

changed the place of his residence or employment he shall be deemed to have failed to give notice thereof as required by the said paragraph unless the contrary is proved.

(2) A person shall in any prosecution for an offence under paragraph (g) of section eleven be deemed to have convened a gathering in any place if he -

\* (a) has himself or through another person caused written notice to be published, distributed or despatched, inviting the public, or any members of the public to assemble at a specified time and place or has encouraged or assisted in the publication, distribution or despatch of such a notice;

(b) has himself, or through another person, orally invited the public or any members of the public so to assemble; or

(c) has taken any active part in making arrangements for the publication, distribution or despatch of such a notice, or in organising or making preparations for such an assembly.

‡ (3) No person shall be convicted of an offence under paragraph (g) or (g)bis of section eleven, if he satisfies the court that at the time the offence was committed he had no knowledge of the prohibition concerned, unless at the said

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\* Amended by section eight (b), Act No. 50 of 1951.

‡ Substituted by section eleven (b), Act No. 76 of 1962.

time the prohibition or particulars thereof had been notified in the Gazette.

- \* (4) In any prosecution under 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 is proved to have 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 of the organisation of which the accused or the said party is alleged to be or to have been an office-bearer, officer, member or active supporter and which has been declared an unlawful organisation; or
  - (b) which is proved to have 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 the organisation of which the accused or the said party is alleged to be or to have been an office-bearer, officer, member or active supporter and which has been declared an unlawful organisation, or by a person in his capacity as an office-bearer or officer of that organisation; or

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\* Inserted by section nine (b), Act No. 15 of 1954.

(c) which on the face thereof has been compiled, kept, maintained, used, issued or published by or on behalf of the organisation of which the accused or the said party is alleged to be or to have been an office-bearer, officer, member or active supporter and which has been declared an unlawful organisation,

and any photostatic copy of any document, book, record, pamphlet, or other publication or written instrument referred to in paragraph (a), (b) or (c), shall be admissible in evidence against the accused or, as the case may be, the said party to the proceedings as prima facie proof of the contents thereof.

\* (5) Any list or portion of a list certified by an officer, who certifies that he has been designated by the Minister under section eight to keep in his custody the lists compiled under sub-section (10) of section four and sub-section (2) of section seven, to be a list or portion of a list in his custody under section eight, shall on its mere production in any prosecution under this Act or in any civil proceedings arising from the application of the provisions of this Act, be admissible in evidence as prima facie proof of the contents thereof.

‡ (6) Notwithstanding anything to the contrary in any law or the common law contained -

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\* Inserted by section nine (b), Act No. 15 of 1954.

‡ Inserted by section six, Act No. 37 of 1963.

- (a) whenever two or more persons are in any indictment, summons or charge alleged to have committed at the same time and place, or at the same place and at approximately the same time, offences under this Act or under this Act as applied by any other law, such persons may be tried jointly for such offences on that indictment, summons or charge;
- (b) any offence under this Act or under this Act as applied by any other law shall, for the purposes of determining the jurisdiction of a court to try the offence, be deemed to have been committed at the place where it actually was committed and also at any place where the accused happens to be.

Forfeiture.

13. (1) The court convicting any person of an offence under paragraph (e) of section eleven, may declare the property in respect of which the offence was committed, or the rights of the convicted person to such property, to be forfeited to the State: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to such property, if it is proved that he did not know that it was being or would be used in contravention of the said paragraph.
- (2) Sub-sections (4) and (5) of section three hundred and sixty-six of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917), shall mutatis mutandis apply in respect of any such forfeiture.

Removal from Republic of certain undesirable inhabitants.

- \* 14. Any person who is not a South African citizen by birth or descent and who is deemed by the State President, or in the case of an inhabitant of the Territory of South-West Africa, by the Administrator of the said territory, to be an undesirable inhabitant of the Republic or of the said territory, as the case may be, because he is a communist or has been convicted of any offence under paragraph (a), (b), (c), (d), (e), (g), (h) or (i) of section eleven, may be removed from the Republic or from the said territory, and pending removal, may be detained in custody in the manner provided for the detention, pending removal from the Republic or from the said territory, of persons who are prohibited immigrants within the meaning of the relevant law relating to the regulation of immigration; and thereafter such person shall, for the purposes of such law, be deemed to be a prohibited immigrant.

Reports to Houses of Parliament.

15. Whenever any action has been taken under section two, five, six, nine, ten or fourteen, the Minister shall report the circumstances to both Houses of Parliament within fourteen days if Parliament be then in session or, if Parliament be not then in session, within fourteen days after the commencement of its next ensuing session.

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\* Amended by section ten, Act No. 15 of 1954.

Application of certain provision of Act No. 17 of 1956 and Ordinance No. 9 of 1930 (S.W.A.) in relation to gatherings prohibited under this Act.

- \* 16. Sections six, seven and eight of the Riotous Assemblies Act, 1956 (Act No. 17 of 1956), and sections three, four and five of the Riotous Assemblies and Criminal Law Amendment Ordinance, 1930 (Ordinance No. 9 of 1930) of the territory of South-West Africa shall mutatis mutandis apply in relation to any gathering which has under section nine of this Act been prohibited respectively in the Republic or the said Territory.

Certain powers conferred by this Act to be exercised only after consideration of a report by a committee appointed by the Minister.

- ‡ 17. The powers conferred by this Act upon the State President or the Administrator of the Territory of South-West Africa, except the power conferred under sub-section (2) of section two in respect of an organisation contemplated in paragraph (e) of the said sub-section and the power to withdraw any proclamation or notice issued under this Act, shall not be exercised in relation to any person, organisation or publication unless the Minister or, in the case of the powers conferred upon the Administrator of the said territory, the said Administrator has considered a factual report in relation to that person, organisation or publication made by a committee consisting of three persons appointed by the Minister of whom one shall be a magistrate of a rank not lower than the rank of senior magistrate.

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\* Amended by section twelve, Act No. 76 of 1962.

‡ Amended by section thirteen, Act No. 76 of 1962.

No action for damages lies and no criminal action may be instituted for describing certain persons as communists.

\* 17. bis No action for damages shall lie and no criminal action may be instituted against any person who describes as a communist a person -

- (a) whose name appears on a list in the custody of the officer referred to in section eight; or
- (b) who has at any time after the commencement of this Act professed to be a communist; or
- (c) who has in terms of the definition of that expression in section one been deemed by the State President or the Administrator of the territory of South-West Africa to be a communist and for as long as he is so deemed; or
- (d) in respect of whom a notice has been issued in terms of paragraph (a) of sub-section (1)bis of section five; or
- (e) who has been convicted of any of the offences referred to in paragraphs (a) to (i), both inclusive, of section eleven.

Application to South-West Africa of this Act.

18. This Act shall apply also in the Territory of South-West Africa.

Short title.

19. This Act shall be called the Suppression of Communist Act, 1950.

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