



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1168.

1 Julie 1977.

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

No. 89 van 1977: Wet op die Status van Bophuthatswana, 1977.

No. 1168.

1 July 1977.

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

No. 89 of 1977: Status of Bophuthatswana Act, 1977.

ACT

To grant independence to Bophuthatswana; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 20 June 1977.)*

Preamble.

WHEREAS the Government of Bophuthatswana is desirous that Bophuthatswana should be an independent state;

AND WHEREAS the Government of the Republic of South Africa deems it expedient to grant independence to Bophuthatswana;

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

Territorial limits, sovereignty and independence of Bophuthatswana.

1. (1) The territory known as Bophuthatswana and consisting of the districts mentioned in Schedule A, is hereby declared to be a sovereign and independent state and shall cease to be part of the Republic of South Africa.

(2) The Republic of South Africa shall cease to exercise any authority over the said territory.

Continuation of existing laws in Bophuthatswana.

2. (1) Subject to the provisions of subsection (2), any rule of law which was in force in Bophuthatswana immediately prior to the commencement of this Act, including the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), shall continue in force as a rule of law of Bophuthatswana until repealed or except in so far as it may be amended by the competent authority in Bophuthatswana.

(2) Unless otherwise agreed between the Government of the Republic and the Government of Bophuthatswana and subject to the provisions of section 5 (2), no authority or person in the Republic shall in terms of any law which by virtue of subsection (1) remains in force in Bophuthatswana, exercise any power or authority or perform any function in or in respect of Bophuthatswana.

Legislative power of Legislative Assembly of Bophuthatswana.

3. (1) The Legislative Assembly of Bophuthatswana, as constituted in terms of the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), may, subject to the provisions of subsection (2), make laws (including a constitution) for Bophuthatswana in the manner prescribed by the said Act, and may in any such law provide for the making of such laws by any authority other than the said Legislative Assembly.

(2) Submission of a bill to the State President, assent thereto by him and signing of a copy thereof by him shall not be necessary for the making of any law by the said Legislative Assembly by virtue of the provisions of subsection (1).

WET

Om onafhanklikheid aan Bophuthatswana te verleen; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1977.)*

NADEMAAL die Regering van Bophuthatswana begerig is dat Aanhef.
Bophuthatswana 'n onafhanklike staat moet wees;

EN NADEMAAL die Regering van die Republiek van Suid-Afrika dit dienstig ag om onafhanklikheid aan Bophuthatswana te verleen;

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

1. (1) Die gebied wat Bophuthatswana heet en bestaan uit die distrikte vermeld in Bylae A, word hierby tot 'n soewereine en onafhanklike staat verklaar en hou op om 'n deel van die Republiek van Suid-Afrika te wees. Gebiedsgrense, soewereiniteit en onafhanklikheid van Bophuthatswana.

(2) Die Republiek van Suid-Afrika oefen geen gesag meer oor genoemde gebied uit nie.

2. (1) Behoudens die bepalings van subartikel (2) bly elke regsreël wat in Bophuthatswana van krag was onmiddellik voor die inwerkingtreding van hierdie Wet, met inbegrip van die Grondwet van die Bantoetuislande, 1971 (Wet No. 21 van 1971), van krag as 'n regsreël van Bophuthatswana totdat dit herroep word of behalwe vir sover dit gewysig word deur die bevoegde gesag in Bophuthatswana. Voortbestaan van bestaande wette in Bophuthatswana.

(2) Tensy anders ooreengekom tussen die Regering van die Republiek en die Regering van Bophuthatswana en behoudens die bepalings van artikel 5 (2) oefen geen gesag of persoon in die Republiek enige bevoegdheid of gesag uit of verrig hy enige werksaamheid in of ten opsigte van Bophuthatswana nie ingevolge 'n wet wat uit hoofde van subartikel (1) in Bophuthatswana van krag bly.

3. (1) Die Wetgewende Vergadering van Bophuthatswana, soos saamgestel ingevolge die Grondwet van die Bantoetuislande, 1971 (Wet No. 21 van 1971), kan, behoudens die bepalings van subartikel (2), wette (met inbegrip van 'n grondwet) vir Bophuthatswana maak op die wyse by genoemde Wet voorgeskryf, en kan in enige sodanige wet voorsiening maak vir die maak van sodanige wette deur 'n ander gesag as genoemde Wetgewende Vergadering. Wetgewende bevoegdheid van Wetgewende Vergadering van Bophuthatswana.

(2) Voorlegging van 'n wetsontwerp aan die Staatspresident, toestemming daartoe deur hom en ondertekening van 'n afskrif daarvan deur hom is nie nodig vir die maak van 'n wet uit hoofde van die bepalings van subartikel (1) deur genoemde Wetgewende Vergadering nie.

Act No. 89, 1977

STATUS OF BOPHUTHATSWANA ACT, 1977.

Existing treaties,
conventions and
agreements.

4. All treaties, conventions and agreements binding on the Republic immediately prior to the commencement of this Act and capable of being applied to Bophuthatswana shall be binding on Bophuthatswana, but the Government of Bophuthatswana may denounce any such treaty, convention or agreement.

Treaties,
conventions and
agreements
entered into
between Republic
and Bophuthatswana.

5. (1) All treaties, conventions and agreements entered into between the Government of the Republic and the Government of Bophuthatswana prior to the commencement of this Act and still in force at such commencement, shall remain in force as international treaties, conventions or agreements in so far as the parties thereto are concerned.

(2) For the purposes of the implementation of any treaty, convention or agreement entered into at any time between the Government of the Republic and the Government of Bophuthatswana, any department of State (including the Railways Administration, the Department of Posts and Telecommunications and a provincial administration) or any person receiving financial assistance from the State may perform any function outside the Republic which it or he would be capable of performing therein.

Citizenship.

6. (1) Every person falling in any of the categories of persons defined in Schedule B shall be a citizen of Bophuthatswana and shall cease to be a South African citizen.

(2) In the event of doubt as to whether or not any person falls in any of the categories of persons defined in Schedule B, any authority in the Republic or in Bophuthatswana may refer the matter to a board to be established as agreed upon between the Government of the Republic and the Government of Bophuthatswana, and which shall meet at such times and places and act in accordance with such procedure as so agreed upon, and whose decisions shall be final.

(3) A citizen of Bophuthatswana may renounce his Bophuthatswana citizenship after independence on conditions agreed upon between the Government of the Republic of South Africa and the Government of Bophuthatswana, and in a manner prescribed by the Government of Bophuthatswana.

(4) No citizen of Bophuthatswana resident in the Republic at the commencement of this Act shall, except as regards citizenship, forfeit any existing rights, privileges or benefits by reason only of the other provisions of this Act.

Short title
and commencement.

7. This Act shall be called the Status of Bophuthatswana Act, 1977, and shall come into operation on a date determined by the State President by proclamation in the *Gazette*.

WET OP DIE STATUS VAN BOPHUTHATSWANA, 1977.

Wet No. 89, 1977

4. Alle verdrae, konvensies en ooreenkomste wat onmiddellik voor die inwerkingtreding van hierdie Wet vir die Republiek bindend was en wat op Bophuthatswana van toepassing kan wees, is vir Bophuthatswana bindend, maar die Regering van Bophuthatswana kan so 'n verdrag, konvensie of ooreenkoms opse.

Bestaande verdrae, konvensies en ooreenkomste.

5. (1) Alle verdrae, konvensies en ooreenkomste wat voor die inwerkingtreding van hierdie Wet aangegaan is tussen die Regering van die Republiek en die Regering van Bophuthatswana en by genoemde inwerkingtreding nog van krag is, bly van krag as internasionale verdrae, konvensies of ooreenkomste vir sover dit die partye daarby betref.

Verdrae, konvensies en ooreenkomste aangegaan tussen Republiek en Bophuthatswana.

(2) Vir die doeleindes van die uitvoering van 'n verdrag, konvensie of ooreenkoms wat te eniger tyd tussen die Regering van die Republiek en die Regering van Bophuthatswana aangegaan is, kan 'n Staatsdepartement (met inbegrip van die Spoorweg-administrasie, die Departement van Pos- en Telekommunikasiewese en 'n provinsiale administrasie) of 'n persoon wat geldelike hulp van die Staat ontvang, enige werksaamheid buite die Republiek verrig wat hy daarin sou kon verrig.

6. (1) Elkeen wat onder 'n kategorie persone omskryf in Bylae B ressorteer, is 'n burger van Bophuthatswana en hou op om 'n Suid-Afrikaanse burger te wees.

Burgerskap.

(2) In geval van twyfel of iemand onder 'n kategorie persone omskryf in Bylae B ressorteer al dan nie, kan 'n instansie in die Republiek of Bophuthatswana die aangeleentheid verwys na 'n raad wat ingestel moet word soos tussen die Regering van die Republiek en die Regering van Bophuthatswana ooreengekom word, en wat vergader op dié tye en plekke en te werk gaan ooreenkomstig die prosedure waaromtrent aldus ooreengekom is of word, en wie se beslissings afdoende is.

(3) Na onafhanklikwording kan 'n burger van Bophuthatswana, op die voorwaardes waaromtrent ooreengekom word tussen die Regering van die Republiek van Suid-Afrika en die Regering van Bophuthatswana, afstand doen van sy Bophuthatswana-burgerskap op 'n wyse voorgeskryf deur die Regering van Bophuthatswana.

(4) Behalwe wat burgerskap betref, verbeur 'n burger van Bophuthatswana wat by die inwerkingtreding van hierdie Wet in die Republiek woonagtig is, geen bestaande regte, voorregte of voordele bloot op grond van die ander bepalings van hierdie Wet nie.

7. Hierdie Wet heet die Wet op die Status van Bophuthatswana, Kort titel en 1977, en tree in werking op 'n datum wat die Staatspresident by inwerkingtreding proklamasie in die *Staatskoerant* bepaal.

Act No. 89, 1977

STATUS OF BOPHUTHATSWANA ACT, 1977.

Schedule A

Districts created in terms of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and comprising Bophuthatswana:

Bafokeng	Molopo
Ditsobotla	Moretele
Ganyesa	Odi
Lehurutshe	Taung
Madikwe	Thaba Nchu
Mankwe	Tlhaping-Tlharo

Schedule B

Categories of persons who in terms of section 6 are citizens of Bophuthatswana and cease to be South African citizens:

- (a) Every person who was a citizen of Bophuthatswana in terms of any law at the commencement of this Act;
- (b) every person born in or outside Bophuthatswana, either before or after the commencement of this Act, of parents one or both of whom were citizens of Bophuthatswana at the time of his birth, who is not a citizen of a territory within the Republic of South Africa or a territory that previously formed part of the Republic of South Africa and is not a citizen of Bophuthatswana in terms of paragraph (a);
- (c) every person who has been lawfully domiciled in Bophuthatswana for a period of at least five years, irrespective of whether or not such period includes any period prior to the commencement of this Act, and, on application in the prescribed manner, has been granted citizenship of Bophuthatswana by the competent authority in Bophuthatswana;
- (d) every South African citizen who is not a citizen of a territory within the Republic of South Africa, is not a citizen of Bophuthatswana in terms of paragraph (a), (b) or (c) and speaks a language used by members of any tribe which forms part of the population of Bophuthatswana, including any dialect of any such language;
- (e) every South African citizen who is not a citizen of a territory within the Republic of South Africa and is not a citizen of Bophuthatswana in terms of paragraph (a), (b), (c) or (d) and who is related to any member of the population contemplated in paragraph (d) or has identified himself with any part of such population or is culturally or otherwise associated with any member or part of such population.

WET OP DIE STATUS VAN BOPHUTHATSWANA, 1977.

Wet No. 89, 1977

Bylae A

Distrikte ingestel ingevolge die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), en waaruit Bophuthatswana bestaan:

Bafokeng	Molopo
Ditsobotla	Moretele
Ganyesa	Odi
Lehurutshe	Taung
Madikwe	Thaba Nchu
Mankwe	Tlhaping-Tlharo

Bylae B

Kategorieë persone wat ingevolge artikel 6 burgers van Bophuthatswana is en ophou om Suid-Afrikaanse burgers te wees:

- (a) Elke persoon wat ingevolge die een of ander wet by die inwerkingtreding van hierdie Wet 'n burger van Bophuthatswana was;
- (b) elke persoon wat, hetsy voor of na die inwerkingtreding van hierdie Wet, in of buite Bophuthatswana gebore is uit ouers van wie een of albei ten tyde van sy geboorte burgers van Bophuthatswana was, nie 'n burger is nie van 'n gebied in die Republiek van Suid-Afrika of 'n gebied wat voorheen 'n deel van die Republiek van Suid-Afrika was, en nie 'n burger van Bophuthatswana ingevolge paragraaf (a) is nie;
- (c) elke persoon wat vir 'n tydperk van minstens vyf jaar wettig in Bophuthatswana gedomicilieer was, ongeag of dié tydperk 'n tydperk voor die inwerkingtreding van hierdie Wet insluit, en aan wie, op aansoek op die voorgeskrewe wyse, burgerskap van Bophuthatswana deur die bevoegde gesag in Bophuthatswana verleen is;
- (d) elke Suid-Afrikaanse burger wat nie 'n burger van 'n gebied in die Republiek van Suid-Afrika is nie en nie 'n burger van Bophuthatswana ingevolge paragraaf (a), (b) of (c) is nie, en 'n taal praat wat gebesig word deur lede van 'n stam wat 'n deel uitmaak van die bevolking van Bophuthatswana, met inbegrip van 'n dialek van so 'n taal;
- (e) elke Suid-Afrikaanse burger wat nie 'n burger van 'n gebied in die Republiek van Suid-Afrika is nie en nie 'n burger van Bophuthatswana ingevolge paragraaf (a), (b), (c) of (d) is nie en wat verwant is aan 'n lid van dié bevolking beoog in paragraaf (d) of hom met enige deel van dié bevolking vereenselwig het of aan die hand van sy kultuuragtergrond of andersins met enige lid of deel van dié bevolking verbonde is.

