

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

THE UNION OF SOUTH AFRICA

Government Gazette

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

[Registered at the General Post Office as a Newspaper.]

VOL. CLXXXII.] PRYS 6d.

KAAPSTAD, 2 DESEMBER 1955.
CAPE TOWN, 2ND DECEMBER, 1955.

PRICE 6d. [No. 5588.]

DEPARTEMENT VAN JUSTISIE.

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DEPARTMENT OF JUSTICE.

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WETSONTWERP

Om voorsiening te maak vir die oplegging van beperkings op die instelling van kwelsugtige gedinge.

(Deur die MINISTER VAN JUSTISIE ingedien te word.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, 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) „hof” ’n provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika en ook die Hoëhof van Suidwes-Afrika; (i)
- (ii) „Staatsprokureur” die beampte aangestel ingevolge paragraaf (a) van sub-artikel (2) van artikel twee van die Staatsprokureur Wet, 1925 (Wet No. 25 van 1925). (ii)

Bevoegdhede van Hof om beperkings op die instelling van kwelsugtige gedinge te lê.

2. (1) (a) Indien die hof, op aansoek van die Staatsprokureur of iemand wat op sy skriftelike gesag handel, oortuig is dat iemand aanhoudend en sonder redelike gronde kwelsugtige regsdinge ingestel het, hetsy in die hof of in ’n laerhof en hetsy teen dieselfde persoon of teen verskillende persone, kan die hof, nadat die hof so iemand aangehoor het of ’n geleentheid toegestaan het om aangehoor te word, beveel dat geen regsding deur hom teen enige persoon in enige hof of ’n laerhof sonder verlof van bedoelde hof, of ’n regter daarvan, of bedoelde laerhof, na gelang van die geval, ingestel mag word nie, en sodanige verlof word nie toegestaan nie tensy die hof of regter of die laerhof, na gelang van die geval, oortuig is dat die geding nie ’n misbruik van geregtelike proses uitmaak nie en dat daar *prima facie* gronde vir die geding bestaan.
- (b) Indien die hof, op aansoek van iemand teen wie ’n regsding deur ’n ander persoon ingestel is of wat rede het om te vermoed dat die instelling van ’n regsding teen hom deur ’n ander persoon beoog word, oortuig is dat bedoelde persoon aanhoudend en sonder redelike gronde kwelsugtige gedinge ingestel het, hetsy in die hof of in ’n laerhof en hetsy teen dieselfde persoon of teen verskillende persone, kan die hof, nadat die hof daardie ander persoon aangehoor het of ’n geleentheid toegestaan het om aangehoor te word, beveel dat geen regsding deur hom teen enige persoon in enige hof of ’n laerhof sonder verlof van bedoelde hof, of ’n regter daarvan, of bedoelde laerhof, na gelang van die geval, ingestel mag word nie, en sodanige verlof word nie toegestaan nie tensy die hof of regter of die laerhof, na gelang van die geval, oortuig is dat die geding nie ’n misbruik van geregtelike proses uitmaak nie en dat daar *prima facie* gronde vir die geding bestaan.

(2) ’n Geding ingevolge sub-artikel (1) word geag ’n „civiele zaak” binne die bedoeling van paragraaf (c) van artikel drie van die „Afdeling van Appèl Verdere Jurisdiktie Wet, 1911” (Wet No. 1 van 1911), te wees.

(3) Die griffier van die hof waarin ’n bevel ingevolge sub-artikel (1) uitgereik word, laat ’n afskrif daarvan so gou doenlik in die *Staatskoerant* en in die *Offisiële Koerant* van die gebied Suidwes-Afrika publiseer.

(4) Iemand teen wie ’n bevel kragtens sub-artikel (1) uitgereik is wat ’n regsding teen enige persoon in enige hof of ’n laerhof sonder verlof van bedoelde hof of ’n regter daarvan of bedoelde laerhof instel, is skuldig aan minagting van die hof en by skuldigbevinding strafbaar met ’n boete van hoogstens honderd pond of met gevangenisstraf vir ’n tydperk van hoogstens ses maande.

Toepassing van Wet.

3. Hierdie Wet is ook in die gebied Suidwes-Afrika van toepassing.

Kort titel.

4. Hierdie Wet heet die Wet op Kwelsugtige Gedinge, 1956.

BILL

To provide for the imposition of restrictions on the institution of vexatious legal proceedings.

(To be introduced by the MINISTER OF JUSTICE.)

BE IT ENACTED by the Queen'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—
 - 5 (i) "court" means any provincial or local division of the Supreme Court of South Africa and includes the High Court of South West Africa; (i)
 - (ii) "State Attorney" means the officer appointed under paragraph (a) of sub-section (2) of section two of the State Attorney Act, 1925 (Act No. 25 of 1925). (ii)
2. (1) (a) If, on an application made by the State Attorney or any person acting under his written authority, the court is satisfied that any person has persistently and without any reasonable ground instituted vexatious legal proceedings, whether in the court or in any inferior court, and whether against the same person or against different persons, the court may, after hearing the person or giving him an opportunity of being heard, order that no legal proceedings shall be instituted by him against any person in any court or any inferior court without the leave of that court, or any judge thereof, or that inferior court, as the case may be, and such leave shall not be granted unless the court or judge or the inferior court, as the case may be, is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.

Definitions.
Powers of court to impose restrictions on the institution of vexatious legal proceedings.
- (b) If, on an application made by any person against whom legal proceedings have been instituted by any other person or who has reason to believe that the institution of legal proceedings against him are contemplated by any other person, is satisfied that the said person has persistently and without any reasonable ground instituted vexatious legal proceedings, whether in the court or in any inferior court, and whether against the same person or against different persons, the court may, after hearing that other person or giving him an opportunity of being heard, order that no legal proceedings shall be instituted by him against any person in any court or any inferior court without the leave of that court, or any judge thereof, or that inferior court, as the case may be, and such leave shall not be granted unless the court or judge or the inferior court, as the case may be, is satisfied that the proceedings are not an abuse of the process of the court and that there is *prima facie* ground for the proceedings.
- (2) Any proceedings under sub-section (1) shall be deemed to be civil proceedings within the meaning of paragraph (c) of section three of the Appellate Division Further Jurisdiction Act, 1911 (Act No. 1 of 1911).
- (3) The registrar of the court in which an order under sub-section (1) is made, shall cause a copy thereof to be published as soon as possible in the *Gazette* and in the *Official Gazette* of the territory of South-West Africa.
- (4) Any person against whom an order has been made under sub-section (1) who institutes any legal proceedings against any person in any court or any inferior court without the leave of that court or a judge thereof or that inferior court, shall be guilty of contempt of court and be liable upon conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months.

3. This Act shall apply also in the territory of South-West Africa.

Application of Act to South-West Africa.

4. This Act shall be called the Vexatious Proceedings Act, 1956.

Short title.

WETSONTWERP

Om vir die beskerming teen openbaarmaking van amptelike geheime voorsiening te maak.

(Deur die MINISTER VAN JUSTISIE ingedien te word.)

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

Woordbepaling.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) „agent van 'n vreemde Staat” ook iemand wat, met die doel om in die Unie of elders 'n daad te verrig wat tot nadeel van die veiligheid of belange van die Unie strek, deur 'n ander Staat as die Unie, direk of indirek gebruik word of is of wat redelikerwys daarvan verdink word dat hy so gebruik word of is, of wat in belang van 'n ander Staat as die Unie, in die Unie of elders so 'n daad verrig het of gepoog het om te verrig of redelikerwys daarvan verdink word dat hy so 'n daad verrig het of gepoog het om te verrig; (i) 5
 - (ii) „krygstuig” 'n voorwerp, materiaal of uitvinding of 'n deel daarvan, hetsy dit werklik bestaan of slegs in vooruitsig gestel is, wat vir gebruik in oorlog of vir die verdediging van die Unie bedoel of aangepas is of vir sodanige gebruik aangepas kan word; (iv) 10
 - (iii) „model” ook 'n ontwerp, patroon of monster; (iii) 15
 - (iv) „Regering” ook die Spoorwegadministrasie, die Administrasie van die gebied Suidwes-Afrika en 'n provinsiale administrasie; (ii) 20
 - (v) „skets” ook 'n fotografiese of ander voorstelling van 'n plek of voorwerp; (vi) 25
 - (vi) „Unie” ook die gebied Suidwes-Afrika; (vii)
 - (vii) „verbode plek”—
 - (a) verdedigingswerke wat aan die Regering behoort of deur of namens die Regering beset of gebruik word, met inbegrip van—
 - (i) 'n magazyn, vloot-, militêre of lugmaginrigting of -stasie, fabriek, skeepswerf, kamp, skip, vaartuig of vliegtuig;
 - (ii) 'n telegraaf-, telefoon-, radio of seinstasie of -kantoor; en
 - (iii) 'n plek wat gebruik word om krygstuig of 'n skets, plan, model of dokument wat daarmee in verband staan, te bou, herstel, maak of hou of om metaal, olie of minerale wat in oorlogstyd van nut is, te verkry; 30
 - (b) 'n plek waar krygstuig of 'n skets, plan, model of dokument wat daarmee in verband staan, ingevolge 'n kontrak met of namens die Regering of die regering van 'n ander land as die Unie, gebou, herstel, gemaak, gehou of verkry word; 45
 - (c) 'n plek deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vir die doeleindes van hierdie Wet tot 'n verbode plek verklaar. (v) 50
- (2) In hierdie Wet, tensy uit die samehang anders blyk—
 - (a) is 'n verwysing na openbaarmaking of ontvangs van enigiets ook 'n verwysing na die openbaarmaking of ontvangs van 'n deel of die inhoud, uitwerking of beskrywing daarvan; 55
 - (b) is 'n verwysing na verkryging of terughou van enigiets ook 'n verwysing na die verkryging of terughou van 'n deel of kopieer of laat kopieer van die geheel of 'n deel daarvan, hetsy deur fotografie of andersins; en
 - (c) is 'n verwysing na openbaarmaking van enigiets ook 'n verwysing na die oorsending of oordrag daarvan. 60

Spioenasie.

2. Iemand wat met 'n doel wat tot nadeel van die veiligheid of belange van die Unie strek—

- (a) 'n verbode plek nader, ondersoek, daaroor gaan of in die omgewing daarvan is of dit binnegaan; of
- (b) 'n skets, plan, model of aantekening maak wat waarskynlik direk of indirek vir 'n vyand van nut sal wees; of 65

BILL

To provide for the protection from disclosure of official secrets.

(To be introduced by the MINISTER OF JUSTICE.)

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

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

- 5 (i) "foreign agent" includes any person who is or has been or is reasonably suspected of being or having been directly or indirectly employed by a State other than the Union for the purpose of committing in the Union or elsewhere an act prejudicial to the safety or interests of the Union, or who has or is reasonably suspected of having committed or attempted to commit such an act in the Union or elsewhere in the interests of a State other than the Union; (i)
- 10 (ii) "Government" includes the Railway Administration, the Administration of the territory of South-West Africa and a provincial administration; (iv)
- 15 (iii) "model" includes a design, pattern or specimen; (iii)
- (iv) "munitions of war" means any article, material or device or any part thereof, whether actual or proposed, intended or adapted for use in war or the defence of the Union, or capable of being adapted for such use; (ii)
- 20 (v) "prohibited place" means—
 - (a) any work of defence belonging to or occupied or used by or on behalf of the Government, including—
 - 25 (i) any arsenal, naval, military or air force establishment or station, factory, dockyard, camp, ship, vessel or aircraft;
 - 30 (ii) any telegraph, telephone, wireless or signal station or office; and
 - (iii) any place used for building, repairing, making or keeping munitions of war or any sketch, plan, model or document relating thereto or for obtaining any metals, oil or minerals of use in time of war;
 - 35 (b) any place where any munitions of war or any sketch, plan, model or document relating thereto is being built, repaired, made, kept or obtained under contract with or on behalf of the Government or of the government of any country other than the Union;
 - 40 (c) any place declared by the Governor-General by proclamation in the *Gazette* as a prohibited place for the purposes of this Act; (vii)
 - 45 (vi) "sketch" includes any photographic or other representation of any place or thing; (v)
 - (vii) "Union" includes the territory of South-West Africa. (vi)
- 50 (2) In this Act, unless the context otherwise indicates—
 - (a) any reference to communicating or receiving anything includes a reference to communicating or receiving any part or the substance, effect or description thereof;
 - 55 (b) any reference to obtaining or retaining anything includes a reference to obtaining or retaining any part or copying or causing to be copied the whole or any part thereof, whether by photography or otherwise; and
 - 60 (c) any reference to communicating anything includes a reference to the transmission or transfer thereof.

2. Any person who, for any purpose prejudicial to the Espionage. safety or interests of the Union—

- (a) approaches, inspects, passes over or is in the neighbourhood of or enters any prohibited place; or
- 65 (b) makes any sketch, plan, model or note which is likely to be directly or indirectly useful to an enemy; or

(c) 'n geheime amptelike kode of wagwoord, of 'n skets, plan, model, voorwerp of aantekening of ander dokument of inligting wat waarskynlik direk of indirek vir 'n vyand van nut sal wees, verkry, versamel, opteken of publiseer of aan iemand openbaar, 5
is aan 'n misdryf skuldig en by skuldigbevinding met gevangenisstraf vir 'n tydperk van hoogstens vyftien jaar strafbaar.

Openbaarmaking
van sekere
inligting verbied.

3. (1) Iemand wat in sy besit of onder sy beheer 'n geheime amptelike kode of wagwoord het, of 'n skets, plan, model, voorwerp, aantekening, dokument of inligting wat in verband 10
staan met of gebruik word in 'n verbode plek of enigets in 'n verbode plek, of wat in stryd met hierdie Wet gemaak of verkry is, of wat deur iemand wat 'n Regeringsamp beklee vertroulik aan hom toevertrou is, of wat hy verkry het of waartoe hy toegang gehad het weens sy posisie as iemand wat so 'n amp 15
beklee of beklee het, of as iemand wat 'n kontrak het of gehad het wat namens die Regering aangegaan is, of 'n kontrak waarvan die uitvoering in die geheel of gedeeltelik in 'n verbode plek plaasvind, of as iemand wat by iemand wat so 'n amp beklee of beklee het of so 'n kontrak het of gehad het, in diens 20
is of was, en wat—

- (a) die kode, wagwoord, skets, plan, model, voorwerp, aantekening, dokument of inligting openbaar aan iemand anders as iemand aan wie hy gemagtig is om dit te openbaar of as iemand aan wie dit in belang van 25
die Unie sy plig is om dit te openbaar; of
- (b) die inligting gebruik op 'n wyse of met 'n doel wat tot nadeel van die veiligheid van die Unie strek; of
- (c) die skets, plan, model, voorwerp, aantekening of dokument in sy besit of onder sy beheer terughou, wanneer 30
hy geen reg het om dit terug te hou nie of wanneer dit in stryd met sy plig is om dit terug te hou, of in gebreke bly om enige voorskrifte op wettige gesag uitgevaardig ten opsigte van die teruggawe daarvan of beskikking daarvoor, na te kom; of 35
- (d) in gebreke bly om die skets, plan, model, voorwerp, aantekening, dokument, kode, wagwoord of inligting behoorlik op te pas of hom so te gedra dat die veiligheid daarvan in gevaar gestel word,

is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete 40
van hoogstens vyfhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met beide sodanige boete en sodanige gevangenisstraf strafbaar.

(2) Iemand wat 'n skets, plan, model, voorwerp, aantekening, dokument of inligting wat met krygstuig in verband staan, in 45
sy besit of onder sy beheer het, en wat dit op 'n wyse of met 'n doel wat tot nadeel van die veiligheid of belange van die Unie strek, direk of indirek aan iemand openbaar, is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens sewehonderd-en-vyftig pond of met gevangenisstraf vir 'n tyd- 50
perk van hoogstens sewe jaar of met beide sodanige boete en sodanige gevangenisstraf strafbaar.

(3) Iemand wat 'n geheime amptelike kode of wagwoord, of 'n skets, plan, model, voorwerp, aantekening, dokument of inligting ontvang, as hy weet of redelike gronde het om te glo 55
wanneer hy dit ontvang, dat die kode, wagwoord, skets, plan, model, voorwerp, aantekening, dokument of inligting aan hom in stryd met die bepalinge van hierdie Wet openbaar word, is, tensy hy bewys dat die openbaarmaking daarvan aan hom teen sy sin plaasgevind het, aan 'n misdryf skuldig en by skuldig- 60
bevinding met die strawwe in sub-artikel (1) voorgeskryf, strafbaar.

Sekere dade
verbied wat tot
nadeel van die
veiligheid of
belange van die
Unie strek.

4. (1) Iemand wat, met die doel om toegang tot 'n verbode plek te verkry, of om aan iemand anders hulp te verleen om toegang tot 'n verbode plek te kry, of met 'n ander doel wat tot 65
nadeel van die veiligheid of belange van die Unie strek—

- (a) 'n vloot, militêre, lugmag-, polisie- of ander amptelike uniform van die Unie of 'n uniform wat so 'n groot ooreenkoms daarmee toon dat dit bereken is om te mislei, sonder wettige magtiging gebruik of dra, of 70
hom valslik as iemand voordoen wat geregtig is of was om so 'n uniform te gebruik of te dra; of
- (b) mondelings of skriftelik in 'n verklaring of aansoek, of in 'n dokument deur of namens hom onderteken, opsetlik 'n valse bewering maak of 'n feit wat ter 75
sake is, weglaat; of
- (c) 'n paspoort of 'n amptelike pas, permit, sertifikaat, lisensie of ander dokument (hieronder in hierdie artikel 'n amptelike dokument genoem) vervals,

- (c) obtains, collects, records or publishes or communicates to any person any secret official code or password, or any sketch, plan, model, article or note or other document or information which is likely to be directly or indirectly useful to an enemy,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding fifteen years.

3. (1) Any person who has in his possession or under his control any secret official code or password, or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or anything in a prohibited place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under the Government, or which he has obtained or to which he has had access owing to his position as a person who holds or has held such an office, or as a person who holds or has held a contract made on behalf of the Government, or a contract the performance of which in whole or in part is carried out in a prohibited place, or as a person who is or has been employed under a person who holds or has held such an office or contract, and who—

Communication of certain information prohibited.

- (a) communicates the code, password, sketch, plan, model, article, note, document or information to any person, other than a person to whom he is authorized to communicate it or a person to whom it is in the interests of the Union his duty to communicate it; or
- (b) uses the information in any manner or for any purpose prejudicial to the safety or interests of the Union; or
- (c) retains the sketch, plan, model, article, note or document in his possession or under his control when he has no right to retain it or when it is contrary to his duty to retain it, or fails to comply with any directions issued by lawful authority with regard to the return or disposal thereof; or
- (d) fails to take proper care of or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document, code, password or information,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

- (2) Any person who has in his possession or under his control any sketch, plan, model, article, note, document or information which relates to munitions of war and who communicates it, directly or indirectly, to any person in any manner or for any purpose prejudicial to the safety or interests of the Union, shall be guilty of an offence and liable on conviction to a fine not exceeding seven hundred and fifty pounds or to imprisonment for a period not exceeding seven years or to both such fine and such imprisonment.

- (3) Any person who receives any secret official code or password, or any sketch, plan, model, article, note, document or information, knowing or having reasonable grounds to believe, at the time when he receives it, that the code, password, sketch, plan, model, article, note, document or information is communicated to him in contravention of the provisions of this Act, shall, unless he proves that the communication thereof to him was against his wish, be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1).

4. (1) Any person who, for the purpose of gaining or assisting any other person to gain admission to a prohibited place, or for any other purpose prejudicial to the safety or interests of the Union—

Certain acts prejudicial to the safety or interests of the Union prohibited.

- (a) without lawful authority uses or wears any naval, military, air force, police or other official uniform of the Union or any uniform so closely resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or
- (b) orally or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes any false statement or omits any relevant fact; or
- (c) forges, alters or tampers with any passport or any official pass, permit, certificate, licence or other document (hereinafter in this section referred to as an

- verander of daaraan peuter of 'n vervalste, veranderde of onreëlmatige amptelike dokument gebruik of in sy besit het; of
- (d) hom uitgee vir, of valslik voordoen as, iemand wat 'n Regeringsamp beklee, of wat in diens van iemand is wat 'n Regeringsamp beklee, of as iemand of nie as iemand nie aan wie 'n amptelike dokument of 'n geheime amptelike kode of wagwoord behoorlik uitgereik of openbaar gemaak is, of, met die opset om 'n amptelike dokument of 'n geheime amptelike kode of wagwoord, hetsy vir homself of vir iemand anders, te verkry, opsetlik 'n valse bewering maak; of
- (e) 'n amptelike stempel, seël of tjap van die Unie of 'n stempel, seël of tjap wat so 'n groot ooreenkoms met so 'n amptelike stempel, seël of tjap toon dat dit bereken is om te mislei, sonder wettige magtiging gebruik of in sy besit of onder sy beheer het, of so 'n amptelike stempel, seël of tjap namaak, of so 'n nagmaakte stempel, seël of tjap gebruik of in sy besit of onder sy beheer het,
- is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens vyfhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met beide sodanige boete en sodanige gevangenisstraf strafbaar.
- (2) Iemand wat—
- (a) met 'n doel wat tot nadeel van die veiligheid of belange van die Unie strek, 'n amptelike dokument, hetsy dit voltooi of vir gebruik uitgereik is of nie, terughou as hy nie die reg het om dit terug te hou nie of as dit in stryd met sy plig is om dit terug te hou, of ingebreke bly om enige voorskrifte op wettige gesag uitgevaardig ten opsigte van die teruggawe daarvan of beskikking daaroor na te kom; of
- (b) iemand anders toelaat om in besit van 'n amptelike dokument te kom wat slegs vir eie gebruik uitgereik is, of 'n geheime amptelike kode of wagwoord aldus uitgereik, aan iemand openbaar, of 'n amptelike dokument of geheime amptelike kode of wagwoord wat vir die gebruik van iemand anders as homself uitgereik is, in sy besit het, of, as hy in besit van 'n amptelike dokument kom, hetsy deur dit te vind of andersins, nalaat of in gebreke bly om dit aan die persoon of gesag deur wie of vir wie se gebruik dit uitgereik was of aan 'n lid van die Suid-Afrikaanse Polisie te oorhandig; of
- (c) sonder wettige magtiging so 'n stempel, tjap of seël soos voornoemd, vervaardig of verkoop, of vir verkoop in sy besit het,
- is aan 'n misdryf skuldig en by skuldigbevinding met die strawwe in sub-artikel (1) voorgeskryf, strafbaar.

Dwarsboming van persone op wag by verbode plekke.

5. Iemand wat in die nabyheid van 'n verbode plek iemand wat op wag-, brandwag-, patrollie- of ander soortgelyke diens in verband met 'n verbode plek is, dwarsboom, opsetlik mislei of andersins hinder, is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en sodanige gevangenisstraf strafbaar.

Herberg of versteek van sekere persone en in gebreke bly om inligting in verband met agente van 'n vreemde Staat te rapporteer.

6. Iemand wat—

- (a) opsetlik iemand herberg of versteek wat hy weet of rede het om te glo iemand te wees wat, op die punt staan om 'n misdryf teen hierdie Wet te pleeg, of so 'n misdryf gepleeg het, of opsetlik sodanige persone toelaat om in 'n plek deur hom bewoon of onder sy beheer, byeen te kom of te vergader; of
- (b) nadat hy so iemand geherberg of versteek het, of sodanige persone toegelaat het om in 'n plek deur hom bewoon of onder sy beheer, byeen te kom of te vergader, opsetlik versuim of weier om aan 'n lid van die Suid-Afrikaanse Polisie inligting te openbaar wat hy in staat is om ten opsigte van so 'n persoon te verstrek; of
- (c) as hy bewus is dat 'n agent van 'n vreemde Staat of iemand wat met 'n agent van 'n vreemde Staat in verbinding getree het of in verbinding tree, hetsy in die Unie of elders, in die Unie is, in gebreke bly om onverwyld die aanwesigheid van of inligting wat hy in staat is om ten opsigte van so 'n agent van 'n vreemde Staat te verstrek, aan 'n lid van die Suid-Afrikaanse Polisie te rapporteer,

official document) or uses or has in his possession any forged, altered or irregular official document; or

- 5 (d) impersonates or falsely represents himself to be a person holding, or in the employment of a person holding office under the Government, or to be or not to be a person to whom an official document or a secret official code or password has been duly issued or communicated, or, with intent to obtain an official document or any secret official code or password, whether for himself or for any other person, knowingly makes any false statement; or
- 10 (e) uses or has in his possession or under his control, without lawful authority, any official die, seal or stamp of the Union or any die, seal or stamp so closely resembling any such official die, seal or stamp as to be calculated to deceive, or counterfeits any such official die, seal or stamp, or uses or has in his possession or under his control any such counterfeited die, seal or stamp,

20 shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) Any person who—

- 25 (a) retains for any purpose prejudicial to the safety or interests of the Union any official document, whether or not completed or issued for use, when he has no right to retain it or when it is contrary to his duty to retain it, or fails to comply with any directions issued by lawful authority with regard to the return or disposal thereof; or
- 30 (b) allows any other person to have possession of any official document issued for his use alone, or communicates to any person any secret official code or password so issued, or has in his possession any official document or secret official code or password issued for the use of some person other than himself, or, on obtaining possession of any official document, whether by finding or otherwise, neglects or fails to hand it over to the person or authority by whom or for whose use it was issued or to a member of the South African Police; or
- 35 (c) without lawful authority manufactures or sells, or has in his possession for sale any such die, seal or stamp as aforesaid,
- 40
- 45

shall be guilty of an offence and liable on conviction to the penalties prescribed in sub-section (1).

50 5. Any person who, in the vicinity of any prohibited place, obstructs, knowingly misleads or otherwise interferes with any person engaged on guard, sentry, patrol or other similar duty in relation to the prohibited place, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Obstructing persons on guard at prohibited places.

55 6. Any person who—

- (a) knowingly harbours or conceals any person whom he knows or has reason to believe to be a person who is about to commit or who has committed an offence against this Act, or knowingly permits any such persons to meet or assemble in any premises in his occupation or under his control; or
- 60 (b) having harboured or concealed any such person, or permitted such persons to meet or assemble in any premises in his occupation or under his control, wilfully omits or refuses to disclose to any member of the South African Police any information it is in his power to give in relation to any such person; or
- 65 (c) being aware that any foreign agent or any person who has been or is in communication with a foreign agent, whether in the Union or elsewhere, is in the Union, fails forthwith to report to any member of the South African Police the presence of or any information it is in his power to give in relation to any such foreign agent or person,
- 70

Harbouring or concealing certain persons and failing to report information relating to foreign agents.

is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met beide sodanige boete en sodanige gevangenisstraf strafbaar.

In verbinding
tree met 'n agent
van 'n vreemde
Staat is bewys
van sekere feite.

7. (1) As by 'n vervolging van iemand weens 'n misdryf 5
ingevolge artikel twee, bewys word dat hy met 'n agent van 'n
vreemde Staat, in die Unie of elders, in verbinding getree het
of gepoog het om in verbinding te tree, word dit vermoed,
tensy die teendeel bewys word, dat hy met 'n doel wat tot
nadeel van die veiligheid of belange van die Unie strek, inligting 10
verkry of gepoog het om te verkry wat waarskynlik direk of
indirek vir 'n vyand van nut sal wees.

(2) Vir die doeleindes van sub-artikel (1)—

(a) word dit vermoed dat iemand, tensy hy die teendeel 15
bewys, in verbinding met 'n agent van 'n vreemde
Staat getree het, as—

(i) hy, in die Unie of elders, die adres van 'n agent
van 'n vreemde Staat besoek het of met 'n agent
van 'n vreemde Staat omgang gehad het; of

(ii) in die Unie of elders, die naam of adres van of 20
ander inligting omtrent 'n agent van 'n vreemde
Staat in sy besit of onder sy beheer gevind is, of
deur hom aan iemand anders verstrekt is of deur
hom van iemand anders verkry is;

(b) word 'n adres, in die Unie of elders, wat redelikerwys 25
vermoed word 'n adres te wees wat gebruik word vir
die ontvangs van kommunikasies vir 'n agent van 'n
vreemde Staat bedoel of waar 'n agent van 'n vreemde
Staat woon, of waarvan hy gebruik maak met die
doel om kommunikasies te doen of te ontvang, of 30
waar hy handel dryf, die adres van 'n agent van 'n
vreemde Staat geag en iemand wat kommunikasies
aan daardie adres rig, word geag in verbinding met
'n agent van 'n vreemde Staat te getree het.

Bewys van doel
wat tot nadeel
van veiligheid
of belange van
Unie strek.

8. (1) By 'n vervolging kragtens hierdie Wet op 'n aanklag 35
weens die pleeg van 'n daad met 'n doel wat tot nadeel van die
veiligheid of belange van die Unie strek, word dit, as die om-
standighede van die saak of die gedrag van die beskuldigde
daarop dui dat sy doel 'n doel was wat tot nadeel van die
veiligheid of belange van die Unie strek, vermoed, tensy die 40
teendeel bewys word, dat die doel waarmee daardie daad verrig
is, 'n doel is wat tot nadeel van die veiligheid of belange van
die Unie strek.

(2) As by 'n vervolging kragtens hierdie Wet op 'n aanklag
weens die maak, verkry, versamel, opteken, publiseer of open- 45
baarmaking van enigiets met 'n doel wat tot nadeel van die
veiligheid of belange van die Unie strek, dit bewys word dat
dit gemaak, verkry, versamel, opgeteken, gepubliseer of open-
baar gemaak was deur iemand anders as iemand wat ingevolge
wettige magtiging optree, word dit vermoed, tensy die teendeel 50
bewys word, dat die doel waarmee dit gemaak, verkry, ver-
samel, opgeteken, gepubliseer of openbaar gemaak was, 'n doel
is wat tot nadeel van die veiligheid of belange van die Unie
strek.

Regsbevoegdheid.

9. 'n Misdryf ingevolge hierdie Wet word, vir die doeleindes 55
van die bepaling van die regsbevoegdheid van 'n hof om die
misdad te verhoor, geag gepleeg te gewees het by die plek
waar dit in werklikheid gepleeg was en ook by die plek waar
die beskuldigde hom bevind.

Magtiging van
prokureur-generaal
of sollisiteur-
generaal vir
die instelling
van 'n strafsak
vereis.

10. Geen verhoor of voorlopige ondersoek ten opsigte van 60
'n misdryf ingevolge hierdie Wet, behalwe 'n oortreding van
artikel vyf, word sonder die skriftelike magtiging van die pro-
kureur-generaal of die sollisiteur-generaal, na gelang van die
geval, wat regsbevoegdheid in die betrokke gebied besit, inge-
stel nie.

65

Verhoor sonder
'n jurie.

11. Die bepalinge van artikel honderd-en-elf van die Straf-
proseswet, 1955, is met verwysing na 'n verhoor ten opsigte
van 'n misdryf ingevolge hierdie Wet van toepassing.

'n Strafsak kan
agter geslote
deure plaasvind.

12. 'n Hof kan, indien dit na die mening van daardie hof 70
ter wille van die veiligheid van die Unie nodig blyk, gelas dat
'n verhoor of voorlopige ondersoek ten opsigte van 'n misdryf
ingevolge hierdie Wet, agter geslote deure plaasvind of dat die
publiek oor die algemeen of 'n deel daarvan nie daarby aan-
wesig mag wees nie.

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

- 5 7. (1) If in any prosecution against any person for a offence Communication with a foreign agent is proof of certain acts.
under section two, it is proved that he has been in communication with, or attempted to communicate with a foreign agent in the Union or elsewhere, it shall, unless the contrary is proved, be presumed that he has, for a purpose prejudicial to the safety
10 or interests of the Union, obtained or attempted to obtain information which is likely to be directly or indirectly useful to an enemy.

(2) For the purposes of sub-section (1)—

- 15 (a) a person shall, unless he proves the contrary, be presumed to have been in communication with a foreign agent if—
(i) he has, in the Union or elsewhere, visited the address of a foreign agent or associated with a foreign agent; or
20 (ii) in the Union or elsewhere, the name or address of or any other information regarding a foreign agent has been found in his possession or under his control, or has been supplied by him to any other person or has been obtained by him from
25 (b) any address, in the Union or elsewhere, reasonably suspected of being an address used for the receipt of communications intended for a foreign agent, or at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, shall be deemed to be the address of a foreign agent, and any person who addresses communications to such an address shall be deemed to have been in communication with a foreign agent.
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35

8. (1) In any prosecution under this Act upon a charge or committing an act for a purpose prejudicial to the safety or interests of the Union, it shall, if, from the circumstances of the case or the conduct of the accused, it appears that his
40 purpose was a purpose prejudicial to the safety or interests of the Union, be presumed, unless the contrary is proved, that the purpose for which that act has been committed, is a purpose prejudicial to the safety or interests of the Union. Proof of purpose prejudicial to safety or interests of the Union.

- (2) If in any prosecution under this Act upon a charge of
45 making, obtaining, collecting, recording, publishing or communicating anything for a purpose prejudicial to the safety or interests of the Union, it is proved that it was made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, it shall,
50 unless the contrary is proved, be presumed that the purpose for which it was made, obtained, collected, recorded, published or communicated, is a purpose prejudicial to the safety or interests of the Union.

9. Any offence under this Act shall, for the purposes of determining the jurisdiction of a court to try the offence, be deemed to have been committed at the place where it actually was committed and also at any place where the accused happens to be. Jurisdiction.

10. No trial or preparatory examination in respect of any
60 offence under this Act, other than any contravention of section five, shall be instituted without the written authority of the attorney-general or the solicitor-general as the case may be, having jurisdiction in the area concerned. Authority of attorney-general or solicitor-general required for institution of criminal proceedings.

11. The provisions of section *one hundred and eleven* of the
65 Criminal Procedure Act, 1955, shall apply with reference to any trial in respect of any offence under this Act. Trial without a jury.

12. Any court may, if it appears to that court to be in the interests of the safety of the Union, direct that any trial or preparatory examination in respect of an offence under this
70 Act, shall take place with closed doors or that the public generally or any portion thereof shall not be present thereat. Criminal proceedings may take place with closed doors.

Ekstraterritoriale toepassing van Wet.

13. Hierdie Wet is ook van toepassing ten opsigte van 'n daad wat 'n misdryf ingevolge hierdie Wet uitmaak en buite die Unie deur 'n Suid-Afrikaanse burger of iemand wat in die Unie gedomicilieer is, gepleeg is.

Herroeping in die Unie van die „Official Secrets Act, 1911” van die Verenigde Koninkryk.

14. Die „Official Secrets Act, 1911” (1 en 2 Geo. 5, Hoofstuk 28) van die Verenigde Koninkryk, vir sover dit in die Unie van krag is, word hiermee herroep. 5

Toepassing van Wet in Suidwes-Afrika.

15. Hierdie Wet is ook in die gebied Suidwes-Afrika van toepassing.

Kort titel.

16. Hierdie Wet heet die Wet op Amptelike Geheime, 1956. 10

13. This Act shall apply also in respect of any act constituting an offence under this Act, committed outside the Union by any South African citizen or any person domiciled in the Union. Extra-territorial application of Act.
- 5 14. The Official Secrets Act, 1911 (1 and 2 Geo. 5, Chapter 28) of the United Kingdom is hereby repealed in so far as it is in force in the Union. Repeal in the Union of the Official Secrets Act, 1911, of the United Kingdom.
15. This Act shall apply also in the territory of South-West Africa. Application of Act to South-West Africa.
- 10 16. This Act shall be called the Official Secrets Act, 1956. Short title.