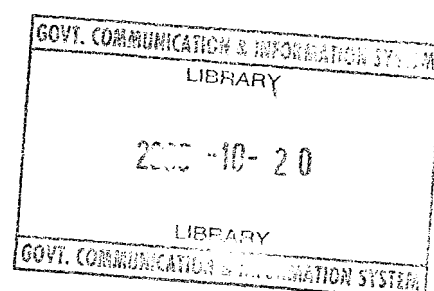


REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
REPEAL OF BLACK
ADMINISTRATION ACT AND
AMENDMENT OF CERTAIN
LAWS BILL**

[B 25—2005]

*(As agreed to by the Portfolio Committee on Justice and Constitutional
Development (National Assembly))*



[B 25A—2005]

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AMENDMENTS AGREED TO

REPEAL OF BLACK ADMINISTRATION ACT AND AMENDMENT OF CERTAIN LAWS BILL

[B 25—2005]

CLAUSE 1

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Repeal of Act 38 of 1927 and savings

1. (1) Sections 1, 2(1), (2), (3), (5), (6) and (9), 3, 5(1)(a), 11(3)(a), 11A, 21A, 23(1), (2), (3), (5), (6), (7)(b), (8), (9), (10)(a), (b), (c), (e) and (f) and (11), 26(1), 27, 31, 33, 34 and the Second Schedule of the Black Administration Act, 1927 (Act No. 38 of 1927) (hereafter referred to as the Act), are hereby repealed.

(2) Section 2(7), (7)*bis*, (7)*ter* and (8) of the Act is hereby repealed on—

(a) 31 July 2006; or

(b) such date when the last of the provinces of—

(i) KwaZulu-Natal;

(ii) Free State;

(iii) Mpumalanga;

(iv) North West;

(v) Limpopo; and

(vi) Eastern Cape,

have repealed those provisions that were assigned to them or their equivalent and have enacted and implemented corresponding provincial legislation regulating the matters dealt with in section 2(7), (7)*bis*, (7)*ter* and (8) of the Act in terms of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), within their areas of jurisdiction, whichever occurs first.

(3) Sections 12(1), (2), (3), (4) and (6) and 20(1), (2), (3), (4), (5), (6) and (9) and the Third Schedule of the Act are hereby repealed—

(a) on 31 July 2006; or

(b) on such date as national legislation to further regulate the matters dealt with in sections 12(1), (2), (3), (4) and (6) and 20(1), (2), (3), (4), (5), (6) and (9) and the Third Schedule of the Act is implemented,

whichever occurs first.

(4) Section 22(7) and (8) of the Act is hereby repealed—

(a) on 31 July 2006; or

(b) on such date as national legislation to further regulate the matters dealt with in section 22(7) and (8) of the Act is implemented,

whichever occurs first.

(5) Section 24 of the Act is hereby repealed on—

(a) 31 July 2006; or

(b) such date as provincial legislation in KwaZulu-Natal in order to further regulate the matters dealt with in section 24 of the Act is implemented,

whichever occurs first.

- (6) Any—
- (a) proclamation made under section 25(1) of the Act, including a proclamation validated by an Act of Parliament, and in force immediately prior to the commencement of section 5 of the Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991), in an area, including a former self-governing territory;
- (b) regulation made under section 30(2) of the Act or any by-law made under section 30A(1) of the Act and in force immediately prior to the commencement of section 8 of the Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991), in an **area**, including a former self-governing territory, which has not been repealed in terms of section 87 of the said Abolition of Racially Based Land Measures Act, 1991, is hereby repealed on—
- (i) 31 July 2006; or
- (ii) such date as it is repealed by a competent authority, whichever occurs first.
- (7) Sections 32, 35, 36, 37, the long title and First Schedule of the Act are hereby repealed subject to the repeal of all the provisions referred to in subsections (1) to (6).
- (8) (a) The repeal of any section, including sections 11A, 31, 34 and the Second Schedule of the Black Administration Act, 1927, by this Act must not be construed as derogating from any right which is not inconsistent with the Constitution and which was acquired in terms of any section of the Black Administration Act, 1927, prior to the repeal thereof by this Act.
- (b) **The** Registrar of Deeds having jurisdiction must, without charge, remove any restrictive condition contained in a deed which was imposed by virtue of the operation of section 34 of the Black Administration Act, 1927, and contemplated in the Second Schedule thereto, if the Minister responsible for land affairs in writing approves an application by the owner of the land in question for such removal.

CLAUSE 3

Clause rejected.

LONG TITLE

1. On page 2, in the third line, to omit “orphans and”.