

PRESIDENT'S OFFICE

No. 1511.  
4 October 1995

NO. 47 OF 1995: IDENTIFICATION AMENDMENT ACT, 1995.

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

GENERAL EXPLANATORY NOTE:

- \*\*        \*\*        Words between asterisks indicate omissions from existing enactments.
- <<       >>       Words between pointed brackets indicate insertions in existing enactments.

ACT

To amend the Identification Act, 1986, so as to repeal certain obsolete provisions; to impose a duty to compile and maintain a new population register with retrospective effect; and to make further provision regarding the particulars to be included in the population register, the surrender or seizure of identity documents of deceased persons, and the secrecy of information recorded in the population register; to provide for the repeal of certain laws and for the application of the Identification Act, 1986, throughout the Republic; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)  
(Assented to 28 September 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 72 of 1986, as amended by section 32 of Act 132 of 1993

1. Section 1 of the Identification Act, 1986 (hereinafter referred to as the principal Act), is hereby amended by the deletion of paragraph (e) of subsection (2).

Substitution of section 2 of Act 72 of 1986

2. The following section is hereby substituted for section 2 of the principal Act:

"Compilation and maintenance of population register

2. (1) The Director-General shall, as soon as practicable after the commencement of **this Act** <<the Constitution>>, in the prescribed manner compile and thereafter maintain a population register for the Republic.

(2) The particulars required for the compilation and maintenance of the population register shall be obtained by the Director-General in the prescribed manner from the documents <<and information>> that may be available to him <<or her>>.".

Amendment of section 4 of Act 72 of 1986, as amended by section 33 of Act 132 of 1993

3. Section 4 of the principal Act is hereby amended-

- (a) by the insertion after paragraph (a) of the word "and";
- (b) by the deletion at the end of paragraph (b) of the word "and"; and
- (c) by the deletion of paragraph (c).

Amendment of section 6 of Act 72 of 1986, as amended by section 1 of Act 21 of 1991, section 1 of Act 114 of 1991 and section 1 of Act 4 of 1993

4. Section 6 of the principal Act is hereby amended-

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

"(c) if he <<or she>> has attained the age of 16 years, his or her ordinary place of residence and his <<or her>> postal address \*\*and if he is entitled to be registered as a voter for the purposes of the Electoral Act, 1979 (Act No. 45 of 1979), or any other Act of Parliament relating to the election of members to any legislative council or body, the electoral division and polling district or other area in respect of which he is thus entitled to be registered as a voter\*\*";

- (b) by the deletion of paragraph (j) of subsection (1);

- (c) by the deletion of paragraph (k) of subsection (1);

- (d) by the substitution for paragraph (m) of subsection (1) of the following paragraph:

(m) after his <<or her>> death, the required particulars furnished when notice of his <<or her>> death was given, and on permanent departure from the Republic, \*\*except for an independent state the territory of which previously formed part of the Republic\*\* the date of such departure, and particulars concerning the cancellation in the prescribed manner of his <<or her>> identity document or of that document with the exception of the prescribed section thereof (if any); and"; and

- (e) by the substitution for subsection (2) of the following subsection:

"(2) The Minister may by notice in the Gazette declare that, notwithstanding the provisions of subsection (1), the particulars referred to in \*\*paragraphs\*\* <<paragraph>> (i) \*\*and (j)\*\* of that subsection \*\*or in any of those paragraphs\*\* shall not be included

in

the population register in respect of any person."

Amendment of section 16 of Act 72 of 1986

5. Section 16 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person who has in his <<or her>> possession a document being or purporting to be an uncanceled identity document of a person who has died, shall within thirty days after the document came into his <<or her>> possession, hand over or send by registered post such document for cancellation to a district representative, regional representative or authorized representative \*\*or a person designated in terms of section 3 of the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963), as a registrar or assistant registrar of births and deaths\*\*."

Amendment of section 17 of Act 72 of 1986

6. Section 17 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

- (b) any person <<or any institution on behalf and on the written instruction of any person>>, who has applied therefore in writing with a full exposition of the purposes for which the information is required and who has paid the prescribed fees, if any, provided the Director-General is satisfied that the **\*\*furnishing of that\*\*** information **\*\*is in the interest\*\*** <<is required for the exercise or protection of any of the rights>> of the person whose name is included in the population register, or <<that the furnishing of that information>> is in the public interest."

Amendment of section 21 of Act 72 of 1986

7. Section 21 of the principal Act is hereby amended by the deletion of subsection (3).

Repeal of laws, and savings

8. (1) Subject to subsections (2) and (3) the following laws are hereby repealed:

- (a) The Population Registration Act, 1976 (Act No. 24 of 1976), of the former Republic of Transkei;
- (b) the Bophuthatswana Population Registration Act, 1978 (Act No. 12 of 1978), of the former Republic of Bophuthatswana;
- (c) the Population Registration Act, 1980 (Act No. 6 of 1980), of the former Republic of Venda;
- (d) the Ciskeian Registration of Persons Act, 1981 (Act No. 15 of 1981), of the former Republic of Ciskei;
- (e) the Population Registration Amendment Act, 1991 (Act No. 8 of 1991), of the former Republic of Bophuthatswana.

(2) Any application, investigation or pending proceedings commenced in terms of any law repealed by subsection (1) shall be continued and concluded as if such law had not been repealed.

(3) (a) Any identity document issued in terms of a law repealed by subsection (1) shall remain valid until a new identity document is issued in terms of section 8 of the principal Act or until a date contemplated in paragraph (b).

(b) The Minister of Home Affairs may by notice in the Gazette fix a date for the replacement of identity documents issued in terms of a law repealed by subsection (1) and may make regulations regarding such replacement.

Application of Act 72 of 1986 throughout the Republic

9. The principal Act shall apply throughout the Republic.

Short title and commencement

10. (1) This Act shall be called the Identification Amendment Act, 1995.  
(2) Section 2 shall be deemed to have come into operation on 27 April 1994.

