

REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN PASSPORTS AND
TRAVEL DOCUMENTS
AMENDMENT BILL**

(As introduced)

(MINISTER OF HOME AFFAIRS)

[B 63-97]

REPUBLIEK VAN SUID-AFRIKA

**WYSIGINGSWETSONTWERP OP
SUID-AFRIKAANSE PASPOORTE
EN REISDOKUMENTE**

(Soos ingedien)

(MINISTER VAN BINNELANDSE SAKE)

[W 63—97]

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**MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN
PASSPORTS AND TRAVEL DOCUMENTS AMENDMENT BILL, 1997**

In terms of section 1(2)(d) of the Guardianship Act, 1993, both parents of a minor must give their consent when one of the parents applies for the specification of that minor in his or her passport.

Although the practice of specifying a minor in one of its parent's passport is no longer followed due to the fact that separate passports are now issued for minors, the principle that both parents must give their consent when a person under the age of 21 years applies for a passport is still strictly adhered to by the Department of Home Affairs.

Where a particular parent cannot be located or withholds such consent on unreasonable grounds, the other parent is obliged to approach a High Court to authorise the issuing of a passport to such a minor, with considerable legal costs to the applicant.

The object of this Bill is to amend the South African Passports and Travel Documents Act, 1994, in order to provide that persons who have attained the age of 18 years can apply for a passport or travel document in the same way as an adult despite the fact that they have not yet attained the age of majority. The Bill also provides for a consequential amendment of the Guardianship Act, 1993.

In the opinion of the Department and the State Law Advisers this Bill should be dealt with in accordance with section 75 of the Constitution of the Republic of South Africa, 1996.