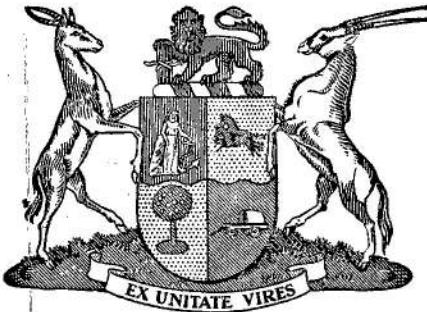


EXTRAORDINARY

BUITENGEWONE



THE REPUBLIC OF SOUTH AFRICA

Government Gazette

Staatskooerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

Vol. VIII.]

PRICE 5c

CAPE TOWN, 2ND MAY, 1963.
KAAPSTAD, 2 MEI 1963.

PRYS 5c

[No. 488.

DEPARTMENT OF THE PRIME MINISTER.

No. 651.]

[2nd May, 1963.

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

No. 37 of 1963: General Law Amendment
1963

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 651.]

[2 Mei 1963.

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

BLADSY

No. 37 van 1963: Algemene Regswysigingswet,
1963

3

No. 37, 1963.]

ACT

To amend the Magistrates' Courts Act, 1944, the Suppression of Communism Act, 1950, the Criminal Procedure Act, 1955, the Post Office Act, 1958, and the Unlawful Organizations Act, 1960, and to provide for the detention of certain persons for interrogation, for declaring certain places or areas to be protected places or areas, and for other incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 1st May, 1963.)*

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

Substitution of
section 101 of
Act 32 of 1944.

1. The following section is hereby substituted for section *one hundred and one* of the Magistrates' Courts Act, 1944:

"Execution of sentence not suspended unless bail granted.

101. (1) Subject to the provisions of section *one hundred and two*, the execution of any sentence shall not be suspended by the transmission of, or the obligation to transmit, the record for review unless a magistrate of the court which imposed the sentence thinks fit to order that the convicted person be released on bail: Provided that bail may be refused in respect of a sentence of a fine or in default of payment imprisonment, for the sole reason that the magistrate has reason to believe that the convicted person is able to pay the fine.

(2) The recognizance which shall be taken on the release on bail of the convicted person shall be taken by the magistrate from the convicted person alone or from him and one or more sureties in the discretion of the magistrate according to the nature and circumstances of the case.

(3) A condition of the recognizance shall be that the convicted person shall, at such time and place as may be specified in the recognizance, upon service in the manner prescribed by the rules of a written request upon him or at a place mentioned in the recognizance, pay any fine or surrender himself to undergo any imprisonment he may be required to pay or undergo at the conclusion of the proceedings on review.

(4) The magistrate may add to the recognizance any condition he may deem necessary or advisable in the interests of justice, *inter alia*, as to—

- (a) times and places at which and persons to whom the convicted person shall personally present himself;
- (b) places where he is forbidden to be;
- (c) any other matter relating to his conduct.

(5) The magistrate of the district where the convicted person is in custody may, notwithstanding anything to the contrary in any law contained, *mero motu* release him on bail as aforesaid if it appears that the judge to whom the record aforesaid has been submitted, has not endorsed his certificate thereon in terms of sub-section (1) of section *ninety-eight*.

(6) The provisions of sections *ninety-six* to *one hundred and one*, inclusive, and *one hundred and three* to *one hundred and seven*, inclusive, of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply with reference to the granting of bail pending review.”.

Amendment of
section 102 of
Act 32 of 1944,
as amended by
section 7 of
Act 16 of 1959.

2. Section *one hundred and two* of the Magistrates' Courts Act, 1944, is hereby amended by the substitution in sub-section (2) for the words “shall not give sufficient bail to appear after being served at some place to be mentioned in the bail bond or recognizance with a written notice signed by the clerk of the court requiring him so to do” of the words “has not been released on bail”.

No. 37 1963.]

WET

Tot wysiging van die Wet op Landdroshowe, 1944, die Wet op die Onderdrukking van Kommunisme, 1950, die Strafproseswet, 1955, die Poswet, 1958, en die Wet op Onwettige Organisasies, 1960, en om voorsiening te maak vir die aanhouding van sekere persone vir ondervraging, vir die verklaring van sekere plekke of gebiede tot beskermde plekke of gebiede en vir ander aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Mei 1963.)*

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

1. Artikel honderd-en-een van die Wet op Landdroshowe, 1944, word hierby deur die volgende artikel vervang:

„Tenuitvoer- 101. (1) Behoudens die bepalings van artikel legging van honderd-en-twee, word die tenuitvoerlegging van 'n vonnis nie opgeskort deur die deurstuur van die stukke vir hersiening of die verpligting om die tensy stukke aldus deur te stuur nie, tensy 'n magistraat borgtog toe- van die hof wat die vonnis opgelê het dit goedvind gestaan is. om te gelas dat die veroordeelde persoon op borgtog vrygelaat word: Met dien verstande dat borgtog ten opsigte van 'n vonnis van 'n boete of, by wanbetaling, gevengenisstraf, geweier kan word bloot omrede die magistraat rede het om aan te neem dat die veroordeelde persoon in staat is om die boete te betaal.”

(2) Die borgakte wat by die vrylating van die veroordeelde persoon op borgtog aangegaan word, word deur die magistraat of met slegs die veroordeelde persoon of met hom en een of meer borge, na goeddunke van die magistraat volgens die aard en omstandighede van die geval aangegaan.

(3) 'n Voorwaarde van die borgakte is dat die veroordeelde persoon, op die in die borgakte vermelde tydstip en plek, by bestelling op die by die reëls voorgeskrewe wyse van 'n skriftelike versoek aan hom of by 'n in die borgakte vermelde plek, enige boete moet betaal of hom moet oorgee om enige gevengenisstraf te ondergaan wat hy by afhandeling van die verrigtinge by hersiening moet betaal of ondergaan.

(4) Die magistraat kan enige voorwaarde aan die borgakte toevoeg wat hy in belang van die regspelsing nodig of raadsaam ag, onder andere met betrekking tot—

- (a) tye waarop en plekke waar en persone by wie die veroordeelde persoon hom persoonlik moet aanmeld;
- (b) plekke waar dit vir hom verbode is om te wees;
- (c) enige ander aangeleentheid wat sy gedrag raak.

(5) Die magistraat van die distrik waar die veroordeelde persoon aangehou word, kan hom, ondanks andersluidende wetsbepalings, *mero motu* op borgtog soos voormeld vrylaat indien dit blyk dat die regter aan wie die voormalde stukke voorgelê is, nie sy sertifikaat daarop ingevolge sub-artikel (1) van artikel *agt-en-negentig* aangeteken het nie.

(6) Die bepalings van artikels *ses-en-negentig* tot en met *honderd-en-een* en *honderd-en-drie* tot en met *honderd-en-sewe* van die Strafproseswet, 1955 (Wet No. 56 van 1955), is *mutatis mutandis* met betrekking tot die toestaan van borg in afwagting van hersiening van toepassing.”

2. Artikel honderd-en-twee van die Wet op Landdroshowe, 1944, word hierby gewysig deur in sub-artikel (2) die woorde „voldoende borgtog stel om te verskyn nadat 'n skriftelike kennisgewing om sulks te doen, deur die klerk van die hof onderteken, op hom op 'n in die akte van borgtog of verbintenis te vermelde plek gedien” deur die woorde „onder borgtog vrygelaat” te vervang.

Amendment of section 1 of Act 44 of 1950, as amended by section 1 of Act 50 of 1951 and section 1 of Act 76 of 1962.

Amendment of section 10 of Act 44 of 1950, as amended by section 7 of Act 15 of 1954 and section 8 of Act 76 of 1962.

3. Section *one* of the Suppression of Communism Act, 1950 (hereinafter referred to as the principal Act), is hereby amended with effect from the twenty-seventh day of June, 1962, by the insertion in sub-section (1) after the definition of "periodical publication" of the following definition:

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

4. Section *ten* of the principal Act is hereby amended—

(a) by the insertion after paragraph (a) of sub-section (1) of the following paragraphs:

"(a)*bis* Notwithstanding anything to the contrary in any law contained, the Minister may, if he is satisfied that any person serving any sentence of imprisonment imposed under the provisions of this Act or this Act as applied by any other law or the Public Safety Act, 1953 (Act No. 3 of 1953), or the Criminal Law Amendment Act, 1953 (Act No. 8 of 1953), or the Riotous Assemblies Act, 1956 (Act No. 17 of 1956), or section *twenty-one* of the General Law Amendment Act, 1962 (Act No. 76 of 1962), is likely to advocate, advise, defend or encourage the achievement of any of the objects of communism, by notice under paragraph (a) prohibit such person from absenting himself, after serving such sentence, from any place or area which is or is within a prison as defined in section *one* of the Prisons Act, 1959 (Act No. 8 of 1959), and a copy of the notice certified by the Secretary for Justice or any officer acting under his authority to be a true copy shall be deemed to be a warrant referred to in paragraph (e) of sub-section (2) of section *twenty-seven* of the Prisons Act, 1959, and the person to whom the notice applies shall, subject to such conditions as the Minister may from time to time determine, be detained in custody in such place or area for such period as the notice may be in force.

(a)*ter* Subject to the provisions of paragraph (a)*quat* the provisions of paragraph (a)*bis* shall lapse on the 30th June, 1964.

(a)*quat* The operation of the provisions of paragraph (a)*bis* may from time to time by resolution of the Senate and the House of Assembly be extended for a period not exceeding twelve months at a time.

(a)*quin* A telegram purporting to be from the Secretary for Justice or any officer acting under his authority, stating that a notice has been issued under this section prohibiting a specified person from absenting himself for a specified period from a specified place or area which is or is within a prison, shall have the effect of such notice or a copy thereof certified by the said Secretary or officer to be a true copy: Provided that if any such telegram is used in lieu of the notice or copy thereof concerned, the said Secretary or officer shall as soon as may be forward the notice or copy, as the case may be, to the officer in charge of the prison where the person to whom the notice applies is to be detained under such notice, and the last-mentioned officer shall hand over any such notice received by him to such person at his request.";

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

"(3) Any person who has by notice under this section been prohibited from being within or absenting himself from any place or area may, if, at the time the notice is delivered or tendered to him or at any time thereafter, he is at or in or, as the case may be, elsewhere than at or in that place or area, be arrested

3. Artikel een van die Wet op die Onderdrukking van Kommunisme, 1950 (hieronder die Hoofwet genoem), word hierby met ingang van die sewe-en-twintigste dag van Junie 1962 gewysig deur in sub-artikel (1) na die omskrywing van „periodieke publikasie” die volgende omskrywing in te voeg:

„plek’ ‘n plek, hetsy dit ‘n openbare plek is al dan nie, en ook enige perseel, gebou, woning, woonstel, kamer, kantoor, winkel, bouwerk, vaartuig, vliegtuig of voertuig, en ook enige gedeelte van ‘n plek.”.

Wysiging van artikel 1 van Wet 44 van 1950, soos gewysig deur artikel 1 van Wet 50 van 1951 en artikel 1 van Wet 76 van 1962.

4. Artikel tien van die Hoofwet word hierby gewysig—

(a) deur na paragraaf (a) van sub-artikel (1) die volgende paragrawe in te voeg:

,,(a)*bis* Ondanks andersluidende wetsbepalings kan die Minister, indien hy oortuig is dat ‘n persoon wat gevengenisstraf uitdien wat ingevolge die bepalings van hierdie Wet of hierdie Wet soos deur enige ander wet toegepas of die Wet op Openbare Veiligheid, 1953 (Wet No. 3 van 1953), of die Strafregwysigingswet, 1953 (Wet No. 8 van 1953), of die Wet op Oproerige Byeenkomste, 1956 (Wet No. 17 van 1956), of artikel *een-en-twintig* van die Algemene Regswysigingswet, 1962 (Wet No. 76 van 1962), opgelê is, waarskynlik die verwesenliking van enige van die oogmerke van kommunisme sal bepleit, aanraai, verdedig of aanmoedig, daardie persoon by kennisgewing kragtens paragraaf (a) verbied om, nadat hy bedoelde gevengenisstraf uitgedien het, afwesig te wees van of uit ‘n plek of gebied wat ‘n in artikel *een* van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), omskreve gevengenis is of daarin geleë is, en word ‘n deur die Sekretaris van Justisie of ‘n beampete wat op sy gesag handel as huis gewaarmerkte afskrif van die kennisgewing geag ‘n in paragraaf (e) van sub-artikel (2) van artikel *sewe-en-twintig* van die Wet op Gevangenis, 1959, bedoelde lasbrief te wees en word die persoon op wie die kennisgewing van toepassing is, behoudens die voorwaardes wat die Minister van tyd tot tyd bepaal, in daardie plek of gebied in hechtenis gehou vir die tydperk waartydens die kennisgewing van krag is.

(a)*ter* Behoudens die bepalings van paragraaf (a)*quat*, hou die bepalings van paragraaf (a)*bis* op 30 Junie 1964 op om van krag te wees.

(a)*quat* Die toepassing van die bepalings van paragraaf (a)*bis* kan van tyd tot tyd by besluit van die Senaat en die Volksraad vir ‘n tydperk van hoogstens twaalf maande op ‘n keer verleng word.

(a)*quin* ‘n Telegram wat van die Sekretaris van Justisie of ‘n beampete wat op sy gesag handel afkomstig heet te wees en waarin gemeld word dat ‘n kennisgewing kragtens hierdie artikel uitgereik is waarby ‘n bepaalde persoon verbied word om van of uit ‘n bepaalde plek of gebied wat ‘n gevengenis is of daarin geleë is, gedurende ‘n bepaalde tydperk afwesig te wees, het die uitwerking van bedoelde kennisgewing of ‘n deur bedoelde Sekretaris of beampete as huis gewaarmerkte afskrif daarvan: Met dien verstande dat indien so ‘n telegram in plaas van die betrokke kennisgewing of afskrif daarvan gebruik word, bedoelde Sekretaris of beampete die kennisgewing of afskrif, na gelang van die omstandighede, so spoedig doenlik aan die beampete moet stuur wat toesig het oor die gevengenis waar die persoon op wie die kennisgewing van toepassing is, kragtens daardie kennisgewing aangehou moet word, en laasbedoelde beampete so ‘n kennisgewing wat deur hom ontvang word, aan bedoelde persoon op sy versoek moet oorhandig.”;

(b) deur sub-artikel (3) deur die volgende sub-artikels te vervang:

„(3) ‘n Persoon wat by kennisgewing kragtens hierdie artikel verbied is om binne ‘n plek of gebied te wees of daarvan of daaruit afwesig te wees, kan, indien hy wanneer die kennisgewing aan hom oorhandig of aangebied word of op enige tydstip daarna, by of in of, na gelang van die omstandighede, elders as by of in daardie plek of gebied is, sonder lasbrief deur ‘n lid van

without warrant by any member of the South African Police and be removed from or to such place or area by that member or any other such member and may pending his removal be detained in custody.

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

Amendment of
section 11 of
Act 44 of 1950,
as amended by
section 8 of
Act 15 of 1954
and section 10 of
Act 76 of 1962.

5. Section *eleven* of the principal Act is hereby amended—
(a) by the insertion after paragraph (b) of the following paragraphs:

“(b)*bis* is or was resident in the Republic and has, at any place outside the Republic and at any time after the commencement of this Act, advocated, advised, defended or encouraged the achievement by violent or forcible means of any object directed at bringing about any political, industrial, social or economic change within the Republic by the intervention of or in accordance with the directions or under the guidance of or in co-operation with or with the assistance of any foreign government or any foreign or international body or institution, or the achievement of any of the objects referred to in paragraphs (a) to (d), inclusive, of the definition of ‘communism’;

(b)*ter* is or was resident in the Republic and has, at any time after the commencement of this Act, undergone any training outside the Republic or obtained any information from a source outside the Republic which could be of use in furthering the achievement of any of the objects of communism or of any body or organization which has been declared to be an unlawful organization under the Unlawful Organizations Act, 1960 (Act No. 34 of 1960), and who fails to prove beyond a reasonable doubt that he did not undergo any such training or obtain any such information for the purpose of using it or causing it to be used in furthering the achievement of any such object;”;

(b) by the insertion after paragraph (i) of the following paragraph:

“(i)*bis* in the case of an offence referred to in paragraph (b)*bis* or (b)*ter*, to the penalties provided by law for the offence of treason: Provided that, except where the death penalty is imposed, the imposition of a sentence of imprisonment for a period of not less than five years shall be compulsory, whether or not any other penalty is also imposed and that no person shall on conviction of any such offence be dealt with under section *three hundred and forty-two, three hundred and forty-five or three hundred and fifty-two* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).”.

Amendment of
section 12 of
Act 44 of 1950,
as amended by
section 8 of
Act 50 of 1951,
section 9 of
Act 15 of 1954
and section 11 of
Act 76 of 1962.

6. Section *twelve* of the principal Act is hereby amended by the addition of the following sub-section:

“(6) Notwithstanding anything to the contrary in any law or the common law contained—

(a) whenever two or more persons are in any indictment, summons or charge alleged to have committed at the same time and place, or at the same place and at approximately the same time, offences under this Act or under this Act as applied by any other law, such persons may be tried jointly for such offences on that indictment, summons or charge;

(b) any offence under this Act or under this Act as applied by any other law 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.”.

Amendment of
long title of
Act 44 of 1950.

7. The long title of the principal Act is hereby amended by the insertion after the words “certain communistic” of the words “or other undesirable”.

die Suid-Afrikaanse Polisie in hechtenis geneem word en deur daardie lid of 'n ander sodanige lid van of na daardie plek of gebied verwijder word en kan in afwagting van sy verwijdering in hechtenis gehou word.

(4) 'n Persoon wat by kennisgewing kragtens hierdie artikel verbied is om van of uit 'n plek of gebied afwesig te wees, word geag van of uit daardie plek of gebied afwesig te wees, indien hy te eniger tyd nadat die kennisgewing aan hom oorhandig of aangebied is, elders as by daardie plek of in daardie gebied is.”.

5. Artikel *elf* van die Hoofwet word hierby gewysig—

- (a) deur die volgende paragrawe na paragraaf (b) in te voeg:
„(b)*bis* in die Republiek woonagtig is of was en op enige plek buite die Republiek en te eniger tyd na die inwerkingtreding van hierdie Wet, die verwesenliking, op gewelddadige wyse of deur die aanwending van geweld, van 'n oogmerk gerig op die teweegbring van 'n politieke, industriële, sosiale of ekonomiese verandering binne die Republiek deur inmenging van of ooreenkomsdig die voorskrifte van of onder leiding van of in samewerking met of met die bystand van 'n vreemde regering of 'n vreemde of internasionale liggaaom of instelling, of die verwesenliking van enige van die in paragrawe (a) tot en met (d) van die omskrywing van 'komunisme' vermelde oogmerke bepleit, aangeraai, verdedig of aangemoedig het;
- (b)*ter* in die Republiek woonagtig is of was en te eniger tyd na die inwerkingtreding van hierdie Wet enige opleiding buite die Republiek ontvang het of uit 'n bron buite die Republiek inligting verkry het wat van nut sou kon wees by die bevordering van die verwesenliking van enige van die oogmerke van kommunisme of van 'n liggaaom of organisasie wat kragtens die Wet op Onwettige Organisasies, 1960 (Wet No. 34 van 1960), tot 'n onwettige organisasie verklaar is, en wat in gebreke bly om bo alle redelike twyfel te bewys dat hy nie sodanige opleiding ontvang of sodanige inligting verkry het met die doel om dit by die bevordering van die verwesenliking van so 'n oogmerk te gebruik of laat gebruik nie;”;
- (b) deur na paragraaf (i) die volgende paragraaf in te voeg:
„(i)*bis* in die geval van 'n in paragraaf (b)*bis* of (b)*ter* bedoelde misdryf, met die strawwe wat by wet vir hoogverraad bepaal word: Met dien verstande dat behalwe waar die doodvonnis opgelê word, die oplegging van gevangenisstraf vir 'n tydperk van minstens vyf jaar verpligtend is, hetsy 'n ander straf ook opgelê word al dan nie, en dat daar met niemand by skuldigbevinding aan so 'n misdryf kragtens artikel *driehonderd twee-en-veertig, drie-honderd vyf-en-veertig of driehonderd twee-en-vyftig* van die Strafproseswet, 1955 (Wet No. 56 van 1955), gehandel word nie.”.

6. Artikel *twaalf* van die Hoofwet word hierby gewysig deur die volgende sub-artikel daarby te voeg:

„(6) Ondanks andersluidende wetsbepalings of gemeentelike bepalings—

- (a) kan, wanneer daar in enige akte van beskuldiging, dagvaarding of klagskrif beweer word dat twee of meer persone op dieselfde tyd en plek, of op dieselfde plek en ongeveer dieselfde tyd misdrywe ingevolge hierdie Wet of ingevolge hierdie Wet soos toegepas deur enige ander wet gepleeg het, sodanige persone gesamentlik weens bedoelde misdrywe op daardie akte van beskuldiging, dagvaarding of klagskrif verhoor word;
- (b) word 'n misdryf ingevolge hierdie Wet of ingevolge hierdie Wet soos toegepas deur enige ander wet, vir die doeleindes van die bepaling van dieregsbevoegdheid van 'n hof om die misdryf te verhoor, geag gepleeg te gewees het by die plek waar dit in werklikheid gepleeg is en ook by enige plek waar die beskuldigde hom bevind.”.

7. Die lang titel van die Hoofwet word hierby gewysig deur na die woorde „sekere komunistiese“ die woorde „of ander ongewenste“ in te voeg.

Wysiging van artikel 11 van Wet 44 van 1950, soos gewysig deur artikel 8 van Wet 15 van 1954 en artikel 10 van Wet 76 van 1962.

Wysiging van artikel 12 van Wet 44 van 1950, soos gewysig deur artikel 8 van Wet 50 van 1951, artikel 9 van Wet 15 van 1954 en artikel 11 van Wet 76 van 1962.

Wysiging van lang titel van Wet 44 van 1950.

Amendment of section 54 of Act 56 of 1955.

8. Section *fifty-four* of the Criminal Procedure Act, 1955, is hereby amended by the substitution for the words "No person" of the words "Except when the attorney-general otherwise directs in terms of section *one hundred and fifty-two bis*, no person".

Amendment of section 108bis of Act 56 of 1955, as inserted by section 4 of Act 39 of 1961, and amended by section 17 of Act 76 of 1962.

9. Section *one hundred and eight bis* of the Criminal Procedure Act, 1955, is hereby amended with effect from the first day of June, 1963, by the substitution in sub-section (5) for the expression "1963" of the expression "1964".

Amendment of section 109 of Act 56 of 1955, as amended by section 2 of Act 9 of 1958 and section 5 of Act 75 of 1959.

10. Section *one hundred and nine* of the Criminal Procedure Act, 1955, is hereby amended—

- (a) by the addition to paragraph (b) of sub-section (1) of the word "or";
- (b) by the insertion after the said paragraph (b) of the following paragraph:
- "(c) in which the attorney-general has in terms of section *one hundred and fifty-two bis* directed that the accused shall be tried summarily,".

Insertion of section 152bis in Act 56 of 1955.

11. The following section is hereby inserted after section *one hundred and fifty-two* of the Criminal Procedure Act, 1955:

152 bis. (1) Whenever in the opinion of the attorney-general any danger of interference with or intimidation of witnesses exists or whenever he deems it to be in the interest of the safety of the State or in the public interest, he may direct that any person accused of having committed any offence shall be tried summarily in a superior court without a preparatory examination having been instituted against him.

(2) A summary trial in a superior court may be held at any time determined by the attorney-general and at any place so determined within the area of jurisdiction of the division of the Supreme Court concerned.

(3) At any such summary trial before plea, the procedure prescribed by law in respect of a criminal trial in a magistrate's court shall *mutatis mutandis* apply.

(4) The provisions of this section shall apply in respect of any offence committed before or after the commencement of this Act.".

Amendment of section 263ter of Act 56 of 1955, as inserted by section 18 of Act 76 of 1962.

12. Section *two hundred and sixty-three ter* of the Criminal Procedure Act, 1955, is hereby amended by the insertion in sub-section (1) after the words "time been" of the words "or made any statement" and after the words "such time" of the words "or, as the case may be, made such statement outside the Republic at such time".

Substitution of section 118 of Act 44 of 1958.

13. The following section is hereby substituted for section *one hundred and eighteen* of the Post Office Act, 1958:

118. Notwithstanding anything to the contrary in any law contained any postal article or telegram which is reasonably suspected of containing anything which will afford evidence of the commission of any offence or is reasonably suspected of being sent in order to further the commission of any offence or to prevent the detection of any offence, shall be detained by the officer in charge of any post office or telegraph office in which it is or through which it passes, and the Postmaster-General may bring the detention of any such postal article or telegram to the notice of an attorney-general or, at the request of an attorney-general, cause any such postal article or telegram to be handed over to any public prosecutor.".

Amendment of section 1 of Act 34 of 1960.

14. Section *one* of the Unlawful Organizations Act, 1960, is hereby amended with effect from the commencement of that Act—

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

"(3) (a) The State President may by proclamation in the *Gazette* declare that any body, organization, group or association of persons, institution,

8. Artikel *vier-en-vyftig* van die Strafproseswet, 1955, word hierby gewysig deur die woorde „Niemand word” deur die woorde „Behalwe wanneer die prokureur-generaal ingevolge artikel *eenhonderd twee-en-vyftig bis* anders gelas, word niemand” te vervang. Wysiging van artikel 54 van Wet 56 van 1955.

9. Artikel *honderd-en-agt bis* van die Strafproseswet, 1955, word hierby met ingang van die eerste dag van Junie 1963 gewysig deur in sub-artikel (5) die uitdrukking „1963” deur die uitdrukking „1964” te vervang. Wysiging van artikel 108bis van Wet 56 van 1955, soos ingevoeg deur artikel 4 van Wet 39 van 1961 en gewysig deur artikel 17 van Wet 76 van 1962.

10. Artikel *honderd-en-nege* van die Strafproseswet, 1955, word hierby gewysig— Wysiging van artikel 109 van Wet 56 van 1955, soos gewysig deur artikel 2 van Wet 9 van 1958 en artikel 5 van Wet 75 van 1959.

- (a) deur by paragraaf (b) van sub-artikel (1) die woorde „of” by te voeg;
- (b) deur die volgende paragraaf na genoemde paragraaf (b) in te voeg:
- (c) waarin die prokureur-generaal ingevolge artikel *honderd twee-en-vyftig bis* gelas het dat die beskuldigde summier verhoor moet word.”.

11. Die volgende artikel word hierby in die Strafproseswet, 1955, na artikel *honderd twee-en-vyftig* ingevoeg: Invoeging van artikel 152bis in Wet 56 van 1955.

„Summiere verhoor in hoërhof.
152bis. (1) Wanneer na die oordeel van die prokureur-generaal daar enige gevaar bestaan dat daar met getuies gepeuter sal word of dat getuies geïntimideer sal word of wanneer hy dit in belang van die veiligheid van die Staat of in die openbare belang ag, kan hy gelas dat enigiemand wat daarvan beskuldig word dat hy 'n misdryf gepleeg het, in 'n hoërhof summier verhoor word sonder dat 'n voorlopige ondersoek teen hom ingestel is.

(2) 'n Summiere verhoor in 'n hoërhof kan gehou word te eniger tyd deur die prokureur-generaal bepaal en op enige plek aldus bepaal binne die reggebied van die betrokke afdeling van die Hooggereghof.

(3) Voordat daar by so 'n summiere verhoor gepleit word, is die by wet voorgeskrewe prosedure ten opsigte van 'n strafverhoor in 'n magistraatshof *mutatis mutandis* van toepassing.

(4) Die bepalings van hierdie artikel is ten opsigte van 'n misdryf gepleeg voor of na die inwerkingtreding van hierdie Wet van toepassing.”.

12. Artikel *tweehonderd drie-en-sestig ter* van die Strafproseswet, 1955, word hierby gewysig deur in sub-artikel (1) na die woorde „was” waar dit die eerste keer voorkom, die woorde „of 'n verklaring gedoen het”, en na die woorde „was” waar dit die tweede keer voorkom, die woorde „of, na gelang van die omstandighede, daardie verklaring op daardie tydstip buite die Republiek gedoen het” in te voeg. Wysiging van artikel 263ter van Wet 56 van 1955, soos ingevoeg deur artikel 18 van Wet 76 van 1962.

13. Artikel *honderd-en-agtien* van die Poswet, 1958, word hierby deur die volgende artikel vervang: Vervanging van artikel 118 van Wet 44 van 1958.

„Aanhouding van postukke en telegramme wat vermoedelik op misdrywe betrekking het en optrede ten opsigte daarvan.
118. Ondanks andersluidende wetsbepalings moet 'n posstuk of telegram wat na redelike vermoede iets bevat wat bewys van die pleeg van 'n misdryf sal lewer of na redelike vermoede gestuur word ten einde die pleeg van 'n misdryf te bevorder of ten einde te verhoed dat 'n misdryf aan die lig kom, deur die beampete in beheer van 'n poskantoor of telegraafkantoor waarin dit is of waardeur dit gaan, aangehou word, en kan die Posmeester-generaal die aanhouding van so 'n posstuk of telegram onder die aandag van 'n prokureur-generaal bring of so 'n posstuk of telegram op versoek van 'n prokureur-generaal aan 'n staatsaanklaer laat oorhandig.”.

14. Artikel *een* van die Wet op Onwettige Organisasies, 1960, word hierby met ingang van die inwerkingtreding van daardie Wet gewysig— Wysiging van artikel 1 van Wet 34 van 1960.

- (a) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) (a) Die Staatspresident kan by proklamasie in die Staatskoerant verklaar dat 'n liggaam, organisasie, groep of vereniging van persone, instelling, genootskap of beweging wat in die

society or movement described or known by a name specified in the proclamation, which in his opinion is in existence or was in existence at any time after the seventh day of April, 1960—

(i) is in fact a body or organization mentioned in the proclamation which in terms of a proclamation under sub-section (1) or (2) or in terms of the Suppression of Communism Act, 1950 (Act No. 44 of 1950), is an unlawful organization;

(ii) was in fact at all times subsequent to a date specified in the proclamation, not being earlier than the eighth day of April, 1960, a body or organization so mentioned which in terms of a proclamation under sub-section (1) or (2) or in terms of the Suppression of Communism Act, 1950, is an unlawful organization,

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

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

(c) Whenever in any proclamation under this sub-section a date is specified in terms of sub-paragraph (ii) of paragraph (a), any person who at any time during the period between the date so specified and the date of publication of such proclamation was an office-bearer, officer or member of any body, organization, group or association of persons, institution, society or movement corresponding to the description or known by a name corresponding to the name of any body, organization, group or association of persons, institution, society or movement in respect of which the proclamation has been issued, shall, for the purposes of any criminal proceedings, be deemed to have become an office-bearer, officer or member of the unlawful organization referred to in the proclamation, on the day immediately following upon the date so specified.

(d) No court shall have jurisdiction to pronounce upon the validity of any proclamation issued under this sub-section.”;

(b) by the substitution in sub-section (4) for the expression “or (2)” of the expression “(2) or (3)”.

Amendment of section 2 of Act 34 of 1960, as amended by section 20 of Act 76 of 1962.

Amendment of long title of Act 34 of 1960.

Detention of certain persons for interrogation.

15. Section two of the Unlawful Organizations Act, 1960, is hereby amended by the insertion in paragraph (d) after the words “this Act” of the words “or to objects similar to the objects of any such organization”.

16. The long title of the Unlawful Organizations Act, 1960, is hereby amended by the insertion after the word “provide” of the words “for matters relating to organizations which are unlawful organizations in terms of the Suppression of Communism Act, 1950, and”.

17. (1) Notwithstanding anything to the contrary in any law contained, any commissioned officer as defined in section one of the Police Act, 1958 (Act No. 7 of 1958), may from time to time without warrant arrest or cause to be arrested any person whom he suspects upon reasonable grounds of having committed or intending or having intended to commit any offence under the Suppression of Communism Act, 1950 (Act

proklamasie beskrywe word of onder 'n in die proklamasie vermelde naam bekend is en wat na sy oordeel bestaan of te eniger tyd na die sewende dag van April 1960 bestaan het—

(i) in werklikheid 'n in die proklamasie vermelde liggaaom of organisasie is wat uit hoofde van 'n proklamasie kragtens sub-artikel (1) of (2) of ingevolge die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), 'n onwettige organisasie is;

(ii) in werklikheid te alle tye na 'n in die proklamasie vermelde datum wat nie vroeër as die agste dag van April 1960 is nie, 'n aldus vermelde liggaaom of organisasie was wat uit hoofde van 'n proklamasie kragtens sub-artikel (1) of (2) of ingevolge die Wet op die Onderdrukking van Kommunisme, 1950, 'n onwettige organisasie is, en daarna word genoemde liggaaom, organisasie, groep of vereniging van persone, instelling, genootskap of beweging in enige strafsaak geag te bestaan of, na gelang van die omstandighede, te alle sodanige tye te bestaan het en genoemde onwettige organisasie te wees of, na gelang van die omstandighede, te alle sodanige tye te gewees het.

(b) In 'n strafsaak word 'n daad of versuim wat bewys is met betrekking tot 'n liggaaom, organisasie, groep of vereniging van persone, instelling, genootskap of beweging wat ooreenstem met die beskrywing of bekend is onder 'n naam wat ooreenstem met die naam van 'n liggaaom, organisasie, groep of vereniging van persone, instelling, genootskap of beweging ten opsigte waarvan 'n proklamasie kragtens hierdie sub-artikel uitgevaardig is, geag met betrekking tot die in die proklamasie vermelde onwettige organisasie bewys te wees.

(c) Wanneer in 'n proklamasie kragtens hierdie sub-artikel 'n datum ingevolge sub-paragraaf (ii) van paragraaf (a) vermeld word, word enige persoon wat te eniger tyd gedurende die tydperk tussen die aldus vermelde datum en die datum van aankondiging van daardie proklamasie 'n ampsdraer, beampete of lid was van 'n liggaaom, organisasie, groep of vereniging van persone, instelling, genootskap of beweging wat ooreenstem met die beskrywing of bekend is onder 'n naam wat ooreenstem met die naam van 'n liggaaom, organisasie, groep of vereniging van persone, instelling, genootskap of beweging ten opsigte waarvan die proklamasie uitgevaardig is, vir die doeleindes van 'n strafsaak geag op die dag wat onmiddellik op die aldus vermelde datum volg 'n ampsdraer, beampete of lid van die in die proklamasie vermelde onwettige organisasie te geword het.

(d) Geen hof is bevoeg om oor die regsgeldigheid van 'n kragtens hierdie sub-artikel uitgevaardigde proklamasie uitspraak te doen nie.”;

(b) deur in sub-artikel (4) die uitdrukking „of (2)” deur die uitdrukking „(2) of (3)” te vervang.

15. Artikel *twee* van die Wet op Onwettige Organisasies, 1960, word hierby gewysig deur in paragraaf (d) na die woord „is” die woorde „of na oogmerke wat soortgelyk aan die oogmerke van so 'n organisasie is” in te voeg.

Wysiging van artikel 2 van Wet 34 van 1960, soos gewysig deur artikel 20 van Wet 76 van 1962.

16. Die lang titel van die Wet op Onwettige Organisasies, 1960, word hierby gewysig deur na die woord „om” waar dit die laaste keer voorkom, die woorde „vir aangeleenthede met betrekking tot organisasies wat kragtens die Wet op die Onderdrukking van Kommunisme, 1950, onwettige organisasies is en” in te voeg.

Wysiging van lang titel van Wet 34 van 1960.

17. (1) Ondanks andersluidende wetsbepalings kan 'n offisier soos omskrywe in artikel *een* van die Polisiewet, 1958 (Wet No. 7 van 1958), enige persoon wat hy op redelike gronde daarvan verdink dat hy 'n misdryf ingevolge die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950), of ingevolge laasgenoemde Wet soos toegepas deur die Wet op Onwettige Organisasies, 1960 (Wet No. 34 van 1960), of die

Aanhouding van sekere persone vir ondervraging.

No. 44 of 1950), or under the last-mentioned Act as applied by the Unlawful Organizations Act, 1960 (Act No. 34 of 1960), or the offence of sabotage, or who in his opinion is in possession of any information relating to the commission of any such offence or the intention to commit any such offence, and detain such person or cause him to be detained in custody for interrogation in connection with the commission of or intention to commit such offence, at any place he may think fit, until such person has in the opinion of the Commissioner of the South African Police replied satisfactorily to all questions at the said interrogation, but no such person shall be so detained for more than ninety days on any particular occasion when he is so arrested.

(2) No person shall, except with the consent of the Minister of Justice or a commissioned officer as aforesaid, have access to any person detained under sub-section (1): Provided that not less than once during each week such person shall be visited in private by the magistrate or an additional or assistant magistrate of the district in which he is detained.

(3) No court shall have jurisdiction to order the release from custody of any person so detained, but the said Minister may at any time direct that any such person be released from custody.

(4) (a) Subject to the provisions of paragraphs (b) and (c), sub-sections (1) to (3), inclusive, shall be in operation until the thirtieth day of June, 1964, and for such periods thereafter not exceeding twelve months at a time as the State President may from time to time by proclamation in the *Gazette* determine.

(b) Any proclamation under paragraph (a) may be issued at any time whether or not the said sub-sections have then ceased to be in operation.

(c) The State President may at any time by like proclamation suspend the operation of the said sub-sections or withdraw any proclamation issued under paragraph (a).

Protected places or areas.

18. (1) Whenever the Minister of Justice considers it to be in the public interest or in the interest of the safety of the State to prevent unauthorized persons from being within any place or area, he may by notice published in the *Gazette* or made known in any other manner which he considers sufficient in the circumstances declare such place or area to be a protected place or area.

(2) Any person who without the consent of any person in charge of any place or area which has in terms of sub-section (1) been declared to be a protected place or area or of any person acting under the authority of any person so in charge, enters or is within such place or area, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding fifteen years.

(3) The said Minister may by notice in writing order the owner or occupier of any place or area which has so been declared to be a protected place or area, at his own expense and within such period as may be specified in the notice, to take such precautionary measures (including the erection of fencing works) for safeguarding such place or area and to erect such warning notices as may be so specified.

(4) Upon refusal or failure by any owner or occupier to comply with an order under sub-section (3), the Minister may cause the said precautionary measures to be taken and the said notices to be erected and may recover from the owner or occupier the cost of taking such precautionary measures and erecting such notices.

(5) The Minister may by notice in writing order the person in charge of any place or area which has been declared to be a protected place or area as aforesaid, to ensure at all times that whenever consent is granted to any person to enter or be within such place or area or any part of such place or area specified by the Minister, such consent shall be in writing or shall be granted by way of a permit containing such particulars as the Minister may specify in such notice.

(6) Any person who fails to comply with an order under sub-section (5) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months.

misdryf van sabotasie gepleeg het of voornemens is of was om so 'n misdryf te pleeg, of wat na sy oordeel oor enige inligting beskik met betrekking tot die pleeg van so 'n misdryf of die voorneme om so 'n misdryf te pleeg, van tyd tot tyd sonder lasbrief in hegtenis neem of laat neem en vir ondervraging in verband met die pleeg van daardie misdryf of die voorneme om dit te pleeg in hegtenis aanhou of laat aanhou by enige plek wat hy goedyind, totdat daardie persoon na die oordeel van die Kommissaris van die Suid-Afrikaanse Polisie alle vrae by bedoelde ondervraging op bevredigende wyse beantwoord het, maar geen sodanige persoon word by 'n bepaalde geleentheid wanneer hy aldus in hegtenis geneem word, langer as negentig dae aldus aangehou nie.

(2) Niemand het tot 'n kragtens sub-artikel (1) aangehoudene toegang behalwe met toestemming van die Minister van Justisie of 'n officier soos voormeld nie: Met dien verstande dat die aangehoudene minstens een keer per week deur die landdros of 'n addisionele of assistent-landdros van die distrik waarin hy aangehou word, in afsöndering besoek moet word.

(3) Geen hof is bevoeg om die vrylating uit hegtenis van so 'n aangehoudene te beveel nie, maar genoemde Minister kan te eniger tyd gelas dat so 'n aangehoudene uit hegtenis vrygelaat word.

- (4) (a) Behoudens die bepalings van paragrawe (b) en (c), is sub-artikels (1) tot en met (3) van toepassing tot die dertigste dag van Junie 1964 en gedurende die tydperke daarna van hoogstens twaalf maande op 'n keer wat die Staatspresident van tyd tot tyd by proklamasie in die *Staatskoerant* bepaal.
- (b) 'n Proklamasie kragtens paragraaf (a) kan te eniger tyd uitgevaardig word hetsy bedoelde sub-artikels dan opgehou het om van toepassing te wees al dan nie.
- (c) Die Staatspresident kan te eniger tyd by dergelike proklamasie die toepassing van bedoelde sub-artikels opskort of 'n kragtens paragraaf (a) uitgevaardigde proklamasie intrek.

18. (1) Wanneer die Minister van Justisie meen dat dit in Beskermde plekke of gebiede.

die openbare belang of in belang van die veiligheid van die Staat is om te verhoed dat ongemagtigde persone binne enige plek of gebied is, kan hy by kennisgewing in die *Staatskoerant* afgekondig of op enige ander wyse wat hy onder die omstandighede genoegsaam ag, bekend gemaak, daardie plek of gebied tot 'n beskermde plek of gebied verklaar.

(2) 'n Persoon wat sonder die toestemming van 'n persoon wat toesig het oor 'n plek of gebied wat kragtens sub-artikel (1) tot 'n beskermde plek of gebied verklaar is of van 'n persoon wat op gesag van 'n persoon handel wat aldus toesig het, daardie plek of gebied binnegaan of daarbinne is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyftien jaar.

(3) Bedoelde Minister kan by skriftelike kennisgewing die eienaar of okkuperer van 'n plek of gebied wat aldus tot 'n beskermde plek of gebied verklaar is, beveel om op sy eie koste en binne die in die kennisgewing bepaalde tydperk die aldus bepaalde voorsorgsmaatreëls (met inbegrip van die oprigting van omheiningswerke) ter beveiliging van daardie plek of gebied te tref en waarskuwingskennisgewings op te rig.

(4) By weiering of versuim deur 'n eienaar of okkuperer om 'n bevel kragtens sub-artikel (3) na te kom, kan die Minister bedoelde voorsorgsmaatreëls laat tref en bedoelde kennisgewings laat oprig en die koste verbonde aan die tref van daardie voorsorgsmaatreëls en die oprigting van daardie kennisgewings op die eienaar of okkuperer verhaal.

(5) Die Minister kan by skriftelike kennisgewing die persoon wat toesig het oor 'n plek of gebied wat soos voormeld tot 'n beskermde plek of gebied verklaar is, beveel om te alle tye te verseker dat wanneer toestemming aan 'n persoon verleen word om daardie plek of gebied of 'n deur die Minister bepaalde gedeelte van daardie plek of gebied binne te gaan of daarbinne te wees, daardie toestemming skriftelik moet geskied of verleent moet word by wyse van 'n permit wat die deur die Minister in bedoelde kennisgewing bepaalde besonderhede bevat.

(6) 'n Persoon wat in gebreke bly om 'n bevel kragtens sub-artikel (5) na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(7) The Minister may, whenever he considers it necessary to take special precautionary measures for safeguarding any place or area which has been declared to be a protected place or area as aforesaid, without prior notice to any person, designate any person in the service of the State as the person in charge of such place or area for the purposes of this section, and thereupon the person so designated—

- (a) shall, for such period as the Minister may direct, be deemed to be the only person so in charge;
- (b) may, during such period, enter or be within such place or area together with such other persons as he may require to assist him in order to safeguard such place or area and take or cause to be taken such measures as he may consider necessary for safeguarding such place or area or anything therein.

(8) The Government or any person in the service of the State shall not be liable for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to property caused by or arising out of or in connection with any measures taken under sub-section (4) or (7).

(9) The Minister may at any time withdraw any notice issued under this section.

Short title.

19. This Act shall be called the General Law Amendment Act, 1963.

(7) Die Minister kan, wanneer hy dit nodig ag dat spesiale voorsorgsmaatreëls getref word ter beveiliging van 'n plek of gebied wat soos voormeld tot 'n beskermd plek of gebied verklaar is, sonder voorafgaande kennisgewing aan enige persoon, 'n persoon in diens van die Staat aanwys as die persoon wat by die toepassing van hierdie artikel oor daardie plek of gebied toesig het, en daarna—

- (a) word die aldus aangewese persoon, vir die tydperk wat die Minister gelas, geag die enigste persoon te wees wat aldus toesig het;
- (b) kan bedoelde persoon gedurende daardie tydperk daardie plek of gebied binne gaan of daarbinne wees təsame met die ander persone wat hy nodig het om hom by te staan ten einde daardie plek of gebied te beveilig en die maatreëls tref of laat tref wat hy ter beveiliging van daardie plek of gebied of enigets daarbinne nodig ag.

(8) Die Regering of 'n persoon in diens van die Staat is nie aanspreeklik vir enige verlies of skade as gevolg van ligmaamlike besering, lewensverlies of verlies van of skade aan eiendom, wat veroorsaak word deur of ontstaan uit of in verband staan met enige maatreëls wat kragtens sub-artikel (4) of (7) getref word nie.

(9) Die Minister kan te eniger tyd 'n kragtens hierdie artikel uitgevaardigde kennisgewing intrek.

19. Hierdie Wet heet die Algemene Regswysigingswet, 1963. Kort titel.