

No. 39, 1961.]

ACT

To amend the Arms and Ammunition Act, 1937, the Criminal Procedure Act, 1955, and the Riotous Assemblies Act, 1956.

(English text signed by the Officer Administering the Government.)
(Assented to 18th May, 1961.)

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:—

Amendment of section 2 of Act 28 of 1937, as amended by section 15 of Act 32 of 1952, section 1 of Act 2 of 1956 and section 33 of Act 68 of 1957.

1. Section *two* of the Arms and Ammunition Act, 1937, is hereby amended by the deletion in sub-section (1) of the proviso thereto.

Insertion of section *4bis* in Act 28 of 1937.

2. The following section is hereby inserted in the Arms and Ammunition Act, 1937, after section *four*:

"Persons may be required to renew or to apply for licences. *4bis.* (1) The Governor-General may at any time by proclamation in the *Gazette*—

- (a) require every person who, on the date of publication of the proclamation in the *Gazette*, holds a valid licence to possess an arm issued under section *three* or *four*, to surrender such licence to the magistrate of the district in which he resides before a date specified in the proclamation;
- (b) require every person who is on the date of publication of the proclamation in the *Gazette* in possession of an arm for which he does not hold such a licence to apply for a licence therefor in terms of section *four* before a date specified in the proclamation;
- (c) provide for the cancellation of any licence surrendered to a magistrate in terms of a proclamation issued under paragraph (a) and for the issue by such magistrate, without fee, of a licence in substitution for a licence which has been so cancelled;
- (d) provide that any licence which should in terms of a proclamation issued under paragraph (a) have been surrendered to a magistrate before the date specified therein, but was not so surrendered, shall become null and void on such date;
- (e) prescribe the circumstances under which and the conditions subject to which a licence may be issued to any person referred to in paragraph (b) in respect of an arm to which that paragraph relates and provide for the exemption of that person from compliance with any specified requirements of this Act in connection with the issue of that licence;
- (f) provide that any person referred to in paragraph (b) shall not be liable to prosecution in respect of his possession of any arm in respect of which he applies for a licence in terms of a proclamation issued under paragraph (b) during any period preceding the date of his application.

(2) A licence issued in substitution for another licence in terms of a proclamation issued under paragraph (c) shall for all purposes be deemed to be a licence which was issued under the section under which the original licence was issued."

Amendment of section 5 of Act 28 of 1937.

3. Section *five* of the Arms and Ammunition Act, 1937, is hereby amended by the insertion in paragraph (b) after the word "*twelve*" of the words "or in terms of a proclamation issued under paragraph (d) of sub-section (1) of section *four bis*".

Insertion of section 108bis in Act 56 of 1955.

4. The following section is hereby inserted in the Criminal Procedure Act, 1955, after section *one hundred and eight*:

“Powers of Attorney-General to prohibit release on bail or otherwise.

108bis. (1) Whenever any person has been arrested on a charge of having committed any offence, the Attorney-General may, if he considers it necessary in the interest of the safety of the public or the maintenance of public order, issue an order that such person shall not be released on bail or otherwise before the expiration of a period of twelve days after the date of his arrest.

(2) Notwithstanding the provisions of this Act or any other law, but subject to the provisions of sub-section (3), no person shall be released on bail or otherwise contrary to the terms of an order issued under sub-section (1).

(3) The Attorney-General may at any time before its expiration rescind any order issued under sub-section (1).

(4) Any telegraphic copy purporting to be a copy of an order under sub-section (1) transmitted by telegraph, shall for all purposes be *prima facie* proof of the facts set forth in such copy.

(5) Subject to the provisions of sub-section (6), the provisions of this section shall lapse on the first day of June, 1962.

(6) The operation of the provisions of this section may from time to time by resolution of the Senate and the House of Assembly be extended for a period not exceeding twelve months at a time.”

Amendment of section 111 of Act 56 of 1955, as amended by section 26 of Act 50 of 1956 and section 12 of Act 16 of 1959.

5. Section *one hundred and eleven* of the Criminal Procedure Act, 1955, is hereby amended by the insertion after the word “commit” of the words “murder or arson or”.

Amendment of section 2 of Act 17 of 1956.

6. Section *two* of the Riotous Assemblies Act, 1956, is hereby amended—

- (a) by the deletion in paragraph (a) of sub-section (4) of the words “and in contravention thereof”;
- (b) by the insertion in sub-paragraph (i) of the said paragraph (a) after the word “convenes” of the words “or encourages, promotes or by means of threats causes the assembly or attendance of, or”;
- (c) by the addition at the end of sub-paragraph (ii) of the said paragraph (a) of the words “or advertises or in any other manner makes known the proposed assembly of”;
- (d) by the insertion in the said sub-section (4) after the word “gathering”, where it occurs for the second time, of the words “the assembly whereof has been so prohibited,” and the substitution therein for the words “three months” of the words “one year”; and
- (e) by the substitution in the said sub-section (4) for the words “six months”, where they occur for the first time, of the words “two years”.

Amendment of section 7 of Act 17 of 1956.

7. Section *seven* of the Riotous Assemblies Act, 1956, is hereby amended—

- (a) by the substitution in sub-section (1) for the words “inspector or captain” of the words “head constable”; and
- (b) by the substitution in sub-section (2) for the words “the penalties mentioned in section *six*” of the words “a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding one year”.

Amendment of section 10 of Act 17 of 1956.

8. Section *ten* of the Riotous Assemblies Act, 1956, is hereby amended—

- (a) by the deletion of the words “in respect of employment”; and
- (b) by the addition at the end thereof of the words “unless he proves that he had a lawful reason so to act or that his action was not connected with any similar action by any other persons to achieve a particular purpose”.

Short title.

9. This Act shall be called the General Law Amendment Act, 1961.