

NO. 206 OF 1993: ABOLITION OF RESTRICTIONS ON FREE POLITICAL ACTIVITY ACT,

STATE PRESIDENT'S OFFICE

No. 133.

28 January 1994

NO. 206 OF 1993: ABOLITION OF RESTRICTIONS ON FREE POLITICAL ACTIVITY ACT,
1993.

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

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To repeal or amend certain laws so as to abolish certain restrictions on political parties and other organizations and on certain publications, objects, films and public entertainments; to that end to empower the State President to repeal or amend certain laws in force in the Republic or in any area of the Republic, including the selfgoverning territories; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 14 January 1994.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:

Amendment of section 47 of Act 42 of 1974, as amended by section 2 of Act 44 of 1979, section 18 of Act 70 of 1979, section 3 of Act 98 of 1982, section 28 of Act 60 of 1986 and section 14 of Act 90 of 1992

1. Section 47 of the Publications Act, 1974, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) For the purposes of this Act any publication or object, film, public entertainment or intended public entertainment shall be deemed to be undesirable if it or any part of it

- (a) is indecent or obscene or is offensive or harmful to public morals;
 - (b) is blasphemous or is offensive to the religious convictions or feelings of any section of the inhabitants of the Republic;
 - (c) brings any section of the inhabitants of the Republic into ridicule or contempt;
 - (d) is harmful to the relations between any sections of the inhabitants of the Republic;
 - (e) is prejudicial to the safety of the State, the general welfare or the peace and good order;
 - (f) discloses with reference to any judicial proceedings
- (i) any matter which is indecent or obscene or is offensive or harmful to public morals; §
 - (ii) any indecent or obscene medical, surgical or physiological details

the disclosure of which is indecent or obscene or is offensive or harmful to public morals."

Amendment of section 4 of Act 74 of 1982, as amended by section 5 of Act 138 of 1991

2. Section 4 of the Internal Security Act, 1982, is hereby amended 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 or 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 or rioting or disorder, or with steps which include violence disturbance or 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 or rioting or disorder, or conduct which includes violence disturbance or rioting or disorder, as a means to achieve any of the objects referred to in paragraph (a)(i), (ii) or (iii), he may, on the advice of the Transitional Executive Council established by section 2 of the Transitional Executive Council Act, 1993 (Act No. 151 of 1993), and without notice to the organization in question, by notice in the Gazette declare that organization to be an unlawful organization."

Amendment of section 50 of Act 74 of 1982

3. Section 50 of the Internal Security Act, 1982, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) If a police officer of or above the rank of warrant officer is of the opinion

- (a) (i) that the actions of a particular person contribute towards the continuation of a state of public disturbance, disorder, riot or public violence which exists at any place within the Republic; and
 - (ii) that the detention of that person will contribute towards the termination or combating of that state of public disturbance, disorder, riot or public violence; or
- (b) that the detention of a particular person will contribute towards the prevention of the resumption, at the same place or at any other place in the Republic, of such a state of public disturbance, disorder, riot or public violence, he a police officer of or above the rank of warrant officer may without warrant arrest that person or cause him to be arrested and, subject to the provisions of this section, cause him to be detained in a prison referred to in section 20(1)(a) or b) of the Prisons Correctional Services Act, 1959 (Act No. 8 of 1959), or a police cell

or lock-up. "

Amendment of section 54 of Act 74 of 1982, as amended by section 20 of Act 138 of 1991 and section 9 of Act 126 of 1992

4. Section 54 of the Internal Security Act, 1982, is hereby amended by the deletion of subsection (2).

Amendment of section 1 of Act 96 of 1991

5. Section 1 of the Aliens Controls Act, 1991, is hereby amended by the substitution for the definition of "alien" of the following definition:

"'alien' means a person who is not a South African citizen or a citizen of a state the territory of which formerly formed part of the Republic;"

Powers of State President regarding certain laws

6. (1) The State President may, notwithstanding any provision to the contrary contained in any other law, to the extent recommended by the Transitional Executive Council established by section 2 of the Transitional Executive Council Act, 1993 (Act No. 151 of 1993), and in

order to (a) readjust matters in a nondiscriminatory manner; and (b) abolish matters that impede free political activity; and (c) promote the objects of the said Transitional Executive Council in accordance with section 3(a) and (b) of that Act, by proclamation in the Gazette repeal, amend, supplement or substitute any law applying in the Republic or in any area of the Republic, including a self-governing territory contemplated in section 26 of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), including an Act of Parliament and an Act passed by the legislative assembly of a self-governing territory.

- (2) The provisions of subsection (1) shall lapse on the date of the dissolution of the Transitional Executive Council referred to in subsection (1).

Repeal of laws

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

Short title and commencement

8. This Act shall be called the Abolition of Restrictions on Free Political Activity Act, 1993, and shall come into operation on a date to be fixed by the State President in consultation with the Transitional Executive Council established by section 2 of the Transitional Executive Council Act, 1993 (Act No. 151 of 1993), by proclamation in the Gazette.

SCHEDULE

LAWS REPEALED

No. and year of Act	Short title	Extent of repeal

38 of 1927	Black Administration Act, 1927	Section 29
51 of 1968	Prohibition of Foreign Financing of Political Parties Act, 1968	The whole
31 of 1974	Affected Organizations Act, 1974	The whole
67 of 1976	Parliamentary Internal Security Commission Act, 1976	The whole
74 of 1982	Internal Security Act, 1982	Sections 29,
58,		59, 60, 61 and 71
26 of 1989	Disclosure of Foreign Funding Act, 1989	The whole
