



Republic of Namibia
Annotated Statutes

Demonstrations in or near Court Buildings Prohibition Act 71 of 1982 (RSA)

(RSA GG 8221)

brought into force in South West Africa by the Security Matters Proclamation, AG 29 of 1985 (OG 5059), with effect from that Proclamation's date of publication: 15 June 1985

APPLICABILITY TO SOUTH WEST AFRICA: The Security Matters Proclamation, AG 29 of 1985 (OG 5059) made this Act applicable to South West Africa, with minor amendments. Section 1 of that Proclamation stated "Subject to the provisions of this Proclamation, the provisions of the Demonstrations in or near Court Buildings Prohibition Act, 1982 (Act 71 of 1982) (except the words "and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*" in section 4), the Intimidation Act, 1982 (Act 72 of 1982), and the Protection of Information Act, 1982 (Act 84 of 1982), shall apply in the territory of South West Africa."

TRANSFER TO SOUTH WEST AFRICA: This Act post-dated the transfer proclamations.

as amended by

Security Matters Proclamation, AG 29 of 1985 (OG 5059)
came into force on date of publication: 15 June 1985

ACT

To prohibit certain demonstrations and gatherings in or near court buildings, and to provide for matters connected therewith.

(English text signed by the State President)
(Assented to 22 May 1982)

ARRANGEMENT OF SECTIONS

1. Definitions
2. Prohibition of demonstrations and gatherings in or within a fixed distance from certain buildings
3. Offences and penalties
4. Short title and commencement

Demonstrations in or near Court Buildings Prohibition Act 71 of 1982 (RSA)

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

Definitions

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

”demonstration” means any demonstration by one or more persons for or against any person, cause, action or failure to take action, and which is connected with or coincides with any court proceedings or the proceedings at any inquest under the Inquests Act, 1959 (Act No. 58 of 1959); and “demonstrate” has a corresponding meaning;

[The Inquests Act 58 of 1959 has been replaced by the Inquests Act 6 of 1993.]

“gathering” means any assembly, concourse or procession of any number of persons, relating to or arising out of any demonstration.

Prohibition of demonstrations and gatherings in or within a fixed distance from certain buildings

2. (1) Subject to the provisions of subsection (2), all demonstrations and gatherings in any building in which a court-room is situated or at any place in the open air within a radius of five hundred metres from such building are hereby prohibited on every day of the week except Saturdays, Sundays and public holidays.

(2) The provisions of subsection (1) shall not apply to any demonstration or gathering for which the magistrate of the district in which the demonstration or gathering takes place has granted permission in writing.

(3) The provisions of section 7 of the Riotous Assemblies Act, 1956, shall, *mutatis mutandis* apply in connection with the dispersal and the manner of dispersal of any demonstration or gathering prohibited by this section.

[Subsection (3) is amended by AG 29 of 1985. Section 7 of the Riotous Assemblies Act 17 of 1956 was repealed by the Public Gatherings Proclamation, AG 23 of 1989 (OG 5756).]

Offences and penalties

3. Any person who -

- (a) convenes or organizes any demonstration or gathering prohibited by section 2(1), or encourages, promotes or by means of force or threats causes the demonstration or gathering or attendance thereat or participation therein, or presides thereat or addresses it;
- (b) prints, publishes, distributes or in any manner whatsoever circulates a notice convening or organizing the proposed demonstration or gathering, or advertises or in any other manner makes known the proposed demonstration or gathering;
- (c) attends or takes part in any demonstration or gathering so prohibited; or
- (d) demonstrates in contravention of the provisions of section 2(1),

Demonstrations in or near Court Buildings Prohibition Act 71 of 1982 (RSA)

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Short title and commencement

4. This Act shall be called the Demonstrations in or near Court Buildings Prohibition Act, 1982.

[Some of the words in section 4 ("and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*") were not made applicable to South West Africa, in terms of section 1 of AG 29 of 1985. These words have therefore been deleted here.]