

BUITENGEWONE

EXTRAORDINARY



Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

THE UNION OF SOUTH AFRICA

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 756.]

[15 April 1954.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wet, wat hierby ter algemene inligting gepubliseer word:—

BLADSY
Wet Nr. 15 van 1954: Wysigingswet op Oproerige Byeenkomste en die Onderdrukking van Kommunisme, 1954

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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 756.]

[15th April, 1954.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Act, which is hereby published for general information:—

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No. 15, 1954.]

WET

Om die „Oproerige Bijeenkomsen en Krimineel Recht Wijzigingswet, 1914” en die Wet op die Onderdrukking van Kommunisme, 1950 te wysig.

*(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 5 April 1954.)*

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Woordbepaling.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

„Hoofwet” die Wet op die Onderdrukking van Kommunisme, 1950 (Wet No. 44 van 1950);

„Oproerige Byeenkomstewet” die „Oproerige Bijeenkomsen en Krimineel Recht Wijzigingswet, 1914” (Wet No. 27 van 1914).

Wysiging van artikel 1 van Wet 27 van 1914 soos gewysig deur artikel 1 van Wet 19 van 1930.

2. Artikel *een* van die Oproerige Byeenkomstewet word hiermee gewysig—

(a) deur paragraaf (a) van sub-artikel (4) deur die volgende paragraaf te vervang:

„(a) door een openbare samenkomst gedurende een of ander tydperk op een openbare plek binne een gebied of op een bepaalde dag van die week; of”;

(b) deur in daardie sub-artikel die woorde „iedere openbare samenkomst op een aan het publiek toeganklike plek verbieden binne een gebied en gedurende een tydperk vastgesteld in die kennisgeving waarin zulke samenkomsten verboden worden” deur die woorde „zulk een samenkomst verbieden” te vervang; en

(c) deur in sub-artikel (13) na die woorde „sub-artikel” die uitdrukking „(4) of” in te voeg.

Wysiging van artikel 5 van Wet 44 van 1950, soos gewysig deur artikel 4 van Wet 50 van 1951.

3. Artikel *vyf* van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (1) na die woorde „kennisgewing” waar dit die eerste maal voorkom die woorde „aan die betrokke gerig en oorhandig of aangebied” in te voeg;

(b) deur paragraaf (e) van sub-artikel (1) deur die volgende paragraaf te vervang:

„(e) om nie enige byeenkoms in enige plek binne 'n gebied en gedurende 'n tydperk in die kennisgewing vermeld, by te woon nie.”; en

(c) deur paragraaf (b) van sub-artikel (1)*bis* te skrap.

Invoeging in Wet 44 van 1950 van nuwe artikel 5*bis*.

4. Die volgende nuwe artikel word hiermee na artikel *vyf* van die Hoofwet ingevoeg:

5*bis*. (1) Niemand ten opsigte van wie 'n kennisgewing ingevolge paragraaf (a) van sub-artikel (1) is onbevoeg om verkies te word en sitting te neem as lede van een of ander Huis van die Parlement of van 'n provinsiale raad of van die Wetgewende Vergadering van Suidwes-Afrika verkies te word en, indien hy verkies word, om sitting te neem nie tensy hy, voor sy verkiesing, die skriftelike goedkeuring van die Minister of die verlof van die Senaat, in die geval van iemand wat hom as senator verkiesbaar stel, of van die Volksraad in enige ander geval, verkry het.

(2) Indien iemand wat ingevolge sub-artikel (1) onbevoeg is om verkies te word, as senator of so 'n lid verkies word, stel die Minister daardie senator

No. 15, 1954.]

ACT

To amend the Riotous Assemblies and Criminal Law Amendment Act, 1914 and the Suppression of Communism Act, 1950.

*(English text signed by the Governor-General.)
(Assented to 5th April, 1954.)*

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:—

1. In this Act, unless the context otherwise indicates— **Definitions.**
 - “principal Act” means the Suppression of Communism Act, 1950 (Act No. 44 of 1950);
 - “Riotous Assemblies Act” means the Riotous Assemblies and Criminal Law Amendment Act, 1914 (Act No. 27 of 1914).

2. Section *one* of the Riotous Assemblies Act is hereby amended— **Amendment of section 1 of Act 27 of 1914 as amended by section 1 of Act 19 of 1930.**
 - (a) by the substitution for paragraph (a) of sub-section (4) of the following paragraph:
 - “(a) by the assembly of any public gathering during any period in any public place within any area or on any particular day of the week; or”;
 - (b) by the substitution in the said sub-section for the words “prohibit in the manner provided in sub-section (1) any public gathering in any place to which the public has access within an area and during a period specified in the notice prohibiting such gatherings” of the words “in the manner provided in sub-section (1) prohibit the assembly of such a gathering;”; and
 - (c) by the insertion in sub-section (13) after the word “sub-section” of the expression “(4) or”.

3. Section *five* of the principal Act is hereby amended— **Amendment of section 5 of Act 44 of 1950 as amended by section 4 of Act 50 of 1951.**
 - (a) by the insertion in sub-section (1) after the word “writing” of the words “addressed and delivered or tendered to the person concerned”;
 - (b) by the substitution for paragraph (e) of sub-section (1) of the following paragraph:
 - “(e) not to attend any gathering in any place within an area and during a period specified in the notice.”; and
 - (c) by the deletion of paragraph (b) of sub-section (1)*bis*.

4. The following new section is hereby inserted after section *five* of the principal Act: **Insertion in Act 44 of 1950 of new section 5*bis*.**

“Certain persons incapable of being chosen and of sitting as members of either House of Parliament or of a provincial council or the Legislative Assembly of South-West Africa. (1) No person in respect of whom a notice has been issued in terms of paragraph (a) of sub-section (1)*bis* of section *five* and no person whose name appears on any list in the custody of the officer referred to in section *eight* or who has been convicted of an offence under section *eleven* or is a communist, whether he has been nominated for election before or after the date of commencement of the Riotous Assemblies and Suppression of Communism Amendment Act, 1954, shall be capable of being chosen and, if he is chosen, of sitting as a senator or as a member of the House of Assembly or of a provincial council or the Legislative Assembly of the territory of South-West Africa unless he has, prior to his election, obtained the written approval of the Minister or the leave of the Senate, in the case of a person seeking election as a senator, or of the House of Assembly in any other case.

(2) If any person who is incapable of being chosen in terms of sub-section (1) is chosen as a senator or such a member, the Minister shall notify that

of daardie lid, na gelang van die geval, en ook die President van die Senaat of, na gelang van die geval, die Speaker van die Volksraad of die Voorsitter van die betrokke provinsiale raad of die Wetgewende Vergadering van die gebied Suidwes-Afrika skriftelik in kennis dat bedoelde senator of lid ingevolge sub-artikel (1) onbevoeg was om as senator of so 'n lid verkies te word en daarop word sy setel geag vakant te wees.”.

Invoeging in Wet
44 van 1950 van
nuwe artikel 8bis.

5. Die volgende nuwe artikel word hiermee na artikel *agt* van die Hoofwet ingevoeg:

„Juistheid
van lys
word
vermoed.

8bis. (1) Dit word by 'n vervolging ingevolge hierdie Wet of by siviele verrigtings wat uit die toepassing van die bepalings van hierdie Wet ontstaan, vermoed, tensy die teendeel bewys word, dat die naam van 'n persoon wat voorkom op 'n lys opgestel kragtens sub-artikel (10) van artikel *vier* of sub-artikel (2) van artikel *sewe* ten regte in bedoelde lys opgeneem is: Met dien verstande dat by so 'n vervolging of sulke siviele verrigtings wat ingestel word na die verstryking van 'n tydperk van twaalf maande vanaf die datum van die inwerkingtreding van die Wysigingswet op Oproerige Byeenkomste en die Onderdrukking van Kommunisme, 1954, of die datum waarop die naam van die betrokke persoon in die lys opgeneem is, na gelang van watter datum later is, niemand die juistheid van die opname in die lys van die naam van bedoelde persoon mag betwis nie tensy 'n geding vir die verwydering van die lys van die naam van bedoelde persoon binne bedoelde tydperk van twaalf maande deur hom ingestel is en die geding nog nie afgesluit is nie.

(2) Geen geding vir die verwydering van die naam van enige persoon van 'n lys opgestel kragtens sub-artikel (10) van artikel *vier* of sub-artikel (2) van artikel *sewe* word in enige hof ingestel nie na die verstryking van 'n tydperk van twaalf maande vanaf die datum van die inwerkingtreding van die Wysigingswet op Oproerige Byeenkomste en die Onderdrukking van Kommunisme, 1954, of vanaf die datum waarop die naam van so 'n persoon in die lys opgeneem is, na gelang van watter datum later is.

(3) 'n Geding in enige hof vir die verwydering van die naam van 'n persoon van 'n in sub-artikel (2) bedoelde lys word slegs by wyse van aksie ingestel.”.

Wysiging van
artikel 9 van Wet
44 van 1950.

6. Artikel *nege* van die Hoofwet word hiermee gewysig—
(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

„(a) deur die samekoms van 'n bepaalde byeenkoms in enige plek binne die Unie of van enige byeenkoms gedurende enige tydperk in enige plek binne 'n gebied of op 'n bepaalde dag van die week; of”;

(b) deur die woorde „daardie byeenkoms in enige plek binne die Unie” te vervang deur die woorde „so 'n byeenkoms”; en

(c) deur die volgende sub-artikel daarby te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Indien iemand aan wie 'n kennisgewing kragtens sub-artikel (1) oorhandig of aangebied is, die Minister skriftelik versoek om aan hom die redes vir die kennisgewing en die gegewens wat die Minister beweeg het om die kennisgewing uit te reik, mee te deel, dan moet die Minister aan bedoelde persoon sy redes vir die kennisgewing en soveel van die gegewens wat die Minister beweeg het om die kennisgewing uit te reik as wat, volgens sy oordeel, sonder benadeling van die openbare beleid bekend gemaak kan word, skriftelik meedeel.”.

Wysiging van
artikel 10 van
Wet 44 van 1950.

7. Artikel *tien* van die Hoofwet word hiermee gewysig deur na sub-artikel (1) die volgende nuwe sub-artikel in te voeg:

„(1)*bis*. Indien iemand aan wie 'n kennisgewing kragtens sub-artikel (1) oorhandig of aangebied is, die Minister skriftelik versoek om aan hom die redes vir die kennisgewing en die gegewens wat die Minister beweeg het om die kennisgewing uit te reik, mee te deel, dan moet die Minister aan bedoelde persoon sy redes vir die kennisgewing en soveel van die gegewens wat die Minister beweeg het om die kennisgewing uit te reik as wat, volgens sy oordeel, sonder benadeling van die openbare beleid bekend gemaak kan word, skriftelik meedeel.”.

senator or that member, as the case may be, and also the President of the Senate or, as the case may be, the Speaker of the House of Assembly or the Chairman of the provincial council concerned or the Legislative Assembly of the territory of South-West Africa in writing that the said senator or member was incapable in terms of sub-section (1) of being chosen as a senator or such a member and thereupon his seat shall be deemed vacant.”.

5. The following new section is hereby inserted after section eight of the principal Act:

“Correctness of lists presumed. **8bis.** (1) It shall in any prosecution under this Act or in any civil proceedings arising from the application of the provisions of this Act, be presumed, until the contrary is proved, that the name of any person appearing on any list compiled under sub-section (10) of section *four* or sub-section (2) of section *seven* has been correctly included in that list: Provided that in any such prosecution or civil proceedings instituted after the expiration of a period of twelve months from the date of commencement of the Riotous Assemblies and Suppression of Communism Amendment Act, 1954, or the date upon which the name of the person concerned was included in the list, whichever be the later date, no person shall question the correctness of the inclusion in the list of the name of the said person unless proceedings for the removal from the list of the name of the said person has been instituted by him within the said period of twelve months and such proceedings have not been disposed of.

(2) No proceedings for the removal of the name of any person from any list compiled under sub-section (10) of section *four* or sub-section (2) of section *seven* shall be instituted in any court after the expiration of a period of twelve months from the date of commencement of the Riotous Assemblies and Suppression of Communism Amendment Act, 1954, or from the date upon which the name of such person was included in such list, whichever be the later date.

(3) Proceedings in any court for the removal of the name of any person from any list referred to in sub-section (2) shall be instituted by way of action only.”.

6. Section nine of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) by the assembly of a particular gathering in any place within the Union or of any gathering during any period in any place within any area or on any particular day of the week; or”;

(b) by the substitution for the words “that gathering in any place within the Union” of the words “such a gathering”; and

(c) by the addition thereto of the following sub-section, the existing section becoming sub-section (1):

“(2) If any person to whom a notice has been delivered or tendered under sub-section (1) requests the Minister in writing to furnish him with the reasons for such notice and with a statement of the information which induced the Minister to issue such notice, the Minister shall furnish such person with a statement in writing setting forth his reasons for such notice and so much of the information which induced the Minister to issue the notice as can, in his opinion, be disclosed without detriment to public policy.”.

7. Section ten of the principal Act is hereby amended by the insertion after sub-section (1) of the following new sub-section:

“(1)*bis.* If any person to whom a notice has been delivered or tendered under sub-section (1) requests the Minister in writing to furnish him with the reasons for such notice, and with a statement of the information which induced the Minister to issue such notice, the Minister shall furnish such person with a statement in writing setting forth his reasons for such notice and so much of the information which induced the Minister to issue the notice as can, in his opinion, be disclosed without detriment to public policy.”.

Insertion in Act
44 of 1950 of new
section 8bis.

Amendment of
section 9 of Act
44 of 1950.

Amendment of
section 10 of Act
44 of 1950.

Wysiging van artikel 11 van Wet 44 van 1950.

8. Artikel elf van die Hoofwet word hiermee gewysig—
(a) deur na paragraaf (*f*) die volgende nuwe paragraaf in te voeg:

„(*f*)*bis*. terwyl hy ingevolge artikel *vyf bis* onbevoeg is om as senator of lid van die Volksraad of van 'n provinsiale raad of die Wetgewende Vergadering van Suidwes-Afrika verkies te word, nominasie vir verkiesing as 'n senator of as so 'n lid aanvaar;”;

(b) deur na paragraaf (*g*) die volgende nuwe paragraaf in te voeg:

„(*g*)*bis*. by enige byeenkoms 'n toespraak of verklaring deur meganiese middels weergee wat te eniger tyd gemaak is deur 'n persoon wat ingevolge 'n kragtens paragraaf (*e*) van sub-artikel (1) van artikel *vyf* of artikel *nege* uitgereikte kennisgewing verbied is om bedoelde byeenkoms by te woon;” en

(c) deur in paragraaf (ii) die uitdrukking „(*f*), (*g*)” te vervang deur die uitdrukking „(*f*), (*f*)*bis*, (*g*), (*g*)*bis*”.

Wysiging van artikel 12 van Wet 44 van 1950 soos gewysig deur artikel 8 van Wet 50 van 1951.

9. Artikel twaalf van die Hoofwet word hiermee gewysig—
(a) deur die volgende woorde aan die end van sub-artikel (3) by te voeg:

„en niemand word aan 'n misdryf ingevolge paragraaf (*g*)*bis* van artikel *elf* skuldig bevind nie indien hy die hof oortuig dat hy geen kennis gehad het van die feit dat die persoon wie se toespraak of verklaring hy volgens bewering by 'n byeenkoms weergegee het, kragtens paragraaf (*e*) van sub-artikel (1) van artikel *vyf* of artikel *nege* verbied was om bedoelde byeenkoms by te woon nie en dat hy, voordat hy bedoelde toespraak of verklaring aldus weergegee het, alle redelike stappe gedoen het om vas te stel of bedoelde persoon aldus verbied was aldan nie;” en

(b) deur die volgende sub-artikels daarby te voeg:

„(4) By 'n vervolging ingevolge hierdie Wet of by siviele verrigtings wat uit die toepassing van die bepalings van hierdie Wet ontstaan, is enige dokument, boek, rekord, pamphlet of ander publikasie of geskrif—

(a) wat bewys word gevind te gewees het in of verwyder te gewees het uit die besit, bewaring of beheer van die beskuldigde of 'n party by die geding of van iemand wat te eniger tyd voor of na die inwerkingtreding van hierdie Wet 'n ampsdraer of beampete was van die organisasie waarvan die beskuldigde of bedoelde party beweer word 'n ampsdraer, beampete, lid of aktiewe ondersteuner te wees of te gewees het en wat tot 'n onwettige organisasie verklaar is; of

(b) wat bewys word gevind te gewees het in of verwyder te gewees het uit enige kantoor of ander perseel wat te eniger tyd voor of na die inwerkingtreding van hierdie Wet geokkupeer of gebruik is deur die organisasie waarvan die beskuldigde of bedoelde party beweer word 'n ampsdraer, beampete, lid of aktiewe ondersteuner te wees of te gewees het en wat tot onwettige organisasie verklaar is, of deur 'n persoon in sy hoedanigheid as ampsdraer of beampete van bedoelde organisasie; of

(c) wat op die gesig af deur of namens die organisasie waarvan die beskuldigde of bedoelde party beweer word 'n ampsdraer, beampete, lid of aktiewe ondersteuner te wees of te gewees het en wat tot onwettige organisasie verklaar is, opgestel, aangehou, in stand gehou, gebruik, uitgereik of gepubliseer is,

en is enige fotostatiese afdruk van 'n in paragraaf (a), (b) of (c) bedoelde dokument, boek, rekord, pamphlet of ander publikasie of geskrif, as getuenis teen die beskuldigde of, na gelang van die geval, bedoelde party tot die geding toelaatbaar as *prima facie* bewys van die inhoud daarvan.

(5) Enige lys of gedeelte van 'n lys wat deur 'n beampete, wat sertificeer dat hy kragtens artikel *agt* deur die Minister aangewys is om die kragtens sub-artikel (10) van artikel *vier* en sub-artikel (2) van artikel *sewe* opgestelde lyste in sy bewaring te hou, gesertificeer word 'n lys of gedeelte van 'n lys te wees wat kragtens artikel *agt* in sy bewaring is, is by 'n vervolging ingevolge hierdie Wet of by siviele verrigtings wat uit die toepassing van die bepalings van hierdie

8. Section eleven of the principal Act is hereby amended— Amendment of
section 11 of Act
44 of 1950.

(a) by the insertion after paragraph (f) of the following new paragraph:

“(f)*bis*. while being incapable in terms of section *five bis* of being chosen as a senator or as a member of the House of Assembly or of a provincial council or the Legislative Assembly of South-West Africa, accepts nomination for election as a senator or as such a member;”;

(b) by the insertion after paragraph (g) of the following new paragraph:

“(g)*bis* at any gathering reproduces by mechanical means a speech or statement made at any time by a person who is in terms of a notice under paragraph (e) of sub-section (1) of section *five* or section *nine* prohibited from attending that gathering;”; and

(c) by the substitution in paragraph (ii) for the expression “(f), (g)” of the expression “(f), (f)*bis*, (g), (g)*bis*.”.

9. Section twelve of the principal Act is hereby amended— Amendment of
section 12 of Act
44 of 1950 as
amended by
section 8 of Act
50 of 1951.

(a) by the addition to sub-section (3) of the following words:

“and no person shall be convicted of an offence under paragraph (g)*bis* of section *eleven* if he satisfies the court that he had no knowledge of the fact that the person whose speech or statement he is alleged to have reproduced at any gathering was prohibited from attending that gathering under paragraph (e) of sub-section (1) of section *five* or section *nine* and that before he thus reproduced the said speech or statement he took all reasonable steps to ascertain whether or not the said person was so prohibited.”; and

(b) by the addition thereto of the following new sub-sections:

“(4) In any prosecution under this Act or in any civil proceedings arising from the application of the provisions of this Act, any document, book, record, pamphlet or other publication or written instrument—

(a) which is proved to have been found in or removed from the possession, custody or control of the accused or any party to the proceedings or of any person who was at any time before or after the commencement of this Act an office-bearer or officer of the organization of which the accused or the said party is alleged to be or to have been an office-bearer, officer, member or active supporter and which has been declared an unlawful organization; or

(b) which is proved to have been found in or removed from any office or other premises occupied or used at any time before or after the commencement of this Act by the organization of which the accused or the said party is alleged to be or to have been an office-bearer, officer, member or active supporter and which has been declared an unlawful organization, or by a person in his capacity as an office-bearer or officer of that organization; or

(c) which on the face thereof has been compiled, kept, maintained, used, issued or published by or on behalf of the organization of which the accused or the said party is alleged to be or to have been an office-bearer, officer, member or active supporter and which has been declared an unlawful organization,

and any photostatic copy of any document, book, record, pamphlet, or other publication or written instrument referred to in paragraph (a), (b) or (c), shall be admissible in evidence against the accused or, as the case may be, the said party to the proceedings as *prima facie* proof of the contents thereof.

(5) Any list or portion of a list certified by an officer, who certifies that he has been designated by the Minister under section *eight* to keep in his custody the lists compiled under sub-section (10) of section *four* and sub-section (2) of section *seven*, to be a list or portion of a list in his custody under section *eight*, shall on its mere production in any prosecution under this Act or in any civil proceedings arising from the

Wet ontstaan, op blote voorlegging daarvan as getuienis toelaatbaar as *prima facie* bewys van die inhoud daarvan.”.

Wysiging van artikel 14 van Wet 44 van 1950.

Sekere kragtens artikel 1 (4) van Wet 27 van 1914, of artikel 9 van Wet 44 van 1950 uitgereikte kennisgewings word geag kragtens bedoelde artikels soos deur hierdie Wet gewysig uitgereik te gewees het.

Kort titel.

10. Artikel *veertien* van die Hoofwet word hiermee gewysig deur na die woorde „Suid-Afrikaanse burger” die woord „by geboorte of afkoms” in te voeg.

11. Enige kennisgewing wat voor die datum van die inwerkingtreding van hierdie Wet kragtens sub-artikel (4) van artikel *een* van die Oproerige Byeenkomstewet of artikel *nege* van die Hoofwet uitgereik is, met inbegrip van enige kennisgewing wat voor bedoelde datum ongeldig of nietig verklaar is, maar nie ook 'n kennisgewing wat verstryk het deur verloop van tyd nie, word vir alle doeleindes, met ingang van die datum van die inwerkingtreding van hierdie Wet, geag kragtens die toepaslike artikel soos gewysig deur paragraaf (c) van artikel *twee* of paragraaf (c) van artikel *ses*, na gelang van die geval, van hierdie Wet uitgereik of heruitgereik te gewees het.

12. Hierdie Wet heet die Wysigingswet op Oproerige Byeenkomste en die Onderdrukking van Kommunisme, 1954.

application of the provisions of this Act, be admissible in evidence as *prima facie* proof of the contents thereof.”.

10. Section *fourteen* of the principal Act is hereby amended by the insertion after the words “South African citizen” of the words “by birth or descent”. Amendment of section 14 of Act 44 of 1950.

11. Any notice issued prior to the date of commencement of this Act under sub-section (4) of section *one* of the Riotous Assemblies Act or section *nine* of the principal Act, including any notice which has prior to the said date been declared invalid or null and void, but excluding any notice which has expired by effluxion of time, shall for all purposes, with effect from the date of commencement of this Act, be deemed to have been issued or re-issued under the relevant section as amended by paragraph (c) of section *two* or paragraph (c) of section *six*, as the case may be, of this Act. Certain notices issued under section 1 (4) of Act 27 of 1914, or section 9 of Act 44 of 1950 shall be deemed to have been issued under the said sections as amended by this Act.

12. This Act shall be called the Riotous Assemblies and Short title. Suppression of Communism Amendment Act, 1954.