

REPUBLIC OF SOUTH AFRICA

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**REPEAL OF THE BLACK  
ADMINISTRATION ACT AND  
AMENDMENT OF CERTAIN LAWS  
AMENDMENT BILL**

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*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill  
published in Government Gazette No. 28898 of 31 May 2006)  
(The English text is the official text of the Bill)*

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(MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT)

**[B 11—2006]**

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# BILL

**To amend the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005, so as to substitute a date; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## **Amendment of section 1 of Act 28 of 2005**

**1.** Section 1 of the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005, is hereby amended by the substitution in subsections (2), (3), (4), (5) 5 and (6) for the date “31 July 2006”, wherever it occurs, of the date “31 May 2007”.

## **Short title and commencement**

**2.** This Act is called the Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2006, and comes into operation on 30 July 2006.

## **MEMORANDUM ON THE OBJECTS OF THE REPEAL OF THE BLACK ADMINISTRATION ACT AND AMENDMENT OF CERTAIN LAWS AMENDMENT BILL, 2006**

### **1. PURPOSE OF BILL**

The purpose of the Bill is to amend the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005, in order to substitute a date.

### **2. OBJECTS OF BILL**

2.1 Section 1(3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005 (the Act), provides that the remaining provisions of sections 12 and 20 and the Third Schedule of the Black Administration Act, 1927 (Act No. 38 of 1927), will be repealed on 31 July 2006 or on such date as national legislation to further regulate the matters dealt with in these provisions has been implemented, whichever occurs first. These sections deal with the judicial functions of traditional leaders.

2.2 The Department of Justice and Constitutional Development intends developing an interim policy framework that will determine the role and responsibilities of traditional leaders in relation to the administration of justice, which will culminate in the enactment and implementation of appropriate legislation. The Bill consequently intends extending the date of the application of the provisions of sections 12 and 20 and the Third Schedule of the Black Administration Act, 1927, to 31 May 2007.

2.3 The same deadline has been determined in section 1(2), (4), (5) and (6) of the Act in respect of legislation which is administered by other Departments, namely the Departments of Land Affairs and Provincial and Local Government. These deadlines are, likewise, being extended from 31 July 2006 to 31 May 2007.

### **3. DEPARTMENTS/BODIES/PERSONS CONSULTED**

The following Departments were consulted on the Bill:

- Land Affairs; and
- Provincial and Local Government.

### **4. IMPLICATIONS FOR PROVINCES**

None.

### **5. FINANCIAL IMPLICATIONS FOR STATE**

None.

### **6. PARLIAMENTARY PROCEDURE**

6.1 The State Law Advisers and the Department of Justice and Constitutional Development are of the view that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

6.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.