

TRESPASS ACT 6 OF 1959

[ASSENTED TO 17 MARCH 1959]

[DATE OF COMMENCEMENT: 20 MARCH 1959]

(Afrikaans text signed by the Governor-General)

as amended by

Criminal Law Amendment Act 59 of 1983

Extension of Security of Tenure Act 62 of 1997

ACT

To prohibit the entry or presence upon land and the entry of or presence in buildings in certain circumstances, and to provide for matters incidental thereto.

1 Prohibition of entry or presence upon land and entry of or presence in buildings in certain circumstances

(1) Any person who without the permission-

- (a) of the lawful occupier of any land or any building or part of a building; or
- (b) of the owner or person in charge of any land or any building or part of a building that is not lawfully occupied by any person,

enters or is upon such land or enters or is in such building or part of a building, shall be guilty of an offence unless he has lawful reason to enter or be upon such land or enter or be in such building or part of a building.

(1A) A person who is entitled to be on land in terms of the Extension of Security of Tenure Act, 1997, shall be deemed to have lawful reason to enter and be upon such land.

[Sub-s. (1A) inserted by s. 29 of Act 62 of 1997 .]

(2) For the purposes of subsection (1) the expression 'lawful occupier' in relation to a building or part of a building does not include a servant of the lawful occupier of the land on which that building is situated.

2 Penalties

(1) Any person convicted of an offence under section 1 shall be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(2) A court which convicts any person under subsection (1) may make an order for the summary ejection of such person from the land concerned: Provided that an occupier who has a right of residence or right to use land in terms of the Extension of Security of Tenure Act, 1997, shall not be ejected in terms of this subsection from land in respect of which he or she has such a right.

[Sub-s. (2) added by s. 29 of Act 62 of 1997 .]

[S. 2 substituted by s. 1 of Act 59 of 1983 .]

3 Repeal of laws

The laws set forth in the Schedule are hereby repealed to the extent shown in the fourth column thereof.

3A Application of Act

This Act shall apply throughout the Republic.

[S. 3A inserted by s. 29 of Act 62 of 1997 .]

4 Short title

This Act shall be called the Trespass Act, 1959.

Schedule LAWS REPEALED

PROVINCE	NO AND YEAR OF LAW	TITLE OR SUBJECT MATTER	EXTENT OF REPEAL
Cape of Good Hope	Act 27 of 1882	'The Police Offence Act, 1882'	Subsection (12) of section <i>seven</i>
Cape of Good Hope	Act 23 of 1906	'The Trespassers Act, 1906'	Section <i>one to four</i> , inclusive, and section <i>seven</i>
Natal	Law 13 of 1874	'With regard to trespass on Private Lands'	The whole
Natal	Act 6 of 1897	'To amend the Law with regard to Trespass'	The whole
Orange Free State	Act 11 of 1899	'Overtreding op Privaat Eigendom'	The whole
Orange Free State	Ordinance 21 of 1902	'The Police Offences Ordinance, 1902'	Subsection (13) of section <i>twenty-four</i>
Transvaal	Ordinance 26 of 1904	'The Crimes Ordinance, 1904'	Section <i>nine</i>