



BUITENGEWONE
OFFISIËLE KOERANT

van Suidwes-Afrika.

Uitgegeë op gesag.

OFFICIAL GAZETTE

EXTRAORDINARY

of South West Africa.

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Die volgende Ontwerpordonnansie, wat gedurende die Sesde Sessie van die Tweede Wetgewende Vergadering voor- gelê sal word, word vir algemene informasie gepubliseer.

H. P. SMIT,
Sekretaris vir Suidwes-Afrika.

Administrateurskantoor,
Windhoek.

The following Draft Ordinance which will be introduced during the Sixth Session of the Second Legislative Assembly is published for general information.

H. P. SMIT,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

Bladsy.

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Kriminele Reg Wysigingsordonnansie 8567 Criminal Law Amendment Ordinance 8567

ONTWERPORDONNANSIE

Om voorsiening te maak vir die verhinderings van rasse-propaganda en ander bedrywighede wat vrede, orde en goeie regering van die gebied omvergooi.

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied Suidwes-Afrika as volg:—

1. In hierdie Ordonnansie beteken "uitheems" ander dan Suid-Afrikaans, Suidwes-Afrikaans of Brits.
2. Enige persoon, wat enige ander persoon mondelings met fisiese gewelddadigheid of met die vernieling van eiendom bedreig, of wat enige mededeling of omsendbrief skrywe, druk of aanstuur of deelneem aan die skrywe, druk of aanstuur van enige mededeling of omsendbrief, wat enige ander persoon met fisiese gewelddadigheid bedreig of met die vernieling van eiendom, is skuldig aan 'n misdryf.
3. Enige persoon, wat enige ander persoon of persone aanspoor om die lede van enige besondere ras van die samelewing in besigheidssake te boikot, of wat enige woorde uitspreek of enige ander daad, wat ook al, doen met die doel om enige gevoel van vyandelikheid tussen die verskillende rasse van die samelewing aan te moedig, is skuldig aan 'n misdryf.
4. Enige persoon, wat enige literatuur, wat die vrede, orde en goeie regering van die Gebied omvergooi of benadeel, invoer of deelneem aan die invoer daarvan of dit publiseer of versprei, of wat enige uitheemse politieke organisasie ondersteun of aanmoedig, wat deur sy bedrywighede die vrede, orde en goeie regering van die Gebied omvergooi of benadeel, is skuldig aan 'n misdryf.
5. Enige persoon, ander dan 'n polisiebeampte of lede van Sy Majesteit se strydmag, of geakkrediteerde verteenwoordigers van vreemde state, wat enige militêre uniform dra of die uniform of embleem van enige organisasie van 'n politieke geaardheid, sonder die skriftelike toestemming van die Administrateur, wat vooraf verkry is, is skuldig aan 'n misdryf.
6. Enige Britse onderdaan, wat in die Gebied woonagtig is en 'n lid van enige vreemde politieke organisasie is of word, wat deur sy bedrywighede die vrede, orde en goeie regering van die Gebied omvergooi of benadeel, is skuldig aan 'n misdryf.
7. Die Administrateur kan kennis gee dat enige politieke of ander organisasie, wat volgens sy mening deur sy bedrywighede nadelig is vir die vrede, orde en goeie regering van die Gebied, ontbind moet word. Sodanige kennisgewing word in die *Offisiële Koerant* gepubliseer en spesifiseer die naam van die betrokke organisasie, waarby dit algemeen bekend is.
Indien die lede van sodanige organisasie na die publikasie van sodanige kennisgewing nog verder bymekaar kom en hulle bedrywighede, soos voormeld voortsit, is elke sodanige lid skuldig aan 'n misdryf.
8. (a) Enige gevormagtigde polisiebeampte of hoofkonstabel, of enige polisiebeampte, wat skriftelik spesiaal deur sodanige gevormagtigde beampte of hoofkonstabel daartoe gemagtig is, mag te eniger tyd die perseel van enige persoon, wat van 'n oortreding van enige bepaling van hierdie Ordonnansie verdink word, betree en dit deursoek en hy mag enige persoon, wat in of op sodanige perseel aangetref word, visenteer en op sodanige perseel of van sodanige persoon enige dokument of ander artikel of ding in beslag neem wanneer daar redelike gronde is om te vermoed dat dit as bewysstuk sal dien in verband met voormelde oortreding.
Met dien verstande dat dit sover as moontlik gedurende die dag moet gebeur.
Met die verstande verder dat, wanneer 'n vrou visenteer word, die visentasië net deur 'n vrou en met streng inagneming van welvoeglikheid gedoen mag word. As daar geen vrou, wat 'n lid van die polisie of die gevangenisdiens is, beskikbaar is nie, kan die visentasië deur enige vrou gedoen word, wat spesiaal vir die doel deur die polisiebeampte, wat die visentasië lei, benoem is.
- (b) Enige persoon, wat weerstand bied aan die wettige uitvoering van die bevoegdhede van enige sodanige beampte ingevolge subartikel (a) of dit verhinder of belemmer, is skuldig aan 'n misdryf.
9. Enige persoon wat hom skuldig maak aan 'n misdryf onder die bepalings van hierdie Ordonnansie is, by skuldigbevinding, blootgestel aan 'n boete van hoogstens honderd pond of, by wanbetaling, aan gevangenisstraf vir 'n tydperk van hoogstens een jaar, of aan sodanige gevangenisstraf sonder die keuse van 'n boete, of aan sodanige boete sowel as sodanige gevangenisstraf.
10. Hierdie Ordonnansie kan aangehaal word as die Kriminele Reg Wysigingsordonnansie 1933.

DRAFT ORDINANCE

To provide for the prevention of racial propoganda and other activities subversive of the peace, order and good government of the territory.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:—

1. In this Ordinance "foreign" means other than South African, South West African or British.
2. Any person who verbally threatens any other person with physical violence or with the destruction of property; or who writes, prints or transmits, or is a party to the writing, printing or transmission of any communication or circular, which threatens any other person with physical violence, or with the destruction of property, shall be guilty of an offence.
3. Any person who incites any other person or persons to boycott the members of any particular race of the community in business matters; or who utters any words or performs any other act whatever with intent to promote any feeling of hostility between the different races of the community, shall be guilty of an offence.
4. Any person who imports, or is a party to the importation of, or publishes, or distributes any literature which is subversive of or detrimental to the peace, order and good government of the Territory, or which supports or encourages any foreign political organization, which is in its activities subversive of or detrimental to the peace, order and good government of the Territory, shall be guilty of an offence.
5. Any person, other than police officers or members of His Majesty's Forces, or accredited representatives of foreign states, who wears any military uniform, or the uniform or emblem of any organization of a political character, without the written permission of the Administrator previously had and obtained, shall be guilty of an offence.
6. Any British subject resident in the Territory, who is or becomes a member of any foreign political organization, which is in its activities subversive of or detrimental to the peace, order and good government of the Territory, shall be guilty of an offence.
7. The Administrator may give notice that any political or other organization, which in his opinion is detrimental in its activities to the peace, order and good government of the Territory shall be disbanded.
Such notice shall be published in the *Official Gazette* and shall specify the name of the organization concerned by which it is generally known.
If, after the publication of such notice, the members of such organization continue to meet and to carry on their activities as aforesaid, every such member shall be guilty of an offence.
8. (a) Any commissioned officer of police or head constable, or any police officer specially authorised thereto in writing by such commissioned officer or head constable, may at all times enter and search the premises of any person who is suspected of a contravention of any provision of this Ordinance, and may search any person found in or upon such premises, and may seize upon such premises or such person any document or other article or thing as to which there are reasonable grounds for believing that it will afford evidence as to the aforesaid contravention.
Provided that such search must, as far as possible, be made in the daytime.
Provided further that in searching a woman, the search shall only be made by a woman and with strict regard to decency. If there is no woman available for such search who is a member of the police or is a prisons officer, the search may be made by any woman specially named for the purpose by the police officer conducting the search.
- (b) Any person who resists, hinders or obstructs any such officer in the lawful exercise of his powers under sub-section (a) shall be guilty of an offence.
9. Any person who commits an offence under the provisions of this Ordinance shall be liable on conviction to a fine not exceeding one hundred pounds, or in default of payment to imprisonment for a period not exceeding one year or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.
10. This Ordinance may be cited as the Criminal Law Amendment Ordinance, 1933.