

## NOTICE OF GATHERING

TO BE COMPLETED BY THE CONVENER IN ACCORDANCE WITH SECTION 3 OF THE REGULATION OF GATHERINGS ACT 205 OF 1993  
(PLEASE ATTACH COPY OF ID DOCUMENT OF CONVENER, DEPUTY- AND CHIEF MARSHALS)

### 1. PARTICULARS OF CONVENER

CHIEF CONVENER

DEPUTY CONVENER

Initials and Surname: .....  
ID Number: .....  
Address: .....  
.....  
Contact number: .....

### 2. PARTICULARS OF ORGANISATION

Name of Organisation: .....  
Address of Organisation: .....  
Contact Number: ..... Fax / E-mail: .....

### 3. PARTICULARS OF GATHERING

Date: ..... Nature and Purpose: .....

Number of participants: ..... Number of Vehicles: ..... Type: .....

CHIEF MARSHAL: ..... (Name, Address, ID nr)

Number of Marshals: ..... How will Marshals be identified: .....

Place of Commencement: ..... Time: .....

Destination: ..... Arrival time: .....

Proposed route/s to be followed to destination(s): .....

Will Memorandum(s) be handed over? ..... If so, to whom: ..... Or else: .....

Arrangements for acceptance of Memorandum must be made before commencement of the gathering. With whom did you make the arrangements? ..... If acceptance of Memorandum confirmed, attach proof of such confirmation

Are speeches to be made? ..... If so, by whom? .....

Time when move to place of adjournment: ..... Proposed route to place of adjournment: .....

Place of adjournment: ..... Time: .....

Manner of transport of participants to and from gathering: .....

Is this Notice given 7 days before the gathering? ..... If not, attach written reasons in terms of section 3(3)(i) why not.

The contents of sections 8, 11 and 12 must be taken note of. Conditions on the reverse of this notice and any additional conditions agreed upon during the negotiations in terms of section 4, must be adhered to. Non-compliance therewith constitutes an offence.

A list of Marshals must be handed in at the authorised member of the SAPS and / or responsible officer at .....

Municipality. This gathering will not be protected under the distinguished patronage of the ..... Municipality.

This notification is only applicable within the municipal boundaries of the ..... Municipality.

SIGNATURE OF CONVENER

ORGANISATION

CAPACITY

DATE

**CONDITIONS APPLICABLE TO THE GATHERING MENTIONED IN THE ATTACHED NOTICE, AS PER SECTION 8 OF ACT 205/1993**

1. The convener shall appoint a number of marshals mentioned in the notice, or as amended, to control participants in the gathering and to take the necessary steps to ensure that the gathering proceeds peacefully and that the provisions of section 8 and the additional conditions hereunder, if any, are complied with and such marshals shall be clearly distinguishable.
2. The convener shall take all reasonable steps to ensure that all marshals and participants in the gathering / demonstration, are informed timeously and properly of the conditions to which the holding of the gathering is subject.
3. The gathering shall proceed and take place at the place, on the route, in the manner and during the times specified in the notice, or as amended, and in accordance with the notice and additional conditions hereunder, if any.
4. No participant at a gathering / demonstration may have in his or her possession any airgun, firearm, imitation firearm or any muzzle loading firearm, as defined in the Firearms Control Act, 2000, or any dangerous weapon, as defined in the Dangerous Weapons Act 2013 and the convener and marshals shall take all reasonable steps to ensure that this is complied with.
5. No person at or participating in the gathering / demonstration shall by way of banner, placard, speech, singing or otherwise incite hatred of other person or groups on account of differences in culture, race, sex, language, religion.
6. No person present or participating in the gathering / demonstration shall perform any act or utter any words which are calculated or likely to cause or encourage violence against any person or group of persons.
7. No person shall at the gathering / demonstration wear any form of apparel that resembles any of the uniforms worn by members of the security forces, including the SA Police Service and the SA Defence Force or any disguise or mask or any other apparel or item which obscures his / her facial features and prevents his / her identification.
8. Marshals shall take all reasonable steps to ensure that no entrance to a building or premises is so barred by participants that reasonable access to such building or premises is denied to any person, and also that no entrance to a building or premises where a hospital, fore- or ambulance station or other emergency services is situated, is barred by participants.
9. No person shall, in any manner before or during the gathering, compel / attempt to compel any person to attend, join or participate in the gathering and the convener and marshals shall take all reasonable steps to prevent such actions.

**10. ADDITIONAL CONDITIONS AGREED UPON DURING THE NEGOTIATIONS IN TERMS OF SECTION 4**

- 10.1.....
- 10.2.....
- 10.3.....
- 10.4.....

\*\*\*\*\* **INDEMNITY** \*\*\*\*\*

I, the undersigned, hereby indemnify the ..... Municipality against any claims of whatever nature that may arise or result from the above mentioned gathering, on the date and place indicated in the Notice attached hereto, or in the vicinity thereof and I also accept responsibility for any damages, loss of life, injuries or other loss caused by or resulting from the gathering to any Municipal property, equipment or accessories

**NAME & ADDRESS OF ORGANISATION GIVING INDEMNITY:** .....

**SIGNATURE of authorised person:** .....; **CAPACITY:** .....; **DATE:** .....

## **DUTIES AND RESPONSIBILITIES OF MARSHALS AT GATHERINGS**

In terms of the Regulation of Gatherings Act no. 205 of 1993, all Marshals appointed in terms of the Act, shall be responsible for the following at each gathering in respect of which they have been appointed:

1. To control participants in the gathering and to take the necessary steps to ensure that the gathering at all times proceeds peacefully.
2. To ensure that the notice of the gathering is complied with in respect of the route which must be followed and that times for commencement and departure are adhered to.
3. To ensure that the conditions which apply to the gathering are adhered to.
4. To be identifiable as marshals and clearly distinguishable from the other participants in the gathering.
5. To ensure that no person participating in the gathering carries a dangerous weapon, firearm, imitation firearm, muzzle loading firearm or anything that resembles a firearm.
6. To take reasonable steps to ensure that no entrance to any building or premises is so barred by participants that reasonable access to the said building or premises is denied to any member of the public.
7. To ensure that no entrance to a building or premises in which a hospital, fire station or ambulance services or any other emergency services is situated, is barred by the participants in the gathering.
8. To take reasonable steps to ensure that no person is compelled to attend, join or participate in the gathering, either before or during the gathering.

I, ..... (name) being the convener / deputy convener of the gathering to be held on ..... (date), hereby confirm that the above responsibilities, the contents of the notice applicable to the gathering and all conditions that apply to the said gathering, have been explained by me to all marshals appointed for the intended gathering, as prescribed in terms of section 4(5)(b) of the Act.

.....  
Signature: convener /deputy convener

.....  
Date

## **COMING INTO OPERATION OF THE NEW DANGEROUS WEAPONS ACT NO. 15 OF 2013: AMENDMENT OF THE REGULATION OF GATHERINGS ACT NO. 205 OF 1993**

The Dangerous Weapons Act no. 15 of 2013 came into operation in August 2013. This Act repeals the previous Dangerous Weapons Act no. 71 of 1968.

Section 1 defines a "dangerous weapon" as *"any object, other than a firearm, capable of causing death or inflicting serious bodily harm, if it were used for an unlawful purpose"*.

There is no specified list of dangerous weapons, as the case was with the 1968-Act. The only requirement is that the weapon must be "capable of causing death or inflicting serious bodily harm" if used for an unlawful purpose.

**Section 2 determines that the Act does not apply to the following activities:**

- (a) Possession of dangerous weapon in pursuit of any lawful employment, duty or activity;
- (b)
- (c) Possession of dangerous weapon during the participation in any religious or cultural activities, or lawful sport, recreation, or entertainment; or
- (d) Legitimate collection, display or exhibition of weapons.

The prohibition on the possession of dangerous weapons is contained in section 3(1), which provides that any person who is in possession of any dangerous weapon under circumstances which may raise a reasonable suspicion that the person intends to use the dangerous weapon for an unlawful purpose, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three years.

The above prohibition is only applicable if there is a "reasonable suspicion that the person intends to use the dangerous weapon for an unlawful purpose". Each case will have to be determined on its own merits.

The reasonable suspicion must be that a person is possessing a dangerous weapon "for an unlawful purpose". The Act does not provide a definition of what an "unlawful

purpose" is and therefore it will include any purpose which is unlawful in terms of any statutory law or the common law, for instance, for the purpose of assaulting another person, for the purpose of committing a robbery, etc.

The Dangerous Weapons Act, 2013, also amends section 8(4) of the Regulation of Gatherings Act no. 205 of 1993, which deals with the carrying of dangerous weapons at gatherings and demonstrations as well as section 12(1), which deals with offences and penalties.

The new section 8(4) of the Regulation of Gatherings Act determines that –

**"(4) No participant at a gathering or demonstration may have in his or her possession –**

**(a) any airgun, firearm, imitation firearm or any muzzle loading firearm, as defined in section 1 of the Firearms Control Act, 2000 (Act no. 60 of 2000), or any object which resembles a firearm and that is likely to be mistaken for a firearm; or**

**(b) any dangerous weapon, as defined in the Dangerous Weapons Act, 2013 and the convener and marshals, if any, shall take all reasonable steps to ensure that this section is complied with."**

Section 12(1) of the Regulation of Gatherings Act is amended by adding paragraph (k) to the list of offences. The new section 12(1)(k) determines that any person who **"is in possession of or carrying any object referred to in section 8(4) in contravention of that section"** shall be guilty of an offence...

The penalty clause in section 12(1) was also amended to determine that a person who contravenes paragraphs (a) to (j) of section 12(1), shall be liable on conviction to a fine or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment and a person who contravenes paragraph (k) (the new insertion), shall be liable on conviction to fine or to imprisonment for a period not exceeding three years.

Previously, the offences in terms of the Act carried a penalty of a maximum fine of R20 000. The new amendment now provides for "a fine" without prescribing the maximum amount. The penalty for the new offence in paragraph (k), namely the carrying of a dangerous weapon during a gathering or demonstration, is a fine (undetermined) or imprisonment for up to three years.