



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 363

CAPE TOWN, 5 SEPTEMBER 1995

No. 16655

KAAPSTAD, 5 SEPTEMBER 1995

OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 1378.

5 September 1995

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

No. 41 of 1995: Home Affairs Laws Rationalisation Act, 1995.

No. 1378.

5 September 1995

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

No. 41 van 1995: Wet op die Rasionalisering van Wette op Binnelandse Sake, 1995.

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.

ACT

To repeal certain laws which apply in the various areas of the national territory of the Republic; to introduce certain transitional measures for the application of the Publications Act, 1974, the Aliens Control Act, 1991, the Births and Deaths Registration Act, 1992, and section 29A(2) of the Marriage Act, 1961, throughout the Republic; to amend the Births and Deaths Registration Act, 1992, so as to insert a definition and to further regulate the giving of notice of birth; and to provide for matters connected therewith.

*(Afrikaans text signed by the President.)
(Assented to 30 August 1995.)*

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

Repeal of laws, and savings

1. (1) Subject to subsections (2) and (3) the laws referred to in the Schedule are hereby repealed to the extent reflected in the fourth column of the Schedule. 5
- (2) Anything done under a provision repealed by subsection (1), other than a regulation made under such a provision, and which is capable of being done in terms of an Act mentioned in section 2(1) shall be deemed to have been done in terms of such Act.
- (3) Any enquiry or other pending proceedings commenced in terms of any law repealed by subsection (1) shall be continued and concluded as if such law had not been repealed. 10

Application of certain laws throughout Republic

2. (1) The Publications Act, 1974 (Act No. 42 of 1974), the Aliens Control Act, 1991 (Act No. 96 of 1991), the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), and section 29A(2) of the Marriage Act, 1961 (Act No. 25 of 1961), apply uniformly 15 throughout the Republic.
- (2) Any law referred to in an Act mentioned in subsection (1) and which is not applicable throughout the Republic shall, for the purposes of the particular Act mentioned in subsection (1), be deemed to be applicable throughout the Republic.

Amendment of section 1 of Act No. 51 of 1992

3. Section 1 of the Births and Deaths Registration Act, 1992 (hereinafter referred to as the principal Act), is hereby amended by the insertion before the definition of "Minister" of the following definition:

"'medical practitioner' includes a suitably qualified person who, on the recommendation of the Director-General: Health by virtue of such person's medical knowledge or experience, is appointed by the Director-General;" 5

Amendment of section 9 of Act No. 51 of 1992

4. Section 9 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection: 10

"(1) In the case of any child born alive, any one of his or her parents or, if neither of his or her parents is able to do so, the person having charge of the child or a person requested to do so by the parents or the said person, shall within [seven] 30 days after the birth give notice thereof in the prescribed manner to any person contemplated in section 4."; and 15

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

"(3) Where the notice of a birth is given after the expiration of [seven] 30 days from the date of the birth, the Director-General may demand that reasons for the late notice be furnished and that the fingerprints be taken of the person whose notice of birth is given." 20

Short title

5. This Act shall be called the Home Affairs Laws Rationalisation Act, 1995.

SCHEDULE

| No. and year of law | Short title | Area in which law applies | Extent of repeal |
|-------------------------------------|---|---|------------------|
| Act No. 15 of 1931 | Immigration Amendment Act, 1931 | The areas of the former Republics of Transkei, Bophuthatswana and Venda | The whole |
| Act No. 19 of 1933 | Immigration Amendment Act, 1933 | The areas of the former Republics of Transkei, Bophuthatswana and Venda | The whole |
| Act No. 18 of 1977 (Transkei) | Publications Act, 1977 | The area of the former Republic of Transkei | The whole |
| Act No. 29 of 1977 (Transkei) | Aliens and Travellers Control Act, 1977 | The area of the former Republic of Transkei | The whole |
| Act No. 20 of 1979 (Transkei) | Registration of Births and Deaths Act, 1979 | The area of the former Republic of Transkei | The whole |
| Act No. 14 of 1980 (Transkei) | General Law Amendment Act, 1980 | The area of the former Republic of Transkei | Section 1 |
| Act No. 16 of 1983 (Transkei) | Aliens and Travellers Control Amendment Act, 1983 | The area of the former Republic of Transkei | The whole |
| Decree No. 13 of 1988 (Transkei) | — | The area of the former Republic of Transkei | The whole |
| Decree No. 18 of 1988 (Transkei) | — | The area of the former Republic of Transkei | The whole |
| Decree No. 2 of 1990 (Transkei) | — | The area of the former Republic of Transkei | The whole |
| Decree No. 21 of 1990 (Transkei) | — | The area of the former Republic of Transkei | The whole |
| Act No. 22 of 1979 (Bophuthatswana) | Aliens and Travellers Control Act, 1979 | The area of the former Republic of Bophuthatswana | The whole |
| Act No. 28 of 1979 (Bophuthatswana) | Public Holidays Amendment Act, 1979 | The area of the former Republic of Bophuthatswana | The whole |
| Act No. 36 of 1979 (Bophuthatswana) | Publications Act, 1979 | The area of the former Republic of Bophuthatswana | The whole |
| Act No. 57 of 1979 (Bophuthatswana) | Publications Amendment Act, 1979 | The area of the former Republic of Bophuthatswana | The whole |
| Act No. 18 of 1980 (Bophuthatswana) | Public Holidays Amendment Act, 1980 | The area of the former Republic of Bophuthatswana | The whole |
| Act No. 19 of 1980 (Bophuthatswana) | Aliens and Travellers Control Amendment Act, 1980 | The area of the former Republic of Bophuthatswana | The whole |

Act No. 41, 1995

HOME AFFAIRS LAWS RATIONALISATION ACT, 1995

| No. and year of law | Short title | Area in which law applies | Extent of repeal |
|--|---|---|------------------|
| Act No. 26 of 1982 (Bophuthatswana) | Publications Amendment Act, 1982 | The area of the former Republic of Bophuthatswana | The whole |
| Act No. 16 of 1988 (Bophuthatswana) | Aliens and Travellers Control Amendment Act, 1988 | The area of the former Republic of Bophuthatswana | The whole |
| Act No. 55 of 1992 (Bophuthatswana) | Aliens and Travellers Control Amendment Act, 1992 | The area of the former Republic of Bophuthatswana | The whole |
| Act No. 8 of 1981 (Venda) | Registration of Births and Deaths Act, 1981 | The area of the former Republic of Venda | The whole |
| Act No. 4 of 1982 (Venda) | Public Holidays Amendment Act, 1982 | The area of the former Republic of Venda | The whole |
| Act No. 15 of 1983 (Venda) | Publications Act, 1983 | The area of the former Republic of Venda | The whole |
| Amendment Proclamation No. 11 of 1992 (Venda) | Amendment Proclamation on Public Holidays, 1992 | The area of the former Republic of Venda | The whole |
| Act No. 5 of 1982 (Qwaqwa) | Public Holidays Amendment Act, 1982 | The area of the former self-governing territory of Qwaqwa | The whole |
| Act No. 7 of 1985 (Qwaqwa) | Public Holidays Amendment Act, 1985 | The area of the former self-governing territory of Qwaqwa | The whole |
| Act No. 8 of 1987 (Qwaqwa) | Public Holidays Amendment Act, 1987 | The area of the former self-governing territory of Qwaqwa | The whole |
| Act No. 6 of 1993 (Qwaqwa) | Registration of Births and Deaths Amendment Act, 1993 | The area of the former self-governing territory of Qwaqwa | The whole |
| Act No. 2 of 1987 (Ciskei) | Registration of Births and Deaths Act, 1987 | The area of the former Republic of Ciskei | The whole |
| Act No. 9 of 1988 (Ciskei) | Immigration, Emigration and Aliens Act, 1988 | The area of the former Republic of Ciskei | The whole |
| Act No. 7 of 1988 (Gazankulu) | Public Holidays Amendment Act, 1988 | The area of the former self-governing territory of Gazankulu | The whole |
| Act No. 15 of 1988 (KwaNdebele) | Public Holidays Act, 1988 | The area of the former self-governing territory of KwaNdebele | The whole |
| Act No. 4 of 1990 (KwaNdebele) | Public Holidays Amendment Act, 1990 | The area of the former self-governing territory of KwaNdebele | The whole |
| Act No. 25 of 1989 (KwaZulu) | Public Holidays Amendment Act, 1989 | The area of the former self-governing territory of KwaZulu | The whole |

Act No. 41, 1995

HOME AFFAIRS LAWS RATIONALISATION ACT, 1995

| No. and year of law | Short title | Area in which law applies | Extent of repeal |
|---------------------------------|---|---|------------------|
| Act No. 11 of 1993 (KwaZulu) | Registration of Births and Deaths Amendment Act, 1993 | The area of the former self-governing territory of KwaZulu | The whole |
| Act No. 5 of 1993 (KaNgwane) | Registration of Births and Deaths Amendment Act, 1993 | The area of the former self-governing territory of KaNgwane | The whole |