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**GOVERNMENT GAZETTE**

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KAAPSTAD, 28 MEI 1969.

DEPARTMENT OF THE PRIME MINISTER.

No. 861.

28th May, 1969.

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

No. 63 of 1969: Archives Amendment Act, 1969.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 861.

28 Mei 1969.

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

No. 63 van 1969: Wysigingswet op Argiewe, 1969.

Act No. 63, 1969

ARCHIVES AMENDMENT ACT, 1969.

# ACT

**To amend the provisions of the Archives Act, 1962, relating to definitions, archives depots, the acquisition of documents and records for archives depots, the temporary transfer of archives and access to archives.**

*(English text signed by the State President.)  
(Assented to 16th May, 1969.)*

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

Amendment of section 1 of Act 6 of 1962, as amended by section 1 of Act 12 of 1964.

Substitution of section 5 of Act 6 of 1962.

Amendment of section 7 of Act 6 of 1962, as amended by section 4 of Act 12 of 1964.

**1.** Section 1 of the Archives Act, 1962 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of "archives depot" of the following definition:  
“‘archives depot’ means any archives depot referred to in section 5;”;
- (b) by the substitution for the definition of “intermediate depot” of the following definition:  
“‘intermediate depot’ means an intermediate depot referred to in section 5;” and
- (c) by the substitution for the definition of “Minister” of the following definition:  
“‘Minister’ means the Minister of National Education;”.

**2.** (1) The following section is hereby substituted for section 5 of the principal Act:

- “Archives depots and intermediate depots
- 5. There shall be—  
(a) in every province such archives depots for the custody of archives; and
  - (b) if the Minister considers it to be necessary, such intermediate depots for the temporary custody of archives, as the Minister acting in consultation with the Minister of Finance may from time to time determine.”.

(2) The archives depots and intermediate depots existing immediately prior to the commencement of this Act, shall be deemed to have been established under the provisions of section 5 of the principal Act as substituted by this section.

**3.** Section 7 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

“(1) The director may on behalf of the State acquire by purchase or donation or on loan for a temporary period or in perpetuity, either unconditionally or subject to such conditions as may be agreed upon, any documents or records which, in his opinion, have or may acquire any historical value.

(2) Subject to any such conditions which may be applicable any such documents or records so acquired shall be deposited in the archives depot determined by the director.”.

## WYSIGINGSWET OP ARGIEWE, 1969

Wet No. 63, 1969

**WET**

**Tot wysiging van die bepalings van die Argiefwet, 1962, met betrekking tot woordomskrywings, argiefbewaarplekke, die verkryging van dokumente en stukke vir argiefbewaarplekke, die tydelike oorplasing van argiewe en toegang tot argiewe.**

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 16 Mei 1969.)

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

1. Artikel 1 van die Argiefwet, 1962 (hieronder die Hoofwet Wysiging van genoem), word hierby gewysig—
  - (a) deur die omskrywing van „argiefbewaarplek” deur die Wet 6 van 1962, volgende omskrywing te vervang:  
 „argiefbewaarplek’ n argiefbewaarplek vermeld in Wet 12 van 1964. artikel 1 van artikel 5;”;
  - (b) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:  
 „Minister’ die Minister van Nasionale Opvoeding;”; en
  - (c) deur die omskrywing van „tussenbewaarplek” deur die volgende omskrywing te vervang:  
 „tussenbewaarplek’ n tussenbewaarplek vermeld in artikel 5.”;
2. (1) Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:
 

„Argiefbewaarplekke en tussenbewaarplekke vir die bewaring van argiewe; en

5. Daar is—

  - (a) in elke provinsie dié argiefbewaarplekke vir die bewaring van argiewe; en
  - (b) indien die Minister dit nodig ag, dié tussenbewaarplekke vir die tydelike bewaring van argiewe,  
 wat die Minister in oorleg met die Minister van Finansies van tyd tot tyd bepaal.”.
- (2) Die argiefbewaarplekke en tussenbewaarplekke wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan het, word geag ingevolge die bepalings van artikel 5 van die Hoofwet soos by hierdie artikel vervang, ingestel te wees.
3. Artikel 7 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur die volgende subartikels te vervang:
 

„(1) Die direkteur kan dokumente of stukke wat volgens sy oordeel geskiedkundige waarde het of mag verkry, namens die Staat deur middel van aankoop of skenking of in bruikleen, hetsy tydelik of permanent, verkry, hetsy onvoorwaardelik of op die voorwaardes waarop ooreengekom word.

(2) Onderworpe aan enige sodanige voorwaardes wat van toepassing mag wees, moet sodanige dokumente of stukke aldus verkry, geplaas word in die argiefbewaarplek wat die direkteur bepaal.”.

**Act No. 63, 1969****ARCHIVES AMENDMENT ACT, 1969.**

Amendment of  
section 8 of  
Act 6 of 1962.

**4.** Section 8 of the principal Act is hereby amended by the substitution for the proviso thereto of the following proviso:

“Provided that he shall not so transfer any archives or accessions from an archives depot in the territory to such a depot in the Republic without the approval of the Minister.”.

Amendment of  
section 9 of  
Act 6 of 1962,  
as amended by  
section 5 of  
Act 12 of 1964.

**5.** Section 9 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) Subject to the provisions of this Act and any other Act of Parliament and the conditions referred to in subsection (1) every member of the public shall, free of charge, have access—

(a) to all archives and accessions in archives depots and intermediate depots dating from the period ended, in the case of the Republic, on the thirty-first day of December, 1915, and, in the case of the territory, on the thirty-first day of December, 1920; and

(b) after the expiration of each period of five years after the commencement of this Act, to all archives and accessions in such depots dating from the period of five years ending the same period after, in the case of the Republic, the thirty-first day of December, 1915, and, in the case of the territory, the thirty-first day of December, 1920, as such first-mentioned period of five years ends after the commencement of this Act:

Provided that—

(i) the Minister may on the ground of public policy direct that access to any such archives or accessions be withheld; and

(ii) the director may refuse to allow access to any such archives or accessions on the ground of their fragile condition, and may refuse to allow access to any such archives or accessions pending the classification, repair or other treatment thereof.”;

(b) by the substitution for subsection (6) of the following subsection—

“(6) Subject to the provisions of any other law no person shall have access to any archives in a government office or an office of a local authority: Provided that any person charged with the custody, care or control of any such archives may, in his discretion and on such conditions as he may determine, but subject to the directions of the Minister and the provisions of this Act and any other law, authorize any person to have access to such archives.”; and

(c) by the addition of the following subsection:

“(7) Access to archives relating to the South African Defence Force or defence matters in the custody of an archives depot shall not be authorized without the approval of the Minister acting in consultation with the Minister of Defence.”.

Short title.

**6.** This Act shall be called the Archives Amendment Act, 1969, and sections 1 (c) (of the English text), 3 and 4 shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

## WYSIGINGSWET OP ARGIEWE, 1969.

Wet No. 63, 1969

**4. Artikel 8 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling daarby deur die volgende voorbehoudsbepaling te vervang:**

„Met dien verstande dat hy nie argiewe of aanwinste van 'n argiefbewaarplek in die gebied na so 'n bewaarplek in die Republiek aldus oorplaas sonder die goedkeuring van die Minister nie.”.

**5. Artikel 9 van die Hoofwet word hierby gewysig—**

(a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Behoudens die bepalings van hierdie Wet en enige ander Parlements-wet en onderworpe aan die Wet 12 van 1964. voorwaardes vermeld in subartikel (1) het elke lid van die publiek kosteloos toegang—

(a) tot alle argiewe en aanwinste in argiefbewaarplekke en tussenbewaarplekke wat dagteken uit die tydperk geëindig, in die geval van die Republiek, op die een-en-dertigste dag van Desember 1915 en in die geval van die gebied, op die een-en-dertigste dag van Desember 1920; en

(b) na verstryking van iedere tydperk van vyf jaar ná die inwerkingtreding van hierdie Wet, tot alle argiewe en aanwinste in sulke bewaarplekke wat dagteken uit die tydperk van vyf jaar wat dieselfde tydperk eindig ná, in die geval van die Republiek, die een-en-dertigste dag van Desember 1915, en in die geval van die gebied, die een-en-dertigste dag van Desember 1920, as wat eersgenoemde tydperk van vyf jaar eindig ná die inwerkingtreding van hierdie Wet:

Met dien verstande dat—

(i) die Minister op grond van openbare beleid kan gelas dat toegang tot enige sodanige argiewe of aanwinste weerhou word; en

(ii) die direkteur toegang tot enige sodanige argiewe of aanwinste op grond van die brose toestand daarvan kan weier, en toegang daartoe kan weier tot tyd en wyl dit geklassifiseer, herstel of andersins behandel is.”;

(b) deur subartikel (6) deur die volgende subartikel te vervang—

„(6) Behoudens die bepalings van enige ander wet het niemand toegang tot argiewe in 'n Staatskantoor of die kantoor van 'n plaaslike owerheid nie: Met dien verstande dat iemand wat belas is met die bewaring of versorging van of die beheer oor enige sodanige argiewe, na goedgunne en op dié voorwaardes wat hy bepaal, maar onderworpe aan die voorskrifte van die Minister en die bepalings van hierdie Wet en enige ander wet enige persoon kan magtig om toegang tot daardie argiewe te hê.”; en

(c) deur die volgende subartikel by te voeg:

„(7) Toegang tot argiewe met betrekking tot die Suid-Afrikaanse Weermag of verdedigingsaangeleentheide in bewaring van 'n argiefbewaarplek word nie sonder die goedkeuring van die Minister wat in oorleg met die Minister van Verdediging optree, gemagtig nie.”.

**6. Hierdie Wet heet die Wysigingswet op Argiewe, 1969, en Kort titel. artikels 1 (b) (van die Afrikaanse teks), 3 en 4 tree in werking op 'n datum deur die Staatspresident by proklamasie in die Staatskoerant bepaal.**

