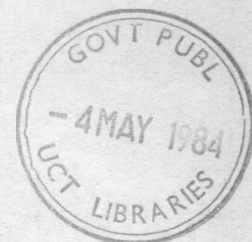




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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

Vol. 226

KAAPSTAD, 18 APRIL 1984

No. 9182

CAPE TOWN, 18 APRIL 1984

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 750.

18 April 1984

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

No. 49 van 1984: Wysigingswet op die Wette op Vreemdelinge en Immigrasie, 1984.

No. 750.

18 April 1984

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

No. 49 of 1984: Aliens and Immigration Laws Amendment Act, 1984.

Wet No. 49, 1984

WYSIGINGSWET OP DIE WETTE OP VREEMDELINGE EN
IMMIGRASIE, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Wet op Vreemdelinge, 1937, ten einde immigrasiebeamptes te magtig om by die uitreiking van sekere tydelike permitte aan vreemdelinge te vereis dat deposito's of bankwaarborgs vir sekere doeleindes gestort of verstrekt moet word; die verbod op bystandverlening aan vreemdelinge wat onwettig in die Republiek is, uit te brei; om voorsiening te maak vir die verstreking deur werkgewers van opgawes betreffende vreemdelinge in hul diens; te bepaal dat 'n reg op blywende vestiging in die Republiek, en 'n vrystelling van die verbod op sodanige blywende vestiging, wat aan sekere vreemdelinge verleen is, by langdurige afwesigheid uit die Republiek of by deportasie verval; en die strawwe vir sekere oortredings van die Wet te verhoog; tot wysiging van die Wet op Registrasie van Vreemdelinge, 1939, ten einde die strawwe vir sekere oortredings van die Wet te verhoog; tot wysiging van die Wet tot Reëling van Vertrek uit die Unie, 1955, ten einde by die omskrywing van "paspoort" sekere dokumente uitgereik ooreenkomstig sekere internasionale ooreenkomste in te sluit; die Minister van Binnelandse Aangeleenthede te magtig om sy bevoegdheid om vrystellings kragtens die Wet te verleen aan sekere beamptes in die staatsdiens te deleger; en die strawwe vir sekere oortredings van die Wet te verhoog; tot wysiging van die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972, ten einde die benaming "paspoortbeheerbeampte" deur die benaming "immigrasiebeampte" te vervang; voorsiening te maak vir die aanstelling van geregsbodes en persone in diens van sekere statutêre instellings of liggame as immigrasiebeamptes; die vereiste dat 'n lys van verbode persone in die Volksraad ter Tafel gelê moet word, te skrap; die aanspreeklikheid van die gesagvoerder of eienaar van 'n skip met betrekking tot die storting van sekere bedrae ten opsigte van bemanningslede wat afwesig is wanneer die skip gereed is om te vertrek, verder te reël; voorsiening te maak vir die vrystelling van kategorieë persone van die verbod op binnekoms in die Republiek by ander plekke as toegangspoorte; te bepaal dat die bemanningslede van 'n skip wat 'n hawe binnekom in sekere omstandighede verbode persone is; die bepalings wat betrekking het op die verwydering uit die Republiek van ongewenste inwoners tot ongewenste besoekers uit te brei; voorsiening te maak vir die intrekking van sekere lasbriewe en die intrekking van die opskorting van sekere lasbriewe; te bepaal dat die besit van sekere stempels, instrumente of vorms in sekere omstandighede 'n misdryf uitmaak; verdere voorsiening te maak in verband met die heffing van gelde vir oortyddienste deur immigrasiebeamptes; die lys van misdrywe waarvoor iemand uit die Republiek verwyder kan word, nader te omskryf en uit te brei; verdere voorsiening te maak in verband met die delegering van bevoegdhede deur genoemde Minister; die bedrag van sekere gelde wat ingevolge die Wet gestort moet word, te verhoog; en die strawwe vir sekere oortredings van die Wet te verhoog; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Maart 1984.)

ALIENS AND IMMIGRATION LAWS AMENDMENT ACT, 1984

Act No. 49, 1984

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Aliens Act, 1937, so as to authorize immigration officers, when issuing certain temporary permits to aliens, to require that deposits be made or bank guarantees be given for certain purposes; to extend the prohibition of the rendering of assistance to aliens who are illegally in the Republic; to make provision for the rendering by employers of returns regarding aliens in their service; to provide that a right to permanent residence in the Republic, and an exemption from the prohibition of such permanent residence, granted to certain aliens shall lapse upon long absence from the Republic or upon deportation; and to increase the penalties for certain contraventions of the Act; to amend the Aliens Registration Act, 1939, so as to increase the penalties for certain contraventions of the Act; to amend the Departure from the Union Regulation Act, 1955, so as to include in the definition of "passport" certain documents issued in accordance with certain international agreements; to authorize the Minister of Internal Affairs to delegate his power to grant exemptions under the Act, to certain officers in the public service; and to increase the penalties for certain contraventions of the Act; to amend the Admission of Persons to the Republic Regulation Act, 1972, so as to substitute the designation "immigration officer" for the designation "passport control officer"; to make provision for the appointment as immigration officers of messengers of the court and persons in the service of certain statutory institutions or bodies; to abolish the requirement that a list of prohibited persons be tabled in the House of Assembly; to further regulate the liability of the master or owner of a ship with regard to the depositing of certain amounts in respect of members of the crew who are absent when the ship is ready to depart; to make provision for the exemption of categories of persons from the prohibition of entry into the Republic at places other than ports of entry; to provide that the members of the crew of a ship entering a port shall be prohibited persons in certain circumstances; to extend to undesirable visitors the provisions relating to the removal from the Republic of undesirable inhabitants; to make provision for the withdrawal of certain warrants and the withdrawal of the suspension of certain warrants; to provide that the possession of certain stamps, instruments or forms shall in certain circumstances constitute an offence; to make further provision in connection with the charging of fees for overtime services by immigration officers; to further define and extend the list of offences for which a person may be removed from the Republic; to make further provision in connection with the delegation of powers by the said Minister; to increase the amount of certain moneys required to be deposited in terms of the Act; and to increase the penalties for certain contraventions of the Act; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 30 March 1984.)

Wet No. 49, 1984

WYSIGINGSWET OP DIE WETTE OP VREEMDELINGE EN IMMIGRASIE, 1984

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

Wysiging van artikel 5 van Wet 1 van 1937, soos gewysig deur artikel 9 van Wet 69 van 1962 en artikel 6 van Wet 61 van 1967.

1. Artikel 5 van die Wet op Vreemdelinge, 1937, word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

“(1A) (a) Indien 'n paspoortbeheerbeampte voornemens is

om 'n tydelike permit kragtens subartikel (1) aan 'n vreemdeling op voorwaardes uit te reik, kan hy, ten einde te verseker dat dié voorwaardes nagekom word, vereis dat die vreemdeling, voordat hy die permit aan hom uitreik, 'n bedrag deur die paspoortbeheerbeampte vasgestel, wat nie 'n bedrag oorskry wat deur die Direkteur-generaal: Binnelandse Aangeleenthede bepaal is nie, by hom stort of 'n bankwaarborg op die vorm by regulasie voorgeskryf vir die betrokke bedrag by hom inlewer.

(b) 'n Bedrag of bankwaarborg ingevolge paragraaf (a) by 'n paspoortbeheerbeampte gestort of ingelewer, word behoudens paragraaf (c) aan die vreemdeling by sy vertrek uit die Unie terugbetaal of -gegee.

(c) Indien 'n vreemdeling 'n voorwaarde van sy permit of 'n voorwaarde soos kragtens subartikel (3) gewysig, volgens die oordeel van die Direkteur-generaal: Binnelandse Aangeleenthede oortree het of versuim het om daaraan te voldoen, kan die Direkteur-generaal gelas dat die bedrag wat by die paspoortbeheerbeampte gestort is aan die Staat verbeur word of, indien 'n bankwaarborg by die paspoortbeheerbeampte ingelewer is, dat die bedrag ingevolge die bankwaarborg betaalbaar ten bate van die Staat verhaal word.”

Wysiging van artikel 5bis van Wet 1 van 1937, soos ingevoeg deur artikel 2 van Wet 30 van 1963.

2. Artikel 5bis van die Wet op Vreemdelinge, 1937, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Vreemdeling wat, ongeag of hy die Unie voor of

na die inwerkingtreding van die Wysigingswet op die Wette

op Vreemdelinge en Immigrasie, 1984, binnegekom het en

ongeag die omstandighede van sy binnekoms, nie in besit

van 'n permit ingevolge artikel 4 of 'n tydelike permit inge-

volge artikel 5 aan hom uitgereik, is of geag word te wees

nie of nie kragtens artikel 7 of 7bis van die bepalings van ar-

tikel 2 vrygestel is nie en wat versuim om, indien hy deur 'n

paspoortbeheerbeampte daartoe aangesê word, daar en dan

[by die beampte op die by regulasie voorgeskrewe vorm wat

bedoelde beampte vir die doel aan hom beskikbaar stel] die

besonderhede by regulasie voorgeskryf aan die paspoortbe-

heerbeampte te verstrek ten einde die paspoortbeheer-

beampte in staat te stel om die uitreiking aan hom van 'n

tydelike permit kragtens die bepalings van artikel 5 [aan-

soek te doen] te oorweeg, is aan 'n misdryf skuldig en by

skuldigbevinding strafbaar met 'n boete van hoogstens R600

of met gevangenisstraf vir 'n tydperk van hoogstens ses

maande, en ongeag of hy aan die misdryf skuldig bevind is

al dan nie, kan 'n paspoortbeheerbeampte hom, indien hy

nie in hegtenis is nie, sonder lasbrief in hegtenis neem of

laat neem en hom kragtens lasbrief ingevolge [hierdie Wet]

die Hoofwet uitgereik uit die Unie verwyder of laat verwy-

der en hom in afwagting van sodanige verwydering [in] op

'n by regulasie voorgeskrewe [bewaring] wyse aanhou of

laat aanhou.”

Wysiging van artikel 5ter van Wet 1 van 1937, soos ingevoeg deur artikel 1 van Wet 40 van 1973.

3. Artikel 5ter van die Wet op Vreemdelinge, 1937, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Niemand mag—

ALIENS AND IMMIGRATION LAWS AMENDMENT ACT, 1984

Act No. 49, 1984

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

1. Section 5 of the Aliens Act, 1937, is hereby amended by the insertion after subsection (1) of the following subsection:
- 5 “(1A) (a) If a passport control officer intends issuing a temporary permit under subsection (1) to an alien subject to conditions, he may, in order to ensure that such conditions are complied with, require the alien, before issuing the permit to him, to deposit with him an amount fixed by the passport control officer not exceeding an amount determined by the Director-General: Internal Affairs, or to lodge with him a bank guarantee in the form prescribed by regulation for the amount concerned.
- 10 (b) An amount or bank guarantee deposited or lodged with a passport control officer in terms of paragraph (a) shall, subject to paragraph (c), be refunded or returned to the alien on his departure from the Union.
- 15 (c) If an alien in the opinion of the Director-General: Internal Affairs contravened or failed to comply with a condition of his permit or a condition as altered under subsection (3), the Director-General may order that the amount deposited with the passport control officer be forfeited to the State or, if a bank guarantee was lodged with the passport control officer, that the amount payable in terms of the bank guarantee be recovered for the benefit of the State.”.
2. Section 5bis of the Aliens Act, 1937, is hereby amended by the substitution for subsection (1) of the following subsection:
- 30 “(1) An alien who, irrespective of whether he entered the Union before or after the commencement of the Aliens and Immigration Laws Amendment Act, 1984, and irrespective of the circumstances of his entry, is not or is not deemed to be in possession of a permit issued under section 4 or a temporary permit issued under section 5 or has not in terms of section 7 or 7bis been exempted from the provisions of section 2 and who fails on being called upon to do so by a passport control officer then and there to [apply to such officer in the form prescribed by regulation and made available for the purpose by such officer for] furnish the particulars prescribed by regulation to the passport control officer to enable the passport control officer to consider the issuing to him of a temporary permit in terms of the provisions of section 5, shall be guilty of an offence and liable on conviction to a fine not exceeding R600 or to imprisonment for a period not exceeding six months, and whether he has or has not been convicted of that offence, any passport control officer may, if he is not in custody, arrest him or cause him to be arrested without a warrant, and may remove him or cause him to be removed from the Union under warrant issued in terms of [this] the principal Act and may pending such removal detain him or cause him to be detained in such [custody] manner as may be prescribed by regulation.”.
3. Section 5ter of the Aliens Act, 1937, is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- “ (1) No person shall—

Amendment of section 5 of Act 1 of 1937, as amended by section 9 of Act 69 of 1962 and section 6 of Act 61 of 1967.

Amendment of section 5bis of Act 1 of 1937, as inserted by section 2 of Act 30 of 1963.

Amendment of section 5ter of Act 1 of 1937, as inserted by section 1 of Act 40 of 1973.

Wet No. 49, 1984

WYSIGINGSWET OP DIE WETTE OP VREEMDELINGE EN IMMIGRASIE, 1984

- (a) 'n vreemdeling wat nie in besit is of nie geag word in besit te wees van 'n permit kragtens artikel 4 of 5 aan hom uitgereik nie of wat nie kragtens artikel 7 of 7bis vrygestel is nie, in diens neem of in diens hou nie; 5
- (b) met so 'n vreemdeling 'n ooreenkoms vir die dryf van 'n besigheid of die uitoefening van 'n professie of beroep aangaan of in samewerking met so 'n vreemdeling 'n besigheid dryf **[nie]** of 'n professie of beroep uitoefen of so 'n vreemdeling bystaan, in staat stel of op enige wyse help om 'n besigheid te dryf of 'n professie of beroep uit te oefen of enigiets in verband met so 'n vreemdeling se besigheid of professie of beroep vir of namens hom doen nie; 10
- [of]** 15
- (c) so 'n vreemdeling herberg nie; of
- (d) aan so 'n vreemdeling vaste eiendom in die Unie verhuur of verkoop of op enige wyse beskikbaar stel nie.”; 15
- (b) deur in subartikel (2) paragraaf (d) deur die volgende paragraaf te vervang: 20
- “(d) 'n besigheid te dryf of 'n professie of beroep uit te oefen.”;
- (c) deur in subartikel (2) paragraaf (iv) deur die volgende paragraaf te vervang: 25
- “(iv) in die geval van 'n in paragraaf (d) vermelde verbod, met bedoelde vreemdeling 'n ooreenkoms vir die dryf van 'n besigheid of die uitoefening van 'n professie of beroep aangaan of in samewerking met bedoelde vreemdeling 'n besigheid dryf of 'n 30
- professie of beroep uitoefen nie.”;
- (d) deur in subartikel (3) paragraaf (b) deur die volgende paragraaf te vervang: 35
- “(b) met bedoelde vreemdeling 'n ooreenkoms vir die dryf van 'n besigheid of die uitoefening van 'n professie of beroep in enige deel van die Unie behalwe daardie bepaalde deel aangaan, of in samewerking met bedoelde vreemdeling 'n besigheid dryf of 'n professie of beroep uitoefen in enige deel van die Unie behalwe daardie bepaalde deel 40
- [dryf nie]** of so 'n vreemdeling bystaan, in staat stel of op enige wyse help om 'n besigheid of professie of beroep behalwe in daardie bepaalde deel te dryf of uit te oefen of enigiets in verband met 'n besigheid of 'n professie of beroep van so 'n 45
- vreemdeling, behalwe in daardie bepaalde deel, vir of namens hom doen nie.”;
- (e) deur in subartikel (3) aan die end van paragraaf (c) die woord “of” in te voeg; en
- (f) deur die volgende paragraaf by subartikel (3) te voeg: 50
- “(d) aan so 'n vreemdeling vaste eiendom in die Unie behalwe daardie bepaalde deel verhuur of verkoop of op enige wyse beskikbaar stel nie.”.

Invoeging van
artikel 5quat in
Wet 1 van 1937.

4. Die volgende artikel word hierby in die Wet op Vreemdelinge, 1937, na artikel 5ter ingevoeg: 55

5quat. (1) Op versoek van die Direkteur-generaal: 60

“Opgawes wat deur werkgewers verstrekkend moet word betreffende werknemers wat vreemdelinge is.

Binnelandse Aangeleenthede of 'n paspoortbeheerbeampte moet 'n werkgewer onverwyld 'n opgawe betreffende alle werknemers in sy diens wat hy rede het om te glo vreemdelinge is, aan die Direkteur-generaal of daardie paspoortbeheerbeampte verstrekkend op die vorm by regulasie voorgeskryf en deur die Direkteur-generaal of paspoortbeheerbeampte vir dié doel aan hom beskikbaar gestel.

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- (a) employ or continue to employ any alien who is not or is not deemed to be in possession of a permit issued to him under section 4 or 5 or who is not exempted under section 7 or 7bis;
- 5 (b) enter into an agreement with any such alien for the conduct of any business or the carrying on of any profession or occupation or conduct any business or carry on any profession or occupation in co-operation with any such alien or assist, enable or in
- 10 any manner help such alien to conduct any business or to carry on any profession or occupation or do anything for or on behalf of such alien in connection with such alien's business or profession or occupation; **[or]**
- 15 (c) harbour any such alien; or
- (d) let or sell or in any manner make available fixed property in the Union to such alien.”;
- (b) by the substitution in subsection (2) for paragraph (d) of the following paragraph:
- 20 “(d) conducting a business or carrying on any profession or occupation.”;
- (c) by the substitution in subsection (2) for paragraph (iv) of the following paragraph:
- 25 “(iv) in the case of a prohibition referred to in paragraph (d), enter into an agreement with such alien for the conduct of a business or the carrying on of a profession or occupation or conduct a business or carry on a profession or occupation in co-operation with such alien.”;
- 30 (d) by the substitution in subsection (3) for paragraph (b) of the following paragraph:
- “ (b) enter into an agreement with such alien for the conduct of a business or the carrying on of a profession or occupation in any part of the Union except that particular part, or conduct any business or carry on any profession or occupation in co-operation with such alien in any part of the Union except that particular part or assist, enable or in any
- 35 manner help such alien to conduct a business or carry on a profession or occupation except in that particular part or do anything for or on behalf of such alien in connection with a business or a profession or occupation of such alien except in that particular part.”;
- 40 (e) by the insertion in subsection (3) at the end of paragraph (c) of the word “or”; and
- (f) by the addition to subsection (3) of the following paragraph:
- 45 “(d) let or sell or in any manner make available to such alien fixed property in any part of the Union except that particular part.”.
- 50

4. The following section is hereby inserted in the Aliens Act, 1937, after section 5ter:

Insertion of section 5quat in Act 1 of 1937.

- 55 “Returns to be furnished by employers regarding employees who are aliens.”
- 60 **5quat. (1) At the request of the Director-General:**
- Internal Affairs or a passport control officer, an employer shall forthwith furnish a return regarding all employees in his service who he has reason to believe are aliens, to the Director-General or that passport control officer on the form prescribed by regulation and made available to him by the Director-General or passport control officer for such purpose.

Wet No. 49, 1984

WYSIGINGSWET OP DIE WETTE OP VREEMDELINGE EN IMMIGRASIE, 1984

(2) Iemand wat versuim om aan 'n versoek kragtens subartikel (1) te voldoen, of wat 'n opgawe verstrek waarvan 'n wesenlike besonderheid vals is, wetende dat dit vals is, is aan 'n misdryf skuldig.

(3) Wanneer by die verhoor van iemand op aanklag van 'n misdryf kragtens subartikel (2) die vraag ontstaan of die een of ander persoon—

(a) deur genoemde Direkteur-generaal of 'n paspoortbeheerbeampte kragtens subartikel (1) versoek is of nie versoek is nie om 'n opgawe in daardie subartikel vermeld, aan die Direkteur-generaal of paspoortbeheerbeampte te verstrek; of

(b) 'n opgawe in daardie subartikel vermeld aan genoemde Direkteur-generaal of 'n paspoortbeheerbeampte verstrek het of nie,

word 'n geskrif wat 'n beëdigde verklaring heet te wees van iemand wat in daardie verklaring beweer dat hy die Direkteur-generaal: Binnelandse Aangeleenthede of 'n paspoortbeheerbeampte is en dat daardie persoon deur hom op 'n datum in die geskrif vermeld, in 'n geskrif afgelewer per hand en waarvoor geteken is of per geregistreerde pos, versoek is om so 'n opgawe aan hom te verstrek of dat daardie persoon nie so 'n opgawe aan hom verstrek het nie, na gelang van die geval, by blote voorlegging daarvan deur enigiemand by sodanige verhoor as *prima facie*-bewys aanvaar van die feite daarin vermeld.

(4) Wanneer by die verhoor van iemand op aanklag van 'n misdryf kragtens subartikel (2) daar bewys word dat die beskuldigde 'n opgawe verstrek het waarvan 'n wesenlike besonderheid vals is, word daar vermoed, totdat die teendeel bewys word, dat die beskuldigde die opgawe verstrek het wetende dat daardie besonderheid vals is."

5. Artikel 7bis van die Wet op Vreemdelinge, 1937, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Ondanks die bepalinge van hierdie Wet, kan die Minister of **[enige persoon aan wie die Minister sy bevoegdhede kragtens hierdie subartikel oorgedra het]** 'n beampte in die staatsdiens deur die Minister daartoe **[gemagtig]**, enige persoon of klas persone vrystel van al of enige van die bepalinge van hierdie Wet (behalwe die bepalinge van artikel 9) vir 'n bepaalde of onbepaalde tydperk en òf onvoorwaardelik òf op die voorwaardes wat die Minister of bedoelde **[persoon]** beampte, na gelang van die geval, oplaë.";

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

"(2) Die Minister of bedoelde **[persoon]** beampte kan iemand wat **[aan]** tot 'n klas persone behoort van 'n vrystelling wat kragtens subartikel (1) aan daardie klas persone verleen is, uitsonder.";

(c) deur subartikel (4) deur die volgende subartikel te vervang:

"(4) 'n Beampte in die **[Departement van Binnelandse Sake met 'n rang nie laer as dié van Adjunk-sekretaris nie wat]** staatsdiens deur die Minister daartoe gemagtig **[het]**, kan, onderworpe aan die beheer en voorskrifte van die Minister, 'n vrystelling kragtens subartikel (1) aan enige persoon, hetsy as 'n individu of as 'n lid van 'n klas persone, verleen, intrek.";

(d) deur in subartikel (5) paragraaf (a) deur die volgende paragraaf te vervang:

"(a) Die Minister of 'n beampte in die **[Departement van Binnelandse Sake]** staatsdiens deur die Minister daartoe gemagtig, kan aan iemand wie se vrystelling kragtens subartikel (3) of (4) ingetrek word, 'n tydelike permit uitreik om hom in die Unie of 'n bepaalde deel van die Unie tydelik op te hou."

Wysiging van artikel 7bis van Wet 1 van 1937, soos ingevoeg deur artikel 11 van Wet 69 van 1962 en gewysig deur artikel 7 van Wet 61 van 1967 en artikel 2 van Wet 40 van 1973.

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(2) Any person who fails to comply with a request under subsection (1), or who furnishes a return of which any essential particular is false, knowing it to be false, shall be guilty of an offence.

5 (3) Whenever upon the trial of a person charged with an offence under subsection (2) the question arises whether any particular person—

10 (a) was or was not requested under subsection (1) by the said Director-General or a passport control officer to furnish a return mentioned in that subsection to the Director-General or passport control officer; or

(b) did or did not furnish a return mentioned in that subsection to the said Director-General or a passport control officer,

15 a writing purporting to be an affidavit made by a person who in that affidavit alleges that he is the Director-General: Internal Affairs or a passport control officer and that that person was requested by him in writing delivered by hand and signed for, or by registered post, on a date specified in such writing to furnish
20 such a return to him or that that person did not furnish such a return to him, as the case may be, shall on its mere production by any person at such trial be *prima facie* proof of the facts stated therein.

(4) Whenever upon the trial of a person charged with an offence under subsection (2) it is proved that the accused furnished a return of which an essential particular is false, it shall be presumed, until the contrary is proved, that the accused furnished the return knowing that particular to be false.”

5. Section 7bis of the Aliens Act, 1937, is hereby amended—

30 (a) by the substitution for subsection (1) of the following subsection:

35 “(1) Notwithstanding anything in this Act contained, the Minister or **[any person to whom the Minister has delegated his powers under this sub-section]** any officer in the public service authorized thereto by the Minister may exempt any person or class of persons from all or any of the provisions of this Act (other than those of section 9) for a specified or unspecified period and either unconditionally or subject to such conditions as the Minister or the said **[person]** officer, as the case may be, may impose.”;

40 (b) by the substitution for subsection (2) of the following subsection:

45 “(2) The Minister or the said **[person]** officer may exclude from any exemption granted to a class of persons under subsection (1) any person belonging to that class.”;

(c) by the substitution for subsection (4) of the following subsection:

50 “(4) An officer in the **[Department of the Interior with a rank not below that of a Deputy Secretary]** public service who has been authorized thereto by the Minister may, subject to the control and directions of the Minister, withdraw any exemption granted under subsection (1) to any person, whether as an individual or as a member of a class of persons.”; and

55 (d) by the substitution in subsection (5) for paragraph (a) of the following paragraph:

60 “(a) The Minister or any officer in the **[Department of the Interior]** public service authorized thereto by the Minister may issue to any person whose exemption is withdrawn under subsection (3) or (4), a temporary permit to sojourn temporarily in the Union or any particular part of the Union.”.

Amendment of section 7bis of Act 1 of 1937, as inserted by section 11 of Act 69 of 1962 and amended by section 7 of Act 61 of 1967 and section 2 of Act 40 of 1973.

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Invoeging van artikels 8A en 8B in Wet 1 van 1937.

6. Die volgende artikels word hierby in die Wet op Vreemdelinge, 1937, na artikel 8 ingevoeg:

- 8A. (1) Ondanks 'n andersluidende bepaling van hierdie Wet of 'n ander wet, mag geen vreemdeling op grond daarvan dat hy iemand is—
- (a) aan wie 'n permit kragtens artikel 4 uitgereik is;
 - (b) aan wie vrystelling van die verbod in artikel 2 (a) vermeld, hetsy as 'n individu of as 'n lid van 'n klas persone, kragtens artikel 7bis verleen is;
 - (c) op wie bedoelde verbod uit hoofde van artikel 12 (a) of (c) nie van toepassing is nie; of
 - (d) wat in besit is van 'n paspoort of sertifikaat wat ingevolge artikel 13 (3) van die Wet op Statebondsbetrekkings, 1962 (Wet No. 69 van 1962), geag word 'n permit te wees wat kragtens artikel 4 van hierdie Wet aan hom uitgereik is,
- die Unie binnekom of hom daarin ophou met die doel om hom blywend daarin te vestig nie indien hy te eniger tyd nadat hy so iemand geword het, of indien hy so iemand by die inwerkingtreding van die Wysigingswet op die Wette op Vreemdelinge en Immigrasie, 1984, was, te eniger tyd na daardie inwerkingtreding, buite die Unie woonagtig was vir 'n onafgebroke tydperk van minstens vyf jaar, met uitsluiting van enige tydperk wat—
- (i) hy in die diens van die Regering van die Unie aldus woonagtig was;
 - (ii) hy as die verteenwoordiger of werknemer van 'n persoon of vereniging van persone wat in die Unie woonagtig of ingestel is aldus woonagtig was;
 - (iii) hy in diens van 'n internasionale organisasie waarvan die Regering van die Unie 'n lid is, aldus woonagtig was;
 - (iv) in die geval van 'n vrou of minderjarige kind van 'n in paragraaf (i), (ii) of (iii) bedoelde persoon, so 'n vrou of kind saam met sodanige persoon aldus woonagtig was;
 - (v) in die geval van 'n vrou of minderjarige kind van 'n persoon wat 'n Suid-Afrikaanse burger is, so 'n vrou of kind saam met sodanige persoon aldus woonagtig was; of
 - (vi) hy aldus woonagtig was en ten opsigte waarvan die Minister of 'n beamppte kragtens subartikel (3) vrystelling verleen het.
- (2) Subartikel (1) raak nie 'n vreemdeling aan wie kragtens artikel 7bis vrystelling van die verbod in artikel 2 (a) vermeld, as lid van 'n klas persone verleen is nie, tensy sodanige vreemdeling voorheen, hetsy voor of na die inwerkingtreding van die Wysigingswet op die Wette op Vreemdelinge en Immigrasie, 1984, die Unie op gesag van sodanige vrystelling binnegekom of hom daarin opgehou het met die doel om hom blywend daarin te vestig.
- (3) (a) Die Minister of 'n beamppte in die staatsdiens deur hom daartoe gemagtig, kan 'n in paragraaf (vi) van subartikel (1) beoogde vrystelling na goeëddunke verleen ten opsigte van enige persoon of klas persone en vir 'n bepaalde of onbepaalde tydperk en of voorwaardelik of onderworpe aan die voorwaardes wat die Minister of so 'n beamppte, na gelang van die geval, goeëvind.
 - (b) Die tydperk waarvoor vrystelling kragtens paragraaf (a) verleen word, kan op 'n vroeër datum begin as die datum waarop vrystelling verleen word.
 - (c) 'n Vrystelling kragtens paragraaf (a) kan te

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6. The following sections are hereby inserted in the Aliens Act, 1937, after section 8:

Insertion of sections 8A and 8B in Act 1 of 1937.

- “Right of admission to Union and to permanent residence therein to lapse upon long absence from Union.”
- 5 8A. (1) Notwithstanding any provision to the contrary contained in this Act or any other law, no alien shall on the ground that he is a person—
- 10 (a) to whom a permit has been issued under section 4;
- (b) to whom an exemption from the prohibition mentioned in section 2 (a), whether as an individual or as a member of a class of persons, has been granted under section 7bis;
- 15 (c) to whom the said prohibition is not applicable by virtue of section 12 (a) or (c); or
- (d) holding a passport or certificate which in terms of section 13 (3) of the Commonwealth Relations Act, 1962 (Act No. 69 of 1962), is deemed to be a permit issued to him under section 4 of this Act,
- 20 be entitled to enter or be in the Union for the purposes of permanent residence therein if he, at any time after becoming such a person or, if he was such a person at the commencement of the Aliens and Immigration Laws Amendment Act, 1984, at any time after the said commencement, was resident outside
- 25 the Union for a continuous period of not less than five years, exclusive of any period during which—
- (i) he was so resident in the service of the Government of the Union;
- 30 (ii) he was so resident as the representative or employee of a person or association of persons resident or established in the Union;
- (iii) he was so resident in the service of an international organization of which the Government of the Union is a member;
- 35 (iv) in the case of a wife or minor child of a person referred to in paragraph (i), (ii) or (iii), such wife or child was so resident with such person;
- (v) in the case of the wife or minor child of a person who is a South African citizen, such wife or child was so resident with such person; or
- 40 (vi) he was so resident and in respect of which the Minister or an officer has granted exemption under subsection (3).
- (2) Subsection (1) shall not affect any alien to whom exemption from the prohibition referred to in section 2 (a) has been granted under section 7bis as a member of a class of persons, unless such alien previously, whether before or after the commencement of the Aliens and Immigration Laws Amendment Act, 1984, entered the Union or sojourned therein for the purpose of permanent residence therein under the authority of such exemption.
- 50 (3) (a) The Minister or any officer in the public service authorized thereto by the Minister may, at his discretion, grant any exemption contemplated in paragraph (vi) of subsection (1) in respect of any person or class of persons and for a definite or an indefinite period and either unconditionally or subject to such conditions as the Minister or such officer, as the case may be, may deem fit.
- 55 (b) The period for which exemption is granted under paragraph (a) may commence at an earlier date than the date on which exemption is granted.
- 60 (c) Any exemption under paragraph (a) may at any
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eniger tyd deur die Minister ingetrek word, en waar 'n vrystelling verleen is aan persone wat tot 'n klas persone behoort, kan die vrystelling ingetrek word ten opsigte van 'n bepaalde persoon of groep persone wat tot daardie klas persone behoort. 5

Reg van toegang tot en vestiging in Unie verval by deportasie.

8B. Ondanks 'n andersluidende bepaling van hierdie Wet of 'n ander wet mag geen vreemdeling wat kragtens 'n bepaling van die Hoofwet uit die Unie verwyder is of aangesê is om dit te verlaat die Unie na sy verwydering of vertrek binnekom of hom daarin ophou met die doel om hom blywend daarin te vestig nie op grond daarvan dat hy ten tyde van sy verwydering of vertrek— 10

(a) die houer was van 'n permit kragtens artikel 4 uitgereik; 15

(b) kragtens artikel 7bis, hetsy as 'n individu of as 'n lid van 'n klas persone, vrygestel was van die verbod in artikel 2 (a) vermeld; 20

(c) iemand was op wie bedoelde verbod uit hoofde van artikel 12 (a) of (c) nie van toepassing is nie; of 25

(d) die houer was van 'n paspoort of sertifikaat wat ingevolge artikel 13 (3) van die Wet op Statebondsbetrekkinge, 1962 (Wet No. 69 van 1962), geag word 'n permit te wees wat kragtens artikel 4 van hierdie Wet aan hom uitgereik is.”. 25

Vervanging van artikel 10 van Wet 1 van 1937, soos vervang deur artikel 3 van Wet 40 van 1973.

7. Artikel 10 van die Wet op Vreemdelinge, 1937, word hierby deur die volgende artikel vervang:

“Strafbepalings.

10. (1) Iemand wat aan 'n misdryf kragtens hierdie Wet, uitgesonderd 'n misdryf kragtens artikel 5bis (1) of 5ter, skuldig bevind is, is by 'n eerste skuldigbevinding strafbaar met 'n boete van hoogstens [tweehonderd rand] R600 of [, by wanbetaling van die boete,] met gevangenisstraf vir 'n tydperk van hoogstens ses maande, en by 'n tweede of latere skuldigbevinding met [sodanige] 'n boete van hoogstens R1 000 of met [sodanige] gevangenisstraf van hoogstens een jaar of met sowel sodanige boete as sodanige gevangenisstraf. 30 35 40

(2) Iemand wat aan 'n misdryf kragtens artikel 5ter skuldig bevind is, is by 'n eerste skuldigbevinding strafbaar met 'n boete van hoogstens R5 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, en by 'n tweede of latere skuldigbevinding met sodanige boete of sodanige gevangenisstraf of met sowel sodanige boete as sodanige gevangenisstraf.”. 45

Wysiging van artikel 16 van Wet 26 van 1939, soos gewysig deur artikel 11 van Wet 1 van 1949.

8. Artikel 16 van die Wet op Registrasie van Vreemdelinge, 1939, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang: 50

“(1) (a) Elke vreemdeling wat op of na die eerste dag van Februarie 1937 die Unie binnegekom het, is aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens [vyftig pond] R600 of met gevangenisstraf van hoogstens ses maande tensy bewys word dat aan hom kragtens artikel 4, 5 of 7 van die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), vergun is om die Unie binne te kom of dat artikel 2 van voormelde Wet nie op hom van toepassing was nie toe hy die Unie binnegekom het of dat hy kragtens artikel 20 of 21 van die bepalinge van hierdie Wet vrygestel is. 55 60 65

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time be withdrawn by the Minister, and where an exemption was granted to persons belonging to a class of persons, the exemption may be withdrawn in respect of a specified person or group of persons belonging to that class of persons.

Right of admission to Union and to permanent residence therein to lapse upon deportation.

8B. Notwithstanding any provision to the contrary contained in this Act or any other law no alien removed from or ordered to leave the Union under a provision of the principal Act shall after his removal or departure be entitled to enter or be in the Union for the purposes of permanent residence therein on the ground that he at the time of his removal or departure—

- (a) was the holder of a permit issued under section 4;
- (b) was exempted under section 7bis, whether as an individual or as a member of a class of persons, from the prohibition mentioned in section 2 (a);
- (c) was a person to whom the said prohibition is not applicable by virtue of section 12 (a) or (c); or
- (d) was the holder of a passport or certificate which in terms of section 13 (3) of the Commonwealth Relations Act, 1962 (Act No. 69 of 1962), is deemed to be a permit issued to him under section 4 of this Act."

7. The following section is hereby substituted for section 10 of the Aliens Act, 1937:

Substitution of section 10 of Act 1 of 1937, as substituted by section 3 of Act 40 of 1973.

"Penalties. 10. (1) Any person convicted of an offence under this Act, excluding an offence under section 5bis (1) or 5ter, shall on a first conviction be liable to a fine not exceeding **[two hundred rand]** R600 or **[in default of the payment of the fine]** to imprisonment for a period not exceeding six months, and on a second or subsequent conviction to **[such]** a fine not exceeding R1 000 or to **[such]** imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(2) Any person convicted of an offence under section 5ter shall on a first conviction be liable to a fine not exceeding R5 000 or to imprisonment for a period not exceeding two years, and on a second or subsequent conviction to such fine or to such imprisonment or to both such fine and such imprisonment."

8. Section 16 of the Registration of Aliens Act, 1939, is hereby amended—

Amendment of section 16 of Act 26 of 1939, as amended by section 11 of Act 1 of 1949.

(a) by the substitution for subsection (1) of the following subsection:

"(1) (a) Any alien who entered the Union on or after the first day of February 1937 shall be guilty of an offence and liable to a fine not exceeding **[fifty pounds]** R600 or to imprisonment for a period not exceeding six months, unless it is proved that he was permitted to enter the Union under section 4, 5 or 7 of the Aliens Act, 1937 (Act No. 1 of 1937), or that section 2 of the said Act did not apply to him when he entered the Union, or that he is exempted from the provisions of this Act under section 20 or 21.

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Wysiging van
artikel 1 van
Wet 34 van 1955,
soos gewysig deur
artikel 8 van
Wet 61 van 1967.

Wysiging van
artikel 2 van
Wet 34 van 1955,
soos vervang deur
artikel 1 van
Wet 7 van 1979.

Wysiging van
artikel 8 van
Wet 34 van 1955.

(b) By die toepassing van hierdie subartikel word vermoed dat 'n vreemdeling wat in die Unie is, op of na die eerste dag van Februarie 1937 die Unie binnegekom het, tensy bewys word dat hy voor daardie dag die Unie binnegekom het of dat hy in die Unie gebore is.”; en

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

“(6) As iemand 'n geskrif wat in die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937), of in hierdie Wet vermeld word, vervals of namaak of onwettig verander, dan is hy aan 'n misdryf skuldig en strafbaar met 'n boete van hoogstens R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sowel daardie boete as daardie gevangenisstraf.”.

9. Artikel 1 van die Wet tot Reëling van Vertrek uit die Unie, 1955, word hierby gewysig—

(a) deur aan die end van paragraaf (b) van die omskrywing van “paspoort” die woord “of” te skrap;

(b) deur aan die end van paragraaf (c) van daardie omskrywing die woord “of” in te voeg; en

(c) deur die volgende paragraaf by daardie omskrywing te voeg:

“(d) ooreenkomstig 'n ooreenkoms tussen die regering van die Unie en die regering van 'n staat waarvan die grondgebied voorheen deel van die Unie uitmaak het;”.

10. Artikel 2 van die Wet tot Reëling van Vertrek uit die Unie, 1955, word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

“(b) behalwe by 'n toegangspoort waar hy voor 'n immigrasiebeampte soos omskryf in artikel 1 van die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet No. 59 van 1972), moet verskyn—

(i) tensy daar op sy paspoort of permit 'n endossement voorkom, of hy in besit is van 'n dokument aan hom uitgereik deur 'n persoon wat die Minister van Binnelandse [Sake] Aangeleenthede daartoe gemagtig het, ten effekte dat magtiging aan hom verleen is deur bedoelde Minister of 'n [paspoortbeheerbeampte bedoel in artikel 32 van die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet No. 59 van 1972),] immigrasiebeampte soos aldus omskryf om die Unie by 'n ander plek as 'n toegangspoort, en vir doeleindes en gedurende 'n tydperk in bedoelde endossement of dokument uiteengesit, te verlaat; of

(ii) tensy hy 'n persoon is wat behoort tot 'n kategorie persone aan wie magtiging kragtens artikel 32 (2)

(a) van genoemde Wet verleen is om die Unie by 'n plek in daardie artikel bedoel binne te kom en die plek waar hy die Unie verlaat so 'n plek is.”.

11. Artikel 8 van die Wet tot Reëling van Vertrek uit die Unie, 1955, word hierby gewysig—

(a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) in die geval van oortreding van artikel 2, met 'n boete van hoogstens R10 000 of met gevangenisstraf [sonder die keuse van 'n boete] vir 'n tydperk van [minstens drie maande en] hoogstens vyf jaar of met sowel sodanige boete as sodanige gevangenisstraf;”;

(b) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:

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(b) For the purposes of this subsection an alien who is in the Union shall be presumed to have entered the Union on or after the first day of February 1937, unless it is proved that he entered the Union before that date or that he was born in the Union.”; and

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

“(6) If any person forges or counterfeits or unlawfully alters any document mentioned in the Aliens Act, 1937 (Act No. 1 of 1937), or in this Act, he shall be guilty of an offence and liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding five years or to both that fine and that imprisonment.”.

9. Section 1 of the Departure from the Union Regulation Act, 1955, is hereby amended—

Amendment of section 1 of Act 34 of 1955, as amended by section 8 of Act 61 of 1967.

(a) by the deletion at the end of paragraph (b) of the definition of “passport” of the word “or”;

(b) by the insertion at the end of paragraph (c) of that definition of the word “or”; and

(c) by the addition of the following paragraph to that definition:

“(d) in accordance with an agreement between the government of the Union and the government of a state the territory of which formerly formed part of the Union;”.

10. Section 2 of the Departure from the Union Regulation Act, 1955, is hereby amended by the substitution for paragraph (b) of the following paragraph:

Amendment of section 2 of Act 34 of 1955, as substituted by section 1 of Act 7 of 1979.

“(b) except at a port where he shall appear before an immigration officer as defined in section 1 of the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972)—

(i) unless his passport or permit bears an endorsement, or he is in possession of a document issued to him by a person authorized thereto by the Minister of [the Interior] Internal Affairs, to the effect that authority has been granted to him by the said Minister or [a passport control officer referred to in section 32 of the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972),] an immigration officer as so defined to leave the Union at a place other than a port, and for such purposes and during such period as may be set forth in that endorsement or document; or

(ii) unless he is a person belonging to a category of persons authorized under section 32 (2) (a) of the said Act to enter the Union at a place referred to in that section and the place where he leaves the Union is such a place.”.

11. Section 8 of the Departure from the Union Regulation Act, 1955, is hereby amended—

Amendment of section 8 of Act 34 of 1955.

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) in the case of a contravention of section 2, to a fine not exceeding R10 000 or to imprisonment [without the option of a fine] for a period [of not less than three months and] not exceeding five years or to both such fine and such imprisonment;”;

(b) by the substitution in subsection (1) for paragraph (b) of the following paragraph:

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Wysiging van
artikel 9 van
Wet 34 van 1955,
soos vervang deur
artikel 12 van
Wet 61 van 1967.

- “(b) in die geval van ’n oortreding van artikel 3 of 4, met ’n boete van hoogstens **[twee duisend pond]** R5 000 of met gevangenisstraf vir ’n tydperk van hoogstens **[’n] twee** jaar of met sowel sodanige boete as sodanige gevangenisstraf;” en 5
- (c) deur in subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang:
- “(c) in die geval van ’n versuim om te voldoen aan ’n kennisgewing kragtens subartikel (5) van artikel 5, met ’n boete van hoogstens **[tweehonderd pond]** R600 of met gevangenisstraf vir ’n tydperk van hoogstens ses maande.”. 10

12. Artikel 9 van die Wet tot Reëling van Vertrek uit die Unie, 1955, word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang: 15

“(2) Die Minister van Binnelandse **[Sake]** Aangeleenthede of ’n beampte, of ’n beampte wat behoort tot ’n kategorie beamptes, in die staatsdiens deur die Minister daartoe gemagtig, kan van tyd tot tyd enige persoon of enige kategorie persone van enige van of al die bepalings van hierdie Wet vrystel vir ’n bepaalde of ’n onbepaalde tydperk en of onvoorwaardelik of onderworpe aan die voorwaardes wat bedoelde Minister of so ’n beampte, na gelang van die geval, oplê.”; 25

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die genoemde Minister of ’n beampte in subartikel (2) bedoel, kan iemand wat tot ’n kategorie persone behoort, uitsonder van ’n vrystelling ingevolge subartikel (2) aan daardie kategorie verleen;” en 30

- (c) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die genoemde Minister of ’n beampte in subartikel (2) bedoel, kan ’n vrystelling kragtens daardie subartikel **[(2)]** verleen aan ’n kategorie persone of aan enige persoon hetsy as ’n individu of as ’n lid van ’n kategorie persone, intrek.”. 35

Wysiging van
artikel 1 van
Wet 59 van 1972,
soos gewysig deur
artikel 1 van
Wet 6 van 1979.

13. Artikel 1 van die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (hieronder die Hoofwet ge- 40 noem), word hierby gewysig—

- (a) deur in subartikel (1) die omskrywing van “departement” deur die volgende omskrywing te vervang:

“‘departement’ die Departement van Binnelandse **[Sake]** Aangeleenthede;” 45

- (b) deur in subartikel (1) na die omskrywing van “hierdie Wet” die volgende omskrywing in te voeg:

“‘immigrasiebeampte’ ’n immigrasiebeampte kragtens artikel 4 aangestel;” en

- (c) deur in subartikel (1) die omskrywing van “paspoortbe- 50 heerbeampte” te skrap.

Wysiging van
artikel 4 van
Wet 59 van 1972,
soos gewysig deur
artikel 2 van
Wet 6 van 1979.

14. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) as immigrasiebeampte aanstel— 55

(i) ’n beampte of werknemer in die Staatsdiens **[of ’n lid van ’n kategorie beamptes in die Staatsdiens];**

(ii) ’n persoon wat kragtens artikel 14 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), die amp van geregsbode beklee; of 60

(iii) **[iemand of ’n kategorie persone]** ’n persoon in die diens van die **[Administrasie soos omskryf**

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- 5 “(b) in the case of a contravention of section 3 or 4, to a fine not exceeding **[two thousand pounds]** R5 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment;” and
- (c) by the substitution in subsection (1) for paragraph (c) of the following paragraph:
- 10 “(c) in the case of a failure to comply with a notice under subsection (5) of section 5, to a fine not exceeding **[two hundred pounds]** R600 or to imprisonment for a period not exceeding six months.”.

12. Section 9 of the Departure from the Union Regulation Act, 1955, is hereby amended—

Amendment of section 9 of Act 34 of 1955, as substituted by section 12 of Act 61 of 1967.

- 15 (a) by the substitution for subsection (2) of the following subsection:
- “(2) The Minister of **[the Interior]** Internal Affairs or any officer, or any officer belonging to a class of officers, in the public service authorized thereto by the Minister, may from time to time exempt any person or
- 20 any class of persons from all or any of the provisions of this Act for a specified or unspecified period and either unconditionally or subject to such conditions as the said Minister or such officer, as the case may be, may impose.”;
- 25 (b) by the substitution for subsection (3) of the following subsection:
- “(3) The said Minister or an officer contemplated in subsection (2) may exclude from any exemption granted to a class of persons under subsection (2) any person belonging to that class.”; and
- 30 (c) by the substitution for subsection (4) of the following subsection:
- “(4) The said Minister or an officer referred to in subsection (2) may withdraw any exemption granted under that subsection **[(2)]** to any class of persons or to any person, whether as an individual or as a member of a class of persons.”.

13. Section 1 of the Admission of Persons to the Republic Regulation Act, 1972 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 1 of Act 59 of 1972, as amended by section 1 of Act 6 of 1979.

- (a) by the substitution in subsection (1) for the definition of “department” of the following definition:
- 45 “‘department’ means the Department of **[the Interior]** Internal Affairs;”;
- (b) by the insertion in subsection (1) after the definition of “domicile” of the following definition:
- “‘immigration officer’ means an immigration officer appointed under section 4;” and
- 50 (c) by the deletion in subsection (1) of the definition of “passport control officer”.

14. Section 4 of the principal Act is hereby amended—

Amendment of section 4 of Act 59 of 1972, as amended by section 2 of Act 6 of 1979.

- (a) by the substitution for paragraph (a) of the following paragraph:
- 55 “(a) appoint as an immigration officer—
- (i) any officer or employee in the public service **[or any member of a category of officers in the public service];**
- (ii) a person holding office as a messenger of the court under section 14 of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944); or
- 60 (iii) any person **[or a category of persons]** in the service of the **[Administration, as defined in**

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in artikel 1 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, as paspoortbeheerbeampte aanstel] Suid-

Afrikaanse Vervoerdienste vermeld in artikel 2 van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), of van 'n statutêre liggaam soos omskryf in artikel 1 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), of van 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961); en"; en

(b) deur die volgende subartikels by te voeg, terwyl die bestaande artikel subartikel (1) word:

"(2) By die toepassing van paragraaf (a) van subartikel (1) kan die Minister 'n groep beamptes, werknemers of persone bedoel in daardie paragraaf en wat behoort tot 'n kategorie van bedoelde beamptes, werknemers of persone deur hom bepaal, as immigrasiebeamptes aanstel deur te bepaal dat elke sodanige beampte, werknemer of persoon, na gelang van die geval, wat tot sodanige kategorie behoort 'n immigrasiebeampte is, waarop elke sodanige beampte, werknemer of persoon, na gelang van die geval, die amp van immigrasiebeampte beklee solank hy tot sodanige kategorie behoort of totdat hy deur die Minister van sy amp onthef word.

(3) 'n Immigrasiebeampte kan te eniger tyd deur die Minister van sy amp onthef word.

(4) Aan 'n persoon in subartikel (1) (a) (ii) bedoel, kan die bedrae wat die Minister met die instemming van die Minister van Finansies bepaal, betaal word wat nodig is om hom te vergoed vir dienste wat hy as immigrasiebeampte verrig."

Wysiging van artikel 6 van Wet 59 van 1972.

15. Artikel 6 van die Hoofwet word hierby gewysig deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"(4) In elke appèl word 'n bedrag gestort wat deur die **[paspoortbeheerbeampte]** immigrasiebeampte vasgestel word, maar hoogstens **[duisend rand]** R4 000 tot dekking van—".

Wysiging van artikel 8 van Wet 59 van 1972.

16. Artikel 8 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Iemand wat gedagvaar is om getuienis af te lê of dokumente oor te lê en wat sonder 'n gegronde rede versuim om aan die bepalings van die dagvaarding te voldoen of wat, ongeag of hy gedagvaar is al dan nie, terwyl hy ondervra word, weier om na sy beste wete en oortuiging alle vrae te beantwoord wat aan hom deur of met die instemming van die raad gestel word, of wat opsetlik die verrigtinge van die raad onderbreek, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[honderd rand]** R300 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande: Met dien verstande dat 'n getuie dieselfde privilege met betrekking tot die beantwoording van vrae of die oorlegging van dokumente het as wat hy sou gehad het indien die vrae aan hom gestel was of die dokumente deur hom oorgelê moes word in 'n hoër hof."

Vervanging van artikel 10 van Wet 59 van 1972.

17. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

10. Indien 'n raad besluit dat 'n appellant 'n verbode persoon ten opsigte van die Republiek of 'n provinsie is, of indien die appellant sy appèl nie

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section 1 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, as a passport control officer] South African Transport Services mentioned in section 2 of the South African Transport Services Act, 1981 (Act No. 65 of 1981), or of a statutory body as defined in section 1 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or of an institution or body referred to in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); and"; and

(b) by the addition of the following subsections, the existing section becoming subsection (1):

"(2) In the application of paragraph (a) of subsection

(1) the Minister may appoint as immigration officers a group of officers, employees or persons referred to in that paragraph and belonging to a category of such officers, employees or persons determined by him, by determining that each such officer, employee or person, as the case may be, belonging to such category shall be an immigration officer, whereupon each such officer, employee or person, as the case may be, shall hold office as an immigration officer as long as he belongs to such category or until he is removed from office by the Minister.

(3) An immigration officer may at any time be removed from office by the Minister.

(4) A person referred to in subsection (1) (a) (ii) may be paid such amounts as the Minister may with the concurrence of the Minister of Finance determine as are necessary to compensate him for services rendered by him as an immigration officer."

15. Section 6 of the principal Act is hereby amended by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

"(4) In every appeal a deposit shall be made of an amount fixed by the [passport control] immigration officer, not exceeding [one thousand rand] R4 000 to cover—".

Amendment of section 6 of Act 59 of 1972.

40 16. Section 8 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Any person who, when summoned to give evidence or produce documents, fails, without reasonable excuse, to comply with the terms of the summons or who, whether summoned or not, refuses, while under examination, to answer to the best of his knowledge or belief, all questions put to him by or with the concurrence of the board or who wilfully interrupts the proceedings thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding [one hundred rand] R300 or, in default of payment, to imprisonment for a period not exceeding three months: Provided that any witness shall have the same privileges in respect of answering any question or producing any document as he would have if he were asked such question or such document had to be produced by him before a superior court."

Amendment of section 8 of Act 59 of 1972.

17. The following section is hereby substituted for section 10 of the principal Act:

10. If a board decides that an appellant is a prohibited person in respect of the Republic or any province, or if the appellant does not prosecute his

Substitution of section 10 of Act 59 of 1972.

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beslis dat appellant verbode persoon is, behalwe in sekere omstandighede.

voortsit nie, kan die **[paspoortbeheerbeampte]** immigrasiebeampte, behoudens die bepalings van artikel 9, onverwyld die stappe ten opsigte van bedoelde appellant doen wat gedoen sou kon word indien die appèl nie aangeteken was nie: Met dien verstande dat indien die appèl voortgesit word en 'n regspraak kragtens artikel 12 voorbehou word, geen sodanige stappe gedoen word nie, tensy die hof beslis dat die appellant so 'n verbode persoon is: Met dien verstande voorts dat 'n verdere bedrag van hoogstens **[tweehonderd rand]** R1 000 wat deur die **[paspoortbeheerbeampte]** immigrasiebeampte vasgestel word, gestort moet word tot dekking van die koste **[van die aanhouding van die appellant totdat die uitspraak van die hof gegee word, gestort moet word]** bedoel in artikel 6 (4) en enige ander koste voortspuitend uit die beslissing van die regspraak.”.

Wysiging van
artikel 19 van
Wet 59 van 1972.

18. Artikel 19 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Ondanks andersluidende bepalings van hierdie Wet kan die Minister na goeë dunske **[en in die voorgeskrewe vorm]** iemand van die bepalings van paragraaf (a), (b), (c) of (d) van artikel 13 (1) of van die toepassing van artikel 6 van die Wet tot Reëling van Vertrek uit die Unie, 1955 (Wet No. 34 van 1955), vrystel betreffende sy binnekoms of verblyf in die Republiek of 'n bepaalde provinsie of hy kan, behoudens die bepalings van artikel 16, aan 'n verbode persoon 'n tydelike permit laat uitreik om die Republiek of 'n provinsie of 'n bepaalde deel van 'n provinsie binne te kom en verblyf daarin te hou, onderworpe aan die voorwaardes wat by regulasie opgelê word.”.

Wysiging van
artikel 22 van
Wet 59 van 1972.

19. Artikel 22 van die Hoofwet word hierby gewysig deur subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) gestraf word met 'n boete van hoogstens R500 of met gevangenisstraf vir 'n tydperk van hoogstens **[drie]** ses maande **[sonder die keuse van 'n boete]**; en”.

Herroeping van
artikel 23 van
Wet 59 van 1972.

20. Artikel 23 van die Hoofwet word hierby herroep.

Wysiging van
artikel 26 van
Wet 59 van 1972.

21. Artikel 26 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien die gesagvoerder van die skip in subartikel (1) bedoel, versuim om aan die bepalings van daardie subartikel te voldoen, of om die koste vermeld in subartikel (2) te betaal, verbeur bedoelde gesagvoerder of die eienaar van bedoelde skip 'n bedrag van hoogstens **[duisend rand]** R5 000 wat deur die **[paspoortbeheerbeampte]** immigrasiebeampte vasgestel word, ten opsigte van elke sodanige persoon.”.

Vervanging van
artikel 27 van
Wet 59 van 1972.

22. Artikel 27 van die Hoofwet word hierby deur die volgende artikel vervang:

27. Indien 'n skip in 'n hawe in die Republiek aankom met 'n passasier aan boord vir 'n bestemming buite die Republiek, en, alhoewel daardie passasier nie deur die **[paspoortbeheerbeampte]** immigrasiebeampte toegelaat is om te land nie, hy nie aan boord is wanneer die skip vertrek nie, verbeur die gesagvoerder of eienaar van daardie skip 'n bedrag, maar hoogstens **[duisend rand]** R5 000, wat deur die **[paspoortbeheerbeampte]** immigrasiebeampte ten opsigte van daardie passasier vasgestel word.”.

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that appellant appeal, **[a passport control]** an immigration officer is a prohibited person, may, subject to the provisions of section 9, forthwith except in certain circumstances, take such steps in respect of such appellant as could have been taken if the appeal had not been lodged: Provided that if the appeal is prosecuted and a question of law is reserved under section 12, no such steps shall be taken unless the court decides that the appellant is such a prohibited person: Provided further that a further deposit shall be made of an amount fixed by the **[passport control]** immigration officer, not exceeding **[two hundred rand]** R1 000, to cover the **[cost of the appellant's detention until the decision of the court is given]** costs referred to in section 6 (4) and any other costs arising from the decision on the question of law."

18. Section 19 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 19 of Act 59 of 1972.

"(1) Notwithstanding anything to the contrary in this Act contained, the Minister may in his discretion **[and in the prescribed form]** exempt any person from the provisions of paragraph (a), (b), (c) or (d) of section 13 (1) or from the operation of section 6 of the Departure from the Union Regulation Act, 1955 (Act No. 34 of 1955), in respect of his entry into or residence in the Republic or any particular province or, subject to the provisions of section 16, may cause to be issued to any prohibited person a temporary permit to enter and reside in the Republic or any particular province or any particular portion of a province, subject to such conditions as may be imposed by regulation."

19. Section 22 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph: Amendment of section 22 of Act 59 of 1972.

"(a) to a fine not exceeding R500 or to imprisonment for a period not exceeding **[three]** ~~six~~ months **[without the option of a fine]**; and"

20. Section 23 of the principal Act is hereby repealed.

Repeal of section 23 of Act 59 of 1972.

21. Section 26 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection: Amendment of section 26 of Act 59 of 1972.

"(3) If the master of the ship referred to in subsection (1), fails to comply with the provisions of that subsection, or to pay the cost mentioned in subsection (2), such master or the owner of such ship shall forfeit a sum to be fixed by the **[passport control]** immigration officer, not exceeding **[one thousand rand]** R5 000 in respect of every such person."

22. The following section is hereby substituted for section 27 of the principal Act: Substitution of section 27 of Act 59 of 1972.

"Responsibility of owner and master of ship in respect of in transit passengers. 27. If a ship arrives at any port in the Republic with a passenger on board bound for a destination outside the Republic and, although that passenger has not been permitted by **[a passport control]** an immigration officer to land, he is not on board when the ship sails, the master or the owner of that ship shall forfeit a sum to be fixed by the **[passport control]** immigration officer, but not exceeding **[one thousand rand]** R5 000, in respect of such passenger."

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Wysiging van
artikel 28 van
Wet 59 van 1972.

23. Artikel 28 van die Hoofwet word hierby gewysig—

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

“(2) Indien iemand wie se naam op die in artikel 25 (c) bedoelde lys verskyn, nie aan boord is wanneer die skip gereed is om te vertrek nie, kan van die gesagvoerder of eienaar vereis word om, voordat die skip vertrek, ten opsigte van daardie persoon by die **[paspoortbeheerbeampte]** **immigrasiebeampte** 'n bedrag te stort, maar hoogstens **[duisend rand]** **R5 000**, tensy ten 10 genoeë van die **[paspoortbeheerbeampte]** **immigrasiebeampte** bewys word dat bedoelde persoon **[nie 'n in artikel 13 (1) bedoelde persoon]** 'n Suid-Afrikaanse burger is **[nie]**.”; en

(b) deur subartikel (3) deur die volgende subartikel te ver- 15 vang:

“(3) Die bedrag in subartikel (2) bedoel, word aan die Staat verbeur tensy die gesagvoerder of eienaar binne **[ses maande]** **60** dae nadat bedoelde bedrag gestort is ten genoeë van die **[paspoortbeheerbeampte]** **immi-** 20 **grasiebeampte** bewys dat die persoon ten opsigte van wie die bedrag gestort is, nie meer in die Republiek is nie.”.

Vervanging van
artikel 32 van
Wet 59 van 1972.

24. Artikel 32 van die Hoofwet word hierby deur die volgende artikel vervang: 25

32. (1) Niemand mag die Republiek by 'n ander plek as 'n toegangspoort binnekom nie.

(2) (a) Indien 'n ooreenkoms wat aangegaan is deur die regering van die Republiek en die regering van 'n staat waarvan die grondgebied voor- 30 heen deel van die Republiek uitgemaak het, bepaal dat persone wat behoort tot die een of ander kategorie persone die Republiek mag binnekom by plekke in die ooreenkoms vermeld, kan die Minister, ondanks die bepalings van subartikel (1), bedoelde persone by kennisgewing in 35 die *Staatskoerant* magtig om die Republiek by die aldus vermelde plekke binne te kom ongeag of daardie plekke toegangspoorte is al dan nie.

(b) Die Minister kan te eniger tyd enige persoon of enige persoon wat behoort tot 'n kategorie persone deur hom bepaal, van enige magtiging kragtens paragraaf (a) verleen, uitsluit. 40

(3) Die Minister kan op die voorwaardes wat hy bepaal 'n bepaalde persoon van die bepalings van subartikel (1) vrystel. 45

(4) (a) 'n Vrystelling kragtens subartikel (3) word verleen deur aan die betrokke persoon 'n sertifikaat uit te reik of op sy paspoort of ander identifikasiebewys 'n endossement aan te teken 50 waarin die feit dat sodanige vrystelling aan hom verleen is en die voorwaardes van sy vrystelling (as daar is) vermeld word.

(b) Die Minister kan te eniger tyd by skriftelike kennisgewing aan 'n persoon enige vrystelling kragtens subartikel (3) aan hom verleen, intrek. 55

(5) Die Minister kan 'n bevoegdheid by subartikel (2) (b), (3) of (4) (b) aan hom verleen, aan 'n beampte in die Staatsdiens deleger.

Wysiging van
artikel 35 van
Wet 59 van 1972.

25. Artikel 35 van die Hoofwet word hierby gewysig deur sub- 60 artikel (1) deur die volgende subartikel te vervang:

“(1) Iemand wat 'n bepaling van artikel 32 of 33, of 'n voorwaarde onderworpe waaraan magtiging aan hom krag-

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23. Section 28 of the principal Act is hereby amended—

Amendment of
section 28 of
Act 59 of 1972.

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

“(2) If any person whose name appears on the list referred to in section 25 (c) is not on board when the ship is ready to sail, the master or the owner of the ship may be required before the ship sails to deposit with the **[passport control] immigration officer** an amount not exceeding **[one thousand rand] R5 000** in respect of such person, unless it is proved to the satisfaction of the **[passport control] immigration officer** that such person is **[not] a [person referred to in section 13 (1)] South African citizen.**”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) The amount referred to in subsection (2) shall be forfeited to the State unless the master or owner proves to the satisfaction of the **[passport control] immigration officer** within **[six months] 60 days** after such amount was deposited that the person in respect of whom such amount was deposited, is no longer in the Republic.”

24. The following section is hereby substituted for section 32 of the principal Act:

Substitution of
section 32 of
Act 59 of 1972.

32. (1) No person shall enter the Republic at any place other than a port of entry.

(2) (a) If an agreement entered into between the government of the Republic and the government of a state the territory of which formerly formed part of the Republic, provides that persons belonging to any category of persons may enter the Republic at places specified in the agreement, the Minister may, the provisions of subsection (1) notwithstanding, by notice in the *Gazette* authorize the said persons to enter the Republic at the places so specified irrespective of whether or not those places are ports of entry.

(b) The Minister may at any time exclude any person or any person belonging to a category of persons determined by him, from any authorization granted under paragraph (a).

(3) The Minister may on such conditions as he may determine, exempt any particular person from the provisions of subsection (1).

(4) (a) An exemption under subsection (3) shall be granted by issuing to the person concerned a certificate or by entering on his passport or other document of identity an endorsement in which the fact that such exemption has been granted to him and the conditions of his exemption (if any) are mentioned.

(b) The Minister may at any time by written notice to a person withdraw any exemption granted to him under subsection (3).

(5) The Minister may delegate any power vested in him by subsection (2) (b), (3) or (4) (b) to any officer in the public service.”

25. Section 35 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 35 of
Act 59 of 1972.

“(1) Any person who contravenes or fails to comply with any provision of section 32 or 33, or any condition subject

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tens artikel 32 verleen is, oortree of versuim om daaraan te voldoen, of wat versuim om aan die vereiste van 'n **[paspoortbeheerbeampste]** immigrasiebeampste kragtens artikel 34 te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000 of met gevangenisstraf vir 'n tydperk van **[minstens drie maande en]** hoogstens twee jaar, **[sonder die keuse van 'n boete]** en ongeag of sodanige persoon aan sodanige misdryf skuldig bevind is al dan nie, kan 'n **[paspoortbeheerbeampste]** immigrasiebeampste sodanige persoon, indien hy nie in hegtenis is nie, sonder 'n lasbrief arresteer of laat arresteer en hom uit die Republiek verwyder of laat verwyder en kan hy hom, in afwagting van sy verwydering, op die voorgeskrewe wyse aanhou of laat aanhou."

Wysiging van
artikel 37 van
Wet 59 van 1972.

26. Artikel 37 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg, terwyl die bestaande artikel subartikel (1) word:

"(2) 'n Lid van die bemanning van 'n skip wat 'n hawe binnegekom het, is, indien hy versuim om aan die bepalings van artikel 32 of 33 te voldoen, 'n verbode persoon ten opsigte van die Republiek, en die bepalings van subartikel (1) is nie op so 'n verbode persoon van toepassing nie.

(3) Hierdie artikel is nie van toepassing op iemand wat 'n Suid-Afrikaanse burger is nie."

Wysiging van
artikel 38 van
Wet 59 van 1972.

27. Artikel 38 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woord "tydelike" deur die woord "voorlopige" te vervang; en

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

"(2) Die **[paspoortbeheerbeampste]** immigrasiebeampste kan, voordat hy kragtens subartikel (1) 'n permit aan iemand uitreik, van bedoelde persoon vereis om die bedrag, maar hoogstens **[duisend rand]** R2 000, wat deur die **[paspoortbeheerbeampste]** immigrasiebeampste vasgestel word, by die **[paspoortbeheerbeampste]** immigrasiebeampste te stort."

Wysiging van
artikel 39 van
Wet 59 van 1972.

28. Artikel 39 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Indien iemand wat nie geregtig is om 'n bepaalde provinsie binne te kom nie, daardie provinsie binnekom of daarin aanwesig is, sonder dat hy voor sy binnekoms 'n permit of ander dokument verkry het wat aan hom die reg verleen om daardie provinsie binne te kom of daarin te vertoef of te bly, of indien so iemand nadat hy sonder magtiging 'n bepaalde provinsie binnegekom het, versuim om so gou doenlik na sy binnekoms voor 'n **[paspoortbeheerbeampste]** immigrasiebeampste te verskyn, of indien iemand wat 'n permit verkry het om 'n provinsie binne te kom of daarin te vertoef of te bly, versuim om daardie provinsie op of voor die vervaldag van die permit te verlaat, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R500 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande en, ongeag of bedoelde persoon aan daardie misdryf skuldig bevind is al dan nie, kan 'n **[paspoortbeheerbeampste]** immigrasiebeampste bedoelde persoon, indien hy nie in hegtenis

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to which any authority referred to in section 32 has been issued to him, or who fails to comply with a requirement of **[a passport control]** an immigration officer under section 34, shall be guilty of an offence and liable on conviction to a fine not exceeding R5 000 or to imprisonment **[without the option of a fine]** for a period **[of not less than three months and]** not exceeding two years, and whether such person has or has not been convicted of that offence, **[a passport control]** an immigration officer may, if such person is not in custody, arrest him or cause him to be arrested without a warrant, and may remove him or cause him to be removed from the Republic under a warrant, and pending such removal, may detain him or cause him to be detained in the prescribed manner.”.

26. Section 37 of the principal Act is hereby amended by the addition of the following subsections, the existing section becoming subsection (1):

Amendment of section 37 of Act 59 of 1972.

“(2) A member of the crew of a ship which entered a port, shall, if he fails to comply with the provisions of section 32 or 33, be a prohibited person in respect of the Republic, and the provisions of subsection (1) shall not apply to such a prohibited person.

(3) This section shall not apply to a person who is a South African citizen.”.

27. Section 38 of the principal Act is hereby amended—

Amendment of section 38 of Act 59 of 1972.

(a) by the substitution in the Afrikaans text of subsection (1) for the word “tydelike” of the word “voorlopige”; and

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

“(2) Before issuing a permit to any person under subsection (1), the **[passport control]** immigration officer may require such person to deposit with the **[passport control]** immigration officer such an amount not exceeding **[one thousand rand]** R2 000 as may be determined by the **[passport control]** immigration officer.”.

28. Section 39 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 39 of Act 59 of 1972.

“(1) If a person who is not entitled to enter any particular province, enters or is present in that province, without having obtained, prior to entry, a permit or other document authorizing him to enter and sojourn or remain in that province, or if any such person, having entered a particular province without authority, fails to appear, as soon as practicable after his entry, before **[a passport control]** an immigration officer, or if any person, having been granted a permit to enter, sojourn or remain in any province, fails to leave that province on or before the date of expiry of such permit, he shall be guilty of an offence and liable on conviction to a fine not exceeding R500 or to imprisonment for a period not exceeding three months, and whether such person has or has not been convicted of that offence, **[a passport control]** an immigration officer may, if such person is not in custody, arrest him or cause him to be arrested with-

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artikel 40 van
Wet 59 van 1972.

nie, sonder 'n lasbrief in hegtenis neem of laat neem en kragtens 'n lasbrief uit bedoelde provinsie verwyder of laat verwyder en, in afwagting van sy verwydering, op die voorgeskrewe wyse aanhou of laat aanhou.”

29. Artikel 40 van die Hoofwet word hierby gewysig— 5

(a) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Iemand wat kragtens hierdie artikel 'n verbode persoon is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande en, ongeag of hy aan daardie misdryf skuldig bevind is al dan nie, kan 'n **[paspoortbeheerbeampte]** immigrasiebeampte bedoelde persoon, indien hy nie reeds in hegtenis is nie, sonder 'n lasbrief arresteer of laat arresteer en hom uit die Republiek verwyder of laat verwyder kragtens 'n lasbrief wat kragtens hierdie Wet uitgereik is en kan hy hom, in afwagting van sy verwydering, **[in]** op die voorgeskrewe **[bewaring]** wyse aanhou of laat aanhou.”; en 20

(b) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) 'n Beampte in die **[departement, met 'n rang wat nie laer is as dié van adjunk-sekretaris nie en]** Staatsdiens wat deur die Minister daartoe gemagtig is, kan, onderworpe aan die beheer en voorskrifte van die Minister— 25

(a) 'n vrystelling kragtens subartikel (2) (a) verleen aan 'n persoon, hetsy as 'n individu of as 'n lid van 'n kategorie persone, intrek; of 30

(b) 'n visum, endossement of dokument in subartikel (1) (c) bedoel, rojeer en nietig verklaar.”.

Wysiging van
artikel 41 van
Wet 59 van 1972.

30. Artikel 41 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat op paragraaf (c) volg deur die volgende woorde te vervang:

“is die gesagvoerder, eienaar of verteenwoordiger van sodanige skip, tensy ten genoeë van die **[Sekretaris van] Direkteur-generaal: Gesondheid en Welsyn** bewys word dat bedoelde persoon nie aan tuberkulose gely het toe hy in die Republiek geland het nie, verantwoordelik vir die verwydering van sodanige persoon uit die Republiek, sonder koste vir die Regering, en is bedoelde gesagvoerder, eienaar of verteenwoordiger aanspreeklik vir die onderhoudskoste van sodanige persoon in die Republiek en vir die ander uitgawe deur die Regering ten opsigte van sodanige persoon aangaan, tot 'n bedrag wat deur die **[paspoortbeheerbeampte]** immigrasiebeampte vasgestel word, maar hoogstens **[duisend rand]** R2 000, betaalbaar op aanvraag van bedoelde **[paspoortbeheerbeampte]** immigrasiebeampte: Met dien verstande dat indien die geneesheer of gesagvoerder van sodanige skip twyfel of sodanige persoon aan tuberkulose ly al dan nie, en die feit skriftelik aan die **[paspoortbeheerbeampte]** immigrasiebeampte meedeel, en indien die **[paspoortbeheerbeampte]** immigrasiebeampte daarna sodanige persoon toelaat om te land, die gesagvoerder, eienaar of verteenwoordiger van die skip nie kragtens hierdie artikel aanspreeklik is nie.”. 35 40 45 50 55

Vervanging van
artikel 43 van
Wet 59 van 1972,
soos vervang deur
artikel 4 van
Wet 6 van 1979.

31. Artikel 43 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verwydering uit Republiek van sekere persone weens sekere misdrywe. 43. Iemand (uitgesonderd 'n Suid-Afrikaanse burger deur geboorte of afkoms) wat, hetsy voor of na die inwerkingtreding van hierdie Wet, skuldig bevind is weens 'n misdryf in artikel 51 of Bylae 1 of 1A vermeld, en wat weens die omstandighede van sodanige misdryf deur die Minister of 'n beampte in die 60

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out a warrant, and may remove him or cause him to be removed from the said province under a warrant, and pending his removal, may detain him or cause him to be detained in the prescribed manner.”

5 **29. Section 40 of the principal Act is hereby amended—**

Amendment of
section 40 of
Act 59 of 1972.

(a) by the substitution for subsection (5) of the following subsection:

“(5) Any person who is a prohibited person under this section shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding six months, and whether he has or has not been convicted of that offence, **[a passport control]** an immigration officer may, if such person is not in custody, arrest him or cause him to be arrested without a warrant, and may remove him or cause him to be removed from the Republic under a warrant issued in terms of this Act and may, pending his removal, detain him or cause him to be detained in the prescribed manner.”; and

20 (b) by the substitution for subsection (7) of the following subsection:

“(7) An officer in the **[department with a rank not below that of a deputy secretary and]** public service who has been authorized thereto by the Minister, may, subject to the control and directions of the Minister—

(a) withdraw any exemption granted under subsection

(2) (a) to any person, whether as an individual or as a member of a category of persons; or

(b) cancel and declare null and void a visa, endorsement or document referred to in subsection (1)

(c).”

30. Section 41 of the principal Act is hereby amended by the substitution in subsection (1) for the words following paragraph (c) of the following words:

Amendment of
section 41 of
Act 59 of 1972.

35 “the master, owner or agent of such ship shall, unless it is shown to the satisfaction of the **[Secretary for] Director-General: Health and Welfare** that such person was not suffering from tuberculosis when he landed in the Republic, be responsible for the removal of such person from the Republic without expense to the Government, and such master, owner or agent shall be liable for the cost of maintenance of such person in the Republic and for such other expenditure incurred by the Government in respect of such person, to an amount to be fixed by **[a passport control]** an immigration officer, not exceeding **[one thousand rand]** R2 000, to be paid on demand of the said officer: Provided that if the surgeon or master of such ship is in doubt as to whether any such person is or is not suffering from tuberculosis and notifies the fact in writing to the **[passport control]** immigration officer, and if thereafter the **[passport control]** immigration officer allows such person to land, the master, owner or agent shall not be liable under this section.”

31. The following section is hereby substituted for section 43 of the principal Act:

Substitution of
section 43 of
Act 59 of 1972,
as substituted by
section 4 of
Act 6 of 1979.

55 **43. Any person (other than a South African citizen by birth or descent) who, whether before or after the commencement of this Act, has been convicted of any offence referred to in section 51 or Schedule 1 or 1A, and who by reason of the circumstances of such offence is deemed by the Minister or an officer in the**

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Staatsdiens deur hom gemagtig, geag word 'n ongewenste inwoner van of besoeker aan die Republiek te wees, kan kragtens 'n lasbrief uit die Republiek verwyder word en, in afwagting van sy verwydering, op die voorgeskrewe wyse aangehou word.”.

5

Vervanging van artikel 44 van Wet 59 van 1972.

32. Artikel 44 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verwydering uit Republiek van sekere persone aan sekere oortredings skuldig bevind en deur die Minister geag ongewenste inwoners van of besoekers aan Republiek te wees.

44. Iemand (uitgesonderd 'n Suid-Afrikaanse burger deur geboorte of afkoms) wat skuldig bevind word aan 'n misdryf deur hom in die Republiek gepleeg nadat hy tot die Republiek toegelaat is en voordat hy 'n domisilie daarin verkry het en wat weens die omstandighede van sodanige misdryf deur die Minister geag word 'n ongewenste inwoner van of besoeker aan die Republiek te wees, kan, ondanks andersluidende bepalinge van hierdie Wet, kragtens 'n lasbrief uit die Republiek verwyder word en, in afwagting van sy verwydering, op die voorgeskrewe wyse aangehou word.”.

Vervanging van artikel 44A van Wet 59 van 1972, soos ingevoeg deur artikel 1 van Wet 42 van 1978.

33. Artikel 44A van die Hoofwet word hierby deur die volgende artikel vervang:

“Verwydering uit Republiek van sekere persone skuldig bevind aan oortreding van 'n wet op deviesebeheer.

44A. Iemand (uitgesonderd 'n Suid-Afrikaanse burger deur geboorte of afkoms) wat skuldig bevind word aan 'n oortreding van 'n wet op deviesebeheer, en wat weens die omstandighede van sodanige oortreding deur die Minister geag word 'n ongewenste inwoner van of besoeker aan die Republiek te wees, kan, ondanks andersluidende bepalinge van hierdie Wet, kragtens 'n lasbrief uit die Republiek verwyder word en, in afwagting van sy verwydering, op die voorgeskrewe wyse aangehou word.”.

Vervanging van artikel 47 van Wet 59 van 1972, soos vervang deur artikel 3 van Wet 42 van 1978.

34. Artikel 47 van die Hoofwet word hierby deur die volgende artikel vervang:

“Opskorting van tenuitvoerlegging of intrekking van sekere lasbriewe.

47. (1) Die Minister kan die tenuitvoerlegging van 'n lasbrief uitgereik kragtens artikel 43, 44, 44A of 45 opskort op die voorwaardes wat hy bepaal, of so 'n lasbrief intrek, of, indien hy van oordeel is dat 'n voorwaarde van die opskorting van so 'n lasbrief nie nagekom is nie, die opskorting intrek.

(2) 'n Beampte in die Staatsdiens deur die Minister daartoe gemagtig om die bevoegdhede in artikel 43 vermeld, uit te oefen, kan die tenuitvoerlegging van 'n lasbrief kragtens daardie artikel uitgereik, opskort op die voorwaardes wat hy bepaal, of so 'n lasbrief intrek, of, indien hy van oordeel is dat 'n voorwaarde van die opskorting van so 'n lasbrief nie nagekom is nie, die opskorting intrek.”.

Wysiging van artikel 48 van Wet 59 van 1972.

35. Artikel 48 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Iemand wat die bepalinge van subartikel (1) oortree, of wat versuim om op aanvraag deur 'n paspoortbeheerbeampte 'n kragtens subartikel (2) aan hom uitgereikte deurgangvisum te toon, en 'n houer van so 'n deurgangvisum wat 'n voorwaarde van bedoelde visum oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000 of met gevangenisstraf [, sonder die keuse van 'n boete,] vir 'n tydperk van [minstens drie maande en] hoogstens twee jaar en, ongeag of hy aan daardie misdryf skuldig bevind is al dan nie, kan daar met hom as 'n verbode persoon gehandel word.”.

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5 public service authorized by him to be an undesirable inhabitant of or visitor to the Republic, may be removed from the Republic under a warrant and, pending his removal, may be detained in the prescribed manner.”.

32. The following section is hereby substituted for section 44 of the principal Act:

Substitution of section 44 of Act 59 of 1972.

10 “Removal from Republic of certain persons convicted of certain offences and deemed by the Minister to be undesirable inhabitants of or visitors to the Republic.

15 44. Any person (other than a South African citizen by birth or descent) who is convicted of any offence committed by him in the Republic after he has been admitted to the Republic and before he has acquired a domicile therein, and who by reason of the circumstances of such offence is deemed by the Minister to be an undesirable inhabitant of or visitor to the Republic, may, notwithstanding anything to the contrary in this Act contained, be removed from the Republic under a warrant and may, pending removal, be detained in the prescribed manner.”.

20 33. The following section is hereby substituted for section 44A of the principal Act:

Substitution of section 44A of Act 59 of 1972, as inserted by section 1 of Act 42 of 1978.

25 “Removal from Republic of certain persons convicted of contravening any law relating to exchange control.

30 44A. Any person (other than a South African citizen by birth or descent) who is convicted of contravening any law relating to exchange control, and who by reason of the circumstances of such offence is deemed by the Minister to be an undesirable inhabitant of or visitor to the Republic, may, notwithstanding anything to the contrary in this Act contained, be removed from the Republic under a warrant and may, pending removal, be detained in the prescribed manner.”.

35 34. The following section is hereby substituted for section 47 of the principal Act:

Substitution of section 47 of Act 59 of 1972, as substituted by section 3 of Act 42 of 1978.

40 “Suspension of execution or withdrawal of certain warrants.

45 47. (1) The Minister may suspend the execution of any warrant issued under section 43, 44, 44A or 45 on such conditions as he may determine, or withdraw any such warrant, or, if he is of opinion that a condition of the suspension of any such warrant has not been complied with, withdraw the suspension.

40 (2) An officer in the public service authorized by the Minister to exercise the powers mentioned in section 43, may suspend the execution of any warrant issued under that section on such conditions as he may determine, or withdraw any such warrant, or, if he is of opinion that a condition of the suspension of any such warrant has not been complied with, withdraw the suspension.”.

50 35. Section 48 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 48 of Act 59 of 1972.

50 “(3) Any person who contravenes the provisions of subsection (1), or who fails on demand by **[a passport control] an immigration officer** to produce to such officer a transit visa issued to him under subsection (2), and any holder of any such transit visa who contravenes any condition of such visa, shall be guilty of an offence and liable on conviction to

55 **[a fine not exceeding R5 000 or to imprisonment [without the option of a fine,] for a period [of not less than three months and] not exceeding two years, and whether he has or has not been convicted of that offence, he may be dealt with as a prohibited person.]**”.

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Wysiging van
artikel 51 van
Wet 59 van 1972.

36. Artikel 51 van die Hoofwet word hierby gewysig deur die woorde wat op paragraaf (d) volg deur die volgende woorde te vervang:
“is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[tweeënduisend rand]** R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens **[twaalf maande]** vyf jaar of met sowel daardie boete as daardie gevangenisstraf.”.

Wysiging van
artikel 52 van
Wet 59 van 1972.

37. Artikel 52 van die Hoofwet word hierby gewysig—
(a) deur na paragraaf (a) die volgende paragraaf in te voeg:
“(aA) sonder voldoende rede (waarvan die bewyslas op hom rus)—
(i) enige stempel of ander instrument wat gebruik word of kan word om 'n endossement kragtens hierdie Wet na te maak of te vervals of onwettig op 'n stuk aan te bring, in sy besit het; of
(ii) enige vorm wat amptelik gedruk is vir die uitreiking van 'n permit, sertifikaat of ander dokument kragtens hierdie Wet, of enige reproduksie of namaaksel van so 'n vorm, in sy besit het; of”; en
(b) deur die woorde wat op paragraaf (d) volg deur die volgende woorde te vervang:
“is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[tweehonderd rand]** R600 of **[by wanbetaling]** met gevangenisstraf vir 'n tydperk van hoogstens ses maande en, in die geval van 'n oortreding van paragraaf (a) of (aA) van hierdie artikel, met **[sodanige gevangenisstraf sonder die keuse van 'n boete]** 'n boete van hoogstens R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sowel daardie boete as daardie gevangenisstraf.”.

Wysiging van
artikel 53 van
Wet 59 van 1972,
soos gewysig deur
artikel 1 van
Wet 29 van 1980.

38. Artikel 53 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
“(2) 'n Bevel, lasbrief, permit, sertifikaat of ander dokument wat kragtens hierdie Wet uitgereik kan word, is regsgeldig indien dit, tensy anders in hierdie Wet vereis, onderteken is deur 'n **[amptenaar of lid van 'n kategorie amptenare in die staatsdiens of iemand of 'n kategorie persone in die diens van die Administrasie, soos omskryf in artikel 1 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, wat deur die Minister by kennisgewing in die Staatskoerant gemagtig word om sodanige bevel, lasbrief, permit, sertifikaat of ander dokument te onderteken]** immigrasiebeampte en, indien aldus onderteken, geld dit in alle geregshoue en vir ander doeleindes as bewys dat dit kragtens die bepalinge van hierdie Wet uitgereik is.”.

Wysiging van
artikel 54 van
Wet 59 van 1972.

39. Artikel 54 van die Hoofwet word hierby gewysig—
(a) deur in subartikel (1) paragraaf (g) deur die volgende paragraaf te vervang:
“(g) die **[besmetlike,]** aansteeklike, **[walglike]** oordraagbare of ander siektes (uitgesonderd tuberkulose) wat van 'n persoon wat daardeur aangetas is, 'n verbode persoon maak; en die voorwaardes wat die uitreiking van 'n permit om die Republiek binne te kom aan iemand wat aan tuberkulose ly, beheer;”;
(b) deur in subartikel (1) die volgende paragraaf na paragraaf (j) in te voeg:

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36. Section 51 of the principal Act is hereby amended by the substitution for the words following paragraph (d) of the following words: Amendment of section 51 of Act 59 of 1972.

5 "shall be guilty of an offence and liable on conviction to a fine not exceeding **[two thousand rand]** R10 000 or to imprisonment for a period not exceeding **[twelve months]** five years or to both that fine and that imprisonment."

37. Section 52 of the principal Act is hereby amended—

Amendment of section 52 of Act 59 of 1972.

10 (a) by the insertion after paragraph (a) of the following paragraph:

"(aA) without sufficient cause (the onus of proof where-

of shall rest upon him) has in his possession—

15 (i) any stamp or other instrument which is used or capable of being used for purposes of fabricating or falsifying or unlawfully recording on any document any endorsement under this Act; or

20 (ii) any form officially printed for purposes of issuing any permit, certificate or other document under this Act, or any reproduction or imitation of any such form; or"; and

(b) by the substitution for the words following paragraph (d) of the following words:

25 "shall be guilty of an offence and liable on conviction to a fine not exceeding **[two hundred rand]** R600 or **[in default of payment]** to imprisonment for a period not exceeding six months and, in the case of a contravention of paragraph (a) or (aA) of this section, to **[such imprisonment without the option of a fine]** a fine not exceeding R10 000 or to imprisonment for a period not exceeding five years or to both that fine and that imprisonment."

38. Section 53 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 53 of Act 59 of 1972, as amended by section 1 of Act 29 of 1980.

35 "(2) Any order, warrant, permit, certificate or other document which may under this Act be issued shall, unless otherwise required in this Act, be good and effectual if signed by any **[officer or member of a category of officers in the public service or category of persons in the service of the Administration, as defined in section 1 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, authorized by the Minister by notice in the Gazette to sign such an order, warrant, permit, certificate or other document]** immigration officer and when so signed shall be evidence in all courts of law and for other purposes that it was issued in accordance with the provisions of this Act."

39. Section 54 of the principal Act is hereby amended—

Amendment of section 54 of Act 59 of 1972.

(a) by the substitution in subsection (1) for paragraph (g) of the following paragraph:

50 "(g) the **[contagious,]** infectious, **[loathsome,]** communicable or other diseases (other than tuberculosis) the affliction with which will render a person a prohibited person; and the conditions governing the issue to any person infected with tuberculosis of a permit to enter the Republic;"

55 (b) by the addition in subsection (1) after paragraph (j) of the following paragraph:

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- “(k) die gelde wat ten opsigte van oortyddiens wat deur immigrasiebeamptes verrig moet word, gevorder kan word.”;
- (c) deur subartikel (3) deur die volgende subartikel te vervang: 5
 “(3) Regulasies wat kragtens subartikel (1) uitgevaardig word, kan vir ’n oortreding daarvan of ’n versuim om daaraan te voldoen strawwe voorskryf wat nie **[die strawwe wat in artikel 52 vermeld word]** ’n boete 10
 van hoogstens R600 of gevangenisstraf vir ’n tydperk van hoogstens ses maande te bowe gaan nie.”; en
- (d) deur die volgende subartikel by te voeg: 15
 “(4) Die Minister of ’n beampte in die Staatsdiens deur die Minister daartoe gemagtig kan na goeddunke—
 (i) ’n persoon of ’n persoon wat behoort tot ’n kategorie persone vrystel van die betaling van gelde by regulasie kragtens subartikel (1) (k) voorgeskryf; of
 (ii) ’n vrystelling kragtens subparagraaf (i) verleen aan ’n persoon, hetsy aan hom verleen as ’n individu of as ’n persoon wat behoort tot ’n kategorie persone, intrek.”. 20
 25
40. Die Hoofwet word hierby gewysig deur Bylae 1A deur die volgende bylae te vervang: 30
 “Bylae 1A
 MISDRYWE WAARNA IN ARTIKEL 43 VERWYS WORD
 Handeldryf in, verkoop of in besit wees van onbewerkte edele metaal of ruwe of ongeslypte edelstene in stryd met ’n wet. 35
[Oortreding van artikel 11 van die Wet op Binnelandse Veiligheid, 1950 (Wet No. 44 van 1950).]
 Oortreding van die Insolvensiewet, 1936 (Wet No. 24 van 1936), wat kragtens daardie Wet ’n misdryf uitmaak.
 Oortreding van artikel 319 (3) van die Strafproseswet, 1955 (Wet No. 56 van 1955). 40
 Oortreding van artikel 36 of 37 van die Algemene Regswysigingswet, 1955 (Wet No. 62 van 1955).
 Oortreding van enige bepaling van die Ontugwet, 1957 (Wet No. 23 van 1957), wat kragtens daardie Wet ’n misdryf uitmaak. 45
 Oortreding van artikel 5A (1) of 13 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961).
 Oortreding van artikel 22A van die Heraldiekwet, 1962 (Wet No. 18 van 1962). 50
[Oortreding van artikel 21 (1) van die Algemene Regswysigingswet, 1962 (Wet No. 76 van 1962).]
 Oortreding van artikel 18 van die Wet op Prysbeheer, 1964 (Wet No. 25 van 1964).
 Oortreding van artikel 2 (1) van die Wet op Onbetaamlike of Onwelvoeglike Fotografiese Materiaal, 1967 (Wet No. 37 van 1967).
[Oortreding van artikel 2 (1) van die Wet op Terrorisme, 1967 (Wet 83 van 1967).] 55
 Oortreding van artikel 54, 55, 56 (1) (a), (b), (c), (g), (i), (j), (k), (m), (n), (o) of (p), 57 (1), 59 of 60 van die Wet op Binnelandse Veiligheid, 1982 (Wet No. 74 van 1982).
 ’n Misdryf ten opsigte waarvan ’n straf kragtens artikel 58 van die Wet op Binnelandse Veiligheid, 1982, opgelê is.”. 60

Vervanging van Bylae 1A by Wet 59 van 1972, soos ingevoeg deur artikel 6 van Wet 6 van 1979 en gewysig deur artikel 9 van Wet 101 van 1981 en artikel 3 van Wet 22 van 1982.

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“(k) the fees that may be charged in respect of overtime services required to be performed by immigration officers.”;

5 (c) by the substitution for subsection (3) of the following subsection:

“(3) Regulations issued under subsection (1) may prescribe penalties for a contravention thereof or a failure to comply therewith not exceeding [the penalties mentioned in section 52] a fine of R600 or imprisonment for a period of six months.”; and

10 (d) by the addition of the following subsection:

“(4) The Minister or an officer in the public service authorized thereto by the Minister may at his discretion—

15 (i) exempt a person or a person belonging to a category of persons from paying any fees prescribed by regulation under subsection (1) (k);

20 (ii) withdraw an exemption granted to a person under subparagraph (i), whether granted to him as an individual or as a person belonging to a category of persons.”.

40. The principal Act is hereby amended by the substitution for Schedule 1A of the following schedule:

Substitution of Schedule 1A to Act 59 of 1972, as inserted by section 6 of Act 6 of 1979 and amended by section 9 of Act 101 of 1981 and section 3 of Act 22 of 1982.

“Schedule 1A

25 OFFENCES REFERRED TO IN SECTION 43

Dealing in, selling or being in possession of unwrought precious metal or rough or uncut precious stones in contravention of any law.

30 **[Contravention of section 11 of the Internal Security Act, 1950 (Act No. 44 of 1950).]**

Contravention of the Insolvency Act, 1936 (Act No. 24 of 1936), which constitutes an offence under that Act.

35 Contravention of section 319 (3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

Contravention of section 36 or 37 of the General Law Amendment Act, 1955 (Act No. 62 of 1955).

40 Contravention of any provision of the Immorality Act, 1957 (Act No. 23 of 1957), which constitutes an offence under that Act.

Contravention of section 5A (1) or 13 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).

45 Contravention of section 22A of the Heraldry Act, 1962 (Act No. 18 of 1962).

[Contravention of section 21 (1) of the General Law Amendment Act, 1962 (Act No. 76 of 1962).]

Contravention of section 18 of the Price Control Act, 1964 (Act No. 25 of 1964).

50 Contravention of section 2 (1) of the Indecent or Obscene Photographic Matter Act, 1967 (Act No. 37 of 1967).

[Contravention of section 2 (1) of the Terrorism Act, 1967 (Act No. 83 of 1967).]

Contravention of section 54, 55, 56, (1) (a), (b), (c), (g), (i), (j), (k), (m), (n), (o) or (p), 57 (1), 59 or 60 of the Internal Security Act, 1982 (Act No. 74 of 1982).

55 An offence in respect of which a penalty in terms of section 58 of the Internal Security Act, 1982, has been imposed.”.

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41. (1) Die Hoofwet word hierby gewysig—

(a) deur die woord “paspoortbeheerbeampte”, oral waar dit voorkom, deur die woord “immigrasiebeampte” te vervang;

(b) deur in die Engelse teks die woord “a”, oral waar dit voor die woorde “passport control officer” voorkom, deur die woord “an” te vervang; en

(c) deur die woord “paspoortbeheerbeamptes”, oral waar dit voorkom, deur die woord “immigrasiebeamptes” te vervang.

(2) ’n Verwysing in enige wet na ’n paspoortbeheerbeampte soos in die Hoofwet onmiddellik voor die inwerkingtreding van hierdie Wet omskryf, word uitgelê as ’n verwysing na ’n immigrasiebeampte soos vanaf bedoelde inwerkingtreding in die Hoofwet omskryf.

42. Hierdie Wet heet die Wysigingswet op die Wette op Vreemdelinge en Immigrasie, 1984, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

ALIENS AND IMMIGRATION LAWS AMENDMENT ACT, 1984

Act No. 49, 1984

41. (1) The principal Act is hereby amended—
- (a) by the substitution for the words "passport control officer", wherever they occur, of the words "immigration officer";
- 5 (b) by the substitution for the word "a", wherever it occurs before the words "passport control officer", of the word "an"; and
- (c) by the substitution for the words "passport control officers", wherever they occur, of the words "immigration officers".
- 10 (2) A reference in any law to a passport control officer as defined in the principal Act immediately prior to the commencement of this Act, shall be construed as a reference to an immigration officer as defined in the principal Act as from the said
- 15 commencement.
42. This Act shall be called the Aliens and Immigration Laws Amendment Act, 1984, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Substitution
of certain
designation.Short title and
commencement.

ALIENS AND IMMIGRATION ACT, 1951

41. (1) The principal Act is hereby amended—
- (a) by the substitution for the words "passport control officer" wherever they occur of the words "immigration officer";
 - (b) by the substitution for the word "whereas" of the words "whereas" wherever they occur; and
 - (c) by the substitution for the word "passport control officer" wherever they occur of the words "immigration officer".
- (2) A reference in any law to a passport control officer as defined in the principal Act immediately prior to the commencement of this Act shall be construed as a reference to an immigration officer as defined in the principal Act as from the said commencement.
42. This Act shall be called the Aliens and Immigration Amendment Act, 1951, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.