

Act No. 49  
of 1953.

## ACT

To provide for the reservation of public premises and vehicles or portions thereof for the exclusive use of persons of a particular race or class, for the interpretation of laws which provide for such reservation, and for matters incidental thereto.

*(English text signed by the Governor-General.)*  
*(Assented to 5th October, 1953.)*

**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:—

Definitions.

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

“public premises” includes any land, enclosure, building, structure, hall, room, office or convenience to which the public has access, whether on the payment of an admission fee or not but does not include a public road or street;

“public vehicle” includes any train, tram, bus, vessel or aircraft used for the conveyance for reward or otherwise of members of the public.

Reservation of public premises for the exclusive use of certain persons.

2. (1) Any person who is in charge of or has control of any public premises or any public vehicle, whether as owner or lessee or whether by virtue of his office or otherwise, or any person acting under his control or direction may, whenever he deems it expedient and in such manner or by such means as he may consider most convenient for the purpose of informing all persons concerned, set apart or reserve such premises or such vehicle or any portion of such premises or such vehicle or any counter, bench, seat or other amenity or contrivance in or on such premises or vehicle, for the exclusive use of persons belonging to a particular race or class.

(2) Any person who wilfully enters or uses any public premises or public vehicle or any portion thereof or any counter, bench, seat or other amenity or contrivance which has in terms of sub-section (1) been set apart or reserved for the exclusive use of persons belonging to a particular race or class, being a race or class to which he does not belong, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.

(3) If in any prosecution under sub-section (2) it is proved that a notice in both official languages announcing that any public premises or any public vehicle or any portion thereof or any counter, bench, seat or other amenity or contrivance has been set aside or reserved for the exclusive use of persons belonging to a particular race or class, appears at, in or on such premises or vehicle or portion thereof or such counter, bench, seat or other amenity or contrivance, it shall be presumed, unless the

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contrary is proved, that such setting aside or reservation was made under due and proper authority in accordance with the provisions of sub-section (1).

(4) Nothing in this section contained shall affect the provisions of the Railways and Harbours Regulation, Control, and Management Act, 1916 (Act No. 22 of 1916), or any other law which provides for the setting aside or reservation of any public premises or public vehicle or any portion thereof or any counter, bench, seat or other amenity or contrivance for the exclusive use of persons belonging to a particular race or class.

Interpretation of laws authorizing the reservation of public premises or vehicles for the exclusive use of certain persons.

3. Whenever any person or authority has under and by virtue of the provisions of section *two* or any other law, at any time before or after the date of commencement of this Act, set apart, demarcated or reserved any public premises or any public vehicle or any portion thereof or any counter, bench, seat or other amenity or contrivance in or on any public premises or public vehicle, for the exclusive use of persons belonging to a particular race or class, such setting apart, demarcation or reservation shall not be invalid on the ground merely that—

- (a) no such premises or vehicle or portion thereof or no such counter, bench, seat or other amenity or contrivance as the case may be, has similarly been set apart, demarcated or reserved for the exclusive use of persons belonging to any other race or class; or
- (b) any such premises or vehicle or portion thereof or any such counter, bench, seat or other amenity or contrivance, as the case may be, similarly set apart, demarcated or reserved for the use of persons belonging to any other race or class, is not substantially similar to or of the same character, standard, extent or quality as the premises, vehicle or portion thereof or the counter, bench, seat or other amenity or contrivance, as the case may be, set apart, demarcated or reserved as aforesaid.

Certain representatives of a foreign government not affected by a setting apart, demarcation or reservation under section 2 or any other law.

4. No setting apart, demarcation or reservation under section *two* or any other law of any public premises or public vehicle or portion thereof or any counter, bench, seat or other amenity or contrivance in or on such premises or vehicle, shall operate to exclude from such premises, vehicle or portion thereof or such counter, bench, seat or other amenity or contrivance any person who—

- (a) is a representative in the Union of a foreign government or a member of his family; or
- (b) is a national of a foreign country travelling within or through the Union on official business; and
- (c) is in possession of a certificate issued to him by or under the authority of the Secretary for External Affairs for the purposes of this section.

Short title.

5. This Act shall be called the Reservation of Separate Amenities Act, 1953.