

## MEMORANDUM ON LEGAL FORMS OF PUBLIC PROTEST

This Memorandum has been prepared with legal assistance on the 25th October, 1962

In view of the wide powers given to the Minister of Justice, it is necessary that all Regions be continually on the alert for changes in the situation.

It is advisable to have access to copies of the Government Gazettes and to legal advice - an attorney who will take matters to Counsel.

Headquarters will do their best to advise you in all matters, and refer you to Counsel's opinion, for the Black Sash, on the General Law Amendment Act of 1962.

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We advise all Regions to appoint one person to answer queries from the Police or other Government services, and to make it known to all their members that any questions must be referred to this individual. A member of the Black Sash, approached by a member of the Police or Special Branch, need only give her name and address. One is not compelled to answer further questions on demand.

### DEMONSTRATIONS BY THE BLACK SASH

(other than those prohibited by any banning order of the Minister of Justice under the Laws of the country).

Demonstrations and Protests are not prohibited and, subject to the Law of Trespass and subject to not obstructing traffic, can go on as before the passing of the General Law Amendment Act of 1962.

It must be pointed out, however, that in addition to trespass, the Black Sash Regions must be careful not to contravene Municipal By-Laws.

In Johannesburg, for instance, we find it advisable to ask permission of the Town Clerk (who refers it to the Traffic Department, if necessary) before having any stand or demonstration. As a result, the officials are most co-operative.

Should "gatherings" be banned, then demonstrations and protests affected by the ban would have to cease. Remember that a "gathering" can be defined as "2 or more persons". In this case several people, widely spaced, could also be termed a "gathering", as they would have a "common purpose". However, it seems that one person, standing alone, would be permitted, provided she was not relieved by others at intervals.

Remember that if, at any time the police should ask these demonstrators to move, this must be complied with immediately.

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The Black Sash magazine is not a newspaper and would not be subject to the rules required of newspapers under the General Law Amendment Act of 1962.

No speech, utterance, writing or statement made by any person, who has been prohibited from attending gatherings, can be published. This is retrospective and as a result no magazine published in the past and quoting any person banned from attending gatherings can be sold or lent to any person.

For names of persons banned from attending gatherings, Government Gazettes must be consulted.

(Government Gazette Extraordinary : Regulation Gazette 106 dated "Pretoria 30 July, 1962 No. 302" deals with Banned Persons.)

(Government Gazette Extraordinary : Regulation Gazette 119 dated "Pretoria 7 September, 1962 No. 326" deals with ban on "Congress of Democrats".)

To publish or disseminate a notice of a prohibited gathering is also an offence under the General Law Amendment Act of 1962.

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GENERAL BAN ORDERED BY THE MINISTER OF JUSTICE  
ON OCTOBER 20th 1962

Legal opinion is that this refers only to demonstrations and meetings on behalf of people who have been charged with a crime, and that it does not therefore prevent protests or demonstrations against House Arrest, against the General Ban itself or against any Laws, etc.