary and that the gathering may take place as specified in the notice or with such amendment of the contents of the notice as may have been agreed upon by him and the convener, he shall notify the convener accordingly.

(b) If, after such consultation, the responsible officer is of the opinion that negotiations are necessary, he shall forthwith call a meeting between himself and—

(i) the convener;

(ii) the authorized member;

(iii) any other responsible officers concerned, if any; and

(iv) representatives of such other public bodies, including local authorities and police community consultative forums, as in the opinion of such responsible officer or officers ought to be present at such meeting,

[subparagraph (iv) amended by section 1 of Act 90 of 1996]

in order to discuss any amendment of the contents of the notice and such conditions regarding the conduct of the gathering as he may deem necessary.

(c) At the meeting contemplated in paragraph (b) discussions shall be held on the contents of the notice, amendments thereof or additions thereto and the conditions, if any, to be imposed in respect of the holding of the gathering so as to meet the objects of this Act.

(d) The responsible officer shall endeavour to ensure that such discussions take place in good faith.

(3) If a convener has been notified in terms of subsection (2)(a) or has not, within 24 hours after giving notice in terms of section 3(2), been called to a meeting in terms of subsection (2)(b) of this section, the gathering may take place in accordance with the contents of the notice and in accordance with the provisions of section 8, but subject to the provisions of sections 5 and 6.

(4) (a) If agreement is reached at the meeting contemplated in subsection (2)(b) the gathering may take place in accordance with the contents of the notice, including amendments, if any, to such contents, on which agreement was reached at the meeting, but subject to the provisions of sections 5 and 6.

(b) If at a meeting contemplated in subsection (2)(b) agreement is not reached on the contents of the notice or the conditions regarding the conduct of the gathering, the responsible officer may, if there are reasonable grounds therefor, of his own accord or at the request of an authorized member impose conditions with regard to the holding of the gathering to ensure —

(i) that vehicular or pedestrian traffic, especially during traffic rush hours, is least impeded; or

(ii) an appropriate distance between participants in the gathering and rival gatherings; or

(iii) access to property and workplaces; or

(iv) the prevention of injury to persons or damage to property.

(c) A responsible officer who imposes any condition or refuses a request in terms of paragraph (b) shall give written reasons therefor.

(5) (a) The responsible officer shall ensure as soon as possible that a written copy of the notice, including any amendment thereof and any condition imposed and the reasons therefor, is handed to the convener and the authorized member who, and to every party which, attended the meeting referred to in subsection (2)(b): Provided that if the identity or whereabouts of the convener is unknown, or if in view of the urgency of the case it is not practicable to deliver or tender the said written notice and reasons to him, the notice shall forthwith, notwithstanding any provision to the contrary in any other law contained, be published in one or more of the following manners:

(i) In a newspaper circulating where the gathering is to be held; or

(ii) by means of the radio or television; or

(iii) by the distribution thereof among the public and the affixing thereof in public or prominent places where the gathering is to be held; or

(iv) by the announcement thereof orally where the gathering is to be held; or

(v) by affixing it in a prominent place at the address of the convener specified in the notice.

(b) The convener and the authorized member shall, respectively, ensure that every marshal and every member of the Police at the gathering know the contents of the notice, including any amendment or condition, if any.

(6) (a) If a gathering is postponed or delayed, the convener shall forthwith notify the responsible officer thereof and the responsible officer may call a meeting as contemplated in subsection (2)(b), and thereupon the provisions of subsections (2)(c) and (d), (3), (4) and (5) shall apply, *mutatis mutandis*, to the gathering in question.

(b) If a gathering is cancelled or called off, the convener shall forthwith notify the responsible officer thereof and the notice given in terms of section 3 shall lapse.

(7) If a responsible officer is notified as contemplated in subsection (6)(a) or (b), he shall forthwith notify the authorized member accordingly.

5. Prevention and prohibition of gathering

(1) When credible information on oath is brought to the attention of a responsible officer that there is a threat that a proposed gathering will result in serious disruption of vehicular or pedestrian traffic, injury to participants in the gathering or other persons, or extensive damage to property, and that the Police and the traffic officers in question will not be able to contain this threat, he shall forthwith meet or, if time does not allow it, consult with the convener and the authorized member, if possible, and any other person with whom, he believes, he should meet or consult, including the representatives of any police community consultative forum in order to consider the prohibition of the gathering.

[subsection (1) amended by section 1 of Act 90 of 1996]

(2) If, after the meeting or consultation referred to in subsection (1), the responsible officer is on reasonable grounds convinced that no amendment contemplated in section 4(2) and no condition contemplated in section 4(4)(b) would prevent the occurrence of any of the circumstances contemplated in subsection (1), he may prohibit the proposed gathering.

(3) If the responsible officer decides to prohibit the gathering, he shall in a manner contemplated in section 4(5)(a), notify the convener, authorized member and every other person with whom he has so met or consulted, of the decision and the reasons therefor.

6. Reviews and appeals

(1) (a) Whenever a condition is imposed in regard to a gathering in terms of section 4(4)(b) or when a gathering is prohibited in terms of section 5(2), the convener of such gathering may apply to an appropriate magistrate for the setting aside of such prohibition or the setting aside or amendment of such condition, and the magistrate may refuse or grant the application.

(b) Whenever an authorized member in terms of section 4(4)(b) requests that a particular condition be imposed and the request is refused, or whenever information contemplated in section 5(1) is brought to the attention of a responsible officer and the gathering in question is not prohibited, an authorized member may, if instructed thereto by the Commissioner or the district commissioner of the South African Police for the area where the gathering is to be held, apply to an appropriate magistrate to set aside such refusal or to prohibit such gathering, as the case may be, and the magistrate may refuse or grant the application.

(2) The rules made under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), if any, shall apply *mutatis mutandis* in respect of an application referred to in subsection (1).

(3) (a) An application in terms of subsection (1)(a) or (b) shall be made within 24 hours after the responsible officer has given notice in terms of section 4(5)(a) of the imposition of, or the refusal to impose, the condition in question or the prohibition of, or the refusal to prohibit, the gathering in question, and under no circumstances later.

(b) Such condition shall, subject to any amendment thereof, remain in force until set aside and such prohibition shall remain in force until set aside.

(c) No order as to costs shall be made by a magistrate in respect of an application under subsection (1).

(4) A convener or authorized member referred to in subsection (1)(a) or (b), as the case may be, may by means of an urgent application in accordance with the Uniform Rules of the several Provincial and Local Divisions of the Supreme Court of South Africa, appeal against any order made by a magistrate in terms of the said subsections.

(5) Notwithstanding the provisions of subsections (1), (2) and (4), the convener, authorized member or any person whose rights may be affected by the holding of a gathering or by its prohibition or by any term in a notice or any condition imposed or failure to impose any condition in relation to a gathering may by means of an urgent application in accordance with the Uniform Rules of the several Provincial and Local Divisions of the Supreme Court of South Africa, apply to an appropriate court for the striking out or amendment of any such term or condition or the imposition of any other condition or for permission to hold, or for a prohibition of, the gathering, and the court may strike out or amend any such term or condition or impose any other condition or grant such permission or prohibit the gathering, as it deems fit.

(6) (a) If a responsible officer or the Minister, or a court on application in terms of the common law, has prohibited a gathering at any place, or if a magistrate or court has upheld the prohibition of a gathering at any place or in the case of a demonstration or gathering contemplated in section 7(1), the authorized member concerned shall cause access to such place or any area adjacent thereto, to be barred, and such place or area shall be kept closed or inaccessible to the public, for such time as may be necessary to prevent the gathering from taking place.

(b) The authorized member shall, at the entrance to or in the vicinity of the place or area in question or in a manner described in section 4(5)(a), give notice that that place or area is so closed or inaccessible to members of the public.

(c) The police may take such steps to uphold the prohibition as are in the circumstances reasonable and appropriate, including the steps contemplated in section 9(2)(a)(i) and (ii) and, subject to paragraphs (c) and (e) of section9(2), the steps contemplated in paragraphs (b) and (d) of section 9(2).

Chapter 2

7. Demonstrations and gatherings in vicinity of courts, buildings of Parliament and Union Buildings

(1) Subject to the provisions of subsection (2) all demonstrations and gatherings—

(a) in any building in which a courtroom is situated, or at any place in the open air within a radius of 100 metres from such building, on every day of the week, except Saturdays, Sundays and public holidays; and

(b) in the areas defined in—

(i) Schedule 1; and

(ii) Schedule 2,

are hereby prohibited.

(2) The provisions of subsection (1) shall not apply—

(a) to any demonstration or gathering referred to in subsection (1)(a) for which permission has, on application to the magistrate of the district concerned, been granted by him in writing; or

(b) within the area contemplated in subsection (1)(b)(i), to any demonstration or gathering within such area for which permission has, on application to the Chief Magistrate of Cape Town, been granted by him in writing; or

(c) within the area contemplated in subsection (1)(b)(ii), to a demonstration or gathering within such area for which permission has, on application to the Director-General: Office of the State President, been granted by him in writing.

(3) Any application for permission contemplated in subsection (2) shall be made to the person empowered to grant such permission, within a reasonable time before such demonstration or gathering is to take place.

(4) When credible information on oath that there is a threat as contemplated in section 5(1), is brought to the attention of a person who has already granted permission in terms of subsection (2), he may, subject to the application, *mutatis mutandis*, of the provisions of section 5, revoke such permission, and thereupon the provisions of section 6(6) shall, *mutatis mutandis*, apply to the demonstration or gathering in question.

Chapter 3

8. Conduct of gatherings and demonstrations

The following provisions shall apply to the conduct of gatherings and, where so indicated, to the conduct of demonstrations:

(1) The convener shall appoint the number of marshals mentioned in the notice or, if it was amended in terms of section 4, in the amended notice, to control the participants in the gathering, and to take the necessary steps to ensure that the gathering at all times proceeds peacefully and that the provisions of this section and the applicable notice and conditions, if any, are complied with, and such marshals shall be clearly distinguishable.

(2) The convener shall take all reasonable steps to ensure that all marshals of the gathering and participants in the gathering or demonstration, as the case may be, are informed timeously and properly of the conditions to which the holding of the gathering or demonstration is subject.

(3) The gathering shall proceed and take place at the locality or on the route and in the manner and during the times specified in the notice or, if it was amended, in the amended notice, and in accordance with the contents of such notice and the conditions, if any, imposed under section 4(4)(b), 6(1) or 6(5).

(4) No participant at a gathering or demonstration may have in his or her possession—

(a) any airgun, firearm, imitation firearm or any muzzle loading firearm, as defined in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000), or any object which resembles a firearm and that is likely to be mistaken for a firearm; or

(b) any dangerous weapon, as defined in the Dangerous Weapons Act, 2013 and the convener and marshals, if any, shall take all reasonable steps to ensure that this section is complied with.

[subsection (4) substituted by section 5(a) of Act 15 of 2013]

(5) No person present at or participating in a gathering or demonstration shall by way of a banner, placard, speech or singing or in any other manner incite hatred of other persons or any group of other persons on account of differences in culture, race, sex, language or religion.

(6) No person present at or participating in a gathering or demonstration shall perform any act or utter any words which are calculated or likely to cause or encourage violence against any person or group of persons.

(7) No person shall at any gathering or demonstration wear a disguise or mask or any other apparel or item which obscures his facial features and prevents his identification.

(8) No person shall at any gathering or demonstration wear any form of apparel that resembles any of the uniforms worn by members of the security forces, including the Police and the South African Defence Force.

(9) The marshals at a gathering shall take all reasonable steps to ensure that—

(i) no entrance to any building or premises is so barred by participants that reasonable access to the said building or premises is denied to any person;

(ii) no entrance to a building or premises in or on which is situated any hospital, fire or ambulance station or any other emergency services, is barred by the participants.

(10) No person shall, in any manner whatsoever, either before or during a gathering or demonstration, compel or attempt to compel any person to attend, join or participate in the gathering or demonstration, and the convener and marshals, if any, shall take all reasonable steps to prevent any person from being so compelled.

9. Powers of Police

(1) If a gathering or demonstration is to take place, whether or not in compliance with the provisions of this Act, a member of the Police—

(a) may, if he has reasonable grounds to believe that the Police will not be able to provide adequate protection for the people participating in such a gathering or demonstration, notify the convener and such people accordingly;

(b) may prevent people participating in a gathering from proceeding to a different place or deviating from the route specified in the relevant notice or any amendment thereof or from disobeying any condition to which the holding of the gathering is subject in terms of this Act;

(c) may, in the case of a responsible officer not receiving a notice in terms of section 3(2) more than 48 hours before the gathering, restrict the gathering to a place, or guide the participants along a route, to ensure—

(i) that vehicular or pedestrian traffic, especially during traffic rush hours, is least impeded; or

(ii) an appropriate distance between participants in the gathering and rival gatherings; or

(iii) access to property and workplaces; or

(iv) the prevention of injury to persons or damage to property;

(d) may order any person or group of persons interfering or attempting to interfere with a gathering or demonstration to cease such conduct and to remain at a distance from such gathering or demonstration specified by him;

(e) may, when an incident, whether or not it results from the gathering or demonstration, causes or may cause persons to gather at any public place, by notice in a manner contemplated in section 4(5)(a) specify an area considered by him to be necessary for—

(i) the movement and operation of emergency personnel and vehicles; or

(ii) the passage of a gathering or demonstration; or

(iii) the movement of traffic; or

(iv) the exclusion of the public from the vicinity; or

(v) the protection of property;

(f) shall take such steps, including negotiations with the relevant persons, as are in the circumstances reasonable and appropriate to protect persons and property, whether or not they are participating in the gathering or demonstration.

(2) (a) In the circumstances contemplated in section 6(6) or if a member of the Police of or above the rank of warrant officer has reasonable grounds to believe that danger to persons and property, as a result of the gathering or demonstration, cannot be averted by the steps referred to in subsection (1) if the gathering or demonstration proceeds, the Police or such member, as the case may be, may and only then, take the following steps:

(i) Call upon the persons participating in the gathering or demonstration 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,

(ii) in a loud voice order them in at least two of the official languages and, if possible, in a language understood by the majority of the persons present, to disperse and to depart from the place of the gathering or demonstration within a time specified by him, which shall be reasonable.

(b) If within the time so specified the persons gathered have not so dispersed or have made no preparations to disperse, such a member of the Police may order the members of the Police under his command to disperse the persons concerned and may for that purpose order the use of force, excluding the use of weapons likely to cause serious bodily injury or death.

(c) The degree of force which may be so used shall not be greater than is necessary for dispersing the persons gathered and shall be proportionate to the circumstances of the case and the object to be attained.

(d) If any person who participates in a gathering or demonstration or any person who hinders, obstructs or interferes with persons who participate in a gathering or demonstration—

(i) kills or seriously injures, or attempts to kill or seriously injure, or shows a manifest intention of killing or seriously injuring, any person; or

(ii) destroys or does serious damage to, or attempts to destroy or to do serious damage to, or shows a manifest intention of destroying or doing serious damage to, any immovable property or movable property considered to be valuable,

such a member of the Police of or above the rank of warrant officer may order the members of the Police under his command to take the necessary steps to prevent the action contemplated in subparagraphs (i) and (ii) and may for that purpose, if he finds other methods to be ineffective or inappropriate, order the use of force, including the use of firearms and other weapons.

(e) The degree of force which may be so used shall not be greater than is necessary for the prevention of the actions contemplated in subparagraphs (d)(i) and (ii), and the force shall be moderated and be proportionate to the circumstances of the case and the object to be attained.

(3) No common law principles regarding self-defence, necessity and protection of property shall be affected by the provisions of this Act.

10. Regulations

The Minister may, subject to the provisions of section 9(2), make regulations in regard to—

(a) the procedure to be followed when a gathering or demonstration is dispersed;

(b) the use, and procedure to be followed before the use, of force against participants in a gathering or demonstration; and

(c) any other matter in regard to which it may be necessary to make regulations in order to achieve the objects of this Act.

Chapter 4

11. Liability for damage arising from gatherings and demonstrations

(1) If any riot damage occurs as a result of—

(a) a gathering, every organization on behalf of or under the auspices of which that gathering was held, or, if not so held, the convener;

(b) a demonstration, every person participating in such demonstration,

shall, subject to subsection (2), be jointly and severally liable for that riot damage as a joint wrongdoer contemplated in Chapter II of the Apportionment of Damages Act, 1956 (Act No. 34 of 1956), together with any other person who unlawfully caused or contributed to such riot damage and any other organization or person who is liable therefor in terms of this subsection.

(2) It shall be a defence to a claim against aperson or organization contemplated in subsection (1) if such a person or organization proves—

(a) that he or it did not permit or connive at the act or omission which caused the damage in question; and

(b) that the act or omission in question did not fall within the scope of the objectives of the gathering or demonstration in question and was not reasonably foreseeable; and

(c) that he or it took all reasonable steps within his or its power to prevent the act or omission in question: Provided that proof that he or it forbade an act of the kind in question shall not by itself be regarded as sufficient proof that he or it took all reasonable steps to prevent the act in question.

(3) For the purposes of—

(a) recourse against, or contribution by, any person who, or organization which, intentionally and unlawfully caused or contributed to the cause of any riot damage; or

(b) contribution by any person who, or organization which, is jointly liable for any riot damage by virtue of the provisions of subsection (1),

any person or organization held liable for such damage by virtue of the provisions of subsection (1) shall, notwithstanding the said provisions, be deemed to have been liable therefor in delict.

(4) The provisions of this section shall not affect in any way the right, under the common law or any other law, of a person or body to recover the full amount of damages arising from the negligence, intentional act or omission, or delict of whatever nature committed by or at the behest of any other person.

12. Offences and penalties

(1) Any person who—

(a) convenes a gathering in respect of which no notice or no adequate notice was given in accordance with the provisions of section 3; or

(b) after giving notice in accordance with the provisions of section 3, fails to attend a relevant meeting called in terms of section 4(2)(b); or

(c) contravenes or fails to comply with any provision of section 8 in regard to the conduct of a gathering or demonstration; or

(d) knowingly contravenes or fails to comply with the contents of a notice or a condition to which the holding of a gathering or demonstration is in terms of this Act subject; or

(e) in contravention of the provisions of this Act convenes a gathering, or convenes or attends a gathering or demonstration prohibited in terms of this Act; or

(f) knowingly contravenes or fails to comply with a condition imposed in terms of section 4(4)(b), 6(1) or 6(5); or

(g) fails to comply with an order issued, or interferes with any steps taken, in terms of section 9(1)(b), (c), (d) or (e) or (2)(a); or

(h) contravenes or fails to comply with the provisions of section 4(6); or

(i) supplies or furnishes false information for the purposes of this Act; or

(j) hinders, interferes with, obstructs or resists a member of the Police, responsible officer, convener, marshal or other person in the exercise of his powers or the performance ofhis duties under this Act or a regulation made under section 10;

(k) who is in possession of or carrying any object referred to in section 8(4) in contravention of that section,

[paragraph (k) added by section 5(b) of Act 15 of 2013]

shall be guilty of an offence and on conviction liable—

(i) in the case of a contravention referred to in paragraphs (a) to (j), to a fine or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment; and

(ii) in the case of a contravention referred to in paragraph (k), to a fine or to imprisonment for a period not exceeding three years.

[subsection (1) amended by section 5(c) of Act 15 of 2013]

(2) It shall be a defence to a charge of convening a gathering in contravention of subsection (1)(a) that the gathering concerned took place spontaneously.

13. Interpretation

(1) The provisions of this Act shall not be so construed as to detract from—

(a) the provisions of the—

(i) Control of Access to Public Premises and Vehicles Act, 1985 (Act No. 53 of 1985); or

(ii) Dangerous Weapons Act, 2013; or

[subparagraph (ii) substituted by section 5(d) of Act 15 of 2013]

(iii) Arms and Ammunition Act, 1969 (Act No. 75 of 1969); or

(iv) Trespass Act, 1959 (Act No. 6 of 1959); or

(v) Criminal Procedure Act, 1977 (Act No. 51 of 1977); or

(b) the rights of any person regarding self-defence, necessity and protection of property; or

(c) any power conferred or duty imposed on the Minister or any member of the Police or the public under any law or the common law.

(2) The provisions of section 111 of the Road Traffic Act, 1989 (Act No. 29 of 1989), shall not apply in respect of a gathering or demonstration held in accordance with the provisions of this Act.

(3) For the purpose of this Act, where a convener has not been appointed in terms of section 2(1), a person shall be deemed to have convened a gathering—

(a) if he has taken any part in planning or organizing or making preparations for that gathering; or

(b) if he has himself or through any other person, either verbally or in writing, invited the public or any section of the public to attend that gathering.

14. Conflict and repeal of laws

(1) In the case of a conflict between the provisions of this Act and any other law applicable in the area of jurisdiction of any local authority the provisions of this Act shall prevail.

(2) The Acts specified in Schedule 3 are hereby repealed to the extent set out in the third column of that Schedule.

15. ***

[section 15 repealed by section 1 of Act 90 of 1996]

16. Short title and commencement

This Act shall be called the Regulation of Gatherings Act, 1993, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

[section 16 substituted by section 1 of Act 90 of 1996]

Schedule 1

The area bounded by the following streets in the City of Cape Town, namely Queen Victoria Street from the point where Queen Victoria Street and Museum Avenue meet, up to the point where Queen Victoria Street and Wale

Street meet, up to the point where Wale Street and St. George's Street meet, up to the point where St. George's Street and Longmarket Street meet, up to the point where Longmarket Street and Corporation Street meet, up to the point where Corporation Street and Barrack Street meet, up to the point where Barrack Street and Coffee Lane meet, up to the point where Coffee Lane and Commercial Street meet, up to the point where Commercial Street and Nieuwmeester Street meet, up to the point where Nieuwmeester Street and Hope Street meet, up to the point where Hope Street and Tuinplein Street meet, up to the point where Tuinplein Street and Vrede Street meet, up to the point where Vrede Street and St. John's Street meet, up to the point where St. John's Street and Gallery Avenue meet, up to the point where Gallery Avenue and Government Avenue meet, up to the point where Government Avenue and Museum Avenue meet, up to the point where Museum Avenue and Queen Victoria Street meet, including the surface of the said streets and the pavement on either side thereof.

Schedule 2

The area in Pretoria bounded by the following:

(a) To the south, the continuing line 100 metres south of the south side of the tarred road which is situated to the south of the Union buildings and which connects Edmond Street and Government Avenue with one another.

(b) To the west, from the junction of Edmond Street and the tarred road referred to in paragraph (a), the line extending due north up to the crest of Meintjieskop and the line extending due south from the said junction up to where it intersects the line referred to in paragraph (a).

(c) To the east, from the junction of Government Avenue and the tarred road referred to in paragraph (a), the line extending due north up to the crest of Meintjieskop and the line extending due south from the said junction up to where it intersects the line referred to in paragraph (a).

(d) To the north, the line along the crest of Meintjieskop extending between the northern points of the first-mentioned lines referred to in paragraphs (b) and (c).

Schedule 3

Acts repealed

No. and year of Act	Short title	Extent of repeal
No. 52 of 1973	Gatherings and Demonstrations in the Vicinity of Parliament Act, 1973 (Act No. 52 of 1973)	The whole
No. 71 of 1982	Demonstrations in or near Court Buildings Prohibition Act, 1982 (Act No. 71 of 1982)	The whole
No. 74 of 1982	Internal Security Act, 1982 (Act No. 74 of 1982)	Sections 46(1) and (2), 47, 48, 49, 51, 53, 57 and 62
No. 103 of 1992	Gatherings and Demonstrations at or near the Union Buildings Act, 1992 (Act No. 103 of 1992)	The whole