

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 even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1664.

17 July 1991

No. 1664.

17 Julie 1991

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

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

No. 138 of 1991: Internal Security and Intimidation Amendment Act, 1991

No. 138 van 1991: Wysigingswet op Binnelandse Veiligheid en Intimidasie, 1991

- (f) by the substitution for the definition of "police officer" of the following definition:
- " 'police officer' means any member of the Force as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958)[and includes any member of the South African Railways Police Force referred to in section 43 of the South African Transport Services Act, 1981 (Act No. 65 of 1981)];";
- (g) by the substitution in the definition of "publication" for the expression "56(1)(c)" of the expression "56(1)(b)";
- (h) by the deletion of the definition of "public body";
- (i) by the deletion of the definition of "public office"; and
- (j) by the substitution for the definition of "unlawful organization" of the following definition:
- " 'unlawful organization' means an organization which, under section 4, is declared to be an unlawful organization, and includes any branch, section or committee of any such organization and any local, regional or subsidiary body forming part of any such organization;";

Amendment of section 2 of Act 74 of 1982

2. Section 2 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the expression "Minister of Justice" of the word "Minister";
- (b) by the substitution for subsection (2) of the following subsection:
- "(2) The Minister [of Justice] shall, subject to the laws governing the public service [and with the concurrence of the Minister], appoint to the office of Director of Security Legislation a person holding a degree or diploma in law."; and
- (c) by the substitution for subsection (3) of the following subsection:
- "(3) The Minister [of Justice] may appoint, subject to the laws governing the public service [and with the concurrence of the Minister], one or more Deputy Directors of Security Legislation or one or more Assistant Directors of Security Legislation or one or more such Deputy Directors and one or more such Assistant Directors, who shall respectively have the power to perform, subject to the control and directions of the Director, any of the functions of the Director.".

Repeal of section 3 of Act 74 of 1982

3. Section 3 of the principal Act is hereby repealed.

Substitution of heading to Chapter 2 of Act 74 of 1982

4. The following heading is hereby substituted for the heading to Chapter 2 of the principal Act:
- "MEASURES IN RESPECT OF CERTAIN ORGANIZATIONS [AND CERTAIN PUBLICATIONS]".**

Amendment of section 4 of Act 74 of 1982

5. Section 4 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- "(1) **If the Minister has reason to believe—**
- (a) that any organization attempts or intends, in a violent manner or by the use of violence or by the instigation or promotion of violence, disturbance, rioting or disorder, to—
- (i) overthrow the State authority in the Republic;
- (ii) achieve, bring about or promote any constitutional, political, industrial, social or economic aim or change in the Republic; or
- (iii) induce the Government of the Republic to do or to abstain

from doing any act or to adopt or to abandon a particular standpoint;

- (b) that any organization threatens with violence, or with the instigation or promotion of violence, disturbance, rioting or disorder, or with steps which include violence, disturbance, rioting or disorder, in order to achieve any of the objects referred to in paragraph (a)(i), (ii) or (iii); or
- (c) that any organization propagates or encourages violence, disturbance, rioting or disorder, or conduct which includes violence, disturbance, rioting or disorder, as a means to achieve any of the objects referred to in paragraph (a)(i), (ii) or (iii),

he may, without notice to the organization in question, by notice in the *Gazette* declare that organization to be an unlawful organization.”;

- (b) by the deletion of subsection (2);
- (c) by the substitution for subsection (3) of the following subsection:
“(3) Any notice issued under subsection (1) [or (2)] may be withdrawn by the Minister by like notice.”;
- (d) by the deletion of subsection (4); and
- (e) by the substitution for subsection (5) of the following subsection:
“(5) A notice under subsection (1) [or (2)] shall not be invalid or ineffective by reason of the fact that the organization in question was dissolved before the coming into operation of the notice.”.

Repeal of sections 5 to 9 of Act 74 of 1982

6. Sections 5 to 9, inclusive, of the principal Act are hereby repealed.

Substitution of section 10 of Act 74 of 1982

7. The following section is hereby substituted for section 10 of the principal Act:

“Furnishing of reasons by Minister

10. (1) Whenever an organization is in terms of the provisions of section 4(1) declared by the Minister to be an unlawful organization, any person who proves to the satisfaction of the Minister that he was an office-bearer of the organization in question on the date immediately preceding the date on which it was so declared unlawful, may in writing request the Minister to furnish him with the reasons for the Minister’s action, and if such request is received by the Minister within a period of thirty days after the date of the publication in the *Gazette* of the notice declaring the organization in question to be an unlawful organization, the Minister shall furnish the office-bearer with a written statement setting forth his reasons for the notice and the information which induced the Minister to issue the notice.

(2) If, within the period specified in subsection (1), more than one request in terms of that subsection is received by the Minister, the Minister shall furnish only one of the office-bearers concerned with reasons and information in terms of the said subsection and notify the other office-bearers from whom requests are so received of the name and address of the office-bearer who has so been or will so be furnished with reasons and information.”.

Repeal of section 11 of Act 74 of 1982

8. Section 11 of the principal Act is hereby repealed.

Substitution of section 12 of Act 74 of 1982

9. The following section is hereby substituted for section 12 of the principal Act:

“Time limit in respect of, and effect of, certain proceedings in connection with organizations

12. (1) No proceedings shall after the expiration of a period of **[fourteen days] three months** from the date of a notice issued by the Minister in terms of section 4(1) **[or 5(1)]** be instituted in any court for an order declaring that notice invalid, and no court shall after the expiration of a period of twelve months from the date of any such notice have jurisdiction to pronounce upon the validity thereof: Provided that if the court concerned is satisfied that the fact that such proceedings have at the expiration of the said period of twelve months not yet been concluded, is not due to the fault of the party who instituted the proceedings, the court may extend that period by such further period as the court may deem fit.

(2) No court shall have jurisdiction to **[(a) pronounce upon the validity of any notice issued under section 4(2)(a); (b)]** make an order whereby, pending the outcome of any proceedings referred to in subsection (1), the operation of any notice issued by the Minister in terms of section 4(1) **[or 5(1)]** is suspended or in any other manner postponed.

[(3) The provisions of section 11 shall not apply in respect of steps taken by the Minister in terms of section 4(1) in respect of an organization or in terms of section 5(1) in respect of a periodical or other publication, if proceedings as contemplated in subsection (1) have been instituted in connection with the notice whereby those steps were taken by the Minister, and if such proceedings are instituted at a time when steps have by virtue of the provisions of section 11 already been taken in relation to the case in question, all steps so taken shall lapse.]”

Amendment of section 13 of Act 74 of 1982

10. Section 13 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“As from the date upon which an organization becomes an unlawful organization by virtue of a notice under section 4(1) **[or (2) or, for the purposes of paragraph (a) of the definition of ‘unlawful organization’, as from the date of commencement of this Act]—**”;

(b) by the deletion in subsection (2) of the expression “or (2)”; and

(c) by the substitution for the expression “Minister of Justice”, wherever it occurs in the section, of the word “Minister”.

Amendment of section 14 of Act 74 of 1982

11. Section 14 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) If the assets are adequate to pay the debts, the liquidator shall after the expiration of a period of not less than six months from the date upon which the organization became an unlawful organization **[but, where applicable, not before the endorsement, in relation to the declaration of the organization to be unlawful, of a certificate in terms of the provisions of section 11(5)]** take all steps (including the institution of legal proceedings) necessary to liquidate them and to pay out of the proceeds the debts which have been proved to his satisfaction.”;

(b) by the deletion in subsection (5) of the expression “or (2)”; and

(c) by the substitution in subsections (8) and (9) for the expression “Minister of Justice” of the word “Minister”;

(d) by the deletion of subsection (10);

(e) by the substitution for subsection (12) of the following subsection:

“(12) [The provisions of subsections (3) and (4) of section 6 shall] Without derogating from the generality of the provisions of subsection (9) [of this section, *mutatis mutandis* apply in respect of any investigation by the liquidator which he may consider necessary in connection with the performance of his functions in terms of subsection (1), (4) or (10): Provided that section 6(3)(d) shall, when applied in terms of this subsection, be construed as referring also to any document which, in the opinion of the liquidator, may afford proof in regard to any right in or the whereabouts of any property or the existence or amount of any debt], the liquidator may, for the purposes of the performance of his functions in terms of subsection (1) or (4)—

- (a) without previous notice at any time enter upon any premises whatsoever and make such investigation and inquiry as he deems necessary;
- (b) require of any person the production then and there or at a time and place fixed by the liquidator, of any document which is on the premises;
- (c) at any time and at any place require of any person who has possession or custody or control of any document, the production thereof then and there or at a time and place fixed by the liquidator;
- (d) seize any document referred to in paragraph (b) or (c) which in his opinion may afford proof in regard to any right in or the whereabouts of any property or the existence or amount of any debt;
- (e) examine such document and make extracts therefrom or copies thereof and ask any person whom he considers to have the necessary information, to give an explanation of any entry therein;
- (f) question either alone or in the presence of any other person, as he deems desirable, any person whom he finds on premises entered upon by him in terms of this section, or whom he on reasonable grounds suspects to be in possession of information required by the liquidator; and
- (g) direct any person referred to in paragraph (b), (c), (e) or (f) to appear before the liquidator at a time and place specified by him, and at such time and place question such person.”; and

(f) by the addition of the following subsection:

“(13) Every occupier of premises entered upon under subsection (12) shall at all times furnish such facilities as are required by the liquidator for the purpose of exercising his powers under the said subsection.”.

Repeal of sections 15 to 28 of Act 74 of 1982

12. Sections 15 to 28, inclusive, of the principal Act are hereby repealed. 45

Substitution of section 29 of Act 74 of 1982

13. The following section is hereby substituted for section 29 of the principal Act:

“Detention of certain persons for interrogation

29. (1) Notwithstanding anything to the contrary in any law or the common law contained [but subject to the provisions of subsection (3)], any commissioned officer as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), of or above the rank of lieutenant-colonel may, if he has reason to believe that any person who happens to be at any place in the Republic—

- (a) has committed or intends or intended to commit an offence referred to in section 54(1), (2) or (4), excluding, in the case of an offence referred to in section 54(4), such an offence which the

- suspect committed or intends or intended to commit in connection with a person suspected of having intended to commit or having committed the offence of sabotage; or
- (b) is withholding from the South African Police any information relating to the commission of an offence referred to in paragraph (a) or relating to an intended commission of such offence or relating to any person who has committed or who intends to commit such offence,
- without warrant arrest such person or cause him to be arrested and detain such person or cause him to be detained for interrogation in accordance with such directions as the Commissioner may, subject to the directions of the Minister, from time to time issue, [until—
- (i) the Commissioner orders his release when satisfied that the said person has satisfactorily replied to all questions at the interrogation or that no useful purpose will be served by his further detention in terms of the provisions of this section: Provided that in the case where at the conclusion of the interrogation the matter is submitted to the attorney-general for his decision as to whether or not a prosecution should be instituted against the said person, that person shall, notwithstanding the foregoing provisions of this paragraph, be detained in terms of the provisions of this section until—
- (aa) in the case where the attorney-general declines to prosecute, his decision in this regard is made known; or
- (bb) in the case where the attorney-general decides to institute a prosecution against the said person, the relevant indictment is served upon the said person; or
- (ii) the said person's release is ordered under subsection (5), whichever takes place first] for a period not exceeding 10 days and for such further period or periods not exceeding 10 days or not exceeding 10 days each, as the case may be, as a judge of a provincial or local division of the Supreme Court of South Africa may, on application in accordance with subsection (4), determine or from time to time determine.
- (2) [(a)] The commissioned officer referred to in subsection (1) shall as soon as possible after an arrest in terms of that subsection—
- (a) notify the Commissioner thereof, and the Commissioner shall as soon as possible after having been so notified advise the Minister of the name of the person so arrested and the place where he is being detained;
- (b) notify a relative of the person arrested, or, if no such relative is available, someone indicated by that person, of his arrest and of the place where he is being detained at that stage unless—
- (i) the person arrested informs the commissioned officer that he does not wish anybody so to be notified; or
- (ii) the Commissioner has reason to believe that it will hamper any investigation by the police. [and shall—
- (i) once a month furnish the Minister with reasons why the said person should not be released; and
- (ii) if the said person has at the expiration of a period of six months as from the date of his arrest not yet been released from detention in terms of this section, and thereafter at intervals of not less than three months while such person is so in detention, in person or through a commissioned officer referred to in subsection (1), designated by him for that purpose, adduce reasons before a board of review as to why the said person should not be released.

(b) At proceedings for the hearing of reasons adduced before it in terms of paragraph (a)(ii), the board of review shall consider such written representations, if any, as the person whose further detention in terms of this section is in issue, wishes to submit in connection with the matter, and may in its discretion also hear oral evidence or representations from that person. 5

(c) At the conclusion of the proceedings referred to in paragraph (b), the board of review shall submit to the Minister a written report relating to the proceedings and its findings.

(d) The provisions of section 8(8) shall *mutatis mutandis* apply in respect of the proceedings, referred to in paragraph (b), of the board of review. 10

(3) (a) Notwithstanding the provisions of subsection (1) no person shall be detained in terms of the provisions of that subsection for a period exceeding thirty days as from the date of his arrest, except under a written authority for his further detention granted by the Minister. 15

(b) The Minister shall not grant any authority referred to in paragraph (a) unless he is satisfied, on the ground of a written application which is signed by the Commissioner and in which full reasons are given as to why the person concerned should not be released, that the further detention of the person concerned is necessary for the purposes of the interrogation in question.] 20

(3) (a) An application referred to in subsection (1) for the further detention of a person arrested and detained in terms of that subsection shall be made in writing to a judge in chambers by the Commissioner or a commissioned officer as defined in section 1 of the Police Act, 1958; of or above the rank of brigadier, at least 48 hours before the expiry of the period of 10 days referred to in subsection (1), or at least 48 hours before the expiry of any further period so referred to, as the case may be, and shall state— 25

- (i) the date and the grounds on which the person was arrested;
- (ii) the reason why further detention of the person is considered necessary; and
- (iii) the place where and the directions subject to which the person is being detained. 30

(b) Before the application is heard, the Commissioner or the commissioned officer concerned shall notify the detainee concerned and, if he so requests, his legal representative, of the application and furnish the detainee with a copy of the written application referred to in paragraph (a). 35

(c) Any person in respect of whom an application has been made in terms of paragraph [(b)](a) may, pending the result of such application, be detained as if the application had been granted. 40

(d) A judge to whom such an application is made—

- (i) may consider the application, whether the person concerned is being detained within the area of jurisdiction of the relevant division of the Supreme Court or elsewhere; 45
- (ii) shall afford that person or his legal representative an opportunity of submitting reasons in writing why the detainee should not be further detained, and shall, if such reasons are submitted, afford the Commissioner or the commissioned officer concerned an opportunity of replying thereto in writing; 50
- (iii) may ask the Commissioner or the commissioned officer for such further information in writing as the judge may deem necessary; 55
- (iv) shall in considering the application have regard only to the particulars and information furnished by the Commissioner or the commissioned officer, the reasons advanced by the detainee as to why he should not be further detained and the reply of the Commissioner or the commissioned officer to such reasons: Provided that the judge may — 60

(aa) afford the Commissioner or the commissioned officer

- concerned or a person designated by the Commissioner or officer an opportunity to be heard in order to elucidate such particulars or information;
- (bb) afford the detainee or his legal representative an opportunity to be heard in order to elucidate such reasons, 5
- and the decision of the judge on the application shall be final.
- (e) If such an application is refused the detainee concerned shall be released immediately.
- (4) Any person detained in terms of this section may at any time make representations in writing to the Minister relating to his detention or release. 10
- (5) The Minister may at any time order the release of any person detained in terms of the provisions of this section.
- [(6) No court of law shall have jurisdiction to pronounce upon the validity of any action taken in terms of this section, or to order the release of any person detained in terms of the provisions of this section.]** 15
- (7) No person other than the Minister or a person acting by virtue of his office in the service of the State—
- (a) shall have access to any person detained in terms of the provisions of this section, except with the consent of and subject to such conditions as may be determined by the Minister or the Commissioner: Provided that the Minister or the Commissioner shall refuse such permission only if he has reason to believe that access to the detainee will hamper any investigation by the police: Provided further that this paragraph shall not apply in respect of a legal representative of a person so detained who, after he has been notified as contemplated in subsection (3)(b), assists that person in the preparation of a submission referred to in subsection (3)(d)(ii) in accordance with such conditions as may be determined by the Minister; or 20
- (b) shall, subject to the provisions of subsection (3)(b), be entitled to inspect any document relating to an application in terms of subsection (3), or to any official information relating to or any information obtained from such person. 25
- (8) The provisions of section 335 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall not apply in respect of any statement by any person detained in terms of the provisions of this section, made during such detention: Provided that if in the course of any subsequent criminal proceedings relating to the matter in connection with which the said person made that statement, any part of such statement is put to him by the prosecutor, any person in possession of the statement shall at the request of such first-mentioned person furnish him with a copy of the said statement. 30
- (9) Any person **[detained]** arrested in terms of the provisions of **[this section] subsection (1)** shall **[in addition to any visits under this Act by an Inspector of Detainees]** as soon as possible be examined by a district surgeon and shall be not less than once **[a fortnight]** every five days— 35
- (a) visited in private by a magistrate;
- (b) visited in private by a district surgeon, 50
- and such a magistrate or district surgeon shall, in respect of each such visit, without delay compile a report and submit it to the Minister, and the Minister may, if he has reason to believe that it will not hamper any investigation by the police, furnish, at the request of the detainee, copies of such reports to a person indicated by the detainee. 55
- (10) Any person detained in terms of this section shall be entitled, if he so requests, to be visited, at his own expense, by his private

medical practitioner in the presence of a district surgeon, unless the Minister or the Commissioner has reason to believe that such a visit will hamper any investigation by the police.”

Amendment of section 31 of Act 74 of 1982

14. Section 31 of the principal Act is hereby amended by the substitution in subsection (2) for the expression “Minister of Justice” of the word “Minister”. 5

Repeal of sections 33 and 34 of Act 74 of 1982

15. Sections 33 and 34 of the principal Act are hereby repealed.

Repeal of Chapter 4 of Act 74 of 1982

16. Chapter 4 of the principal Act is hereby repealed. 10

Amendment of section 46 of Act 74 of 1982

17. Section 46 of the principal Act is hereby amended by the addition of the following subsection:

“(4) Any notice issued by the Minister under subsection (3) may at any time be withdrawn or amended by him by like notice.” 15

Repeal of section 50A of Act 74 of 1982, as inserted by section 1 of Act 66 of 1986

18. Section 50A of the principal Act is hereby repealed.

Amendment of section 53 of Act 74 of 1982

19. Section 53 of the principal Act is hereby amended by the substitution in subsection (1) for the expression “Republic of South Africa Constitution Act” of the expression “Provincial Government Act”. 20

Amendment of section 54 of Act 74 of 1982

20. Section 54 of the principal Act is hereby amended—

- (a) by the substitution in subsection (8) for the expression “Republic of South Africa Constitution Act”, wherever it occurs, of the expression “Provincial Government Act”; and 25
- (b) by the substitution in subsection (8) for the expression “Official Secrets Act, 1956 (Act No. 16 of 1956)” of the expression “Protection of Information Act, 1982 (Act No. 84 of 1982)”.

Repeal of section 55 of Act 74 of 1982 30

21. Section 55 of the principal Act is hereby repealed.

Substitution of section 56 of Act 74 of 1982

22. The following section is hereby substituted for section 56 of the principal Act:

“Offences in connection with unlawful organizations, and penalties therefor 35

56. (1) Any person who—

- (a) contravenes any provision of section 13(1)(a);
- (b) without the consent of the Minister, is in possession of any publication published or disseminated by or under the direction or guidance or on behalf of an unlawful organization; 40
- (c) knowingly permits any premises or any other property whatsoever, situated in the Republic, to be used for the purposes of or in connection with any offence in terms of section 57(1) or paragraph (a) of this subsection; 45
- (d) refuses or fails to answer to the best of his knowledge any question which a liquidator has put to him in the exercise of his powers in terms of this Act;

- (e) refuses or fails to comply to the best of his ability with any requirement or direction of a liquidator in terms of this Act;
- (f) hinders a liquidator of an unlawful organization in the performance of his functions in terms of this Act or, without the consent of the liquidator, destroys, alters or removes any property or document held by that organization or held by any person for the benefit of that organization; or
- (g) contravenes the provisions of section 14(13), shall, subject to the provisions of subsection (2), be guilty of an offence and liable on conviction—
- (i) in the case of an offence referred to in paragraph (a), to imprisonment for a period not exceeding ten years;
- (ii) in the case of an offence referred to in paragraph (b) or (c), to imprisonment for a period not exceeding three years;
- (iii) in the case of an offence referred to in paragraph (d), (e), (f) or (g), to a fine not exceeding R4 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.
- (2) No person shall be convicted of an offence referred to in subsection (1)(b) if he satisfies the court that as soon as practicable after having become aware of being in possession of a publication referred to in that subsection, he took reasonable steps to report the fact of his being so in possession of such publication to a police officer, or to deliver the publication in question to a police officer.”

Amendment of section 63 of Act 74 of 1982

23. Section 63 of the principal Act is hereby amended by the substitution in subsection (1) for the expression “56(1)(g)” of the expression “56(1)(c)”.

Substitution of section 64 of Act 74 of 1982

24. The following section is hereby substituted for section 64 of the principal Act:

“Authority of attorney-general required for certain trials

64. No [prosecution for] trial in respect of an offence referred to in section 54 shall be [instituted] commenced without the written authority of the attorney-general.”

Amendment of section 68 of Act 74 of 1982

25. Section 68 of the principal Act is hereby amended—
- (a) by the substitution for subsection (2) of the following subsection:
- “(2) If the Minister [of Justice] so directs, the trial of any person for an offence in terms of section 54 shall take place at such place in the Republic as the [said] Minister may determine.”; and
- (b) by the substitution in subsection (3) for the expression “Minister of Justice” of the word “Minister”.

Amendment of section 69 of Act 74 of 1982

26. Section 69 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) If in any prosecution in terms of this Act [or in any civil proceedings arising from the application of any provision of this Act] in which it is alleged that any person is or was a member [or an active supporter] of any organization, it is proved that he attended any meeting of that organization, or has advocated, advised, defended

or encouraged the promotion of any of its purposes, or has distributed or assisted in the distribution of or caused to be distributed any periodical or other publication or document issued by, on behalf of or at the instance of that organization, he shall be presumed, until the contrary is proved, to be or to have been a member **[or an active supporter, as the case may be]** of that organization.”;

(b) by the deletion of subsections (2) and (3);

(c) by the substitution for subsection (4) of the following subsection:

“(4) In any prosecution for an offence in terms of this Act **[or in any civil proceedings arising from the application of the provisions of this Act]**, any document, book, record, pamphlet or other publication or written instrument—

(a) which has been found in or removed from the possession, custody or control of the accused **[or any party to the proceedings]** or of any person who was at any time **[before or after the commencement of this Act]** an office-bearer or officer or a member **[or an active supporter]** of an organization of which the accused **[or the said party]** is alleged to be or to have been an office-bearer or officer or a member **[or an active supporter]**;

(b) which has been found in or removed from any office or other premises occupied or used at any time **[before or after the commencement of this Act]** by any organization of which the accused **[or the said party]** is alleged to be or to have been an office-bearer or officer or a member **[or an active supporter]**, or by any person in his capacity as an office-bearer or officer of such organization; or

(c) which on the face thereof has been compiled, kept, maintained, used, issued or published by or on behalf of any organization of which the accused **[or the said party]** is alleged to be or to have been an office-bearer or officer or a member **[or an active supporter]**, or by or on behalf of any person having a name corresponding substantially to that of the accused **[or the said party]**,

and any reproduction of such document, book, record, pamphlet, other publication or written instrument, shall be admissible in evidence against the accused **[or the said party to the proceedings, as the case may be,]** as *prima facie* proof of the contents thereof.”;

(d) by the deletion of subsection (9).

Repeal of section 70 of Act 74 of 1982

27. Section 70 of the principal Act is hereby repealed.

Substitution of section 72 of Act 74 of 1982

28. The following section is hereby substituted for section 72 of the principal Act:

“Reports to Parliament

72. Whenever—

(a) any action has been taken under section 4(1) **[or (2), 5(1), 18(1), 19(1) or (2), 20 or 28(1)]**;

(b) any gathering has been prohibited under the provisions of section 46(1)(i) or (3) or a direction in connection with the holding of any gathering has been issued under the provisions of section 46(1)(ii); or

(c) a police officer has under the provisions of section 48(1) ordered the persons attending a gathering to disperse, **[or**

(d) **the Minister has rejected any recommendation made to him by an advisory committee or board of review and after the Chief Justice has reviewed the matter, where applicable]**

the Minister shall report the circumstances to **[the House of Assembly]** Parliament within fourteen days after the date of the action, prohibition or direction **[or order]** in question if Parliament is then in session or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing ordinary session.”. 5

Deletion of Schedule 2 to Act 74 of 1982

29. Schedule 2 to the principal Act is hereby deleted.

Amendment of Schedule 3 to Act 74 of 1982

30. Schedule 3 to the principal Act is hereby amended by the deletion of the expression “or 55”. 10

Insertion of section 8A in Act 63 of 1971

31. The following section is hereby inserted in the Newspaper and Imprint Registration Act, 1971, after section 8:

“Lapse of registration of newspaper

8A. Unless the Minister otherwise directs, the registration of a newspaper shall lapse— 15

- (a) if the printing and publishing of the newspaper is not commenced within one month after registration; or
- (b) if the newspaper is at any time not printed and published during a period exceeding two months.”. 20

Amendment of section 1 of Act 72 of 1982

32. Section 1 of the Intimidation Act, 1982, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person who—

- (a) without lawful reason and with intent to compel or induce **[a particular]** any person or persons of a particular nature, class or kind or persons in general to do or to abstain from doing any act or to assume or to abandon a particular standpoint— 25
 - [(a)]** (i) assaults, injures or causes damage to **[that person or]** any **[other]** person; or 30
 - [(b)]** (ii) in any manner threatens to kill, assault, injure or cause damage to **[that person or]** any **[other]** person or persons of a particular nature, class or kind; or
 - (b) acts or conducts himself in such a manner or utters or publishes such words that it has or they have the effect, or that it might reasonably be expected that the natural and probable consequences thereof would be, that a person perceiving the act, conduct, utterance or publication— 35
 - (i) fears for his own safety or the safety of his property or the security of his livelihood, or for the safety of any other person or the safety of the property of any other person or the security of the livelihood of any other person; and 40
 - (ii) is induced by his fear to do or to abstain from doing any act or to assume or to abandon a particular standpoint,
- shall be guilty of an offence and liable on conviction to a fine not exceeding **[twenty thousand rand]** R40 000 or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.”. 45

Repeal of laws

33. The laws specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

Act No. 138, 1991

**INTERNAL SECURITY AND INTIMIDATION
AMENDMENT ACT, 1991**

Short title and commencement

34. This Act shall be called the Internal Security and Intimidation Amendment Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Act No. 138, 1991

INTERNAL SECURITY AND INTIMIDATION
AMENDMENT ACT, 1991**Schedule**
LAWS REPEALED

No. and year of law	Short title	Extent of repeal
Act No. 44 of 1950	Internal Security Act, 1950	So much as is unrepealed
Act No. 93 of 1963	General Law Further Amendment Act, 1963	Section 22
Act No. 62 of 1966	General Law Amendment Act, 1966	Section 23
Act No. 83 of 1967	Terrorism Act, 1967	So much as is unrepealed
Act No. 79 of 1976	Internal Security Amendment Act, 1986	Sections 13 and 14
Act No. 66 of 1986	Internal Security Amendment Act, 1986	The whole