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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 393. 12 Maart 1982.

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

No. 22 van 1982: Heraldiekwysigingswet, 1982.

OFFICE OF THE PRIME MINISTER

No. 393. 12 March 1982.

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

No. 22 of 1982: Heraldry Amendment Act, 1982.

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ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

________ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Heraldiekwet, 1962, ten einde te bepaal dat sekere handelinge ten opsigte van die wapen van die Republiek strafbaar is; en te bepaal dat die verskaffing van 'n voorstelling wat voorgee 'n ware voorstelling van 'n familiewapen te wees strafbaar is tensy 'n sekere sertifikaat ten opsigte van sodanige voorstelling uitgereik is; tot wysiging van die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972, ten einde verwydering uit die Republiek op grond van 'n oortreding van artikel 22A van die Heraldiekwet, 1962, te magtig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Februarie 1982.)

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

Invoeging van artikel 22A in Wet 18 van 1962.

1. Die volgende artikel word hierby na artikel 22 van die Heraldiekwet, 1962 (hieronder die Hoofwet genoem), ingevoeg:

,,Misdryf ten opsigte van wapen van die Republiek.

22A. Iemand wat 'n handeling verrig wat minagting toon vir die wapen van die Republiek of wat dit waarskynlik belaglik sal maak, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tienduisend rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as met daardie gevangenisstraf.".

Vervanging van artikel 23A van Wet 18 van 1962, soos ingevoeg deur artikel 16 van Wet 63 van 1980.

2. Artikel 23A van die Hoofwet word hierby deur die volgende artikel vervang:

,,Strafbepaling vir maak van sekere bewerings in verband met familiewapens.

23A. (1) Iemand wat **[in verband met die verskaffing deur hom van]** enige voorstelling verskaf wat hy beweer, of wat op die oog af voorgee, **[dat dit]** 'n ware voorstelling **[is]** te wees van **[die]** 'n familiewapen wat wettig gevoer is of kon word deur 'n persoon met 'n bepaalde familienaam, terwyl hy nie beskik oor 'n sertifikaat soos bedoel in artikel 7 (7) **[waardeur sy bewering gestaaf word]** wat ten opsigte van daardie voorstelling uitgereik is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van duisend rand of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie boete sowel as met daardie gevangenisstraf.

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GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

__________ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Heraldry Act, 1962, so as to provide that certain acts in respect of the coat of arms of the Republic shall be punishable; and to provide that the furnishing of any representation purporting to be a true representation of a family coat of arms shall be punishable unless a certain certificate has been issued in respect of such representation; to amend the Admission of Persons to the Republic Regulation Act, 1972, so as to authorize removal from the Republic on the ground of a contravention of section 22A of the Heraldry Act, 1962; and to make provision for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 18 February 1982.)

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

Insertion of section 22A in Act 18 of 1962.

1. The following section is hereby inserted in the Heraldry Act, 1962 (hereinafter referred to as the principal Act), after section 22:

"Offence in respect of coat of arms of the Republic.

<u>**22A.** Any person who commits any act which displays contempt for the coat of arms of the Republic or which is likely to hold it up to ridicule, shall be guilty of an offence and liable on conviction to a fine not exceeding ten thousand rand or in default of payment to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.</u>".

Substitution of section 23A of Act 18 of 1962, as inserted by section 16 of Act 63 of 1980.

2. The following section is hereby substituted for section 23A of the principal Act:

"Penalty for making certain allegations in connection with family coats of arms.

23A. <u>(1)</u> Any person who **[in connection with the furnishing by him of]** <u>furnishes</u> any representation <u>which he</u> alleges <u>or which on the face of it purports</u> **[it]** to be a true representation of a family coat of arms which was or could have been lawfully borne by any person with a particular family name, while he does not have at his disposal a certificate as contemplated in section 7 (7) **[corroborating his allegation]** <u>issued in respect of such representation,</u> shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand rand or in default of payment to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

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(2) Indien in 'n vervolging weens 'n oortreding van subartikel (1) daar bewys word dat die beskuldigde 'n voorstelling verskaf het wat op die oog af voorgee 'n ware voorstelling te wees van 'n familiewapen, is 'n verklaring, gemaak deur die beskuldigde in verband met die verskaffing, met die strekking dat daar nie beweer of geïmpliseer word dat die voorstelling so 'n ware voorstelling is nie, nie 'n verweer teen die aanklag nie.".

Wysiging van Bylae 1A by Wet 59 van 1972, soos ingevoeg deur artikel 6 van Wet 6 van 1979.

3. Bylae 1A by die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972, word hierby gewysig deur voor die uitdrukking ,,Oortreding van artikel 21 (1) van die Algemene Regswysigingswet, 1962 (Wet No. 76 van 1962).", die volgende uitdrukking in te voeg:

,,Oortreding van artikel 22A van die Heraldiekwet, 1962 (Wet No. 18 van 1962).".

Kort titel.

4. Hierdie Wet heet die Heraldiekwysigingswet, 1982.

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(2) If in any prosecution for a contravention of subsection (1) it is proved that the accused furnished a representation which on the face of it purports to be a true representation of a family coat of arms, a statement, made by the accused in connection with the furnishing of the representation, to the effect that it is not claimed or implied that the representation concerned is such a true representation, shall not be a defence to the charge.".

Amendment of Schedule 1A to Act 59 of 1972, as inserted by section 6 of Act 6 of 1979.

3. Schedule 1A to the Admission of Persons to the Republic Regulation Act, 1972, is hereby amended by the insertion before the expression "Contravention of section 21 (1) of the General Law Amendment Act, 1962 (Act No. 76 of 1962).", of the following expression:

"Contravention of section 22A of the Heraldry Act, 1962 (Act No. 18 of 1962).".

Short title.

4. This Act shall be called the Heraldry Amendment Act, 1982.