



Republic of Namibia
Annotated Statutes

Riotous Assemblies Act 17 of 1956 (SA), sections 16-18, 19A-21

(SA GG 5651)

came into force in South West Africa on 16 June 1976,
when section 19A, inserted by Act 79 of 1976, came into force

APPLICABILITY TO SOUTH WEST AFRICA: Section 19A, inserted by Act 79 of 1976, states "This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel."

TRANSFER TO SOUTH WEST AFRICA: The administration of this Act was transferred to South West Africa by the Executive Powers (Justice) Transfer Proclamation, AG 33 of 1979, dated 12 November 1979. After the date of transfer, much of the Act was repealed by the South African *Intimidation Act 72 of 1982*, which was made expressly applicable to South West Africa by virtue of the Security Matters Proclamation, AG 29 of 1985 (OG 5059). However, other portions of the Act were repealed in South Africa by the *Internal Security Act 74 of 1982* (RSA GG 8232), which did not apply to South West Africa because it was not made expressly so applicable. Act 17 of 1956 thus applied to South West Africa as it stood in South Africa after Act 72 of 1982, but before Act 74 of 1982.

Section 3(1)(f) of the transfer proclamation excluded the term "Republic" from the provisions of section 3(1)(c) of the Executive Powers Transfer (General Provisions) Proclamation, AG 7 of 1977, except where it occurred for the second and third times in section 5 of the Act (which was repealed in 1989). Thus, in the remainder of the Act, prior to Namibian independence, "Republic" continued to refer only to South Africa even after the transfer.

as amended by

Riotous Assemblies Amendment Act 30 of 1974 (RSA) (RSA GG 4221)

came into force on date of publication: 15 March 1974

Internal Security Amendment Act 79 of 1976 (RSA) (RSA GG 5159)

came into force on date of publication: 16 June 1976

**Riotous Assemblies Amendment Proclamation,
AG 10 of 1977 (OG 3665)**

came into force on date of publication: 11 November 1977

The Riotous Assemblies Amendment Proclamation, AG 10 of 1977 (OG 3665) repealed sections 4 and 19 of the Act. The *Intimidation Act 72 of 1982* (RSA) (RSA GG 8222) – which was applied to South West Africa as of 15 June 1985 by the Security Matters Proclamation, AG 29 of 1985 (OG 5059) – repealed sections 10-15. The First Law Amendment (Abolition of Discriminatory or Restrictive Laws for the Purposes of Free and Fair Election) Proclamation, AG 14 of 1989 (OG 5726), which came into force on date of publication (11 November 1977), repealed sections 2 and 6. The Public Gatherings Proclamation, AG 23 of 1989 (OG 5756), which came into force on the date of publication (21 July 1989), repealed sections 1, 3, 5 and 7-9. Thus, the only remaining sections of the Act are sections 16, 17, 18, 19A, 20 and 21.

ACT

To consolidate the laws relating to riotous assemblies and the prohibition of the engendering of feelings of grievous enmity between various sections of the inhabitants of the territory of South West Africa and matters incidental thereto, and the laws relating to certain offences.

[The long title is amended by Act 30 of 1974 and by AG 10 of 1977. The only remaining sections of the Act concern power to regulate the transportation of explosives and the criminal offences of incitement to public violence, conspiracy, attempted crimes, and inducement to commit crimes.]

*(Afrikaans text signed by the Governor-General)
(Assented to 8th March, 1956)*

ARRANGEMENT OF SECTIONS

- 16. Special precautions in the interest of public safety as regards explosives
- 17. Acts or conduct which constitute an incitement to public violence
[The verb “constitute” in the heading of section 17 should be “constitutes” to be grammatically correct.]
- 18. Attempt, conspiracy and inducing another person to commit offence

- 19A. [section 19A inserted by Act 79 of 1976 without a heading]
- 20. Repeal of laws
- 21. Short title

Schedule: Laws Repealed

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:-

[AG 10 of 1977 makes the following substitutions throughout the Act (except in sections 1, 5 and 16):

- * “Administrator-General” for “State President” and “Minister”;
- * “territory” for “Republic”; and
- * “Official Gazette” for “Gazette”.]

Special precautions in the interest of public safety as regards explosives

16. (1) Whenever the State President deems it necessary to take special precautions to maintain public order or to protect life and property he may, by proclamation in the *Gazette*, prohibit for such period as he may think fit the transportation of explosives from any place to any other place in the Republic, except under such safeguards and conditions as are prescribed by regulation, and may make regulations, to be in force for such limited period as he may think fit, as to the transportation of explosives to and from particular areas, or as to the storage, removal, possession or use of explosives within any particular area by all persons or by persons of specified occupations or callings, and may limit or vary the conditions of any licences or permits held or to be issued under the Explosives Act, 1956 (Act No. 26 of 1956), or the regulations made thereunder.

[subsection (1) substituted by Act 30 of 1974]

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(2) Any person who contravenes or fails to comply with the provisions of any proclamation or regulation issued under sub-section (1) shall be guilty of an offence and liable on conviction to the penalties mentioned in section *fifteen*.

[AG 10 of 1977 directs generally that the word "Administrator-General" is to be substituted for "State President", "territory" for "Republic" and "Official Gazette" for "Gazette" throughout the Act, but it excludes section 16 from these substitutions.]

[Section 3(1)(f) of the Executive Powers (Justice) Transfer Proclamation, AG 33 of 1979, excluded the term "Republic" in this section from the provisions of section 3(1)(c) of the Executive Powers Transfer (General Provisions) Proclamation, AG 7 of 1977. Therefore, prior to Namibian independence, "Republic" in this section continued to refer only to South Africa.]

CHAPTER III

AMENDMENT OF THE CRIMINAL LAW

Acts or conduct which constitute an incitement to public violence

[The verb "constitute" in the heading should be "constitutes" to be grammatically correct.]

17. A person shall be deemed to have committed the common law offence of incitement to public violence if, in any place whatever, he has acted or conducted himself in such a manner, or has spoken or published such words, that it might reasonably be expected that the natural and probable consequences of his act, conduct, speech or publication would, under the circumstances, be the commission of public violence by members of the public generally or by persons in whose presence the act or conduct took place or to whom the speech or publication was addressed.

Attempt, conspiracy and inducing another person to commit offence

18. (1) Any person who attempts to commit any offence against a statute or a statutory regulation shall be guilty of an offence and, if no punishment is expressly provided thereby for such an attempt, be liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable.

- (2) Any person who -
- (a) conspires with any other person to aid or procure the commission of or to commit; or
 - (b) incites, instigates, commands, or procures any other person to commit,

any offence, whether at common law or against a statute or statutory regulation, shall be guilty of an offence and liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable.

CHAPTER IV

SUPPLEMENTARY PROVISIONS

19A. This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.

[section 19A, without a heading, inserted by Act 79 of 1976]

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Repeal of laws

20. (1) Subject to the provisions of sub-section (4), the laws specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

(2) So much of the common law as renders illegal any gathering of persons in the open air without the consent of the authorities shall cease to be in operation in the territory.

[Subsection (2) is amended by Act 30 of 1974 to substitute "Republic" for "Union", and by the global substitutions in AG 10 of 1977 to substitute "territory" for "Republic".]

(3) In the event of any conflict between the provisions of any law, or bye-law or regulation made under a law, and the provisions of this Act, the provisions of this Act shall prevail, but, save as herein provided, the provisions of any such law, bye-law, or regulation shall be of the same force and effect as if this Act had not been passed.

(4) Any proclamation, regulation, notice, order, prohibition, authority, permission, information or document issued, made, promulgated, given or granted and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been issued, made, promulgated, given, granted or taken under the corresponding provision of this Act.

Short title

21. This Act shall be called the Riotous Assemblies Act, 1956.

Schedule

LAWS REPEALED

No. and Year of Law.	Title.	Extent of Repeal.
Act No. 27 of 1914	Riotous Assemblies and Criminal Law Amendment Act, 1914.	So much as is unrepealed.
Act No. 19 of 1930	Riotous Assemblies (Amendment) Act, 1930.	The whole.
Act No. 15 of 1954	Riotous Assemblies and Suppression of Communism Amendment Act, 1954.	Section <i>two</i> [full stop missing in Gazette]