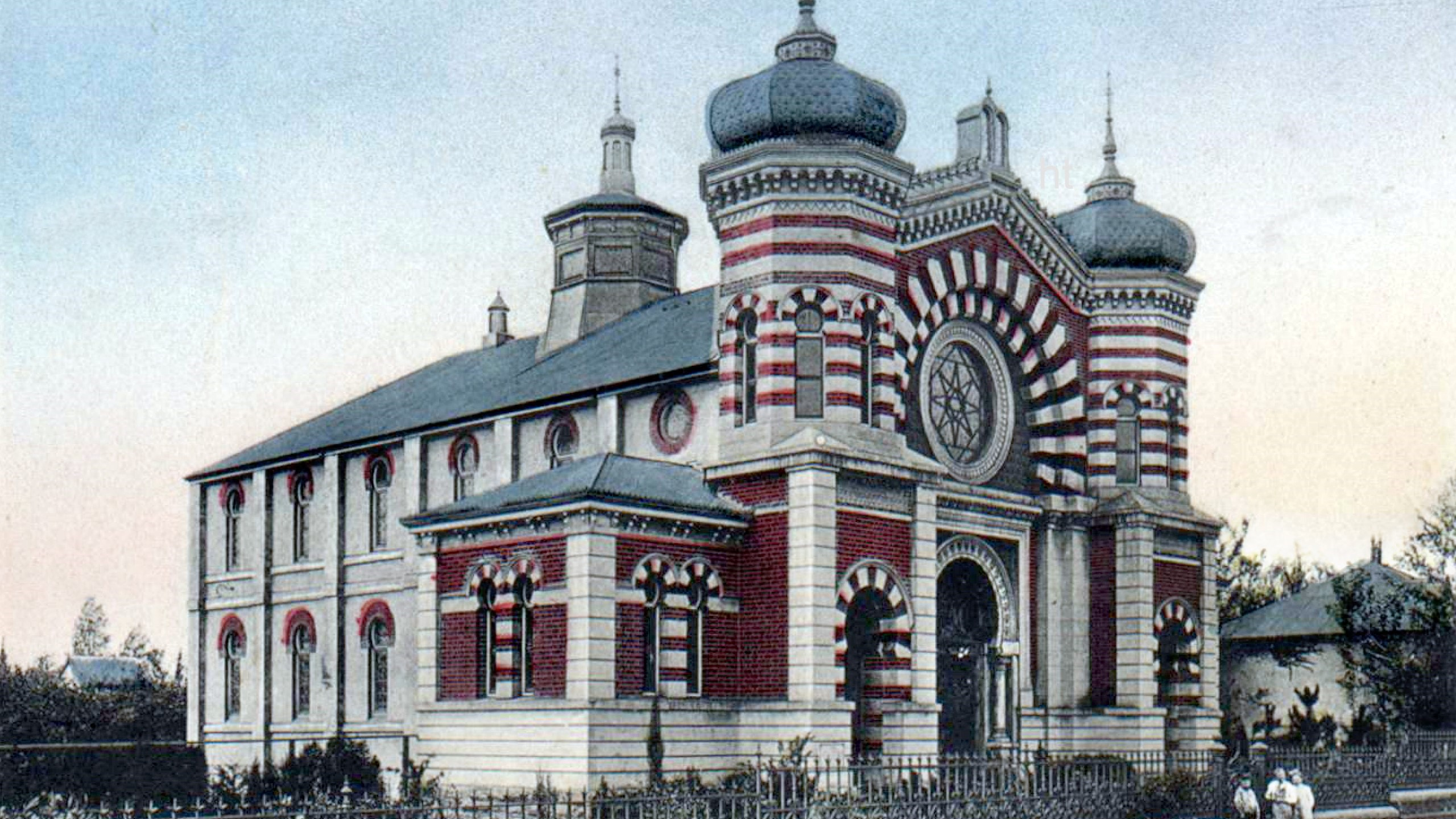


The background is a dark blue gradient with a faint, blurred image of a protest. A sign with the word 'FREEDOM' is visible in the upper left. The main text is centered and reads 'SEGREGATION AND THE RULE OF LAW' in a large, teal, sans-serif font.

# SEGREGATION AND THE RULE OF LAW

THOMAS GRANT QC







- (1) "'white person' means a person who in appearance obviously is, or who is generally accepted as a white person, but does not include a person, who although in appearance obviously a white person, is generally accepted as a coloured person."
- (2) "'native' means a person who in fact is or is generally accepted as a member of any aboriginal race or tribe of Africa."
- (3) "'coloured person' means a person who is not a white person or a native."

Population Registration Act 1950

“16. (1) (a) Any white female person who—

- (i) has or attempts to have unlawful carnal intercourse with a coloured male person; or
- (ii) commits or attempts to commit with a coloured male person any immoral or indecent act; or
- (iii) entices, solicits, or importunes any coloured male person to have unlawful carnal intercourse with her; or
- (iv) entices, solicits or importunes any coloured male person to the commission of any immoral or indecent act...

shall be guilty of an offence.”

Immorality Act 1957





“the freedom to marry has long been recognised as one of the vital personal rights essentially to the orderly pursuit of happiness by free men...”

CJ Earl Warren,  
Loving v Virginia 388 US 1



“1(2) Any person who wilfully enters or uses any public premises or public vehicle or any portion thereof or any counter, bench, seat or other amenity or contrivance which has in terms of sub-section (1) been set apart or reserved for the exclusive use of persons belonging to a particular race or class, being a race or class to which he does not belong, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.”

Reservation of Separate Amenities Act 1953











"A non-democratic legal system, based on the denial of human rights, on extensive poverty, on racial segregation, sexual inequalities, and religious persecution may, in principle, conform to the requirements of the rule of law better than of an of the legal systems of the more enlightened Western democracies...it will be an immeasurably worse system, but it will excel in on respect: in its conformity to the rule of law....The law may institute slavery without violating the rule of law."

Joseph Raz, The Authority of Law

“The Group Areas Act represents a colossal social experiment and a long term policy. It necessarily involves the movement out of Group Areas of numbers of people throughout the country. Parliament must have envisaged that compulsory population shifts of persons occupying certain areas would inevitably cause disruption and, within the foreseeable future, substantial inequalities. Whether all this will ultimately provide to be for the common weal of all the inhabitants is not for the court to decide.”

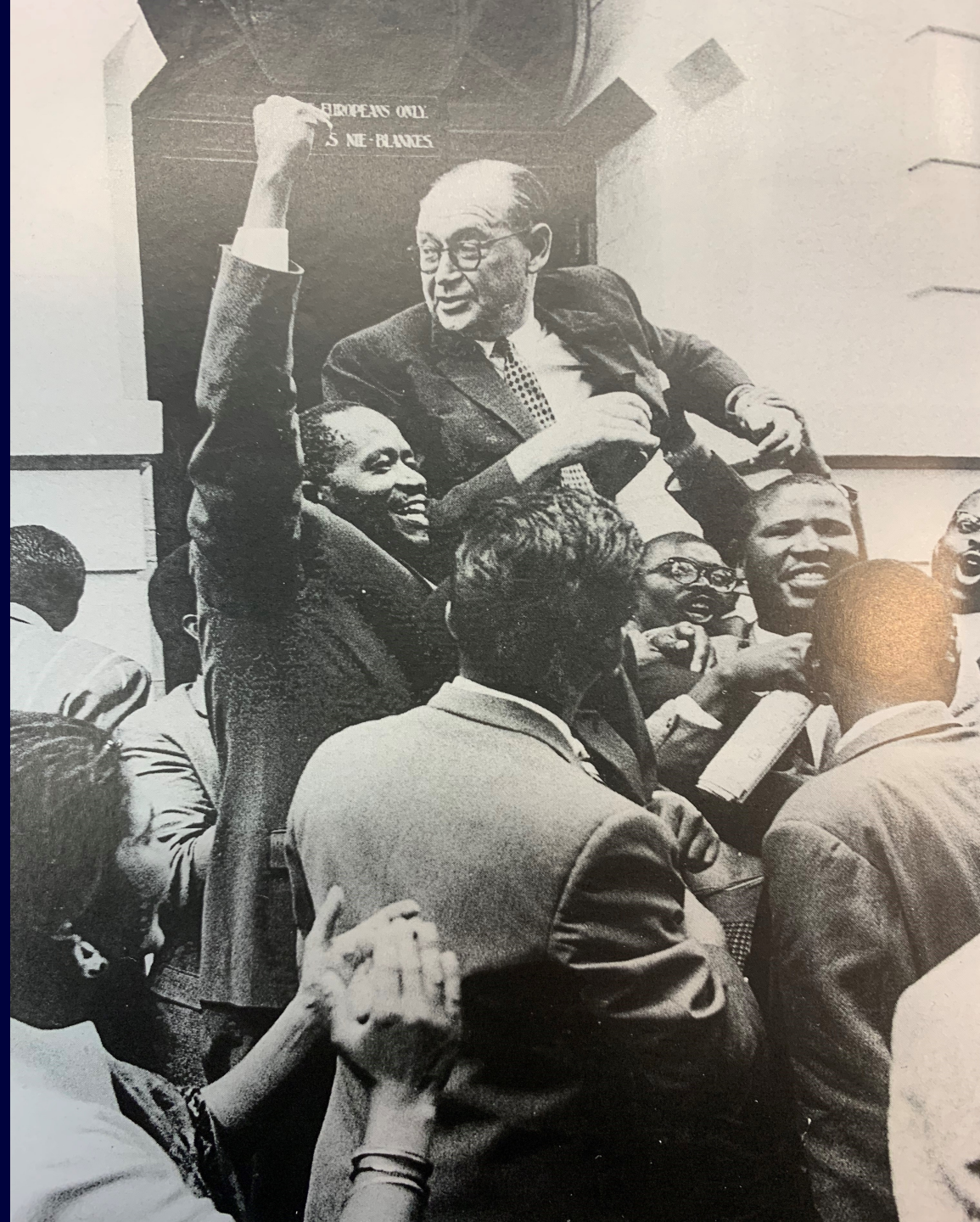
Minister of the Interior v Lockhat











A police officer "(1)...if he has reason to believe that any person who happens to be at any place in the Republic, is a terrorist or is withholding from the South African Police any information relating to terrorists or to offences under this Act, [to] arrest such person or cause him to be arrested, without warrant and detain or cause such person to be detained for interrogation at such place in the Republic and subject to such conditions as the Commissioner [of the South African Police] may, subject to the directions of the Minister, from time to time determine, until the Commissioner orders his release when satisfied that he has satisfactorily replied to all questions at the said interrogation or that no useful purpose will be served by his further detention..."

"(5) No court of law shall pronounce upon the validity of any action taken under this section, or order the release of any detainee."

"(6) No person, other than the Minister or an officer in the service of the State acting in the performance of his official duties, shall have access to any detainee, or shall be entitled to any official information relating to or obtained from any detainee."

Section 6(1) Terrorism Act 1967











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