



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA



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[No. 2472.]

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1111.

4 Julie 1969.

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

No. 85 van 1969: Wysigingswet op Publikasies en Vermaaklikhede, 1969.

DEPARTMENT OF THE PRIME MINISTER.

No. 1111.

4th July, 1969.

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

No. 85 of 1969: Publications and Entertainments Amendment Act, 1969.

Act No. 85, 1969

PUBLICATIONS AND ENTERTAINMENTS
AMENDMENT ACT, 1969.

ACT

To amend the Publications and Entertainments Act, 1963, so as to empower the Publications Control Board in certain circumstances to prohibit the publication in the Republic of subsequent editions of certain publications found to be undesirable; to provide for an appeal to the Supreme Court against such a prohibition; and to prescribe an amended procedure in connection with appeals to the Minister against decisions of the Board in respect of specified films.

*(English text signed by the State President.)
(Assented to 19th June, 1969.)*

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

Amendment of
section 8 of
Act 26 of 1963.

1. Section 8 of the Publications and Entertainments Act 1963 (hereinafter referred to as the principal Act), is hereby amended by the addition to subsection (1) of the following paragraph:

“(e) if—

(i) any edition of a publication which is published periodically in the Republic—

(aa) has in a prosecution in respect of an offence under section 5 (1) (a) been found to be undesirable; or

(bb) is in terms of a statement by the board under this section (not being a statement under paragraph (b) of this subsection) undesirable in its opinion, and such statement has not been set aside under section 14; and

(ii) in the opinion of the board, every subsequent edition of such publication is likely to be undesirable,

by notice in the *Gazette* to declare every edition of such publication to be undesirable, and thereupon every edition of that publication shall, until such notice is withdrawn in like manner by the board, be deemed to be undesirable.”.

Amendment of
section 11 of
Act 26 of 1963.

2. Section 11 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections:

“(2) The Minister shall thereupon enquire into and consider the matter or consider the matter upon the receipt of the report of a person deputed by him to inquire into the matter on his behalf and to report thereon to him, and may confirm, vary or set aside the decision of the board or give any other decision which he may consider just.

WYSIGINGSWET OP PUBLIKASIES EN
VERMAAKLIKHED, 1969.

Wet No. 85, 1969

WET

Tot wysiging van die Wet op Publikasies en Vermaaklikhede, 1963, om die Raad van Beheer oor Publikasies te magtig om onder sekere omstandighede die publikasie in die Republiek van latere uitgawes van sekere publikasies wat ongewens bevind is, te verbied; om voorsiening te maak vir 'n appèl na die Hooggeregshof teen so 'n verbod; en om 'n gewysigde prosedure in verband met appèlle na die Minister teen die Raad se beslissings oor bepaalde rolprente voor te skryf.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1969.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 8 van die Wet op Publikasies en Vermaaklikhede, 1963 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg:

Wysiging van
artikel 8 van
Wet 26 van 1963.

„(e) om indien—

(i) 'n uitgawe van 'n publikasie wat periodiek in die Republiek uitgegee word—

(aa) by 'n vervolging ten opsigte van 'n misdryf ingevolge artikel 5 (1) (a) ongewens bevind is; of

(bb) volgens 'n verklaring van die raad kragtens hierdie artikel (uitgesonderd 'n verklaring kragtens paragraaf (b) van hierdie subartikel) na sy oordeel ongewens is en bedoelde verklaring nie ingevolge artikel 14 tersyde gestel is nie; en

(ii) na die oordeel van die raad elke latere uitgawe van daardie publikasie waarskynlik ongewens sal wees,

by kennisgewing in die *Staatskoerant* elke uitgawe van daardie publikasie ongewens te verklaar, en daarna word, totdat daardie kennisgewing op dergelike wyse deur die raad ingetrek word, elke uitgawe van daardie publikasie as ongewens beskou.”.

2. Artikel 11 van die Hoofwet word hierby gewysig deur subartikels (2) en (3) deur die volgende subartikels te vervang:

Wysiging van
artikel 11 van
Wet 26 van 1963.

„(2) Die Minister moet daarop die saak ondersoek en oorweeg of die saak oorweeg by ontvangs van die verslag van 'n persoon aan wie hy opdrag gegee het om namens hom die saak te ondersoek en om daaroor aan hom verslag te doen, en kan die beslissing van die raad bekragtig, wysig of tersyde stel of enige ander beslissing gee wat hy billik ag.

Act No. 85, 1969

PUBLICATIONS AND ENTERTAINMENTS
AMENDMENT ACT, 1969.

(3) The decision of the Minister 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.”.

Amendment of
section 14 of
Act 26 of 1963.

3. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(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 section 113 (3) of the Customs Act, 1964 (Act No. 91 of 1964); or

(c) has in terms of section 8 (3) 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 section 8 (1) (a) or (e) 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.”.

Short title.

4. This Act shall be called the Publications and Entertainments Amendment Act, 1969.

WYSIGINGSWET OP PUBLIKASIES EN
VERMAAKLIKHEDE, 1969.

Wet No. 85, 1969

(3) Die beslissing van die Minister is nie aan appèl na of hersiening deur 'n geregshof onderhewig nie, en word by die toepassing van hierdie Wet geag 'n beslissing van die raad te wees."

3. Artikel 14 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 14 van
Wet 26 van 1963.

„(1) Iemand wat—
(a) oor 'n openbare vermaaklikheid of voorgenome openbare vermaaklikheid beheer het; of
(b) die invoerder is van goedere in artikel 113 (3) van die Doeanewet, 1964 (Wet No. 19 van 1964), bedoel; of
(c) ingevolge artikel 8 (3) 'n bepaalde uitgawe van 'n publikasie of voorwerp aan die raad voorgelê het, en wat hom deur 'n beslissing van die raad ten opsigte van dié vermaaklikheid, goedere of uitgawe veronreg ag, of iemand wat hom deur 'n beslissing van die raad ingevolge artikel 8 (1) (a) of (e) veronreg ag, kan binne dertig dae nadat die beslissing van die raad gegee is, by wyse van aansoek by kennisgewing van mosie teen daardie beslissing by 'n provinsiale of plaaslike afdeling van die Hoog-geregshof van Suid-Afrika appèl aanteken."

4. Hierdie Wet heet die Wysigingswet op Publikasies en Kort titel. Vermaaklikhede, 1969.

