



STATUTES
OF
THE REPUBLIC OF SOUTH AFRICA
1963

WITH
ALPHABETICAL TABLE OF CONTENTS AND TABLE OF LAWS,
ETC., REPEALED OR AMENDED BY THESE STATUTES

Part I—Nos. 1—60

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WETTE
VAN
DIE REPUBLIEK VAN SUID-AFRIKA
1963

MET
ALFABETIESE TABEL VAN INHOUD EN TABEL VAN WETTE
ENS., DEUR HIERDIE WETTE HERROEP OF GEWYSIG.

Deel I—Nos. 1—60

GEPUBLISEER OP LAS

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Act No. 25
of 1963.Act to apply
in South West
Africa.Repeal
of law.

Short title.

7. This Act shall also apply in the territory of South West Africa.

8. The Moratorium Act, 1962 (Act No. 53 of 1962), is hereby repealed.

9. This Act shall be called the Moratorium Act, 1963.

Act No. 26
of 1963.

ACT

To provide for the control of publications, cinematograph films, entertainments and certain objects, to amend the Police Offences Ordinance, 1902 (Orange Free State), the Criminal Law Amendment Act, 1909 (Transvaal), the Customs Act, 1955, and the Post Office Act, 1958, and to provide for other incidental matters.

(English text signed by the State President.)
(Assented to 28th March, 1963.)

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

Definitions.

1. (1) In this Act, unless the context otherwise indicates—
 - (i) "board" means the Publications Control Board referred to in section two; (vii)
 - (ii) "cinematograph film" includes any words produced by letters or sounds upon or in connection with a cinematograph film, any picture intended for exhibition through the medium of a mechanical device, any portion of a cinematograph film exhibited for the purpose of advertising such film, and any exhibited illustration of any matter relating to any cinematograph film; (viii)
 - (iii) "department" means the Department of State administered by the Minister to whom the administration of this Act is for the time being assigned; (i)
 - (iv) "importer" has the meaning assigned thereto in the Customs Act, 1955 (Act No. 55 of 1955); (ii)
 - (v) "Minister" means the Minister of the Interior; (iii)
 - (vi) "place" includes any vehicle, vessel or aircraft; (v)
 - (vii) "prescribed" means prescribed by regulation under this Act; (ix)
 - (viii) "publication or object" includes—
 - (a) any newspaper published by a publisher who is not a member of the Newspaper Press Union of South Africa;

7. Hierdie Wet i
toepassing.8. Die Moratori
hierby herroep.

9. Hierdie Wet i

Wet No. 26
van 1963.

Om voorsiening te
sekere voorwe
(Oranje-Vryst
Doeanewet, 1
hede voorsieni

DAAR WORD
en die Volk
soos volg:—

1. (1) Tensy ui
Wet—
 - (i) „departe
van die l
van tyd
 - (ii) „invoere
1955 (W
 - (iii) „Minist
 - (iv) „ongewe
artikel (
 - (v) „plek”
 - (vi) „publik
(a) ’n k
nie
(b) ’n l
dr
ad
ge
(c) ’n
of
be
(d) ’n
de
(e) ’n

Act No. 26
of 1963.

- (b) any book, periodical, pamphlet, poster or other printed matter except a poster issued as an advertisement of a newspaper published by a publisher who is a member of the Newspaper Press Union of South Africa;
 - (c) any writing or typescript which has in any manner been duplicated or made available to the public or any section of the public;
 - (d) any drawing, picture, illustration, painting, wood-cut or similar representation;
 - (e) any print, photograph, engraving or lithograph;
 - (f) any figure, cast, carving, statue or model; and
 - (g) any record or other contrivance or device in or on which sound has been recorded for reproduction; (vi)
 - (ix) "undesirable" means undesirable within the meaning of sub-section (2) of section five; (iv)
- (2) For the purposes of this Act the importer of any publication or object, not being a publication or object—
- (a) imported under the authority of a permit issued in terms of section eight; or
 - (b) which according to the decision of the board under sub-section (3) of section twenty-one of the Customs Act, 1955 (Act No. 55 of 1955), is not indecent or obscene or objectionable,
- shall be deemed to be the printer, publisher, manufacturer, maker or producer of that publication or object, and to have printed, published, manufactured, made or produced that publication or object at the place where he is ordinarily resident.

Appointment of
Publications
Control Board.

2. (1) The Minister shall appoint a board to be known as the Publications Control Board, to perform the functions entrusted to the board under this Act.
- (2) The board shall consist of not less than nine members of whom not less than six shall be persons having special knowledge of art, language and literature or the administration of justice.
- (3) The Minister shall designate one of the members of the board appointed by reason of their special knowledge of art, language and literature or the administration of justice, to be the chairman and another of such members to be the vice-chairman of the board.
- (4) The period and conditions of office, remuneration and allowances of the members of the board shall be as prescribed.
- (5) The administrative work incidental to the performance by the board of its functions shall be performed by officers of the department.
- (6) The chairman of the board shall preside at all meetings of the board at which he is present, and if he is absent from any meeting the vice-chairman shall preside, and if both the chairman and the vice-chairman are absent from any meeting the members present thereat may elect one of their number to preside at that meeting.

- (f) 'n figuur, afgietsel, s
en
 - (g) 'n plaat of ander ui
waarop klank vir w
 - (vii) „raad” die Raad van Be
twee genoem; (i)
 - (viii) „rolprent” ook woorde
gebring word op of in
prent wat bestem is om
toestel vertoon te wor
vertoon word om daa
'n vertoonde illustrasie
betrekking het; (ii)
 - (ix) „voorgeskrif” of „voor
hierdie Wet voorgeskry
 - (2) By die toepassing van hier
'n publikasie of voorwerp, behal
 - (a) ingevoer op gesag van
uitgereik; of
 - (b) wat volgens die besluit v
(3) van artikel een-en-t
(Wet No. 55 van 195
voeglik of aanstootlik :
- geag die drukker, uitgewer, verv
van daardie publikasie of voor
kasie of voorwerp op die plek w
gedruk, uit te gegee, te vervaardi
het.

2. (1) Die Minister stel 'n ra
oor Publikasies heet, om die w
hierdie Wet aan die raad opged
- (2) Die raad bestaan uit min
ses persone moet wees wat be
en lettere of die regspleging het
- (3) Die Minister wys een van
uit hoofde van hul besondere k
die regspleging, aan as voorsit
lede as ondervoorsitter van die
- (4) Die ampstermyn, amp
toelaes van die lede van die ra
- (5) Die administratiewe wer
sy werksaamhede deur die raad
die departement.
- (6) Die voorsitter van die r
vergaderings waarby hy aanw
gadering afwesig is, moet die
sowel die voorsitter as die or
afwesig is, kan die aldaar aan
om op daardie vergadering vo

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of 1963.

(7) Four members of the board shall constitute a quorum, and a decision of the majority of the members present at a meeting of the board shall be the decision of the board: Provided that in the event of an equality of votes the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

(8) The first meeting of the board shall be held at a time and place to be determined by the Minister, and all subsequent meetings shall be held at such times and places as the chairman or in his absence the vice-chairman may determine.

Functions of
board.

3. The board shall—

- (a) examine any publication or object or cinematograph film submitted to it under this Act;
- (b) make such enquiries as it may consider necessary in regard to any public entertainment or intended public entertainment which is alleged to be or which the board has reason to believe is of a nature contemplated in section *twelve*;
- (c) advise the Minister in regard to any matter arising out of the application of any provision of this Act which the Minister may refer to the board; and
- (d) perform any other function assigned to it by this Act or any other law.

Committees of
board.

4. (1) The board may appoint such committees as it may from time to time consider necessary to examine and report to it on any publication or object or cinematograph film submitted to it or any entertainment referred to in section *twelve* which is brought to its notice.

(2) Any such committee shall consist of a member of the board as chairman and at least two other persons appointed as members by the board from a panel of persons designated by the Minister from time to time.

(3) The conditions of office, remuneration and allowances of the other persons referred to in sub-section (2) who have been appointed as members of a committee shall be as prescribed.

5. (1) No person shall—

- (a) print, publish, manufacture, make or produce any undesirable publication or object; or
- (b) distribute, display, exhibit or sell or offer or keep for sale any publication or object if that publication or object—
 - (i) has in a prosecution in respect of an offence under paragraph (a) been found to be undesirable; or
 - (ii) is in terms of a statement by the board under section *eight* (not being a statement under paragraph (b) of sub-section (1) of that section) undesirable in its opinion or is in terms of a decision by the board under sub-section (3) of section *twenty-one* of the Customs Act, 1955 (Act No. 55 of 1955), indecent, obscene or objection-

Prohibition of
production and
dissemination of
certain publications
and objects.

(7) Vier lede van die raad n beslissing van die meerderheid vergadering van die raad, maak Met dien verstande dat by 'n sta wat by die betrokke vergadering slagende stem ook 'n beslissende

(8) Die eerste vergadering van en plek wat die Minister bepaal gaderings word gehou op die ty of, in sy afwesigheid, die onderv

3. Die raad moet—

- (a) enige publikasie of voor hierdie Wet aan hom v.
- (b) die ondersoek instel wat enige openbare vermaa bare vermaaklikheid w raad rede het om te ver bedoelde aard is;
- (c) die Minister van advies leentheid, voortspruite: bepaling van hierdie W mag verwys; en
- (d) die ander werksaamheid 'n ander wet aan hom

4. (1) Die raad kan die komi tyd nodig ag om ondersoek in t doen oor 'n publikasie of voor voorgelê word of 'n in artikel 1 wat onder sy aandag gebring w

(2) So 'n komitee bestaan uit en minstens twee ander persone 'n paneel van persone deur die M

(3) Die ampsvoorwaardes, f ander persone in sub-artikel (komitee benoem is, is soos voo

5. (1) Niemand mag—

- (a) 'n ongewenste publika vervaardig, maak of v
- (b) 'n publikasie of voorwe verkoop of te koop aa daardie publikasie of
 - (i) by 'n vervolging 1 volge paragraaf (c
 - (ii) volgens 'n verklar agt (uitgesonderd (b) van sub-artike oordeel ongewens die raad kragte: een-en-twintig va No. 55 van 1955

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of 1963.

- able, and such statement or decision has not been set aside under section *fourteen* of this Act, and the board has caused such finding, statement or decision to be made known by notice in the *Gazette*;
- (c) except under the authority of a permit issued in terms of section *eight*—
- (i) import any publication or object with a soft cover of which the net selling price to an importer in the Republic does not exceed fifty cents; or
 - (ii) import any publication or object of which the importation has been prohibited by the board under paragraph (d) of sub-section (1) of that section.
- (2) A publication or object 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 or any indecent or obscene medical, surgical or physiological details the disclosure of which is likely to be offensive or harmful to public morals;
 - (ii) for the dissolution or a declaration of nullity of a marriage or for judicial separation or for restitution of conjugal rights, any particulars other than—
 - (aa) the names, addresses and occupations of the parties and witnesses;
 - (bb) a concise statement of the allegations, defences and counter-allegations in support of which evidence has been given;
 - (cc) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon;
 - (dd) the judgment and the verdict of the court and any observations made by the judge in giving judgment.
- (3) The provisions of sub-paragraph (ii) of paragraph (f) shall not be construed so as to permit the disclosure of anything contrary to the provisions of sub-paragraph (i) of that paragraph.

- of aanstootlik is
beslissing nie ingev
Wet tersyde gestel
en die raad bedoelde bev
by kennisgewing in di
maak het;
- (c) behalwe op gesag van
artikel *agt*—
- (i) 'n publikasie of vo
waarvan die netto
in die Republiek ni
 - (ii) 'n publikasie of v
invoer deur die ra
sub-artikel (1) van
- (2) 'n Publikasie of voorwerp
indien dit of 'n deel daarvan—
- (a) onbetaamlik of onwelve
sedes aanstootlik of ska
 - (b) godslasterlik is of vir di
gevoelens van enige bev
aanstootlik is;
 - (c) enige bevolkingsdeel va
veragtelik maak;
 - (d) vir die betrekkinge tusse
Republiek skadelik is;
 - (e) vir die veiligheid van d
of die vrede en goeie o
 - (f) met betrekking tot gere
 - (i) enigiets openbaar
onwelveoeglik is of v
lik of skadelik is, o
like mediese, chiru
hede bevat wa
waarskynlik vir di
skadelik sal wees;
 - (ii) vir die ontbindin
huwelik of vir ger
van huweliksregte,
maak behalwe—
 - (aa) die name, adr
en getuies;
 - (bb) 'n beknopte v
verwere en tee
getuienis gelev
 - (cc) betoë op enig
die verrigting
van die hof da
 - (dd) die uitspraak
en enige opr
uitspraak gem
- (3) Die bepalings van sub-
(f) word nie so uitgelê dat die
strydig met die bepalings van
paragraaf toegelaat word nie.

(4) The provisions of this section shall not apply with reference to—

- (a) the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings;
- (b) the printing or publishing—
 - (i) of any notice or report in pursuance of the directions of a court of law;
 - (ii) of any matter in any separate volume or part of any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law;
 - (iii) of any matter in a publication of a technical, scientific or professional nature *bona fide* intended for the advancement of or for use in any particular profession or branch of arts, literature or science; or
 - (iv) of any matter in any publication of a *bona fide* religious character.

(5) The board may on such conditions as it may deem fit in writing exempt any person or institution from any provision of this section either indefinitely or for a period determined by it, and may at any time by notice in writing to the person or institution concerned withdraw any exemption granted under this sub-section.

(6) Any person who contravenes any provision of this section shall be guilty of an offence.

When matter is deemed to be indecent, obscene or offensive or harmful to public morals.

6. (1) If in any legal proceedings under this Act the question arises whether any matter is indecent or obscene or is offensive or harmful to public morals, that matter shall be deemed to be—

- (a) indecent or obscene if, in the opinion of the court, it has the tendency to deprave or to corrupt the minds of persons who are likely to be exposed to the effect or influence thereof; or
- (b) offensive to public morals if in the opinion of the court it is likely to be outrageous or disgusting to persons who are likely to read or see it; or
- (c) harmful to public morals if in the opinion of the court it deals in an improper manner with murder, suicide, death, horror, cruelty, fighting, brawling, ill-treatment, lawlessness, gangsterism, robbery, crime, the technique of crimes and criminals, tippling, drunkenness, trafficking in or addiction to drugs, smuggling, sexual intercourse, prostitution, promiscuity, white-slavery, licentiousness, lust, passionate love scenes, homosexuality, sexual assault,

- (a) die druk van enige pleits
ander dokument vir geb-
like verrigtinge of die m-
wat by die verrigtinge b-
- (b) die druk of publikasie—
(i) van enige kennisgev-
die opdragte van 'n
(ii) van enige stof in 'n
van enige *bona fide*
van 'n ander publi-
sluitlik uit verslae
bestaan;
(iii) van enige stof in 'n
wetenskaplike of
fide bedoel is vir die
in 'n besondere bere-
lettere of wetenskap
(iv) van enige stof in
godsdienstige aard.

(5) Die raad kan op die voor persoon of inrigting skriftelik van vrystel; hetsy vir 'n onbepaalde hy bepaal, en kan 'n vrystelling verleen, te eniger tyd by skri betrokke persoon of inrigting te

(6) Iemand wat 'n bepaling aan 'n misdryf skuldig.

6. (1) Indien by 'n regsgebruik
vraag ontstaan of enige stof onbepaald
die openbare sedes aanstootlik
stof geag—

- (a) onbetaamlik of onwelve
oordeel van die hof die
van persone wat waar
invloed daarvan blootg
laat ontwaard; of
- (b) vir die openbare sedes a
die oordeel van die l
walglik sal wees vir pe
lees of sien; of
- (c) vir die openbare sedes sk
oordeel van die hof op
moord, selfmoord, die
bakeiery, rusie, mishan
kery, roof, misdaad, di
dadigers, drinkery, v
verslaaftheid aan ve
geslagsverkeer, prosti
vinnehandel, losbandi
liefdestonele, homosek

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rape, sodomy, masochism, sadism, sexual bestiality, abortion, change of sex, night life, physical poses, nudity, scant or inadequate dress, divorce, marital infidelity, adultery, illegitimacy, human or social deviation or degeneracy, or any other similar or related phenomenon; or

- (d) indecent or obscene or offensive or harmful to public morals if in the opinion of the court it is in any other manner subversive of morality.

(2) In determining whether any matter is indecent or obscene or is offensive or harmful to public morals within the meaning of sub-section (1), no regard shall be had to the purpose of the person by whom that matter was printed, published, manufactured, made, produced, distributed, displayed, exhibited, sold or offered or kept for sale.

Prosecution to be instituted only on authority of Attorney-General.

7. No prosecution in respect of an offence under paragraph (a) of sub-section (1) of section five shall be instituted except on the definite instruction of the Attorney-General.

Power of board to examine publications and objects.

8. (1) The board shall have power—

- (a) at the request of any person and (except in the case of a person to whom any function has been assigned by this Act or the Customs Act, 1955 (Act No. 55 of 1955)) upon payment of the prescribed fee, to examine any publication or object and to state whether that publication or object is in the opinion of the board undesirable or not;
- (b) at the request of any person investigating any offence under this Act or the Customs Act, 1955 (Act No. 55 of 1955), to examine any publication or object and to state whether that publication or object is in the opinion of the board undesirable or not;
- (c) subject to the provisions of sub-section (2), to approve of the importation by any person during any specified period, of any publication or object referred to in paragraph (c) of sub-section (1) of section five which—
- (i) is published by a specified publisher; or
 - (ii) falls within a particular class of publication published by a specified publisher; or
 - (iii) deals with any specified subject,
- if in the opinion of the board that publication or object is not or is not likely to be undesirable, and at any time in its discretion to withdraw any approval granted under this paragraph.
- (d) by notice in the *Gazette* to prohibit the importation, except under the authority of a permit issued by the board, of publications or objects which—

verkragting, sodomie, m bestialiteit, vrugafdrywi lewe, liggaamlike houd ontoereikende kleding, heid, owerspel, buite-eg skaplike afwyking of soortgelyke of verwante

- (d) onbetaamlik of onwelow aanstootlik of skadelik te van die hof op enige an

(2) By 'n beslissing oor die vraag onweloweglik of vir die openbare is binne die bedoeling van sub-a die persoon wat daardie stof gemaak, voortgebring, versprei, ui of te koop aangebied of te koop aa geneem nie.

7. 'n Vervolging ten opsigte v graaf (a) van sub-artikel (1) van nie behalwe ingevolge uitdruklik generaal.

8. (1) Die raad is bevoeg—

- (a) om op versoek van enig geval van 'n persoon aa Doeanewet, 1955 (Wet 1 saamheid opgedra is) t skrewe gelde enige publi en te verklaar of daard die oordeel van die raac
- (b) om op versoek van en ingevolge hierdie Wet (No. 55 van 1955), on voorwerp te ondersoek publikasie of voorwerp ongewens is al dan nie;
- (c) om onderworpe aan die die invoer deur enige p tydperk goed te keur va artikel (1) van artikel voorwerp wat—
- (i) deur 'n bepaalde ui
 - (ii) binne 'n besondere wat deur 'n vermerk
 - (iii) oor 'n bepaalde on indien dié publikasie of die raad nie ongewens is wens sal wees nie, en o hierdie paragraaf verlee in te trek.
- (d) om by kennisgewing in behalwe op gesag van raad, van publikasies of

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of 1963.

- (i) are published by a specified publisher; or
 - (ii) deal with any specified subject,
- if, in the opinion of the board, those publications or objects are undesirable or likely to be undesirable.

(2) Any approval under paragraph (c) of sub-section (1) shall be given by permit in the prescribed form the issue of which shall be subject to the payment of the prescribed fee.

(3) If after the submission to it of a copy of any specified edition of a publication or object referred to in paragraph (c) of sub-section (1) of section five, the board expresses the opinion that the edition in question is not undesirable, the board shall on payment of the prescribed fee cause to be issued to the person by whom that edition was submitted a permit in the form prescribed for the importation of that edition of the publication or object.

(4) Any person who imports any publication or object referred to in paragraph (c) of sub-section (1) or any edition referred to in sub-section (3), otherwise than under the authority of a permit issued in terms of sub-section (2) or (3), shall be guilty of an offence.

(5) Whenever the board has given any decision under paragraph (a) of sub-section (1) declaring any publication or object to be undesirable or has granted or withdrawn any approval under paragraph (c) of that sub-section, it shall without delay cause such decision, approval or withdrawal to be made known by notice in the *Gazette*.

(6) No prosecution shall be instituted under this Act in respect of any publication or object, if the board has in terms of paragraph (a) of sub-section (1) stated that such publication or object is in its opinion not undesirable, or has in terms of sub-section (2) or (3) caused a permit to be issued for the importation of such publication or object.

9. (1) No person shall—

- (a) exhibit in public or at any place to which admission is obtained by virtue of membership of any association of persons or for any consideration, direct or indirect, or by virtue of any contribution towards any fund, any cinematograph film which has not been approved by the board; or
- (b) publish any cinematograph film intended for such exhibition which has not been so approved.

(2) The board may in its discretion and on such conditions as it may deem fit, by notice in the *Gazette* exempt from the provisions of sub-section (1) any particular cinematograph film or any particular class of cinematograph films or any cinematograph film intended for exhibition to any particular class of persons or under any particular circumstances, and may in its discretion at any time withdraw any exemption granted under this sub-section.

Prohibition of
cinematograph
films which have
not been approved.

- (i) deur 'n bepaalde uit
 - (ii) oor 'n bepaalde on
- te verbied indien dié pul
oordeel van die raad
ongewens sal wees.

(2) Enige goedkeuring kragtens
(1) word verleen by permit in die
die uitreiking onderworpe is aan
geld.

(3) Indien die raad na die vo
semplaar van 'n bepaalde uitgawe
in paragraaf (c) van sub-artikel (1)
mening uitspreek dat daardie uitg
die raad by betaling van die voor
deur wie daardie uitgawe voorge
skrewe vorm vir die invoer van d
kasie of voorwerp uitreik.

(4) Iemand wat 'n publikasie
van sub-artikel (1) bedoel of 'n uit
invoer, behalwe op gesag van 'n p
of (3) uitgereik, is aan 'n misdryf

(5) Wanneer die raad ingevol
(1) 'n beslissing gegee het waar
ongewens verklaar word of ingev
sub-artikel 'n goedkeuring verlee
beslissing, goedkeuring of intrek
gewing in die *Staatskoerant* beker

(6) Geen vervolging word inge
van 'n publikasie of voorwerp
ingevolge paragraaf (a) van sub-a
publikasie of voorwerp na sy oc
ingevolge sub-artikel (2) of (3) 'n
publikasie of voorwerp laat uitre

9. (1) Niemand mag—

- (a) 'n rolprent wat nie deur
die openbaar of op 'n
word op grond van lic
van persone of teen ver
streeks, of op grond van
nie; of

(b) 'n rolprent bestem vir soc
goedgekeur is, uitgee nie

(2) Die raad kan na goe
hy goe, by kennisgewing in
rolprent of 'n bepaalde kategorie
vir vertoning aan 'n bepaalde kl
omstandighede, van die bepaling
en kan 'n vrystelling kragtens
eniger tyd na goe intrek.

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of 1963.

- (3) Whenever the board approves any cinematograph film, it shall make such approval known by means of a certificate given in the form and manner prescribed.
- (4) The board may approve or reject a cinematograph film unconditionally or approve a cinematograph film subject to a condition that such film shall be exhibited only to a particular group of persons or only to persons belonging to a particular race or class or only after any specified portion or portions have been excised.
- (5) If the board approves a cinematograph film subject to the excision of any portion or portions thereof, no person shall—
- (a) exhibit or publish any advertisement of that film if such advertisement contains any reference to the portion or portions excised or to be excised, notwithstanding that the exhibition or publication of such advertisement has been previously approved; or
 - (b) exhibit or publish that film after the excision of the said portion or portions, unless it has thereafter again been submitted to the board for approval: Provided that the board may in its discretion authorize the exhibition or publication thereof after such excision without further examination.
- (6) The prescribed fees shall be paid in respect of every cinematograph film submitted to the board for approval.
- (7) Any person who—
- (a) contravenes any provision of sub-section (1) or (5);
 - (b) without the authorization of the board exhibits or publishes any cinematograph film which after being approved by the board has in any way been altered or modified;
 - (c) exhibits any cinematograph film in conflict with any condition imposed by the board in respect of the exhibition thereof; or
 - (d) exhibits any film approved by the board without making known in the prescribed manner the board's approval thereof,
- shall be guilty of an offence.

Prohibited films.

10. The board shall not approve any cinematograph film which in its opinion—
- (a) depicts any matter that prejudicially affects the safety of the State;
 - (b) may have the effect of—
 - (i) disturbing the peace or good order;
 - (ii) prejudicing the general welfare;
 - (iii) being offensive to decency;
 - (iv) giving offence to the religious convictions or feelings of any section of the inhabitants of the Republic;
 - (v) bringing any section of the inhabitants of the Republic into ridicule or contempt;
 - (vi) harming relations between any sections of the inhabitants of the Republic; or

- (3) Wanneer die raad 'n rolprent goedkeuring bekend maak, verstrekkend in die vorm en op die manier voorgeskrif.
- (4) Die raad kan 'n rolprent onvoorwaardelik of 'n rolprent goedkeur op voorwaarde dat slegs 'n bepaalde groep persone, 'n bepaalde ras of klas of slegs 'n deel of dele vertoon mag word.
- (5) Indien die raad 'n rolprent goedkeur met die excisie van enige gedeelte of dele daarvan, mag geen persoon—

- (a) 'n advertensie van daardie rolprent publiseer of publiseer 'n advertensie wat verwys na die excisie of te exciseer wordende gedeelte of dele van die rolprent, alhoewel die advertensie reeds goedgekeur is, of
 - (b) daardie rolprent na die excisie van enige gedeelte of dele daarvan weer aan die raad vir goedkeuring dien verstande dat die raad mag besluit om die rolprent na die excisie van enige gedeelte of dele daarvan na te stel sonder verdere ondersoek kan magtig.
- (6) Daar word ten opsigte van elke rolprent wat aan die raad voorgelê word 'n fee betaal.
- (7) Iemand wat—
- (a) 'n bepaling van sub-artikel (1) of (5) oortree;
 - (b) sonder magtiging van die raad 'n rolprent publiseer of publiseer 'n rolprent wat na goedkeuring deur die raad in enige opsigte verander is;
 - (c) 'n rolprent vertoon in 'n toonooi of anderszins sonder die goedkeuring van die raad ten opsigte van die toonooi of anderszins;
 - (d) 'n rolprent wat deur die raad goedgekeur is, publiseer of publiseer 'n rolprent sonder om op die voorwaarde te wys dat die goedkeuring daarvan bekend is aan 'n misdryf skuldig.

10. Die raad keur nie 'n rolprent goedkeuring bekend maak.

- (a) iets voorstel wat die veiligheid van die Staat bedreig;
- (b) die uitwerking kan hê of—
 - (i) die vrede of goeie orde;
 - (ii) die algemene welstand;
 - (iii) ten opsigte van die eerbied;
 - (iv) ten opsigte van die gevoelens van enige afdeling van die Republiek aanstoot;
 - (v) enige bevolkingsdele in spot of veragting bring;
 - (vi) die betrekkinge tussen enige afdelings van die Republiek te benadeel.

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(vii) propagating or promoting communism, as defined in the Suppression of Communism Act, 1950 (Act No. 44 of 1950); or

(c) depicts in an offensive manner—

- (i) the State President;
- (ii) the Republic's armed forces or any member thereof;
- (iii) death;
- (iv) human figures;
- (v) love scenes;
- (vi) controversial or international politics;
- (vii) public characters;
- (viii) juvenile crime;
- (ix) criminality and the technique of crime;
- (x) brutal fighting;
- (xi) drunkenness and brawling;
- (xii) addiction to drugs;
- (xiii) scenes of violence involving white and non-white persons;
- (xiv) intermingling of white and non-white persons; or
- (xv) violence towards or ill-treatment of women or children.

Appeal from decision of board in respect of specified films.

11. (1) Any person who is aggrieved by a decision of the board in respect of any cinematograph film which he has submitted to the board for its approval, may within thirty days after the decision of the board was given, on payment of the prescribed fee, appeal to the Minister against that decision in the prescribed manner.

(2) The Minister or a person delegated thereto by the Minister, shall thereupon enquire into and consider the matter and may confirm, vary or set aside the decision of the board or give any other decision which he may consider just.

(3) The decision of the Minister or a person delegated thereto by him shall not be subject to appeal to or review by any court of law and shall for the purposes of this Act be deemed to be a decision of the board.

Prohibited entertainments.

12. (1) The board may by notice in writing or by telegraph addressed to any person who is or is believed by the board to be in charge of any public entertainment or intended public entertainment, prohibit the giving of such public entertainment, if the board is satisfied that such public entertainment—

(a) may have the effect of—

- (i) giving offence to the religious convictions or feelings of any section of the inhabitants of the Republic; or
 - (ii) bringing any section of the inhabitants of the Republic into ridicule or contempt; or
- (b) is contrary to the public interest or is indecent or obscene or offensive or harmful to public morals.

(vii) kommunisme, soos gedefinieer in die Drukke Wet van 1950, omskryfend;

(c) 'n aanstootlike voorstelling—

- (i) die Staatspresident;
- (ii) die Republiek of enige lid daarvan;
- (iii) die dood;
- (iv) mensegestaltes;
- (v) liefdestonele;
- (vi) polemiese of internasionale politiek;
- (vii) openbare figure;
- (viii) jeugmisdaad;
- (ix) misdadigheid en misdadige tegnieke;
- (x) wrede bakleiery;
- (xi) dronkenskap en dronkenskapige optrede;
- (xii) verslaafdheid aan dwelms;
- (xiii) tonele van geweld of geweld betrokke is;
- (xiv) vermenging van witte en swart mense;
- (xv) gewelddadigheid teen vrouens of kinders.

11. (1) Iemand wat hom bevoegde is om 'n rolprent wat voorgeleë is, te beskou, en by betaling van 'n voorgeskrewe wyse by die Minister teenoor 'n appél aanteken.

(2) Die Minister of iemand wat deur hom daartoe bevoeg is, moet daarop die saak ondersoek en kan die raad bevestig, verander of 'n ander besluit gee.

(3) Die besluit van die Minister of iemand wat deur hom daartoe bevoeg is, is nie aan 'n hof of ander oordelingsorgaan onderwerp nie en sal vir die doeleë van hierdie Wet as 'n besluit van die raad gereken word.

12. (1) Die raad kan by 'n kennisgewing in skryf of deur telegramme aan 'n persoon wat deur die raad as verantwoordelike vir 'n openbare vertooning van 'n openbare vertooning beskou word, verbod op die vertooning van 'n openbare vertooning plaas, indien die raad oortuig is dat sulke openbare vertooning—

- (a) die uitwerking kan hê—
 - (i) ten opsigte van die godsdienstige oortuigings of gevoelens van 'n deel van die bevolking aanstoot te gee; of
 - (ii) enige bevolking in die openbare bespotting of vernedering te bring; of
- (b) strydig is met die openbare belang of is onwettig of anderszins skadelik is.

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(2) Any person who gives or permits the giving of any public entertainment contrary to any prohibition imposed under sub-section (1), shall be guilty of an offence unless it is proved that he was unaware of such prohibition and could not reasonably be expected to have become aware thereof.

(3) In this section "public entertainment" includes any entertainment at any place to which admission is obtained by virtue of membership of any association of persons or for any consideration, direct or indirect, or by virtue of any contribution towards any fund, and includes the exhibition of a cinematograph film which is not subject to the provisions of section *nine*.

Admission of certain persons free of charge at exhibition of films and at entertainments.

13. (1) Any person who is for the time being in charge of any place where any cinematograph film is being exhibited or any public entertainment is being given, shall on demand admit free of charge thereto any policeman or any other person, including a member of the board, who exhibits to him such written or other authority for such admission as may be prescribed.

(2) Any person who fails to comply with the provisions of sub-section (1) shall be guilty of an offence.

Appeals from decisions of board.

14. (1) Any person who—

- (a) is in charge of any public entertainment or intended public entertainment; or
- (b) is the importer of goods referred to in sub-section (3) of section *twenty-one* of the Customs Act, 1955 (Act No. 55 of 1955); or
- (c) has in terms of sub-section (3) of section *eight* submitted a specified edition of a publication or object to the board,

and who is aggrieved by a decision of the board in respect of such entertainment, goods or edition, or any person who is aggrieved by a decision of the board in terms of paragraph (a) of sub-section (1) of section *eight*, may within thirty days after the decision of the board was given, appeal against that decision by way of application on notice of motion to any provincial or local division of the Supreme Court of South Africa.

(2) The division of the Supreme Court to which appeal is made shall enquire into and consider the matter and may confirm, vary or set aside the decision of the board or give such other decision as in its opinion the board ought to have given, and make such order as to costs as it may deem fit.

(3) Any judgment given or order made by a provincial or local division of the said Supreme Court in terms of sub-section (2), shall be subject to appeal to the Appellate Division of the Supreme Court of South Africa in the same manner and on the same conditions as if it were a judgment given or order made in a civil proceeding in that provincial or local division.

(4) Any decision by the court in terms of sub-section (2) or (3) relating to any publication or object or any public

(2) Iemand wat in stryd met (1) opgelê, 'n openbare vermaal toelaat, is aan 'n misdryf skuld van daardie verbod geweet he van hom verwag kan word om

(3) In hierdie artikel beteken enige vermaaklikheid op 'n ple op grond van lidmaatskap v of teen vergoeding, regstreeks van 'n bydrae tot 'n fonds, en c wat nie aan die bepalings van a

13. (1) Iemand wat op die b 'n plek waar 'n rolprent vertoo gehou word, moet op versoek v 'n polisiebeampte of iemand a van die raad, wat aan hom 'n s toegangsmagtiging toon.

(2) Iemand wat versuim om a (1) te voldoen, is aan 'n misdr

14. (1) Iemand wat—

- (a) oor 'n openbare verma bare vermaaklikheid l
- (b) die invoerder is van goo een-en-twintig van die van 1955), bedoel; of
- (c) ingevolge sub-artikel i uitgawe van 'n publii voorgelê het,

en wat hom deur 'n beslissing vermaaklikheid, goedere of uit hom deur 'n beslissing van die sub-artikel (1) van artikel *agt* dae nadat die beslissing van aansoek by kennisgewing van 'n provinsiale of plaaslike afde Suid-Afrika appèl aanteken.

(2) Die afdeling van die Ho word, moet die saak ondersoek van die raad bevestig, wysig beslissing gee as wat die raad r kan so 'n bevel met betrekking t

(3) 'n Uitspraak of bevel in provinsiale of plaaslike afdelin gegee, is onderhewig aan appè Hooggeregshof van Suid-Afril waardes asof dit 'n uitspraak of daardie provinsiale of plaaslike

(4) 'n Beslissing van die hof met betrekking tot 'n publika:

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entertainment or intended public entertainment or goods, shall for the purposes of this Act be deemed to be a decision of the board.

Penalties.

15. (1) Any person convicted of any offence under this Act shall be liable—

- (a) in the case of a first conviction, to a fine of not less than three hundred rand and not more than five hundred rand or imprisonment for a period not exceeding six months or to both such fine and such imprisonment;
- (b) in the case of a second conviction, to a fine of not less than one thousand rand and not more than two thousand rand or imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and
- (c) in the case of a third or subsequent conviction, to a fine of not less than two thousand rand or imprisonment for a period of not less than six months or to both such fine and such imprisonment.

(2) The court convicting any person of any offence under this Act may declare any publication or object or cinematograph film in respect of or in connection with which the offence was committed, to be forfeited to the State, and any such publication or object or cinematograph film shall thereupon be disposed of as the board may direct.

Regulations.

16. (1) The Minister may make regulations relating to—

- (a) the convening of meetings of committees of the board, and the quorum for and procedure at such meetings;
- (b) the form and manner in which applications for the approval of cinematograph films or for any permit under section *eight* or any other application to the board shall be made;
- (c) the form of any permit referred to in section *eight*;
- (d) the fees payable in respect of any publication or object or cinematograph film submitted to the board for examination or any permit issued in terms of section *eight*;
- (e) the conditions and period of office, remuneration and allowances of members of the board or of a committee appointed under section *four* who are not in the full-time employment of the State;
- (f) any matter which in terms of this Act is required or permitted to be prescribed by regulation,

and generally for the better achievement of the objects and purposes of this Act.

vermaaklikheid of voorgenome goedere, word by die toepassingsbeslissing van die raad te wees.

15. (1) Iemand wat weens 'n skuldig bevind word, is strafbaar

- (a) in die geval van 'n eerste van minstens driehonderd rand of gevangenis ses maande as daardie gevangenisstraf;
- (b) in die geval van 'n tweede boete van minstens duisend rand of gevangenis ses maande as daardie gevangenisstraf;
- (c) in die geval van 'n derde bevinding, met 'n boete van minstens twee duisend rand of gevangenis ses maande of met daardie gevangenisstraf.

(2) Die hof wat iemand weens 'n skuldig bevind, kan enige publikasie of voorwerp of rolprent ten opsigte waarvan of in verband met watter gepleeg is, aan die Staat verbeurdelik verklaar of vernietig.

16. (1) Die Minister kan regulasies maak wat betrekking het op—

- (a) die byeenroeping van die raad, en die kworum en die prosedure by sodanige vergaderings;
- (b) die vorm waarin en die manier waarop aansoek vir goedkeuring van rolprent of ander aansoek aan die raad ingedien moet word;
- (c) die vorm van 'n permit;
- (d) die gelde betaalbaar teen aanvaarding van rolprent of ander voorwerp of 'n permit;
- (e) die amptsvoorwaardes, toelae van lede van die raad of van persone wat aangestel word deur die Staat is nie;
- (f) enige aangeleentheid of regulasie voorgeskryf deur die wet, of enige ander saak wat in terme van die wet voorgeskryf of toegestaan word.

en in die algemeen om die oogmerke van die wet beter te verwesenlik.

(2) Any regulation under paragraph (d) or (e) of sub-section (1) shall be made in consultation with the Minister of Finance.

17. The provisions of any other law in respect of the exhibition or publication of cinematograph films shall not apply with reference to any matter in connection with such exhibition or publication provided for in this Act.

18. Section *six* of the Police Offences Ordinance, 1902, of the Orange Free State, is hereby amended by the deletion in sub-section (19) of the words "or offering for sale or selling or distributing or exhibiting to public view any profane, indecent or obscene book, paper or other publication, or print, picture, photograph or other representation".

19. The Criminal Law Amendment Act, 1909, of the Transvaal, is hereby amended—

- (a) by the deletion in sub-section (4) of section *two* of the words "or indecent or obscene matter";
- (b) by the deletion of sub-sections (6) and (7) of section *two*; and
- (c) by the repeal of section *seven*.

20. Section *twenty-one* of the Customs Act, 1955, is hereby amended—

- (a) by the substitution in paragraph (f) of sub-section (1) for the words "Minister of the Interior" of the words "Publications Control Board referred to in section two of the Publications and Entertainments Act, 1963"; and
- (b) by the substitution for sub-section (3) of the following sub-section:

“(3) (a) In the event of any question arising as to whether any goods are indecent or obscene or objectionable, the decision of the Publications Control Board referred to in section *two* of the Publications and Entertainments Act, 1963, shall be final, but subject to a right of appeal as provided in section *fourteen* of that Act as if such decision were a decision referred to in that section.

- (b) If any printed, engraved, lithographic or photographic matter is according to the decision of the said board indecent, obscene or objectionable, and is contained in any publication which in the opinion of that board is one of a series, the said board may publish the name of such publication by notice in two consecutive issues

(2) Enige regulasie kragtens artikel (1) word in oorleg met die vaardig.

17. Die bepalinge van enige vertoning of uitgee van rolprent betrekking tot 'n aangeleentheid vertoning of uitgawe waarvoor gemaak word nie.

18. Artikel ses van „The Police van die Oranje-Vrystaat, word artikel (19) die woorde „or distributing or exhibiting to public obscene book, paper or other photograph or other representa

19. Die „Criminal Law Amendment Bill“ word hierby gewysig—

- (a) deur in sub-artikel (4) v
indecent or obscene m
(b) deur sub-artikels (6) en
(c) deur artikel sewe te he

20. Artikel een-en-twintig van de wet van 1874, houdende bepalingen omtrent de bevoegdheid van de gemeenteraden, om de gemeentelijke schulden te betalen, is hierby gewysig—

- (a) deur in paragraaf (f)
„deur die Minister v.
permit” deur die wo
Raad van Beheer oor
die Wet op Publika
bedoel” te vervang;
- (b) deur sub-artikel (3) c
vervang;

„(3) (a) Waar die
beteamlik of on
die beslissing v
Publikasies bedo
Publikasies en v
maar onderhewi
artikel veertien v
beslissing 'n in d
is.

- (b) Indien gedrukte, grafiese materiaal doelde raad onstootlik is, en volgens daardie uitmaak, kan publikasie by volgende uitgav

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of the *Gazette*, and thereupon every issue of that publication shall, until such notice is withdrawn by the said board by notice in the *Gazette*, for the purposes of this section be deemed to be indecent, obscene or objectionable, as the case may be.

- (c) For the purpose of any decision as to whether goods are indecent or obscene or objectionable within the meaning of this sub-section, the provisions of sub-section (2) of section five and section ten of the Publications and Entertainments Act, 1963, shall *mutatis mutandis* apply."

Amendment of
section 29 of Act 44
of 1958.

21. Section *twenty-nine* of the Post Office Act, 1958, is hereby amended by the addition to sub-section (2) of the following proviso:

"Provided that whenever in the application of the provisions of this sub-section the question arises as to whether any profane, blasphemous, indecent, obscene or offensive matter appears on the outside of any postal article or is enclosed therein, the Postmaster-General shall not take any decision in regard to that question except in consultation with the Publications Control Board referred to in section *two* of the Publications and Entertainments Act, 1963."

Repeal of laws.

22. (1) The Obscene Publications Act, 1892 (Act No. 31 of 1892), of the Cape of Good Hope, is hereby repealed.

(2) Subject to the provisions of sub-section (3), the Entertainments (Censorship) Act, 1931 (Act No. 28 of 1931), section *fourteen* of the Financial Adjustments Act, 1932 (Act No. 25 of 1932), the Entertainments Censorship Amendment Act, 1934 (Act No. 6 of 1934), section *eighteen* of the Finance Act, 1939 (Act No. 33 of 1939), and the Entertainments (Censorship) Amendment Act, 1953 (Act No. 26 of 1953), are hereby repealed.

(3) Any cinematograph film which has in terms of the Entertainments (Censorship) Act, 1931 (Act No. 28 of 1931) been approved by the Board of Censors appointed under section *two* of that Act, any condition imposed in terms of that Act by the said board in connection with any cinematograph film, and any other thing done under that Act by the said board in connection with any cinematograph film submitted to it for approval, shall be deemed to have been approved, imposed or done by the Publications Control Board under the corresponding provisions of this Act.

Short title and
commencement.

23. (1) This Act shall be called the Publications and Entertainments Act, 1963, and shall, subject to the provisions of sub-section (2), come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of sub-section (1) be fixed in respect of the several provisions of this Act.

maak, en daarop publikasie, totdaardie raad by teruggetrek word artikel geag ontstootlik, na gela.

- (c) By 'n beslissing olik, onwelowegli doeling van hier van sub-artikel van die Wet op 1963, *mutatis m*

21. Artikel *nege-en-twintig* gewysig deur die volgende vo (2) te voeg:

„Met dien verstande d: bepalings van hierdie s profane, godslasterlike, o op die buitekant van 'n pc die Posmeester-generaal vraag neem nie, behalwe i oor Publikasies in artikel en Vermaaklikhede, 1963

22. (1) „The Obscene Pub van 1892), van die Kaap die C

(2) Behoudens die bepalin Vermaaklikheids-Sensuurwet, artikel *veertien* van die Finan 25 van 1932), die Vermaaklik (Wet No. 6 van 1934), artikel (Wet No. 33 van 1939), en c heidsensuur, 1953 (Wet No. 2

(3) 'n Rolprent wat ingevo wet, 1931 (Wet No. 28 van 19 van Sensors kragtens artikel i voorwaarde wat ingevolge c rolprent deur bedoelde raad ingevolge daardie Wet deur be met 'n rolprent wat vir goedk geag ingevolge die ooreenst Wet deur die Raad van Beh gestel of gedoen te wees.

23. (1) Hierdie Wet heet o maaklikhede, 1963, en tree, b artikel (2), in werking op 'n o proklamasie in die *Staatskoer*

(2) Verskillende datums k opsigte van die onderskeie be word.