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GOVERNMENT GAZETTE

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No. 13342

KAAPSTAD, 28 JUNIE 1991

STATE PRESIDENT'S OFFICE

No. 1491.

28 June 1991

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

No. 114 of 1991: Population Registration Act Repeal Act, 1991

KANTOOR VAN DIE STAATSPRESIDENT

No. 1491.

28 Junie 1991

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

No. 114 van 1991: Wet op Herroeping van die Bevolkingsregistrasiewet, 1991

Act No. 114, 1991.POPULATION REGISTRATION ACT, 1991

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
 Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To repeal the Population Registration Act, 1950; to amend or repeal certain laws so as to abolish the distinction made therein between persons belonging to different races or population groups; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 27 June 1991.)

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

Amendment and repeal of Acts, and savings

1. (1) The Acts mentioned in Schedule I are hereby repealed to the extent set out in the third column thereof. 5
- (2) The Acts mentioned in Schedule II are hereby amended to the extent set out in the third column thereof.
- (3) The population register as compiled in terms of the Identification Act, 1986 (Act No. 72 of 1986), and as it exists at the commencement of this Act shall remain in force and of effect until the repeal of the Republic of South Africa Constitution 10 Act, 1983 (Act No. 110 of 1983).

Short title

2. This Act shall be called the Population Registration Act Repeal Act, 1991.

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
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WET

Tot herroeping van die Bevolkingsregistrasiewet, 1950; tot wysiging of herroeping van sekere wette ten einde die onderskeid af te skaf wat daarin gemaak word tussen persone wat tot verskillende rasse of bevolkingsgroepe behoort; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Junie 1991.)*

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

Wysiging en herroeping van Wette, en voorbehoude

1. (1) Die Wette in Bylae I vermeld, word hierby herroep in die mate in die 5 derde kolom daarvan aangedui.
 (2) Die Wette in Bylae II vermeld, word hierby gewysig in die mate in die derde kolom daarvan aangedui.
 (3) Die bevolkingsregister soos saamgestel ingevolge die Wet op Identifikasie, 1986 (Wet No. 72 van 1986), en soos dit bestaan by die inwerkingtreding van 10 hierdie Wet bly van krag en van toepassing tot die herroeping van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983).

Kort titel

2. Hierdie Wet heet die Wet tot Herroeping van die Bevolkingsregistrasiewet, 1991.

Schedule I**LAWS REPEALED****(SECTION 1)**

| No. and year of Act | Short title | Extent of repeal |
|---------------------|---|------------------|
| Act No. 30 of 1950 | Population Registration Act, 1950 | The whole |
| Act No. 71 of 1956 | Population Registration Amendment Act, 1956 | The whole |
| Act No. 53 of 1957 | Black Transport Services Act, 1957 | The whole |
| Act No. 30 of 1960 | Population Registration Amendment Act, 1960 | The whole |
| Act No. 61 of 1962 | Population Registration Amendment Act, 1962 | The whole |
| Act No. 80 of 1964 | General Law Amendment Act, 1964 | Section 45 |
| Act No. 64 of 1967 | Population Registration Amendment Act, 1967 | The whole |
| Act No. 106 of 1969 | Population Registration Amendment Act, 1969 | The whole |
| Act No. 29 of 1970 | Population Registration Amendment Act, 1970 | The whole |
| Act No. 27 of 1972 | Transport Services for Coloured Persons and Indians Act, 1972 | The whole |
| Act No. 36 of 1973 | Population Registration and Identity Documents Amendment Act, 1973 | The whole |
| Act No. 33 of 1977 | Population Registration and Identity Documents in South West Africa Amendment Act, 1977 | Sections 1 and 2 |
| Act No. 35 of 1980 | Population Registration Amendment Act, 1980 | The whole |
| Act No. 101 of 1982 | Population Registration Amendment Act, 1982 | The whole |
| Act No. 42 of 1984 | Electoral Amendment Act, 1984 | The whole |
| Act No. 103 of 1984 | Population Registration and Elections Amendment Act, 1984 | Sections 1 and 7 |

**WET OP DIE HERROEPING VAN DIE
BEVOLKINGSREGISTRASIEWET, 1991**

Wet No. 114, 1991

Bylae I

WETTE HERROEP

(ARTIKEL 1)

| No. en jaar van Wet | Kort titel | Omvang van herroeping |
|----------------------|---|-----------------------|
| Wet No. 30 van 1950 | BevolkingsRegistrasiewet, 1950 | Die geheel |
| Wet No. 71 van 1956 | Wysigingswet op BevolkingsRegistrasie, 1956 | Die geheel |
| Wet No. 53 van 1957 | Wet op Vervoerdienste vir Swartes, 1957 | Die geheel |
| Wet No. 30 van 1960 | Wysigingswet op BevolkingsRegistrasie, 1960 | Die geheel |
| Wet No. 61 van 1962 | Wysigingswet op BevolkingsRegistrasie, 1962 | Die geheel |
| Wet No. 80 van 1964 | Algemene Regswysigingswet, 1964 | Artikel 45 |
| Wet No. 64 van 1967 | Wysigingswet op BevolkingsRegistrasie, 1967 | Die geheel |
| Wet No. 106 van 1969 | Wysigingswet op BevolkingsRegistrasie, 1969 | Die geheel |
| Wet No. 29 van 1970 | Wysigingswet op BevolkingsRegistrasie, 1970 | Die geheel |
| Wet No. 27 van 1972 | Wet op Vervoerdienste vir Kleurlinge en Indiërs, 1972 | Die geheel |
| Wet No. 36 van 1973 | Wysigingswet op BevolkingsRegistrasie en Identiteitsdokumente, 1973 | Die geheel |
| Wet No. 33 van 1977 | Wysigingswet op BevolkingsRegistrasie en Identiteitsdokumente in Suidwes-Afrika, 1977 | Artikels 1 en 2 |
| Wet No. 35 van 1980 | Wysigingswet op BevolkingsRegistrasie, 1980 | Die geheel |
| Wet No. 101 van 1982 | Wysigingswet op BevolkingsRegistrasie, 1982 | Die geheel |
| Wet No. 42 van 1984 | Wysigingswet op die Kieswet, 1984 | Die geheel |
| Wet No. 103 van 1984 | Wysigingswet op BevolkingsRegistrasie en Verkiesings, 1984 | Artikels 1 en 7 |

Schedule II

| No. and year of Act | Short title | Extent of amendment |
|---------------------|---|--|
| Act No. 30 of 1941 | Workmen's Compensation Act, 1941 | <p>1. The amendment of section 1 by the substitution under the heading CHAPTER IX for the word "Blacks" of the words "Certain Widows".</p> <p>2. The amendment of section 2 by the deletion of the definition of "Black".</p> <p>3. The amendment of section 4—</p> <p>(a) by the deletion of subsection (2); and</p> <p>(b) by the substitution for subsection (3) of the following subsection:</p> <p style="padding-left: 2em;">"(3) [In the case of a Black, "widow" includes any woman who was associated with a deceased Black workman in a conjugal relationship according to Black law and custom] For the purposes of this Act 'widow' includes a woman who was a participant in a customary union according to indigenous law and custom, where neither the man nor the woman was a party to a subsisting marriage.".</p> <p>4. The amendment of section 59 by the deletion of paragraph (f) of subsection (1).</p> <p>5. The substitution under the heading CHAPTER IX for the word "Blacks" of the words "Certain Widows".</p> <p>6. The repeal of section 83.</p> <p>7. The deletion in section 86 of the word "Black".</p> <p>8. The repeal of section 88.</p> |
| Act No. 57 of 1951 | Merchant Shipping Act, 1951 | <p>1. The repeal of section 152.</p> <p>2. The amendment of section 156 by the deletion of subsection (2).</p> <p>3. The amendment of section 161 by the deletion of subsection (2).</p> |
| Act No. 25 of 1961 | Marriage Act, 1961 | <p>1. The amendment of section 2 by the substitution for subsection (2) of the following subsection:</p> <p style="padding-left: 2em;">"(2) The Minister and any officer in the public service authorized thereto by him may designate any officer or employee in the public service or the diplomatic or consular service of the Republic to be, by virtue of his office and so long as he holds such office, a marriage officer, either generally or for any specified [population group or] class of persons or country or area.".</p> <p>2. The amendment of section 3 by the deletion of the word "or" at the end of paragraph (b), and paragraph (c), of subsection (2).</p> <p>3. The amendment of section 12 by the substitution for paragraph (a) of the following paragraph:</p> <p style="padding-left: 2em;">"(a) each of the parties in question produces to the marriage officer his or her identity document issued under the provisions of the [Population Registration Act, 1950 (Act No. 30 of 1950)] Identification Act, 1986 (Act No. 72 of 1986; or".</p> |
| Act No. 81 of 1963 | Births, Marriages and Deaths Registration Act, 1963 | <p>1. The amendment of section 1 by the deletion of the definition of "Black".</p> <p>2. The amendment of section 3 by the substitution for subsection (2) of the following subsection:</p> <p style="padding-left: 2em;">"(2) The police officer in charge of a charge office, police station or police mortuary is <i>ex officio</i> registrar of deaths and still-births [of persons who are not Blacks] which occur in the police area in which such charge office, police station or police mortuary is situated."</p> <p>3. The repeal of section 7A.</p> <p>4. The amendment of section 42 by the deletion of subsection (4).</p> <p>5. The repeal of section 44.</p> <p>6. The repeal of section 44A.</p> <p>7. The repeal of section 51A.</p> |

**WET OP DIE HERROEPING VAN DIE
BEVOLKINGSREGISTRASIEWET, 1991**

Wet No. 114, 1991

Bylae II

| No. en jaar van Wet | Kort titel | Omvang van wysiging |
|---------------------|--|--|
| Wet No. 30 van 1941 | Ongevallewet, 1941 | <p>1. Die wysiging van artikel 1 deur onder die opskrif HOOFSTUK IX die woord "Swartes" deur die woorde "Sekere Weduwees" te vervang.</p> <p>2. Die wysiging van artikel 2 deur die omskrywing van "Swarte" te skrap.</p> <p>3. Die wysiging van artikel 4 deur—</p> <p>(a) subartikel (2) te skrap; en</p> <p>(b) subartikel (3) deur die volgende subartikel te vervang:</p> <p>"(3) In die geval van 'n Swarte word onder "weduwee" inbegrepe enige vrou wat met 'n Swart werksman in 'n egtelike verhouding ooreenkomsdig Swart reg en gebruik saamgeleef het By die toepassing van hierdie Wet beteken 'weduwee' ook 'n vrou wat 'n deelgenote was aan 'n gebruiklike verbintenis ooreenkomsdig inheemse reg en gebruik, waar nog die man nog die vrou 'n party by 'n bestaande huwelik was."</p> <p>4. Die wysiging van artikel 59 deur paragraaf (f) van subartikel (1) te skrap.</p> <p>5. Die vervanging onder die opskrif HOOFSTUK IX van die woord "Swartes" deur die woorde "Sekere Weduwees".</p> <p>6. Die herroeping van artikel 83.</p> <p>7. Die skrapping in artikel 86 van die woord "Swart".</p> <p>8. Die herroeping van artikel 88.</p> <p>1. Die herroeping van artikel 152.</p> <p>2. Die wysiging van artikel 156 deur subartikel (2) te skrap.</p> <p>3. Die wysiging van artikel 161 deur subartikel (2) te skrap.</p> <p>1. Die wysiging van artikel 2 deur subartikel (2) deur die volgende subartikel te vervang:</p> <p>"(2) Die Minister en 'n beampete in die Staatsdiens deur hom daartoe gemaag, kan 'n beampete of werknemer in die Staatsdiens of die diplomatieke of konsulêre diens van die Republiek uit hoofde van sy amp en so lank hy dié amp beklee, as huweliksbevestiger benoem, of in die algemeen, of vir 'n bepaalde [Bevolkingsgroep of] kategorie persone of land of gebied."</p> <p>2. Die wysiging van artikel 3 deur die woord "en" aan die einde van paragraaf (b), en paragraaf (c), van subartikel (2) te skrap.</p> <p>3. Die wysiging van artikel 12 deur paragraaf (a) deur die volgende paragraaf te vervang:</p> <p>"(a) elkeen van die betrokke partye sy of haar identiteitsdokument uitgereik kragtens die bepalings van [die BevolkingsRegistrasiewet, 1950 (Wet No. 30 van 1950)] die Wet op Identifikasie, 1986 (Wet No. 72 van 1986), aan die huweliksbevestiger voorlê; of"</p> <p>1. Die wysiging van artikel 1 deur die omskrywing van "Swarte" te skrap.</p> <p>2. Die wysiging van artikel 3 deur subartikel (2) deur die volgende subartikel te vervang:</p> <p>"(2) Die polisiebeampete in bevel van 'n aanklagkantoor, polisiekantoor of polisielykhuis is amphalwe registrateur van die sterfgevalle en doodgeboorte [van persone wat nie Swartes is nie] wat plaasvind in die polisiewyk waarin sodanige aanklagkantoor, polisiekantoor of polisielykhuis geleë is."</p> <p>3. Die herroeping van artikel 7A.</p> <p>4. Die wysiging van artikel 42 deur subartikel (4) te skrap.</p> <p>5. Die herroeping van artikel 44.</p> <p>6. Die herroeping van artikel 44A.</p> <p>7. Die herroeping van artikel 51A.</p> |
| Wet No. 57 van 1951 | Handelskeepvaartwet, 1951 | |
| Wet No. 25 van 1961 | Huwelikswet, 1961 | |
| Wet No. 81 van 1963 | Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963 | |

Act No. 114, 1991

POPULATION REGISTRATION ACT, 1991

| No. and year of Act | Short title | Extent of amendment |
|---------------------|----------------------------------|--|
| Act No. 30 of 1966 | Unemployment Insurance Act, 1966 | The amendment of section 38— (a) by the deletion of paragraph (b) of subsection (7); and (b) by the substitution for paragraph (c) of the said subsection of the following paragraph: “(c) ‘widow’ [in the case of a deceased contributor who was a Black, includes any woman who was associated with the contributor in a conjugal relationship according to Black law and custom] includes any woman who was a participant in a customary union according to indigenous law and custom, where neither the man nor the woman was a party to a subsisting marriage.”. |
| Act No. 70 of 1968 | General Law Amendment Act, 1968 | The repeal of section 62. |
| Act No. 57 of 1976 | National Parks Act, 1976 | 1. The amendment of section 1 by the substitution for the definition of “officer” of the following definition: “‘officer’ means the nature conservator or any [European] person appointed by the board as ranger;”. 2. The amendment of section 27 by the substitution for subsection (1) of the following subsection: “(1) Any officer or employee designated by the board shall, in respect of any offence committed within a park, have the powers of arrest and detention conferred on a peace officer by Chapter [IV] 5 of the Criminal Procedure Act, [1955 (Act No. 56 of 1955)] 1977 (Act No. 51 of 1977), and may further, within a park or at any place within 1,6 kilometres from the boundary of a park, arrest without a warrant any person who is on reasonable grounds suspected of having committed an offence under this Act [Provided that the powers conferred by this subsection on such an employee who is not a white person, may be exercised only in respect of persons who are not white persons].”. |
| Act No. 72 of 1986 | Identification Act, 1986 | 1. The amendment of section 5— (a) by the substitution for subsection (1) of the following subsection: “(1) The Director-General shall assign an identity number [and a birth entry number] to every person whose name is included in the population register.”; and (b) by the deletion of subsection (3). 2. The amendment of section 6 by the deletion of paragraph (a) of subsection (1). 3. The amendment of section 7 by the substitution for paragraph (a) of subsection (2) of the following paragraph: “(a) his [birth entry number] identity number referred to in section [5(3)] 5(2) and the date of issue of the certificate of particulars of birth;”. 4. The repeal of Part 1 of the Schedule. |

WET OP DIE HERROEPING VAN DIE
BEVOLKINGSREGISTRASIEWET, 1991

Wet No. 114, 1991

| No. en jaar van Wet | Kort titel | Omvang van wysiging |
|---------------------|-----------------------------------|---|
| Wet No. 30 van 1966 | Werkloosheidversekeringswet, 1966 | Die wysiging van artikel 38 deur— (a) paragraaf (b) van subartikel (7) te skrap; en (b) paragraaf (c) van genoemde subartikel deur die volgende paragraaf te vervang: “(c) ‘weduwee’ [in die geval van ‘n oorlede bydraer wat ‘n Swarte was, ook enige vrou wat met die bydraer in ‘n egtelike verhouding ooreenkomsdig Swart reg en gebruik saamgeleef het] ook ‘n vrou wat ‘n deelgenote was aan ‘n gebruiklike verbintenis ooreenkomsdig inheemse reg en gebruik’, waar nog die man nog die vrou ‘n party by ‘n bestaande huwelik was.”. Die herroeping van artikel 62. |
| Wet No. 70 van 1968 | Algemene Regswysigingswet, 1968 | 1. Die wysiging van artikel 1 deur die omskrywing van “beampte” deur die volgende omskrywing te vervang: “beampte” die natuurbewaarder of ‘n [blanke] persoon deur die raad as veldwagter aangestel;”. |
| Wet No. 57 van 1976 | Wet op Nasionale Parke, 1976 | 2. Die wysiging van artikel 27 deur subartikel (1) deur die volgende subartikel te vervang: “(1) ‘n Beampte of werknemer deur die raad aangewys, het, ten opsigte van ‘n misdryf wat in ‘n park gepleeg is, die bevoegdheid om in hechtenis te neem en aan te hou wat by Hoofstuk [IV] 5 van die Strafproseswet, [1955 (Wet No. 56 van 1955)] 1977 (Wet No. 51 van 1977), aan ‘n vredesbeampte verleen word, en kan voorts iemand wat op rede-like gronde daarvan verdink word dat hy ‘n misdryf ingevolge hierdie Wet gepleeg het, in ‘n park of op enige plek binne 1,6 kilometer van die grens van ‘n park, sonder ‘n lasbrief in hechtenis neem [Met dien verstande dat die bevoegdheide wat by hierdie subartikel aan so ‘n werkaemer wat nie ‘n blanke persoon is nie, verleen word, slegs ten opsigte van persone wat nie blanke persone is nie uitgeoefen kan word].”. |
| Wet No. 72 van 1986 | Wet op Identifikasie, 1986 | 1. Die wysiging van artikel 5 deur— (a) subartikel (1) deur die volgende subartikel te vervang: “(1) Die Directeur-generaal moet aan elke persoon wie se naam in die bevolkingsregister opgeneem is ‘n identiteitsnommer [en ‘n geboorte-inkrywingsnommer] toewys.”; en (b) subartikel (3) te skrap. 2. Die wysiging van artikel 6 deur paragraaf (a) van subartikel (1) te skrap. 3. Die wysiging van artikel 7 deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang: “(a) sy [geboorte-inkrywingsnommer] identiteitsnommer bedoel in artikel [5(3)] 5(2) en die datum van uitreiking van die sertifikaat van geboortebesonderhede;”. 4. Die herroeping van Deel 1 van die Bylae. |

