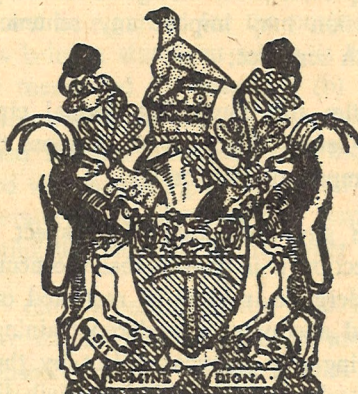




RHODESIA

ACT

To repeal and to substitute a new section for section 23A and to amend sections 44 and 48B of the Law and Order (Maintenance) Act [Chapter 39].

BE IT ENACTED by the President and the Parliament of Rhodesia, as follows:—

1. This Act may be cited as the Law and Order (Maintenance) Amendment Act, 1974. Short title.

2. Section 23A of the Law and Order (Maintenance) Act [Chapter 39] (hereinafter called the principal Act) is repealed and the following is substituted— New section substituted for section 23A of Cap. 39.

“23A. (1) Any person who recruits or encourages, within or outside Rhodesia, any person to attend a course or undergo training, within or outside Rhodesia, for the purpose of furthering a political object by the use of physical force, violence, sabotage, intimidation, civil disobedience, resistance to law or other unlawful means within Rhodesia shall be guilty of an offence and shall, subject to the provisions of subsection (3), be sentenced to death. Penalty for unlawful recruiting and training.

(2) Any person who attends any course or undergoes any training referred to in subsection (1) shall be guilty of an offence and liable to be sentenced to death or to imprisonment for life.

(3) Where a person who is convicted of an offence in terms of subsection (1)—

- (a) is a woman with child of a quick child, the General Division may impose any sentence other than the death sentence;
- (b) is a person under the age of sixteen years, the General Division may impose any sentence other than the death sentence;
- (c) satisfies the court that special circumstances exist, the General Division may impose the death sentence or imprisonment for life.

(4) If in any proceedings in respect of an offence in terms of this section it is proved that the accused has attended a course or undergone training or recruited or encouraged any person to attend a course or undergo training which could be used in furthering any political object by the use of physical force, violence, sabotage, intimidation, civil disobedience, resistance to law or other unlawful means within Rhodesia, it shall be presumed, until the contrary is proved, that such person attended such course or underwent such training or recruited or encouraged a person to attend such course or undergo such training, as the case may be, for the purpose of furthering a political object by the use of such means within Rhodesia.

(5) For the purposes of paragraph (c) of subsection (3)—

“special circumstances” means special circumstances surrounding the commission of the offence itself, but does not include circumstances peculiar to the offender.”.

Amendment of section
44 of Cap. 39.

3. Section 44 of the principal Act is amended—

(a) in subsection (2)—

(i) by the deletion of “Any person” and the substitution of “Subject to the provisions of subsection (2a), any person”;

(ii) by the repeal of the proviso;

(b) by the insertion, after subsection (2), of the following subsections—

“(2a) A statement which is made with the intention—

(a) of showing that the President or the Government has been misled or mistaken in any measure; or

(b) of pointing out errors or defects in the Government or Constitution of Rhodesia as by law established or in the administration of justice therein with a view to the reformation of such alleged errors or defects; or

- (c) of urging any person to attempt to procure, by lawful means, the alteration of any matter in Rhodesia by law established;

shall not be regarded for the purposes of subsection (2) as being a statement which is likely to have the effect mentioned in paragraph (b) of the definition of "subversive statement" in subsection (1) if the accused satisfies the court that the statement concerned was made in good faith and was made fairly, temperately, with decency and respect and without imputing any corrupt or improper motive.

(2b) Where a person who has made a subversive statement is convicted of an offence in terms of subsection (2) in respect of that subversive statement, the court shall make an order prohibiting that person from attending any public meeting within Rhodesia for such period, being not less than one year and not more than three years, as the court may specify in that order.

(2c) Where the court has made an order in terms of subsection (2b) in respect of any person, no person shall, except for the purposes of any proceedings in any court of law, print, publish or disseminate any speech, utterance, writing or statement or any extract from any speech, utterance, writing or statement which is made or purports to have been made by that person during the period specified in the order made in terms of subsection (2b).

(2d) Any person who contravenes the provisions—

- (a) of an order made in terms of subsection (2b); or
(b) of subsection (2c);

shall be guilty of an offence and liable to imprisonment for a period not exceeding five years."

4. Section 48B of the principal Act is amended—

Amendment of section
48B of Cap. 39.

- (a) by the deletion of "a police officer", wherever it occurs, and the substitution of "an official";
(b) by the insertion, after paragraph (c), of the following paragraph—

"(d) upon being questioned by an official, wilfully misleads that official by falsely denying any knowledge of a person such as is referred to in paragraph (a) or by giving that official false information concerning any such person;"

(c) by the insertion of the following subsection, the existing section becoming subsection (1)—

“(2) In this section—

“official” means—

- (a) a police officer; or
- (b) a member of the Defence Forces of Rhodesia; or
- (c) a district commissioner, assistant district commissioner, district officer, cadet or district assistant in the Ministry of Internal Affairs or any person acting as such; or
- (d) a superintendent of a particular protected area or part thereof appointed as such by a district commissioner;

“police officer” includes—

- (a) a National Service member as defined in section 2 of the Police Act, 1964 (No. 64 of 1964); and
- (b) a Police Reserve member as defined in section 2 of the Police Act, 1964 (No. 64 of 1964) whilst he is on duty.”.

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