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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 380. 15 Maart 1974.

No. 380. 15 March 1974.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 31 van 1974: Wet op Geaffekteerde Organisasies, 1974.

No. 31 of 1974: Affected Organizations Act, 1974.

AFFECTED ORGANIZATIONS ACT, 1974.

Act No. 31, 1974

ACT

To provide for the prohibition of the receipt of money from abroad for certain organizations; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 1 March 1974.)

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

- 1.** In this Act, unless the context otherwise indicates— **Definitions.**
- (i) "affected organization" means an organization which has in terms of section 2 been declared to be an affected organization; (iii)
 - (ii) "document" includes any book, statement, pamphlet, note, list, record, placard, poster, manifest, drawing, portrait or picture; (viii)
 - (iii) "Minister" means the Minister of Justice; (v)
 - (iv) "money" includes anything which can be cashed or converted into money; (iv)
 - (v) "office-bearer", in relation to any organization, means a member of the governing or executive body of—
 - (a) the organization;
 - (b) a branch, section or committee of the organization; or
 - (c) a local, regional or subsidiary body forming part of the organization; (i)
 - (vi) "officer", in relation to any organization, means any person working for the organization or for any branch, section or committee thereof, or for any local, regional or subsidiary body forming part thereof; (ii)
 - (vii) "organization" includes any body, group or association of persons, institution, federation, society, movement, trust or fund, incorporated or unincorporated, and whether or not it has been established or registered in accordance with any law; (vi)
 - (viii) "Registrar" means the Registrar of Affected Organizations appointed in terms of section 3. (vii)

2. (1) If the State President is satisfied that politics are being engaged in by or through an organization with the aid of or in co-operation with or in consultation with or under the influence of an organization or person abroad, he may, without notice to the first-mentioned organization, but subject to the provisions of section 8, by proclamation in the *Gazette* declare that organization to be an affected organization. **Prohibition on the receipt of foreign money by certain organizations.**

(2) No person shall—

- (a) ask for or canvass foreign money for or on behalf of an affected organization;
- (b) receive money from abroad for or on behalf of an affected organization, or receive or in any other manner handle or deal with such money with the intention of handing it over or causing it to be handed over to

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such an organization or with the intention of using it or causing it to be used on behalf of such an organization;

- (c) bring or cause to be brought or assist in bringing from abroad into the Republic any money for or on behalf of an affected organization, or bring in or cause to be brought in from abroad any money into the Republic with the intention of handing it over or causing it to be handed over to such an organization or with the intention of using it or causing it to be used on behalf of such an organization.

(3) Money in the possession of an affected organization which that organization had, before it was declared to be an affected organization, received from abroad, whether before or after the commencement of this Act, shall not be handed over, transferred, donated, paid or given in exchange to any other organization or person for any purpose whatsoever: Provided that it may, within one year after the organization was declared to be an affected organization, be donated to a welfare organization, designated by the Minister, which is registered in terms of the National Welfare Act, 1965 (Act No. 79 of 1965), and which is not an affected organization, for use in furtherance of the objects in respect of which that welfare organization is so registered, or to any other organization approved by the Minister.

3. (1) The Minister may appoint a person as Registrar of Affected Organizations and announce his office address by notice in the *Gazette*. Registrar of Affected Organizations.

(2) The Registrar, or any person acting under his written authority, may at all reasonable times enter upon any premises there to inspect and extract information from or make copies of any document relating to the finances of an affected organization and may, if in his opinion it is desirable for practical reasons, remove any such document to any other premises for those purposes.

(3) The Registrar shall in respect of every affected organization fix a financial year and shall within six months after the close of every financial year, report to the Minister on the moneys received and paid out by the organization concerned during that financial year.

(4) The Registrar may require of any person attached to an affected organization, particulars of moneys received or paid out in respect of that organization, and if he is furnished therewith, he shall submit them to the Minister.

(5) The Minister shall, as often as he deems fit, but at least once in every year, lay upon the Tables of the Senate and the House of Assembly any reports and particulars received by him in terms of subsection (3) or (4), or extracts therefrom.

(6) No person shall hinder, resist or obstruct the Registrar or any person referred to in subsection (2) in the exercise of his powers under this section.

4. (1) If the Registrar suspects that any money, in whose possession or under whose control it may be, is money which has been, is being or is to be dealt with in contravention of the provisions of section 2 (2), or is money as contemplated in section 2 (3) which has not been donated within the period and in the manner and to an organization as therein prescribed, and lodges with the registrar of a division of the Supreme Court of South Africa an affidavit to this effect, that registrar shall issue an order prohibiting any person in whose possession or under whose control such money is from disposing thereof in any manner whatever, and after a copy of such order has been served upon any person in possession or control thereof by a member of the South African Police, such person may not in any manner dispose of or deal with it, except in accordance with an order of a division of the Supreme Court of South Africa. Confiscations.

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(2) If the Registrar in an application to a division of the Supreme Court of South Africa alleges that any money, in whose possession or under whose control it may be, is money which has been, is being or is to be dealt with in contravention of the provisions of section 2 (2), or is money as contemplated in section 2 (3) which has not been donated within the period and in the manner and to an organization as therein prescribed, the court in question shall confiscate that money in favour of the State, and such confiscation shall be deemed to be a civil judgment in favour of the Consolidated Revenue Fund, unless any person having an interest in the money satisfies that court that the person in whose possession or under whose control the money is, and the person on whose behalf he holds the money, has not dealt with, is not dealing with or is not going to deal with it in contravention of the provisions of section 2 (2), or that the money is not money as contemplated in section 2 (3) which has not been donated within the period and in the manner and to an organization as therein prescribed, as the case may be, in which case the court may make any order it deems fit.

5. (1) Any person who contravenes the provisions of section 2 (2) or 4 (1) or who in contravention of the provisions of section 2 (3) deals with any money, shall be guilty of an offence and liable on conviction—

Offences and penalties.

- (i) in the case of a first conviction, to a fine not exceeding ten thousand rand or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment; and
- (ii) in the case of a second or subsequent conviction, to a fine not exceeding twenty thousand rand or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

(2) Any person who contravenes the provisions of section 3 (6) shall be guilty of an offence and liable on conviction to a fine not exceeding six hundred rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

6. (1) If the Minister has reason to suspect that the objects or activities of any organization or of any person who directly or indirectly takes part in the activities of any organization, are such that the organization should in terms of section 2 (1) be declared to be an affected organization, he may in writing under his hand appoint a person (hereinafter called an authorized officer) to inquire into the objects and activities of that organization or of persons who so take part in the activities thereof.

Authorized officer.

(2) An authorized officer may for the purpose of performing his functions—

- (a) at any time enter upon any premises whatsoever and there carry out such investigations and make such enquiries as he deems necessary;
- (b) demand from any person on those premises that he forthwith or at a time and place specified by the authorized officer, submit to him a specified document which is on the premises;
- (c) at any time and place demand from any person who has possession or custody or control of any document, that he submit it to him forthwith or at a time and place specified by the authorized officer;
- (d) seize any document referred to in paragraph (b) or (c) which in his opinion may afford evidence with regard to a matter referred to in subsection (1);
- (e) examine such document and make extracts therefrom or copies thereof and ask any person whom he considers to have the necessary information, to give an explanation of any entry therein:

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- (f) with regard to a matter referred to in subsection (1), question any person, either alone or in the presence of any other person, as he deems desirable, whom he finds on premises entered upon by him in terms of this section, or whom he on reasonable grounds believes to be or at any time before or after the commencement of this Act to have been an office-bearer, officer, member or active supporter of the organization concerned, or to be in possession of information required by him; and
- (g) order any person referred to in paragraph (b), (c), (e) or (f) to appear before such authorized officer at a time and place specified by him, and at such time and place question such person.
- (3) Any person who is questioned in terms of subsection (2) (f) or (g) shall be entitled to all the privileges to which a person giving evidence before a provincial division of the Supreme Court of South Africa is entitled.

7. Any person who—

- (a) hinders, resists or obstructs an authorized officer referred to in section 6 in the performance of his functions or the exercise of his powers in terms of this Act; Offences with regard to an authorized officer.
- (b) refuses or fails to answer to the best of his knowledge any question which such authorized officer has in the exercise of his powers put to him;
- (c) refuses or fails to comply to the best of his ability with any demand or order of such authorized officer in terms of this Act,

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

8. The power conferred upon the State President by section 2 to declare an organization to be an affected organization, shall not be exercised unless the Minister has given consideration to a factual report made in relation to that organization by a committee consisting of three magistrates appointed by the Minister, of whom at least one shall be a chief magistrate or a regional magistrate. Declaration in terms of section 2 only after factual report has been considered.

9. This Act shall be called the Affected Organizations Act, Short title. 1974.