

REPUBLIC OF SOUTH AFRICA

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

*(As introduced in the National Assembly (proposed section 75); draft Bill and memorandum
setting out its objects published in Government Gazette No. 31088 of 23 May 2008)
(The English text is the official text of the Bill)*

(PORTFOLIO COMMITTEE ON JUSTICE AND CONSTITUTIONAL DEVELOPMENT)

[B 50—2008]

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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.

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.

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

Amendment of section 1 of Act 28 of 2005, as amended by section 1 of Act 8 of 2006 and section 1 of Act 13 of 2007

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 subsection (3) for paragraph (a) of the following paragraph: 5
“*(a)* [**30 June 2008**] 30 December 2009; or”.

Short title and commencement

2. This Act is called the Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2008, and comes into operation on 29 June 2008. 10

**MEMORANDUM ON THE OBJECTS OF THE REPEAL OF THE
BLACK ADMINISTRATION ACT AND AMENDMENT OF CERTAIN
LAWS AMENDMENT BILL, 2008**

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 (Act No. 28 of 2008) (the Act), in order to substitute a date.

2. OBJECTS OF BILL

Section 1(3) of the Act provides that provisions of sections 12 and 20 of the Black Administration Act, 1927 (Act No. 38 of 1927), and the Third Schedule to that Act, are to be repealed—

- (a) on 30 June 2008; or
- (b) on such date as national legislation to further regulate the matters dealt with in those provisions and in the Third Schedule has been implemented,

whichever occurs first.

(The said provisions and the Third Schedule deal with the judicial functions of traditional leaders.)

The Traditional Courts Bill, 2008 [B15-2008], which seeks to regulate the matters dealt with in sections 12 and 20 of, and the Third Schedule to, the Black Administration Act, 1927, is currently being considered by the Portfolio Committee on Justice and Constitutional Development. It is foreseen that the Traditional Courts Bill will not be signed into law by the deadline of 30 June 2008. The Bill consequently intends extending the date of the application of the provisions of sections 12 and 20 of, and the Third Schedule to, the Black Administration Act, 1927 to 30 December 2009.

3. DEPARTMENTS/BODIES/PERSONS CONSULTED

The Bill was published for general comment. No responses were received. Because of the urgency of the matter in question, and since the Bill merely seeks to substitute a date in the Act, thereby extending the application of certain existing provisions of the Black Administration Act, 1927, no further consultations were held.

4. FINANCIAL IMPLICATIONS FOR STATE

None.

5. PARLIAMENTARY PROCEDURE

This Bill is introduced as a Bill which must be dealt with in accordance with the procedures 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.

Since the Bill does not contain provisions pertaining to customary law or customs of traditional communities, but only seeks to substitute a date, 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).