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GOVERNMENT GAZETTE

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

No. 132. 28 January 1994

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

No. 205 of 1993: Regulation of Gatherings Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 132. 28 Januarie 1994

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

No. 205 van 1993: Wet op Reëling van Byeenkomste, 1993.

ACT

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

*(English text signed by the State President.)
(Assented to 14 January 1994.)*

PREAMBLE

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:—

Definitions

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

- (i) “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; (iii) 5
- (ii) “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; (xii) 10
- (iii) “Commissioner” means the Commissioner of the South African Police appointed in terms of section 3 of the Police Act, 1958 (Act No. 7 of 1958), and includes a regional commissioner as defined in the said Act; (iv) 15
- (iv) “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); (xi) 20
- (v) “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; (i)
- (vi) “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 30
 - (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; (ii) 35
- (vii) “local authority” means any local authority as defined in section 1 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983), within whose area of jurisdiction a gathering takes place or is to take

WET

Om die hou van openbare byeenkomste en betogings op sekere plekke te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 14 Januarie 1994.)*

AANHEF

AANGESIEN elke persoon die reg het om saam met ander persone byeen te kom en sy sienswyse oor enige aangeleentheid vryelik in die openbaar uit te druk, en om die beskerming van die Staat te hê terwyl hy dit doen;

EN AANGESIEN die uitoefening van dié reg vreedsaam en met behoorlike inagneming van die regte van ander moet geskied:

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - 5 (i) “betoging” ook ’n betoging deur een of meer persone, maar hoogstens 15, vir of teen enige persoon, saak, optrede of versuim om op te tree; (v)
 - (ii) “byeenkoms” enige vergadering, toeloop of optog van meer as 15 persone in of op enige openbare pad soos omskryf in die Padverkeerswet, 1989 (Wet No. 29 van 1989), of enige ander openbare plek of perseel wat in geheel of gedeeltelik na bo oop is—
 - 10 (a) waarop die beginsels, beleid, optrede of versuim om op te tree van enige regering, politieke party of politieke organisasie bespreek, aangeval, gekritiseer, bevorder of gepropageer word, ongeag of daardie party of organisasie ingevolge ’n toepaslike wet geregistreer is al dan nie; of
 - 15 (b) wat gehou word om drukgroepe te vorm, versoekskrifte aan iemand te oorhandig, of steun vir of teenkanting teen die sienswyse, beginsels, beleid, optrede of versuim van ’n persoon of liggaam van persone of instelling, met inbegrip van enige regering, administrasie of owerheidsinstelling, te mobiliseer of te betoon; (vi)
 - 20 (iii) “gemagtigde lid” ’n lid van die Polisie wat ingevolge artikel 2(2) gemagtig is om die Polisie te verteenwoordig soos beoog in genoemde artikel; (i)
 - 25 (iv) “Kommissaris” die Kommissaris van die Suid-Afrikaanse Polisie aangestel ingevolge artikel 3 van die Polisiewet, 1958 (Wet No. 7 van 1958), en ook ’n streekkommissaris soos omskryf in genoemde Wet; (iii)
 - 30 (v) “landdros” ’n landdros aangestel ingevolge die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944); (viii)
 - (vi) “Minister” die Minister van Wet en Orde; (x)
 - (vii) “onluskade” enige verlies gelyk as gevolg van ’n besering aan of die dood van iemand, of enige skade aan of vernietiging van goed, wat regstreeks of onregstreeks en onmiddellik voor, tydens of na die hou van ’n byeenkoms veroorsaak word deur die hou daarvan; (xv)
 - 35 (viii) “organisasie” ’n vereniging, groep of liggaam van persone, ongeag of sodanige vereniging, groep of liggaam ooreenkomstig ’n wet ingelyf, ingestel of geregistreer is al dan nie; (xi)

- place, but does not include a regional services council or a joint services board in respect of the area of jurisdiction of another local authority; (ix)
- (viii) "magistrate" means a magistrate appointed in terms of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944); (v)
- (ix) "marshal" means any person appointed as such in terms of section 8(1); 5
(xiii)
- (x) "Minister" means the Minister of Law and Order; (vi)
- (xi) "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; (viii) 10
- (xii) "peace committee" means a local committee or a regional committee as defined in section 1 of the Internal Peace Institutions Act, 1992 (Act No. 135 of 1992), and contemplated in the National Peace Accord signed at Johannesburg on 14 September 1991; (xv)
- (xiii) "Police" means the South African Police mentioned in section 2 of the 15
Police Act, 1958 (Act No. 7 of 1958), and includes any body of persons established or enrolled under any law and exercising or performing the powers, duties and functions of a police force, but does not include any body of traffic officers; (x)
- (xiv) "responsible officer" means a person appointed in terms of section 20
2(4)(a) as responsible officer or deputy responsible officer, and includes any person deemed in terms of section 2(4)(b) to be a responsible officer; (xiv)
- (xv) "riot damage" means any loss suffered as a result of any injury to or the 25
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. (vii)

CHAPTER 1

Appointment of conveners, authorized members and responsible officers

2. (1) (a) An organization or any branch of an organization intending to hold a 30
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 35
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 40
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 45
in terms of paragraph (a): Provided that after the appointment of a person 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 50
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. 55

- (ix) "plaaslike owerheid" 'n plaaslike owerheid soos omskryf in artikel 1 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983), binne wie se regsgebied 'n byeenkoms plaasvind of gaan plaasvind, maar nie ook 'n streekdiensteraad of 'n gesamentlike diensteraad ten opsigte van die regsgebied van 'n ander plaaslike owerheid nie; (vii)
- (x) "Polisie" die Suid-Afrikaanse Polisie vermeld in artikel 2 van die Polisiwet, 1958 (Wet No. 7 van 1958), en ook 'n liggaam van persone ingestel of in diens geneem kragtens die een of ander wet en wat die bevoegdhede, pligte en werksaamhede van 'n polisiemag uitoefen of verrig, maar nie ook 'n liggaam van verkeersbeamptes nie; (xiii)
- (xi) "sameroeper"—
- (a) iemand wat uit eie beweging 'n byeenkoms byeenroep; en
- (b) met betrekking tot 'n organisasie of 'n tak van 'n organisasie, iemand wat deur dié organisasie of tak ingevolge artikel 2(1) aangestel is; (iv)
- (xii) "tak", met betrekking tot 'n organisasie, ook—
- (a) enige afdeling of komitee van die organisasie; en
- (b) 'n plaaslike, streeks- of ondergeskikte liggaam wat deel van die organisasie uitmaak; (ii)
- (xiii) "toesighouer" 'n persoon wat as sodanig ingevolge artikel 8(1) aangestel is; (ix)
- (xiv) "verantwoordelike beampte" 'n persoon aangestel ingevolge artikel 2(4)(a) as verantwoordelike beampte of adjunk-verantwoordelike beampte, en ook iemand wat ingevolge artikel 2(4)(b) geag word 'n verantwoordelike beampte te wees; (xiv)
- (xv) "vredeskomitee" 'n plaaslike komitee of 'n streekkomitee soos omskryf in artikel 1 van die Wet op Binnelandse Vredesinstellings, 1992 (Wet No. 135 van 1992), en beoog in die Nasionale Vredesverdrag wat op 14 September 1991 te Johannesburg onderteken is. (xii)

HOOFSTUK 1

Aanstelling van sameroepers, gemagtigde lede en verantwoordelike beamptes

2. (1) (a) 'n Organisasie of 'n tak van 'n organisasie wat 'n byeenkoms wil byeenroep, moet—
- (i) iemand aanstel om verantwoordelik te wees vir die reëlins vir dié byeenkoms en om daarby teenwoordig te wees, kennis ingevolge artikel 3 te gee, en namens hom op te tree by beraadslagings of onderhandelings beoog in artikel 4 of in verband met ander prosedures beoog in hierdie Wet waarby sy teenwoordigheid vereis word; en
- (ii) 'n adjunk aanstel vir iemand wat ingevolge subparagraaf (i) aangestel is.
- (b) Dié organisasie of tak, na gelang van die geval, moet die betrokke verantwoordelike beampte onverwyld in kennis stel van die name en adresse van die persone aldus aangestel en die verantwoordelike beampte moet die betrokke gemagtigde lid dienoreenkomstig in kennis stel.
- (c) Indien 'n persoon wat ingevolge paragraaf (a) aangestel is nie in staat is nie of ophou om in staat te wees om sy werksaamhede ingevolge hierdie Wet te verrig of voort te sit, moet die organisasie of tak, na gelang van die geval, onverwyld 'n ander persoon in sy plek aanstel, en 'n persoon aldus aangestel, word geag ingevolge paragraaf (a) aangestel te wees: Met dien verstande dat na die aanstelling van 'n persoon ingevolge hierdie paragraaf, geen verdere sodanige aanstelling gedoen mag word nie, behalwe met die goedkeuring van die betrokke verantwoordelike beampte.
- (2) (a) Die Kommissaris of iemand deur hom daartoe gemagtig, moet 'n paslik gekwalifiseerde en ervare lid van die Polisie magtig om, óf in die algemeen óf in 'n bepaalde geval, die Polisie te verteenwoordig by beraadslagings of onderhandelings beoog in artikel 4, en om die ander werksaamhede te verrig wat by hierdie Wet aan 'n gemagtigde lid verleen of hom opgelê word, en moet alle betrokke plaaslike owerhede of 'n betrokke plaaslike owerheid in kennis stel van elke sodanige magtiging en van die naam, rang en adres van elke betrokke gemagtigde lid.

(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. 5

(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. 10 15

(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. 20

(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. 25

Notice of gatherings

3. (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. 30

(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. 35 40

(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; 45
- (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; 50
- (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— 55
 - (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;

- (b) Indien 'n gemagtigde lid nie in staat is nie of ophou om in staat te wees om sy werksaamhede ingevolge hierdie Wet te verrig of dit voort te sit, moet die Kommissaris of iemand deur hom daartoe gemagtig, onverwyld 'n ander lid van die Polisie aanwys om in sy plek op te tree, hetsy in die algemeen of in 'n bepaalde geval, en die lid aldus aangewys, word geag ingevolge paragraaf (a) gemagtig te wees vir die doeleindes beoog in genoemde paragraaf: Met dien verstande dat na die aanwysing van 'n lid van die Polisie ingevolge hierdie paragraaf, geen verdere sodanige aanwysing gedoen mag word nie, behalwe met die goedkeuring van die betrokke verantwoordelike beampte.
- 10 (3) Indien beraadslagings, onderhandelings of prosedures ingevolge hierdie Wet waarby die teenwoordigheid van 'n sameroeper of 'n gemagtigde lid vereis word, moet plaasvind, en sodanige sameroeper of lid nie beskikbaar is nie, kan dié beraadslagings of onderhandelings of ander prosedures voortgesit word in die afwesigheid van sodanige sameroeper of lid en is die organisasie of Polisie,
- 15 na gelang van die geval, gebind deur die uitkoms van sodanige beraadslagings, onderhandelings of prosedures asof hulle daartoe ingestem het.
- (4) (a) 'n Plaaslike owerheid binne wie se regsgebied 'n byeenkoms gehou gaan word, of die besturende of uitvoerende komitee van so 'n plaaslike owerheid, moet 'n geskikte persoon, en 'n adjunk vir sodanige persoon, aanstel
- 20 om die werksaamhede, bevoegdhede en pligte van 'n verantwoordelike beampte ingevolge hierdie Wet te verrig, uit te oefen of uit te voer.
- (b) Indien 'n plaaslike owerheid om enige rede nie 'n aanstelling ingevolge paragraaf (a) gedoen het nie wanneer 'n sameroeper ingevolge artikel 3(2) kennis moet gee of wanneer 'n lid van die Polisie inligting ingevolge artikel
- 25 3(5)(a) moet voorlê, moet sodanige kennis gegee of sodanige inligting voorgelê word aan die hoof- uitvoerende beampte of, in sy afwesigheid, sy onmiddellike ondergeskikte, wat daarop vir alle doeleindes van hierdie Wet geag word die verantwoordelike beampte te wees met betrekking tot die betrokke byeenkoms.

Kennisgewing van byeenkomste

- 30 3. (1) Die sameroeper van 'n byeenkoms moet skriftelike kennis, deur hom onderteken, gee van die voorgenome byeenkoms ooreenkomstig die bepalings van hierdie artikel: Met dien verstande dat indien die sameroeper nie in staat is om 'n voorgenome kennisgewing op skrif te stel nie, die verantwoordelike beampte dit, op sy versoek, vir hom moet doen.
- 35 (2) Die sameroeper moet minstens sewe dae voor die datum waarop die byeenkoms gehou sal word, aan die betrokke verantwoordelike beampte kennis gee van die byeenkoms: Met dien verstande dat indien dit nie vir die sameroeper redelikerwys moontlik is om dié kennis vroeër as sewe dae voor dié datum te gee nie, hy dié kennis by die eerste geleentheid moet gee: Met dien verstande voorts
- 40 dat indien dié kennis minder as 48 uur voor die aanvang van die byeenkoms gegee word, die verantwoordelike beampte die byeenkoms by kennisgewing aan die sameroeper kan verbied.
- (3) Die kennisgewing bedoel in subartikel (1) moet minstens die volgende inligting bevat:
- 45 (a) Die naam, adres en telefoon- en faksnommer, as daar is, van die sameroeper en sy adjunk;
- (b) die naam van die organisasie of tak namens wie die byeenkoms byeengeroep word of, indien dit nie aldus byeengeroep word nie, 'n verklaring dat dit deur die sameroeper byeengeroep word;
- 50 (c) die doel van die byeenkoms;
- (d) die tyd, duur en datum van die byeenkoms;
- (e) die plek waar die byeenkoms gehou sal word;
- (f) die verwagte aantal deelnemers;
- (g) die voorgestelde getal en, waar moontlik, die name van die toesighouers wat deur die sameroeper aangestel sal word, en hoe die toesighouers van die ander deelnemers aan die byeenkoms onderskei sal word;
- 55 (h) in die geval van 'n byeenkoms in die vorm van 'n optog—
- (i) die presiese en volledige roete van die optog;
- (ii) die tyd wanneer en die plek waar deelnemers aan die optog sal
- 60 byeenkom, en die tyd wanneer en die plek van waar die optog sal begin;

- (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; 5
 - (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. 10
- (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. 15
- (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. 20
- (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. 25

Consultations, negotiations, amendment of notices, and conditions 30

4. (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. 35
- (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. 40
- (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; 45
 - (iii) any other responsible officers concerned, if any; and
 - (iv) representatives of such other public bodies, including local authorities, police community consultative forums and peace committees, as in the opinion of such responsible officer or officers ought to be present at such meeting, 50
- 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. 55
- (d) The responsible officer shall endeavour to ensure that such discussions take place in good faith.

- (iii) die tyd wanneer en die plek waar die optog sal eindig en die deelnemers uitmekaar sal gaan;
 - (iv) die wyse waarop die deelnemers na die plek van byeenkoms en van die plek waar hulle sal uiteengaan, vervoer sal word;
 - 5 (v) die getal en tipes voertuie, indien daar is, wat deel van die optog sal uitmaak;
 - (i) indien kennis gegee word minder as sewe dae voor die datum waarop die byeenkoms gehou gaan word, die rede waarom dit nie betyds gegee is nie;
 - 10 (j) indien 'n versoekskrif of ander stuk aan iemand oorhandig gaan word, die plek waar en die persoon aan wie dit oorhandig moet word.
- (4) Indien 'n plaaslike owerheid nie bestaan of nie funksioneer nie in die gebied waar 'n byeenkoms gehou gaan word, moet die sameroeper kennis gee, soos bedoel in hierdie artikel, aan die landdros van die distrik waarin daardie byeenkoms gehou gaan word of gaan begin, en dié landdros moet daarna die werksaamhede verrig, die bevoegdhede uitoefen en die pligte uitvoer wat by 15 hierdie Wet aan 'n verantwoordelike beampte ten opsigte van dié byeenkoms verleen of opgelê word.
- (5) (a) Wanneer 'n lid van die Polisie inligting ontvang oor 'n voorgenome byeenkoms en rede het om te vermoed dat kennis nog nie ingevolge subartikel 20 (1) aan die betrokke verantwoordelike beampte gegee is nie, moet hy onverwyld dié beampte voorsien van dié inligting.
- (b) Wanneer 'n verantwoordelike beampte inligting ontvang uit 'n ander bron as dié in paragraaf (a) beoog, oor 'n voorgenome byeenkoms waarvan hy nie in kennis gestel is nie, moet hy onverwyld die betrokke gemagtigde lid van 25 sodanige inligting voorsien.
- (c) Sonder om afbreuk te doen aan die plig wat by subartikel (1) aan 'n sameroeper opgelê word, moet die verantwoordelike beampte, by ontvangs van sodanige inligting, die stappe doen wat hy nodig ag, met inbegrip van die verkryging van bystand van die Polisie, om die identiteit vas te stel van die 30 sameroeper van dié byeenkoms, en kan hy die sameroeper versoek om aan die bepalinge van hierdie Hoofstuk te voldoen.

Oorlegpleging, onderhandeling, wysiging van kennisgewings, en voorwaardes

4. (1) Indien 'n verantwoordelike beampte kennisgewing ingevolge subartikel 3(2) ontvang, of ander inligting oor 'n voorgenome byeenkoms onder sy aandag 35 kom, moet hy onverwyld oorleg pleeg met die gemagtigde lid betreffende die noodsaaklikheid van onderhandelinge oor enige aspek van die bestuur van, of enige voorwaarde met betrekking tot, die beoogde byeenkoms.
- (2) (a) Indien die verantwoordelike beampte na sodanige oorlegpleging van mening is dat onderhandelinge nie nodig is nie en dat die byeenkoms kan 40 plaasvind soos in die kennisgewing vermeld of met die wysiging van die inhoud van die kennisgewing waarop hy en die sameroeper ooreengekom het, moet hy die sameroeper dienooreenkomstig in kennis stel.
- (b) Indien die verantwoordelike beampte na sodanige oorlegpleging van mening is dat onderhandelinge nodig is, moet hy onverwyld 'n vergadering belê 45 tussen hom en—
- (i) die sameroeper;
 - (ii) die gemagtigde lid;
 - (iii) enige ander betrokke verantwoordelike beamptes, indien daar is; en
 - 50 (iv) verteenwoordigers van die ander openbare liggame, met inbegrip van plaaslike owerhede, polisie-gemeenskapsgespreksforums en vredeskomitees, wat na die mening van dié verantwoordelike beampte of beamptes teenwoordig behoort te wees op sodanige vergadering, ten einde enige wysiging van die inhoud van die kennisgewing, en die voorwaardes betreffende die bestuur van die byeenkoms wat hy nodig ag, te 55 bespreek.
- (c) Op die vergadering bedoel in paragraaf (b) moet samesprekings gehou word oor die inhoud van die kennisgewing, wysigings daarvan of toevoegings daartoe en die voorwaardes, as daar is, wat opgelê moet word ten opsigte van die hou van die byeenkoms ten einde die oogmerke van hierdie Wet te bereik.
- 60 (d) Die verantwoordelike beampte moet poog om te verseker dat sodanige samesprekings te goeder trou geskied.

(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. 5

(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— 10

(i) that vehicular or pedestrian traffic, especially during traffic rush hours, is least impeded; or 15

(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. 20

(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: 25 30

(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 35

(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. 40

(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. 45

(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. 50

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

Prevention and prohibition of gathering

5. (1) When credible information on oath is brought to the attention of a

(3) Indien 'n sameroeper ingevolge subartikel (2)(a) in kennis gestel is of nie binne 24 uur nadat hy ingevolge artikel 3(2) kennis gegee het, na 'n vergadering ingevolge subartikel (2)(b) van hierdie artikel ontbied is nie, kan die byeenkoms plaasvind ooreenkomstig die inhoud van die kennisgewing en ooreenkomstig die 5 bepalinge van artikel 8, maar behoudens die bepalinge van artikels 5 en 6.

(4) (a) Indien daar ooreenkoms bereik word op die vergadering beoog in subartikel (2)(b), kan die byeenkoms plaasvind ooreenkomstig die inhoud van die kennisgewing, met inbegrip van enige wysigings, indien daar is, van dié inhoud, waaroor daar ooreenkoms op die vergadering bereik is, maar behou- 10 dens die bepalinge van artikels 5 en 6.

(b) Indien op 'n vergadering beoog in subartikel (2)(b) daar nie ooreenkoms bereik word nie oor die inhoud van die kennisgewing of die voorwaardes betreffende die bestuur van die byeenkoms, kan die verantwoordelike beampte, indien redelike gronde daarvoor bestaan, uit eie beweging of op versoek van 'n 15 gemagtigde lid voorwaardes op die hou van die byeenkoms oplê om—

- (i) te verseker dat motorvoertuig- of voetgangerverkeer die minste belem- mer word, veral gedurende spitsverkeerstye; of
- (ii) 'n gepaste afstand tussen deelnemers aan die byeenkoms en mededin- gende byeenkomste te verseker; of
- 20 (iii) toegang tot eiendom en werkplekke te verseker; of
- (iv) die voorkoming van beserings aan persone of skade aan goed te verseker.

(c) 'n Verantwoordelike beampte wat 'n voorwaarde oplê of 'n versoek ingevolge paragraaf (b) weier, moet skriftelik redes daarvoor gee.

25 (5) (a) Die verantwoordelike beampte moet so gou doenlik verseker dat 'n skriftelike kopie van die kennisgewing, met inbegrip van enige wysiging daarvan en enige voorwaarde opgelê, en die redes daarvoor, oorhandig word aan die sameroeper en die gemagtigde lid en aan elke party wat die vergadering bedoel in subartikel (2)(b) bygewoon het: Met dien verstande dat indien die identiteit 30 van die sameroeper of die plek waar hy hom bevind, onbekend is, of indien vanweë die dringendheid van die geval dit nie doenlik is om genoemde skriftelike kennisgewing en redes aan hom af te lewer of aan te bied nie, die kennisgewing onverwyld, ondanks enige andersluidende bepaling in enige ander wet, op een of meer van die volgende wyses gepubliseer moet word:

- 35 (i) In 'n nuusblad in omloop waar die byeenkoms gehou gaan word; of
- (ii) deur middel van die radio of televisie; of
- (iii) deur verspreiding daarvan onder die publiek en die aanhegting daarvan in openbare of opvallende plekke waar die byeenkoms gehou gaan word; of
- 40 (iv) deur mondelinge aankondiging daarvan waar die byeenkoms gehou gaan word of by die adres van die sameroeper in die kennisgewing vermeld; of
- (v) deur dit op 'n opsigtelike plek by die adres van die sameroeper wat in die kennisgewing vermeld word, aan te bring.

45 (b) Die sameroeper en die gemagtigde lid moet onderskeidelik verseker dat elke toesighouer en elke lid van die Polisie by die byeenkoms weet wat die inhoud is van die kennisgewing, met inbegrip van enige wysiging of voorwaarde, as daar is.

(6) (a) Indien 'n byeenkoms uitgestel of vertraag word, moet die sameroeper 50 die verantwoordelike beampte onverwyld daarvan in kennis stel en kan die verantwoordelike beampte 'n vergadering soos beoog in subartikel (2)(b) belê, en daarop geld die bepalinge van subartikels (2)(c) en (d), (3), (4) en (5), *mutatis mutandis*, ten opsigte van die betrokke byeenkoms.

(b) Indien 'n byeenkoms afgesê of afgestel word, moet die sameroeper 55 onverwyld die verantwoordelike beampte daarvan in kennis stel en verval die kennis wat ingevolge artikel 3 gegee is.

(7) Indien 'n verantwoordelike beampte soos in subartikel (6)(a) of (b) beoog in kennis gestel word, moet hy onverwyld die gemagtigde lid dienooreenkomstig in kennis stel.

60 Voorkoming van en verbod op byeenkoms

5. (1) Wanneer geloofwaardige inligting onder eed onder die aandag van 'n

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 peace committee or police community consultative forum in order to consider the prohibition of the gathering. 5

(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. 10

(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. 15

Reviews and appeals

6. (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. 20

(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. 25 30

(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). 35

(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. 40

(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). 45

(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. 50

(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 55

verantwoordelike beampte gebring word dat daar gevaar bestaan dat 'n voor-
 genome byeenkoms sal lei tot ernstige ontwrigting van motorvoertuig- of
 voetgangerverkeer, besering aan deelnemers aan die byeenkoms of ander
 persone, of uitgebreide skade aan goed, en dat die Polisie en die betrokke
 5 verkeersbeamptes nie in staat sal wees om hierdie gevaar die hoof te bied nie,
 moet hy onverwyld saamkom met of, indien die tyd dit nie toelaat nie, oorleg
 pleeg met die sameroeper en die gemagtigde lid, indien moontlik, en enige ander
 persoon met wie, na hy meen, hy moet saamkom of oorleg pleeg, met inbegrip
 van die verteenwoordigers van enige vredeskomitee of polisie-gemeen-
 10 skapsgesprekforum, ten einde 'n verbod op die vergadering te oorweeg.

(2) Indien die verantwoordelike beampte na die samekoms of oorlegpleging in
 subartikel (1) bedoel op redelike gronde daarvan oortuig is dat geen wysiging in
 artikel 4(2) beoog en geen voorwaarde in artikel 4(4)(b) beoog, die intree van
 enige van die omstandighede beoog in subartikel (1) sou voorkom nie, kan hy
 15 die voorgenome byeenkoms verbied.

(3) Indien die verantwoordelike beampte besluit om die byeenkoms te
 verbied, moet hy op die wyse beoog in artikel 4(5)(a) die sameroeper,
 gemagtigde lid en elke ander persoon met wie hy aldus saamgekom of oorleg
 gepleeg het, in kennis stel van die besluit en die redes daarvoor.

20 Hersienings en appèlle

6. (1) (a) Wanneer 'n voorwaarde met betrekking tot 'n byeenkoms ingevolge
 artikel 4(4)(b) opgelê word, of wanneer 'n byeenkoms ingevolge artikel 5(2)
 verbied word, kan die sameroeper van dié byeenkoms by 'n gepaste landdros
 aansoek doen om die tersydestelling van dié verbod of die tersydestelling of
 25 wysiging van dié voorwaarde, en die landdros kan die aansoek weier of toestaan.

(b) Wanneer 'n gemagtigde lid ingevolge artikel 4(4)(b) versoek dat 'n
 bepaalde voorwaarde opgelê word en die versoek geweier word, of wanneer
 inligting beoog in artikel 5(1) onder die aandag van 'n verantwoordelike
 beampte gebring word en die betrokke byeenkoms nie verbied word nie, kan 'n
 30 gemagtigde lid, indien hy opdrag daartoe gegee word deur die Kommissaris of
 die distrikskommissaris van die Suid-Afrikaanse Polisie vir die gebied waar die
 byeenkoms gehou gaan word, by 'n gepaste landdros aansoek doen om bedoelde
 weiering tersyde te stel of dié vergadering te verbied, na gelang van die geval, en
 die landdros kan die aansoek weier of toestaan.

(2) Die reëls uitgevaardig kragtens artikel 6 van die Wet op die Reëlsraad vir
 Gereghowe, 1985 (Wet No. 107 van 1985), indien daar is, is *mutatis mutandis*
 van toepassing ten opsigte van 'n aansoek bedoel in subartikel (1).

(3) (a) 'n Aansoek ingevolge subartikel (1)(a) of (b) moet gedoen word binne
 24 uur nadat die verantwoordelike beampte ingevolge artikel 4(5)(a) kennis
 40 gegee het van die oplê van die betrokke voorwaarde of die weiering om dit op
 te lê, of die verbod op die betrokke vergadering of die weiering om dit te
 verbied, en onder geen omstandighede later nie.

(b) Sodanige voorwaarde bly, behoudens enige wysiging daarvan, van krag
 totdat dit tersyde gestel word en sodanige verbod bly van krag totdat dit tersyde
 45 gestel word.

(c) Daar word geen kostebevel deur 'n landdros ten opsigte van 'n aansoek
 kragtens subartikel (1) uitgereik nie.

(4) 'n Sameroeper of gemagtigde lid bedoel in subartikel (1)(a) of (b), na
 gelang van die geval, kan by wyse van 'n dringende aansoek ooreenkomstig die
 50 Eenvormige Reëls van die onderskeie Provinsiale en Plaaslike Afdelings van die
 Hooggeregshof van Suid-Afrika appelleer teen 'n bevel uitgereik deur 'n
 landdros ingevolge genoemde subartikels.

(5) Ondanks die bepalinge van subartikels (1), (2) en (4) kan die sameroeper,
 gemagtigde lid of 'n persoon wie se regte geraak mag word deur die hou van 'n
 55 byeenkoms of die verbod daarop of deur 'n bepaling in 'n kennisgewing of 'n
 voorwaarde wat opgelê is of versuim om 'n voorwaarde op te lê met betrekking
 tot 'n byeenkoms, by wyse van 'n dringende aansoek ooreenkomstig die
 Eenvormige Reëls van die onderskeie Provinsiale en Plaaslike Afdelings van die
 Hooggeregshof van Suid-Afrika, by 'n gepaste hof aansoek doen om die
 60 skraping of wysiging van so 'n bepaling of voorwaarde of die oplê van 'n ander
 voorwaarde of om toestemming om die byeenkoms te hou of om 'n verbod op

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 section 9(2), the steps contemplated in paragraphs (b) and (d) of section 9(2).

CHAPTER 2

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

7. (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

Conduct of gatherings and demonstrations

8. 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

die byeenkoms, en die hof kan na goeddunke so 'n bepaling of voorwaarde skrap of wysig of 'n ander voorwaarde oplê of sodanige toestemming verleen of die byeenkoms verbied.

- (6) (a) Indien 'n verantwoordelike beampte of die Minister, of 'n hof op 'n 5 aansoek ingevolge die gemene reg, 'n byeenkoms op enige plek verbied het, of indien 'n landdros of 'n hof die verbod op 'n vergadering op enige plek gehandhaaf het of in die geval van 'n betoging of byeenkoms beoog in artikel 7(1), moet die gemagtigde lid toegang tot dié plek of 'n gebied aanliggend daaraan laat versper, en dié plek of gebied moet gesluit of ontoeganklik vir die 10 publiek gehou word so lank dit nodig is om te voorkom dat die byeenkoms plaasvind.

(b) Die gemagtigde lid moet, by die ingang na, of in die nabyheid van, die betrokke plek of gebied of op 'n wyse beskryf in artikel 4(5)(a), kennis gee dat daardie plek of gebied aldus gesluit of ontoeganklik is vir lede van die publiek.

- 15 (c) Die Polisie kan die stappe doen wat onder die omstandighede redelik en gepas is, om die verbod te handhaaf, met inbegrip van die stappe beoog in artikel 9(2)(a)(i) en (ii) en, behoudens paragrawe (c) en (e) van artikel 9(2), die stappe beoog in paragrawe (b) en (d) van artikel 9(2).

HOOFSTUK 2

20 Betogings en byeenkomste in nabyheid van howe, Parlementsgebou en Uniegebou

7. (1) Behoudens die bepalings van subartikel (2) word alle betogings en byeenkomste—

- (a) in enige gebou waarin 'n hofsaal geleë is of op enige plek in die ope lug binne 'n straal van 100 meter van sodanige gebou, op elke dag van die 25 week, uitgesonderd Saterdag, Sondag en openbare vakansiedae; en

(b) in die gebiede omskryf in—

(i) Bylae 1, en

(ii) Bylae 2,

hierby verbied.

- 30 (2) Die bepalings van subartikel (1) is nie van toepassing nie—

- (a) op 'n betoging of byeenkoms bedoel in subartikel (1)(a) waarvoor toestemming, op aansoek by die landdros van die betrokke distrik, skriftelik deur hom verleen is; of
- (b) binne die gebied beoog in subartikel (1)(b)(i), op 'n betoging of 35 byeenkoms binne dié gebied waarvoor toestemming, op aansoek by die Hooftlanddros van Kaapstad, skriftelik deur hom verleen is; of
- (c) binne die gebied beoog in subartikel (1)(b)(ii) op 'n betoging of byeenkoms binne dié gebied waarvoor toestemming, op aansoek by die 40 Direkteur-generaal: Kantoor van die Staatspresident, skriftelik deur hom verleen is.

(3) 'n Aansoek om toestemming beoog in subartikel (2) moet gedoen word by die persoon wat dié toestemming kan verleen, binne 'n redelike tyd voordat die betoging of byeenkoms gehou staan te word.

- (4) Wanneer betroubare inligting onder eed dat 'n gevaar soos beoog in artikel 45 5(1) bestaan, onder die aandag gebring word van 'n persoon wat reeds toestemming ingevolge subartikel (2) verleen het, kan hy, nadat hy die bepalings van artikel 5 *mutatis mutandis* toegepas het, dié toestemming intrek, en daarop geld die bepalings van artikel 6(6) *mutatis mutandis* ten opsigte van die betrokke betoging of byeenkoms.

HOOFSTUK 3

Bestuur van byeenkomste en betogings

8. Die volgende bepalings is van toepassing op die bestuur van alle byeenkomste en, waar so aangedui, op die bestuur van betogings:

- (1) Die sameroeper moet die getal toesighouers aanstel wat in die kennisgewing of, indien dit ingevolge artikel 4 gewysig is, in die gewysigde kennisgewing 55 vermeld word, om die deelnemers aan die byeenkoms te beheer en om die nodige stappe te doen om te verseker dat die byeenkoms te alle tye vreedsaam verloop en dat die bepalings van hierdie artikel en die toepaslike kennisgewing

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. 5

(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). 10

(4) Participants at a gathering or demonstration shall abide by any law in respect of the carrying of dangerous weapons, and the convener and marshals, if any, shall take all reasonable steps to ensure that the said laws are complied with.

(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. 15

(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. 20

(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. 25

(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; 30
- (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. 35

Powers of Police

9. (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— 40

- (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; 45
- (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— 50
 - (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 55

en voorwaardes, indien daar is, nagekom word, en sodanige toesighouers moet duidelik onderskeibaar wees.

(2) Die sameroeper moet alle redelike stappe doen om te verseker dat alle toesighouers oor die byeenkoms en deelnemers aan die byeenkoms of betoging betyds en behoorlik in kennis gestel word van die voorwaardes waaraan die hou van die byeenkoms of betoging onderworpe is.

(3) Die byeenkoms moet plaasvind op die plek of op die roete en op die wyse en gedurende die tyd wat vermeld is in die kennisgewing of, indien dit gewysig is, in die gewysigde kennisgewing, en ooreenkomstig die inhoud van die kennisgewing en die voorwaardes, indien daar is, wat kragtens artikel 4(4)(b), 6(1) of 6(5) opgelê is.

(4) Deelnemers aan 'n byeenkoms of betoging moet enige wet betreffende die dra van gevaarlike wapens nakom, en die sameroeper en toesighouers, as daar is, moet alle redelike stappe doen om te verseker dat vermelde wette nagekom word.

(5) Niemand wat teenwoordig is by of deelneem aan 'n byeenkoms of betoging mag deur middel van 'n banier, plakkaat, toespraak of singery of op enige ander wyse haat teenoor ander persone of 'n groep ander persone vanweë verskille in kultuur, ras, geslag, taal of geloof aanstig nie.

(6) Niemand wat teenwoordig is by of deelneem aan 'n byeenkoms of betoging mag enige handeling verrig of enige woorde uiter wat daarop gemik is om geweld teen enige persoon of groep persone te veroorsaak of aan te moedig of wat dit waarskynlik sal veroorsaak of aanmoedig nie.

(7) Niemand mag by enige byeenkoms of betoging 'n vermomming of masker of enige ander klere of artikel dra nie wat sy gelaatstrekke verberg en sy identifikasie verhinder.

(8) Niemand mag by enige byeenkoms of betoging enige artikel dra nie wat lyk na enigeen van die uniforms wat deur lede van die veiligheidsmagte, met inbegrip van die Polisie en die Suid-Afrikaanse Weermag, gedra word.

(9) Die toesighouers by 'n byeenkoms moet alle redelike stappe doen om te verseker dat—

(a) geen ingang na 'n gebou of perseel so versper word deur deelnemers dat redelike toegang na dié gebou of perseel of werktoestande enige persoon ontnem word nie;

(b) geen toegang na 'n gebou of perseel waarin of waarop 'n hospitaal, brandweer- of ambulansstasie of enige ander nooddiens geleë is, deur deelnemers versper word nie.

(10) Niemand mag, op enige wyse hoegenaamd, hetsy voor of tydens die byeenkoms of betoging, enigiemand dwing of probeer dwing om die byeenkoms of betoging by te woon, daarby aan te sluit of daaraan deel te neem nie, en die sameroeper en toesighouers, as daar is, moet alle redelike stappe doen om te voorkom dat iemand aldus gedwing word.

Bevoegdhede van Polisie

9. (1) Indien 'n byeenkoms of betoging gehou staan te word, hetsy met of sonder nakoming van die bepalings van hierdie Wet—

(a) kan 'n lid van die Polisie, indien hy redelike gronde het om te vermoed dat die Polisie nie in staat sal wees nie om toereikende beskerming te verskaf aan persone wat aan die byeenkoms of betoging deelneem, die sameroeper en dié persone dienooreenkomstig inlig;

(b) kan 'n lid van die Polisie persone wat aan 'n byeenkoms deelneem, verhinder om na 'n ander plek te beweeg of om af te wyk van die roete vermeld in die tersaaklike kennisgewing of 'n wysiging daarvan of om 'n voorwaarde te veronagsaam waaraan die hou van die byeenkoms ingevolge hierdie Wet onderworpe is;

(c) kan 'n lid van die Polisie, in die geval waar die verantwoordelike beampte nie kennisgewing ingevolge artikel 3(2) meer as 48 uur voor die byeenkoms ontvang het nie, die byeenkoms beperk tot 'n plek of die deelnemers stuur langs 'n roete wat—

(i) sal verseker dat motorvoertuig- of voetgangerverkeer, veral gedurende spitsverkeerstye, die minste belemmer word; of

(ii) 'n gepaste afstand tussen deelnemers aan die byeenkoms en mededingende byeenkomste sal verseker; of

- (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; 5
- (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— 10
 - (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 15
 - (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. 20

(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: 25

- (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, 30
- (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. 35

(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. 40

(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— 45

- (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 50 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. 55

(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)

- (iii) toegang tot eiendom en werkplekke sal verseker; of
- (iv) die voorkoming van beserings aan persone of skade aan goed sal verseker;
- 5 (d) kan 'n lid van die Polisie 'n persoon of groep persone wat hulle inmeng of probeer inmeng met 'n byeenkoms of betoging, gelas om sodanige gedrag te staak en om op 'n afstand wat hy bepaal, van sodanige byeenkoms of betoging te bly;
- (e) kan 'n lid van die Polisie, wanneer 'n voorval, hetsy dit uit die byeenkoms of betoging voortspruit al dan nie, veroorsaak of kan veroorsaak dat persone op 'n openbare plek bymekaar kom, by kennisgewing op 'n wyse beoog in artikel 4(5)(a), 'n gebied bepaal wat hy nodig ag vir—
- 10 (i) die beweging en werkverrigting van noodpersoneel en -voertuie; of
- (ii) die voortsetting van 'n byeenkoms of betoging; of
- 15 (iii) die beweging van verkeer; of
- (iv) die uitsluiting van die publiek van die omgewing; of
- (v) die beskerming van eiendom;
- (f) moet in lid van die Polisie die stappe, met inbegrip van onderhandelings met die betrokke persone, doen wat onder die omstandighede redelik en gepas is om goed en persone te beskerm, ongeag of hulle aan die byeenkoms of betoging deelneem of nie.
- 20 (2) (a) In die omstandighede in artikel 6(6) beoog of indien 'n lid van die Polisie met of bo die rang van adjudant-offisier redelike gronde het om te vermoed dat 'n bedreiging vir persone en goed as gevolg van die byeenkoms of
- 25 betoging nie voorkom kan word nie deur die stappe bedoel in subartikel (1) indien die byeenkoms of betoging voortgaan, kan die Polisie of sodanige lid, na gelang van die geval, en slegs dan die volgende stappe doen:
- (i) 'n Beroep doen op die persone wat aan die byeenkoms of betoging deelneem, om uiteen te gaan, en vir daardie doel moet hy probeer om
- 30 die aandag van daardie persone te kry op so 'n wettige wyse as wat hy die geskikste ag, en hulle dan,
- (ii) in 'n luide stem in minstens twee van die amptelike tale en, indien moontlik, in 'n taal wat deur die meerderheid van die aanwesige persone verstaan word, beveel om uiteen te gaan en die plek van die
- 35 byeenkoms te verlaat binne 'n tyd wat hy bepaal, wat redelik moet wees.
- (b) Indien die persone wat byeengekom het nie binne die aldus bepaalde tyd aldus uiteengegaan of stappe gedoen het om uiteen te gaan nie, kan so 'n lid van die Polisie die lede van die Polisie onder sy bevel gelas om die byeenkoms uiteen
- 40 te dryf en kan hy vir daardie doel die gebruik van geweld gelas, uitgesonderd die gebruik van wapens wat waarskynlik ernstige liggaamlike besering of die dood sal veroorsaak.
- (c) Die mate van geweld wat aldus gebruik kan word, mag nie groter wees nie as wat nodig is om die persone wat byeengekom het, uiteen te dryf en moet in
- 45 verhouding staan tot die omstandighede van die geval en die doel wat bereik moet word.
- (d) Indien 'n persoon wat aan 'n byeenkoms deelneem of 'n persoon wat diegene wat aan 'n byeenkoms deelneem, hinder of dwarsboom of hom met hulle inmeng—
- 50 (i) 'n persoon doodmaak of ernstig beseer, of poog om 'n persoon dood te maak of ernstig te beseer, of 'n duidelike voorneme toon om hom dood te maak of ernstig te beseer; of
- (ii) enige onroerende goed of roerende goed wat as waardevol beskou word, vernietig of ernstig beskadig, of poog om dit te vernietig of
- 55 ernstig te beskadig, of 'n duidelike voorneme toon om dit te vernietig of ernstig te beskadig,
- kan sodanige lid van die Polisie met of bo die rang van adjudant-offisier die lede van die Polisie onder sy bevel gelas om die nodige stappe te doen om die optrede bedoel in subparagrafe (i) en (ii) te voorkom, en kan hy vir daardie doel, indien
- 60 hy ander metodes as ondoelmatig of onvanpas beskou, die gebruik van geweld gelas, met inbegrip van die gebruik van vuurwapens en ander wapens.
- (e) Die mate van geweld wat aldus gebruik kan word, mag nie groter wees nie as wat nodig is vir die voorkoming van die optrede bedoel in subparagrafe (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.

Regulations

5

10. 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 10
- (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

Liability for damage arising from gatherings and demonstrations

15

11. (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. 20

(2) It shall be a defence to a claim against a person or organization contemplated in subsection (1) if such a person or organization proves— 25

- (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 30
- (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. 35

(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), 40

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. 45

en (ii), en die geweld moet getemper word en moet in verhouding staan tot die omstandighede van die geval en die doel wat bereik moet word.

(3) Geen gemeenregtelike beginsels rakende selfverdediging, noodweer en beskerming van eiendom word deur die bepalings van hierdie Wet geraak nie.

5 Regulasies

10. Die Minister kan, behoudens die bepalings van artikel 9(2), regulasies uitvaardig betreffende—

- (a) die prosedure wat gevolg moet word wanneer 'n byeenkoms of betoging uiteengedryf word;
- 10 (b) die gebruik van geweld, en die prosedure wat gevolg moet word voor die gebruik van geweld, teen deelnemers aan 'n byeenkoms of betoging; en
- (c) enige ander aangeleentheid in verband waarmee dit nodig mag wees om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te verwezenlik.
- 15

HOOFTUK 4

Aanspreeklikheid vir skade wat voortspruit uit byeenkomste en betogings

11. (1) Indien enige onluskade plaasvind as gevolg van—

- 20 (a) 'n byeenkoms, is elke organisasie namens wie of onder wie se beskerming die byeenkoms gehou is of, indien dit nie aldus gehou is nie, die sameroeper;
- (b) 'n betoging, is elke deelnemer aan die betoging, behoudens subartikel (2), gesamentlik en afsonderlik vir dié onluskade as 'n gesamentlike dader beoog in Hoofstuk II van die Wet op Verdeling van
- 25 Skadevergoeding, 1956 (Wet No. 34 van 1956), aanspreeklik, tesame met enige ander persoon wat sodanige onluskade onwettig veroorsaak het of daartoe bygedra het en enige ander organisasie of persoon wat ingevolge hierdie subartikel daarvoor aanspreeklik is.

(2) Dit is 'n verweer teen 'n eis teen 'n persoon of organisasie in subartikel (1) beoog indien so 'n organisasie of persoon bewys dat—

- 30 (a) hy die handeling of versuim wat sodanige skade veroorsaak het, nie toegelaat of oogluikend toegelaat het nie; en
- (b) die betrokke handeling of versuim nie binne die bestek van die doel van die betrokke byeenkoms of betoging geval het nie en nie redelikerwys voorsienbaar was nie; en
- 35 (c) hy alle redelike stappe binne sy vermoë gedoen het om 'n handeling van die betrokke soort te voorkom: Met dien verstande dat bewys dat hy 'n handeling van die betrokke soort verbied het, nie op sigself beskou kan word as toereikende bewys dat hy alle redelike stappe gedoen het om die betrokke handeling te voorkom nie.
- 40

(3) Vir die doeleindes van—

- (a) regres teen, of bydrae deur, 'n organisasie of persoon wat opsetlik en wederregtelik onluskade veroorsaak of tot die veroorsaking daarvan bygedra het; of
- 45 (b) 'n bydrae deur 'n organisasie of persoon wat gesamentlik aanspreeklik is vir enige onluskade uit hoofde van die bepalings van subartikel (1), word 'n organisasie of persoon wat vir sodanige skade aanspreeklik gehou word uit hoofde van die bepalings van subartikel (1), geag, ondanks genoemde bepalings, op grond van onregmatige daad daarvoor aanspreeklik te wees.
- 50

(4) Die bepalings van hierdie artikel raak nie op enige wyse die reg, hetsy kragtens die gemene reg of enige ander wet, van 'n persoon of liggaam om die volle bedrag van die skadevergoeding wat voortspruit uit die nalatigheid, opsetlike handeling of versuim, of onregmatige daad van watter aard ook al verrig deur of ten behoeve van 'n ander persoon, te verhaal nie.

Offences and penalties**12. (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 5
- (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 10
- (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 15
- (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 20
- (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 of his duties under this Act or a regulation made under section 10,

shall be guilty of an offence and on conviction liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment. 25

(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.

Interpretation

30

13. (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, 1968 (Act No. 71 of 1968); or 35
 - (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 40
- (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. 45

(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. 50

Misdrywe en strawwe**12. (1) Iemand wat—**

- (a) 'n byeenkoms byeenroep ten opsigte waarvan daar nie kennis of voldoende kennis ooreenkomstig die bepalings van artikel 3 gegee is nie; of
- (b) nadat hy ooreenkomstig die bepalings van artikel 3 kennis gegee het, versuim om 'n betrokke vergadering wat ingevolge artikel 4(2)(b) belê is, by te woon; of
- (c) enige bepaling van artikel 8 met betrekking tot die bestuur van 'n byeenkoms of betoging oortree of versuim om daaraan te voldoen; of
- (d) die inhoud van 'n kennisgewing of 'n voorwaarde waaraan die hou van 'n byeenkoms of betoging ingevolge hierdie Wet onderworpe is, wetens oortree of versuim om daaraan te voldoen; of
- (e) in stryd met die bepalings van hierdie Wet 'n byeenkoms byeenroep, of 'n byeenkoms of betoging wat ingevolge hierdie Wet verbied is, byeenroep of bywoon; of
- (f) 'n voorwaarde wat ingevolge artikel 4(4)(b), 6(1) of 6(5) opgelê is, wetens oortree of versuim om daaraan te voldoen; of
- (g) versuim om te voldoen aan 'n bevel uitgereik, of hom inneng in stappe gedoen, ingevolge artikel 9(1)(b), (c), (d) of (e) of (2)(a); of
- (h) die bepalings van artikel 4(6) oortree of versuim om daaraan te voldoen; of
- (i) valse inligting vir die doeleindes van hierdie Wet verstrek of verskaf; of
- (j) 'n lid van die Polisie, verantwoordelike beampte, sameroeper, toesighouer of ander persoon by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens hierdie Wet of 'n regulasie uitgevaardig kragtens artikel 10, hinder, lastig val, dwarsboom of teenstaan,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige boete sowel as sodanige gevangenisstraf.

(2) Dit is 'n verweer teen 'n aanklag van die byeenroeping van 'n byeenkoms in stryd met subartikel (1)(a) dat die betrokke byeenkoms spontaan plaasgevind het.

35 Uitleg

13. (1) Die bepalings van hierdie Wet word nie so uitgelê nie dat dit afbreuk doen aan—

- (a) die bepalings van die—
- (i) Wet op Beheer van Toegang tot Openbare Persele en Voertuie, 1985 (Wet No. 53 van 1985); of
- (ii) Wet op Gevaarlike Wapens, 1968 (Wet No. 71 van 1968); of
- (iii) Wet op Wapens en Ammunisie, 1969 (Wet No. 75 van 1969); of
- (iv) Wet op Oortreding, 1959 (Wet No. 6 van 1959); of
- (v) Strafproseswet, 1977 (Wet No. 51 van 1977); of
- (b) die regte van enige persoon betreffende selfverdediging, noodweer en beskerming van goed; of
- (c) 'n bevoegdheid verleen of plig opgelê aan die Minister of 'n lid van die Polisie of die publiek kragtens 'n wet of die gemene reg.

(2) Die bepalings van artikel 111 van die Padverkeerswet, 1989 (Wet No. 29 van 1989), is nie van toepassing nie ten opsigte van 'n byeenkoms of betoging wat ooreenkomstig die bepalings van hierdie Wet gehou word.

(3) By die toepassing van hierdie Wet word 'n persoon, waar 'n sameroeper nie ingevolge artikel 2(1) aangestel is nie, geag 'n byeenkoms byeen te geroep het—

- (a) indien hy deelgeneem het aan die beplanning of organisering van of die tref van voorbereidsels vir dié byeenkoms; of
- (b) indien hy self of deur middel van iemand anders, óf mondeling óf skriftelik, die publiek of 'n deel van die publiek uitgenooi het om die byeenkoms by te woon.

Conflict and repeal of laws

14. (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. 5

Application of Act in self-governing territories

15. (1) The State President may, at the request of the Minister after consultation with the government of the self-governing territory in question, by proclamation in the *Gazette* declare this Act to be in force in that self-governing territory. 10

(2) After such a proclamation has been issued this Act shall, notwithstanding anything to the contrary contained in the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), or any other law, apply in the self-governing territory in question as if the legislation assembly and the executive government of that self-governing territory do not have legislative and executive powers in respect of matters dealt with in this Act or any regulation made thereunder. 15

Short title and commencement

16. This Act shall be called the Regulation of Gatherings Act, 1993, and shall come into operation on a date fixed by the State President in consultation with the Transitional Executive Council established by section 2 of the Transitional Executive Council Act, 1993 (Act No. 151 of 1993), by proclamation in the *Gazette*. 20

Botsing en herroeping van wette

14. (1) In die geval van 'n botsing tussen die bepalings van hierdie Wet en 'n ander wet wat van toepassing is in die gebied van 'n plaaslike owerheid, geld die bepalings van hierdie Wet.
- 5 (2) Die Wette vermeld in Bylae 3 word hierby herroep in die mate aangedui in die derde kolom van dié Bylae.

Toepassing van Wet in selfregerende gebiede

15. (1) Die Staatspresident kan, op versoek van die Minister na oorleg met die regering van die betrokke selfregerende gebied, by proklamasie in die *Staatskoerant* verklaar dat hierdie Wet in daardie selfregerende gebied van krag is.
- 10 (2) Nadat so 'n proklamasie uitgereik is, geld hierdie Wet, ondanks andersluidende bepalings van die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), of enige ander wet in die betrokke selfregerende gebied asof die wetgewende vergadering en die uitvoerende gesag van 'n selfregerende
- 15 gebied nie wetgewende en uitvoerende bevoegdhede het nie ten opsigte van aangeleenthede waaroor hierdie Wet of 'n regulasie daarkragtens uitgevaardig handel.

Kort titel en inwerkingtreding

16. Hierdie Wet heet die Wet op Reëling van Byeenkomste, 1993, en tree in
- 20 werking op 'n datum wat die Staatspresident in oorleg met die Uitvoerende Oorgangsraad ingestel by artikel 2 van die Wet op die Uitvoerende Oorgangsraad, 1993 (Wet No. 151 van 1993), by proklamasie in die *Staatskoerant* bepaal.

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	The whole
No. 71 of 1982	Demonstrations in or near Court Buildings Prohibition Act, 1982	The whole
No. 74 of 1982	Internal Security Act, 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	The whole

Bylae 1

Die gebied begrens deur die volgende strate in die stad Kaapstad, naamlik Koningin Victoriastraat van die punt waar Koningin Victoriastraat en Museumlaan kruis, tot by die punt waar Koningin Victoriastraat en Waalstraat kruis, tot by die punt waar Waalstraat en St Georgestraat kruis, tot by die punt waar St Georgestraat en Langmarkstraat kruis, tot by die punt waar Langmarkstraat en Korporasiestraat kruis, tot by die punt waar Korporasiestraat en Barrackstraat kruis, tot by die punt waar Barrackstraat en Coffee-steeg kruis, tot by die punt waar Coffee-steeg en Commercialstraat kruis, tot by die punt waar Commercialstraat en Nieuwmeesterstraat kruis, tot by die punt waar Nieuwmeesterstraat en Hopestraat kruis, tot by die punt waar Hopestraat en Tuinpleinstraat kruis, tot by die punt waar Tuinpleinstraat en Vredestraat kruis, tot by die punt waar Vredestraat en St Johnstraat kruis, tot by die punt waar St Johnstraat en Gallerylaan kruis, tot by die punt waar Gallerylaan en Goewermentslaan kruis, tot by die punt waar Goewermentslaan en Museumlaan kruis, weer tot by die punt waar Museumlaan en Koningin Victoriastraat kruis, met inbegrip van die oppervlak van gemelde strate en die sygaardjies weerskante daarvan.

Bylae 2

Die gebied in Pretoria wat begrens word deur die volgende:

- (a) In die suide, die lyn deurgaans 100 meter suid van die suidekant van die teerpad wat geleë is suid van die Uniegebou en wat Edmondstraat en Goewermentslaan met mekaar verbind.
- (b) In die weste, vanaf die aansluiting van Edmondstraat en die teerpad in paragraaf (a) bedoel, die lyn reg noord tot op die kruin van Meintjieskop en die lyn reg suid vanaf genoemde aansluiting tot waar dit die lyn bedoel in paragraaf (a) kruis.
- (c) In die ooste, vanaf die aansluiting van Goewermentslaan en die teerpad bedoel in paragraaf (a), die lyn reg noord tot op die kruin van Meintjieskop en die lyn reg suid van genoemde aansluiting tot waar dit die lyn bedoel in paragraaf (a) kruis.
- (d) In die noorde, die lyn op die kruin van Meintjieskop tussen die noordelike punte van die eersgenoemde lyne in paragrawe (b) en (c) bedoel.

Bylae 3**WETTE HERROEP**

No. en jaar van Wet	Kort Titel	Omvang van herroeping
No. 52 van 1973	Wet op Byeenkomste en Betogings in die Omgewing van die Parlement, 1973	Die geheel
No. 71 van 1982	Wet op Verbod op Betogings in of naby Hofgeboue, 1982	Die geheel
No. 74 van 1982	Wet op Binnelandse Veiligheid, 1982	Artikels 46(1) en (2), 47, 48, 49, 51, 53, 57 en 62
No. 103 van 1992	Wet op Byeenkomste en Betogings in of naby die Uniegebou, 1992	Die geheel

