

No. 17, 1956.]

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain uneven numbered pages as the other language is printed on even numbered pages.

ACT

To consolidate the laws relating to riotous assemblies and the prohibition of the engendering of feelings of hostility between the European and non-European inhabitants of the Union and matters incidental thereto, and the laws relating to certain offences.

(Afrikaans text signed by the Governor-General.)
(Assented to 8th March, 1956.)

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

1. In this Act, unless the context otherwise indicates—
- Definitions.
- (i) "documentary information" means any book, foreign magazine, pamphlet, manifesto, foreign newspaper, hand-bill or poster, or any article or advertisement cartoon, picture or drawing in any periodical publication or newspaper; (i)
 - (ii) "Minister" means the Minister of Justice; (ii)
 - (iii) "police" means any body of men established or enrolled under any law and carrying out the powers, duties and functions of a police force, and includes any portion of the Defence Force of the Union when used for the prevention or suppression of internal disorder; (v)
 - (iv) "public gathering" means any gathering, concourse, or procession in, through, or along any public place, of twelve or more persons having a common purpose, whether such purpose be lawful or unlawful; (iv)
 - (v) "public place" means any street, road, passage, square, park or recreation ground, or any open space, to which all members of the public habitually or by right have access, and includes any place described in this definition notwithstanding that it is private property and has not been dedicated to the use of the public. (iii)

CHAPTER I.

RIOTOUS GATHERINGS AND GATHERINGS, PUBLICATIONS AND CONDUCT ENGENDERING FEELINGS OF HOSTILITY.

2. (1) Whenever a magistrate has reason to apprehend that the public peace would be seriously endangered by the assembly of a particular public gathering in any public place, he may, if authorized thereto by the Minister, prohibit the assembly of that public gathering in any public place in his district. Power to prohibit public gatherings in public places, or the attendance thereof, in certain events.

(2) A magistrate who under sub-section (1) prohibits the assembly of a particular public gathering shall do so—

- (a) by notice in newspapers circulating in the locality in respect of which the prohibition is to apply;
- (b) by notices distributed amongst the public and affixed upon public buildings or in prominent public places in that locality; or
- (c) if, owing to urgency or any other cause whatever, any such notice cannot be printed, published, distributed, or affixed, then by sufficient oral public announcement in that locality.

(3) Whenever in the opinion of the Minister there is reason to apprehend that feelings of hostility would be engendered between the European inhabitants of the Union on the one hand and any other section of the inhabitants of the Union on the other hand—

- (a) by the assembly of any public gathering during any period or on any particular day of the week in any public place within any area; or
- (b) if a particular person were to attend any such gathering,

the Minister may, in the manner provided in sub-section (2), prohibit the assembly of such a gathering, or may, by notice under his hand addressed and delivered or tendered to that particular person, prohibit him from attending any public gathering in any public place within an area and during a period specified in such notice.

(4) (a) Any person who, after the prohibition, in terms of this section, of the assembly of a public gathering, and in contravention thereof—

(i) convenes, presides at or addresses; or

(ii) prints, publishes, distributes or, in any manner whatever, circulates a notice convening,

a public gathering in a public place shall, unless he satisfies the court that he had no knowledge of the prohibition, be guilty of an offence and shall, in the case of an offence referred to in sub-paragraph (i), be liable on conviction to imprisonment for a period not exceeding three months, and on a second or subsequent conviction to imprisonment for a period not exceeding six months, and in the case of an offence referred to in sub-paragraph (ii), be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months.

(b) Any person who, in contravention of a notice delivered or tendered to him in terms of sub-section (3), attends any public gathering, shall be guilty of an offence and liable on conviction to the penalties prescribed for a contravention of sub-paragraph (i) of paragraph (a).

(c) For the purposes of this sub-section a person shall be deemed to have convened a public gathering in a public place—

(i) if he has caused written notice to be published or distributed, inviting the public, or any section of the public, to assemble at a specified time and public place;

(ii) if he has himself, or through another person, orally invited the public, or any section of the public, so to assemble; or

(iii) if he has taken any active part in making arrangements for the publication or distribution of such a notice, or in organizing or making preparations for such a meeting.

3. (1) Whenever the Governor-General is of opinion that the publication or other dissemination of any documentary information is calculated to engender feelings of hostility between the European inhabitants of the Union on the one hand and any other section of the inhabitants of the Union on the other hand, he may by a notice published in the *Gazette* and in any newspaper circulating in the area where that documentary information is made available to the public, prohibit any publication or other dissemination thereof.

Power to prohibit publications, and to prevent persons from engendering feelings of hostility.

(2) Whenever the Governor-General prohibits, in terms of sub-section (1), the publication or other dissemination of any documentary information contained in a periodical publication, the Minister shall cause to be delivered or to be posted in a registered letter to the editor of such publication or to any other person responsible for its issue, a copy, bearing his signature, of the notice referred to in sub-section (1).

(3) Any person affected by a prohibition imposed in terms of sub-section (1) may, within fourteen days after the first publication of the notice containing such prohibition, apply to the Provincial or Local Division of the Supreme Court having jurisdiction within the area referred to in sub-section (1), to set such prohibition aside, and if he proves to the satisfaction of such Division that the documentary information to which such prohibition applies is not of such a nature that the natural and probable result of its publication or other dissemination will be to engender feelings of hostility between the European inhabitants of the Union on the one hand and any other section of the inhabitants of the Union on the other hand, such Division may set such prohibition aside.

(4) Any person who, in contravention of a notice published in terms of sub-section (1), publishes or otherwise disseminates any documentary information, or publishes or otherwise disseminates any matter contained therein, in any other form, shall

be guilty of an offence and liable on conviction to the penalties prescribed for a contravention of sub-paragraph (i) of paragraph (a) of sub-section (4) of section *two*.

(5) Whenever the Minister is satisfied that any person is in any area promoting feelings of hostility between the European inhabitants of the Union on the one hand and any other section of the inhabitants of the Union on the other hand, he may by notice under his hand, addressed and delivered or tendered to such person, prohibit him from being within any area, defined in such notice, after a period stated in such notice, being not less than seven days from the date of such delivery or tender, and during a period likewise stated therein.

(6) The Minister may at any time withdraw or modify any such notice or grant such person permission in writing to visit temporarily any place where he is not permitted to be in terms of such notice.

(7) Whenever any person to whom a notice has been delivered or tendered in terms of sub-section (5) is necessarily put to any expense in order to comply with such notice, the Minister may, in his discretion, cause such expense, or any part thereof, to be defrayed out of public funds and may, further, in his discretion, cause to be paid out of such funds to such person a reasonable subsistence allowance during any period whilst such notice applies to him.

(8) Subject to the provisions of sub-section (6), any person who contravenes or fails to comply with any notice delivered or tendered to him in terms of sub-section (5) shall be guilty of an offence and liable on conviction to the penalties prescribed for a contravention of sub-paragraph (i) of paragraph (a) of sub-section (4) of section *two*, and he may at any time after the expiration of the period of not less than seven days stated in such notice be removed by any member of the police, duly authorized in writing by any commissioned police officer, from any area wherein he is prohibited to be in terms of sub-section (5).

4. If any person to whom a notice has been delivered or tendered under sub-section (3) of section *two*, or sub-section (5) of section *three* requests the Minister in writing to furnish him with the reasons for such notice, and with a statement of the information which induced the Minister to issue such notice, the Minister shall furnish such person with a statement in writing setting forth his reasons for such notice and so much of the information which induced the Minister to issue such notice as can, in his opinion, be disclosed without detriment to public policy.

Furnishing of reasons for prohibiting person from being at public gathering or within particular area.

5. Any person convicted of any offence under the provisions of section *two* or *three*, who was born outside the Union and who is deemed by the Governor-General to be an undesirable inhabitant of the Union may be removed from the Union and, pending removal, may be detained in custody in the manner provided for the detention, pending removal from the Union, of persons who are prohibited immigrants within the meaning of the Immigrants Regulation Act, 1913 (Act No. 22 of 1913), and thereafter such person shall, for the purposes of that Act be deemed to be a prohibited immigrant.

Removal of convicted persons from Union.

6. (1) A magistrate authorized to exercise the powers conferred by sub-section (1) of section *two* may, if he has reason to believe that there will assemble in any public place a public gathering prohibited under that sub-section, cause access to that public place and to any other public place adjacent thereto to be barred and to be closed to the public, for such time as may be necessary to prevent the assembling of such public gathering.

Power to close public places to prevent assembly of prohibited public gatherings.

(2) The magistrate shall notify the fact that a public place is so closed to the members of the public, at the entrance thereto in a manner described in sub-section (2) of section *two*.

(3) Any person who without the permission of the police on duty, enters or remains in any public place closed under this section, while it is so closed, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months.

7. (1) Whenever—

(a) a public gathering, the assembly of which has been prohibited under section *two*, has assembled in a public place; or

Dispersal of prohibited or riotous gatherings and manner of dispersal.

(b) the persons assembled at any public gathering in a public place (whether or not the assembly of the gathering has been so prohibited),—

(i) kill or seriously injure, or attempt to kill or seriously injure, or show a manifest intention of killing or seriously injuring any person; or

(ii) destroy or do serious damage to, or attempt to destroy or do serious damage to, or show a manifest intention of destroying or doing serious damage to, any valuable property, whether movable or immovable,

a police officer of or above the rank of inspector or captain may call upon the persons assembled at the gathering 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, then in a loud voice order them to depart forthwith from the place of assembly, inform them that if within a time specified by him they do not so depart, force will be used, and repeat such order and information three times.

(2) Any person who fails so to depart immediately after an order and information are so given and repeated shall be guilty of an offence and liable on conviction to the penalties mentioned in section *six*.

(3) If within the time so specified the persons assembled have not so departed, a police officer of or above the rank aforesaid may order the police under his command to disperse the gathering and may for that purpose order the use of force, including, subject to the provisions of section *eight*, the use of firearms and the other weapons therein mentioned, but the degree of force which may be so used shall not be greater than is necessary for dispersing the persons assembled, and shall be moderated and proportionate to the circumstances of the case and the object to be attained.

8. (1) Firearms or other weapons likely to cause serious bodily injury or death shall not, under the authority of section *seven*, be used to disperse a public gathering until weapons less likely to cause such injury or death have been used and the gathering has not been dispersed, or unless or until any of the persons assembled at the gathering—

Restriction as to use of firearms or lethal weapons to disperse a gathering.

(a) kill or seriously injure, or attempt to kill or seriously injure, or show a manifest intention of killing or seriously injuring any person; or

(b) destroy or do serious damage to, or attempt to destroy or do serious damage to, or show a manifest intention of destroying or doing serious damage to, any valuable property, whether movable or immovable.

(2) Firearms or other weapons likely to cause serious bodily injury or death shall be used for the purposes aforesaid with all reasonable caution, without recklessness or negligence, and so as to produce no further injury to any person than is necessary for the attainment of the object aforesaid.

9. Nothing in this Chapter contained shall be construed as affecting or derogating from any right conferred or duty imposed upon any member of the police or any member of the public under any other statute or under the common law to assist in the dispersal of riotous gatherings or in the prevention and suppression of riotous and seditious acts.

Saving of other laws as to dispersal of riotous gatherings.

CHAPTER II.

OFFENCES IN RELATION TO EMPLOYMENT AND PUBLIC SAFETY.

10. Any person who, in order to compel any other person to abstain from doing or to do in respect of employment any act which that other person has a legal right to do or abstain from doing, or on account of that other person having abstained from doing or having done such an act,—

Prohibition of intimidation or annoyance of persons, their relatives or dependants in relation to their employment.

(a) threatens or suggests the use of violence to, or restraint upon, that other person or any of his relatives or

dependants, or threatens or suggests any injury to the property of that other person or of any of his relatives or dependants;

- (b) remains at or near the premises where that other person resides or works or is seeking work or happens to be, or any approach or place adjacent to those premises, or persistently follows him about from place to place;
- (c) hides any tool, clothes or other property owned or used by, or in charge of, that other person, or deprives him thereof or hinders him in the use thereof; or
- (d) having followed that other person or any one of his relatives or dependants along a public place, or accosted him or any of them therein, behaves towards him or any of them in a disorderly or offensive manner by jeers, jibes or other like conduct,

shall be guilty of an offence.

11. Any person who, in order to compel any other person to become a member, or to refrain from becoming a member, of any society or association, does any of the acts specified in paragraphs (a), (c) and (d) of section *ten* shall be guilty of an offence.

Prohibition of intimidation or annoyance in relation to joining a society or association.

12. Any person who, being without lawful right upon premises where work is being or is usually carried on, endeavours to induce any person employed on those premises—

- (a) unlawfully to cease work or leave any particular piece of work unfinished; or
- (b) unlawfully to refrain from returning to work,

shall be guilty of an offence.

Prohibition as to trespass on work premises to influence workmen.

13. Any person who—

- (a) verbally, or in any written or printed document published or circulated in any manner, uses any opprobrious epithet or any jeer or jibe to or about any other person or to or about any of his relatives in connection with the fact that such other person has undertaken, continued, returned to or absented himself from work or refused to work for any employer; or
- (b) in order to prevent any other person from obtaining or retaining employment or to induce any person to refuse to work or to refrain from working with that other person, causes information to be sent to any person or body of persons within or outside the Union as to the fact that such other person has undertaken, continued, returned to or absented himself from work or refused to work for any employer in or outside the Union,

shall be guilty of an offence.

Prohibition as to opprobrious epithets and conduct, and blacklisting.

14. (1) If an employee of a local authority or company which, or of a person who, supplies any community with light, power or water or sanitary or transportation services, wilfully and maliciously, either alone or by arrangement with any other employee or any other person, breaks a condition or contract of employment with his employer knowing or having reasonable cause to believe that the probable consequence of his so breaking such condition or contract will be to deprive the members of such community, or a large section thereof, wholly or to a great extent of their supply of light, power or water, or of sanitary or transportation services, he shall be guilty of an offence.

Breach of contract by persons employed in public utility services, or involving danger or injury to persons or property.

(2) If any employee of any employer whatever, wilfully and maliciously, either alone or by arrangement with any other employee or any other person, breaks any contract of employment whatever, knowing or having reasonable cause to believe that the probable consequence of his so breaking such contract will be to endanger human life or to cause serious bodily injury to, or serious injury to the health of, any person, or to expose valuable property, whether movable or immovable, to destruction or serious injury, he shall be guilty of an offence.

(3) Every employer referred to in sub-section (1) shall cause to be posted up in a conspicuous place at the premises from which any such supply or service aforesaid is carried on, or in or in connection with which the condition or contract aforesaid is to

be performed, a printed copy of this section, and as often as such copy becomes defaced, obliterated, covered over, removed or destroyed, shall cause it immediately to be renewed and reposted in such a conspicuous place as aforesaid.

(4) If an employer makes default in complying with sub-section (3) he shall be guilty of an offence and liable on conviction to a fine not exceeding one pound or, in default of payment, to imprisonment for a period not exceeding fourteen days, for every day during which the default continues.

(5) Any person who defaces, obliterates, covers over, removes or destroys any copy of this section posted up in terms of sub-section (3), without the permission of the employer concerned shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds, or in default of payment, to imprisonment for a period not exceeding fourteen days.

15. Any person convicted under the provisions of section *ten, eleven, twelve, thirteen or fourteen* of an offence for which a penalty is not expressly provided, shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Penalties for offences under preceding sections of this Chapter.

16. (1) Whenever the Governor-General deems it necessary to take special precautions to maintain public order or to protect life and property he may, by proclamation in the *Gazette*, prohibit for such period as he may think fit the transportation of explosives from any one place to any other place in the Union, except under such safeguards and conditions as are prescribed by regulation, and may make regulations, to be in force for such limited period as he may think fit, as to the transportation of explosives to and from particular areas, or as to the storage, removal, possession or use of explosives within any particular area by all persons or by persons of specified occupations or callings, and may limit or vary the conditions of any licences or permits held or to be issued under the Explosives Act, 1911 (Act No. 8 of 1911), or the regulations made thereunder.

Special precautions in the interest of public safety as regards explosives.

(2) Any person who contravenes or fails to comply with the provisions of any proclamation or regulation issued under sub-section (1) shall be guilty of an offence and liable on conviction to the penalties mentioned in section *fifteen*.

CHAPTER III.

AMENDMENT OF THE CRIMINAL LAW.

17. A person shall be deemed to have committed the common law offence of incitement to public violence if, in any place whatever, he has acted or conducted himself in such a manner, or has spoken or published such words, that it might reasonably be expected that the natural and probable consequences of his act, conduct, speech or publication would, under the circumstances, be the commission of public violence by members of the public generally or by persons in whose presence the act or conduct took place or to whom the speech or publication was addressed.

Acts or conduct which constitute an incitement to public violence.

18. (1) Any person who attempts to commit any offence against a statute or a statutory regulation shall be guilty of an offence and, if no punishment is expressly provided thereby for such an attempt, be liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable.

Attempt, conspiracy and inducing another person to commit offence.

(2) Any person who—

- (a) conspires with any other person to aid or procure the commission of or to commit; or
- (b) incites, instigates, commands, or procures any other person to commit,

any offence, whether at common law or against a statute or statutory regulation, shall be guilty of an offence and liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable.

CHAPTER IV.

SUPPLEMENTARY PROVISIONS.

19. Whenever under the provisions of this Act—

(a) the assembly of any public gathering has been prohibited;

(b) any person has been prohibited from attending a public gathering or from being within any area or has been dealt with as a prohibited immigrant;

(c) the publication of any documentary information has been prohibited; or

(d) a police officer has called upon the persons assembled at a public gathering to disperse,

the Minister shall report the circumstances to both Houses of Parliament within fourteen days if Parliament be then in session and otherwise within fourteen days after the commencement of its next ensuing session.

Minister to report to Parliament certain steps taken under provisions of Act.

20. (1) Subject to the provisions of sub-section (4), the laws specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

Repeal of laws.

(2) So much of the common law as renders illegal any gathering of persons in the open air without the consent of the authorities shall cease to be in operation in the Union.

(3) In the event of any conflict between the provisions of any law, or bye-law or regulation made under a law, and the provisions of this Act, the provisions of this Act shall prevail, but, save as herein provided, the provisions of any such law, bye-law, or regulation shall be of the same force and effect as if this Act had not been passed.

(4) Any proclamation, regulation, notice, order, prohibition, authority, permission, information or document issued, made, promulgated, given or granted and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been issued, made, promulgated, given, granted or taken under the corresponding provision of this Act.

21. This Act shall be called the Riotous Assemblies Act, 1956.

Short title.

Schedule.

LAWS REPEALED.

No. and Year of Law.	Title.	Extent of Repeal.
Act No. 27 of 1914	Riotous Assemblies and Criminal Law Amendment Act, 1914.	So much as is unrepealed.
Act No. 19 of 1930	Riotous Assemblies (Amendment) Act, 1930.	The whole.
Act No. 15 of 1954	Riotous Assemblies and Suppression of Communism Amendment Act, 1954.	Section two