

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KAAPSTAD, 28 JUNIE 1991

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1491.

28 June 1991

No. 1491.

28 Junie 1991

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

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

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

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

GENERAL EXPLANATORY NOTE:

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

Words underlined with a solid line indicate insertions in existing enactments.

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 (1) The Acts mentioned in Schedule I are hereby repealed to the extent set out in the third column thereof. 5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 Act, 1983 (Act No. 110 of 1983). 10

Short title

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

Act No. 114, 1991

POPULATION REGISTRATION ACT, 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LAWS REPEALED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 |

Act No. 114, 1991

POPULATION REGISTRATION ACT, 1991

Schedule II

| No. and year of Act | Short title | Extent of amendment |
|---------------------|---|---|
| Act No. 30 of 1941 | Workmen's Compensation Act, 1941 | <ol style="list-style-type: none"> 1. The amendment of section 1 by the substitution under the heading CHAPTER IX for the word "Blacks" of the words "Certain Widows". 2. The amendment of section 2 by the deletion of the definition of "Black". 3. The amendment of section 4— <ol style="list-style-type: none"> (a) by the deletion of subsection (2); and (b) by the substitution for subsection (3) of the following subsection: <p style="margin-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> 4. The amendment of section 59 by the deletion of paragraph (f) of subsection (1). 5. The substitution under the heading CHAPTER IX for the word "Blacks" of the words "Certain Widows". 6. The repeal of section 83. 7. The deletion in section 86 of the word "Black". 8. The repeal of section 88. |
| Act No. 57 of 1951 | Merchant Shipping Act, 1951 | <ol style="list-style-type: none"> 1. The repeal of section 152. 2. The amendment of section 156 by the deletion of subsection (2). 3. The amendment of section 161 by the deletion of subsection (2). |
| Act No. 25 of 1961 | Marriage Act, 1961 | <ol style="list-style-type: none"> 1. The amendment of section 2 by the substitution for subsection (2) of the following subsection: <p style="margin-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> 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). 3. The amendment of section 12 by the substitution for paragraph (a) of the following paragraph: <p style="margin-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 | <ol style="list-style-type: none"> 1. The amendment of section 1 by the deletion of the definition of "Black". 2. The amendment of section 3 by the substitution for subsection (2) of the following subsection: <p style="margin-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> 3. The repeal of section 7A. 4. The amendment of section 42 by the deletion of subsection (4). 5. The repeal of section 44. 6. The repeal of section 44A. 7. The repeal of section 51A. |

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 | <p>The amendment of section 38—</p> <p>(a) by the deletion of paragraph (b) of subsection (7); and</p> <p>(b) by the substitution for paragraph (c) of the said subsection of the following paragraph:</p> <p>“(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.”.</p> |
| Act No. 70 of 1968 | General Law Amendment Act, 1968 | The repeal of section 62. |
| Act No. 57 of 1976 | National Parks Act, 1976 | <p>1. The amendment of section 1 by the substitution for the definition of “officer” of the following definition:</p> <p>“ ‘officer’ means the nature conservator or any [European] person appointed by the board as ranger;”.</p> <p>2. The amendment of section 27 by the substitution for subsection (1) of the following subsection:</p> <p>“(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].”.</p> |
| Act No. 72 of 1986 | Identification Act, 1986 | <p>1. The amendment of section 5—</p> <p>(a) by the substitution for subsection (1) of the following subsection:</p> <p>“(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</p> <p>(b) by the deletion of subsection (3).</p> <p>2. The amendment of section 6 by the deletion of paragraph (a) of subsection (1).</p> <p>3. The amendment of section 7 by the substitution for paragraph (a) of subsection (2) of the following paragraph:</p> <p>“(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;”.</p> <p>4. The repeal of Part 1 of the Schedule.</p> |