

Act No. 34
of 1960.

ACT

To empower the Governor-General, with a view to the safety of the public or the maintenance of public order, by proclamation in the *Gazette* to declare the Pan Africanist Congress and the African National Congress and certain other organizations to be unlawful organizations, to amend the Riotous Assemblies Act, 1956, and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 7th April, 1960.)

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. (1) If the Governor-General is satisfied that the safety of the public or the maintenance of public order is seriously threatened or is likely to be seriously threatened in consequence of the activities of the body known as the Pan Africanist Congress or the body known as the African National Congress, he may, without notice to the body concerned, by proclamation in the *Gazette* declare such body, including all branches, sections or committees thereof, and all local, regional or subsidiary bodies forming part thereof, to be an unlawful organization.

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(2) If the Governor-General is satisfied that the safety of the public or the maintenance of public order is seriously threatened or is likely to be seriously threatened in consequence of the activities of any organization which in his opinion has been established for the purpose of carrying on directly or indirectly any of the activities of any body which has in terms of sub-section (1) been declared to be an unlawful organization, or of any organization which in his opinion directly or indirectly carries on or proposes to carry on any of the said or any like activities, he may, without notice to the organization concerned, by proclamation in the *Gazette* declare such organization to be an unlawful organization.

(3) Any proclamation issued under sub-section (1) or (2) shall remain in force for a period not exceeding twelve months, but the duration thereof may from time to time be extended by like proclamation in the *Gazette* for further periods not exceeding twelve months at a time.

(4) The Governor-General may withdraw any proclamation under sub-section (1) or (2) by like proclamation in the *Gazette*.

2. The provisions of section one, sub-section (3) of section two, and sections three to fifteen, inclusive, of the Suppression of Communism Act, 1950, except sub-section (10) of section four, sections five bis and six, paragraph (b) of sub-section (1)

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and sub-section (2) of section *seven*, and sections *eight*, *eight bis*, *nine*, *ten* and *fourteen*, shall in so far as they are appropriate and can be applied, *mutatis mutandis* apply with reference to any organization which in terms of a proclamation under sub-section (1) or (2) of section *one* of this Act is an unlawful organization, and for that purpose—

- (a) any reference in the Suppression of Communism Act, 1950, to any organization which has in terms of sub-section (2) of section *two* of that Act been declared to be an unlawful organization, shall be construed as a reference to an organization which has been declared to be an unlawful organization under sub-section (1) or (2) of section *one* of this Act;
- (b) any reference in the Suppression of Communism Act, 1950, to the date of commencement of that Act, shall be construed as a reference to the date of commencement of this Act;
- (c) any reference in the Suppression of Communism Act, 1950, to the date on which any organization becomes an unlawful organization in terms of a proclamation under sub-section (2) of section *two* of that Act, shall be construed as a reference to the date on which an organization becomes an unlawful organization in terms of a proclamation under sub-section (1) or (2) of section *one* of this Act;
- (d) any reference in the Suppression of Communism Act, 1950, to the objects of communism, shall be construed as a reference to the objects of an organization which is an unlawful organization in terms of a proclamation under sub-section (1) or (2) of section *one* of this Act; and
- (e) the reference in sub-section (3) of section *two* of the Suppression of Communism Act, 1950, to paragraph (b), (c) or (d) of sub-section (2) of section *two* of that Act, shall be construed as a reference to section *one* of this Act.

3. The Minister shall lay copies of any proclamation issued under section *one* on the Tables of both Houses of Parliament within fourteen days after the publication thereof, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its first ensuing session.

Reports to Parliament.

4. (1) Section *fifteen* of the Riotous Assemblies Act, 1956, is hereby amended by the substitution for all the words following the word "liable" of the words "to the penalties prescribed in section *two* of the Criminal Law Amendment Act, 1953 (Act No. 8 of 1953)".

Amendment of section 15 of Act 17 of 1956.

(2) Sub-section (1) shall be deemed to have come into operation on the twenty-eighth day of March, 1960.

5. This Act shall apply also in the territory of South-West Africa.

Application to South-West Africa.

6. This Act shall be called the Unlawful Organizations Act, 1960.

Short title.

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