

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprijs • Selling price
(AVB uitgesluit/GST excluded)
Plaaslik **45c** Local
Buitelands 60c Other countries
Posvry • Post free

Vol. 252

KAAPSTAD, 13 JUNIE 1986

No. 10277

CAPE TOWN, 13 JUNE 1986

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1164.

13 Junie 1986

No. 1164.

13 June 1986

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

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

No. 53 van 1986: Wysigingswet op Aangeleenthede Betreffende Toelating tot en Verblyf in die Republiek, 1986.

No. 53 of 1986: Matters Concerning Admission to and Residence in the Republic Amendment Act, 1986.

MATTERS CONCERNING ADMISSION TO AND RESIDENCE IN THE REPUBLIC AMENDMENT ACT, 1986

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2. Section 4 of the Aliens Act, 1937, is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

Amendment of section 4 of Act 1 of 1937, as amended by section 8 of Act 69 of 1962, section 2 of Act 7 of 1967 and section 2 of Act 12 of 1971.

5 “(b) **[is likely to become readily assimilated]** will within a reasonable period after his entry into the Union assimilate with the **[European]** inhabitants of the Union and **[to become]** be a desirable inhabitant of the Union **[within a reasonable period after his entry into the Union];** and”.

10 3. Section 5bis of the Aliens Act, 1937, is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 5bis of Act 1 of 1937, as inserted by section 2 of Act 30 of 1963 and amended by section 2 of Act 49 of 1984.

15 “(2) The provisions of subsections (2) and (3) of section **[six]** 22 of the principal Act shall *mutatis mutandis* apply with reference to any such alien in the same manner as they apply with reference to prohibited persons referred to in that section.”.

4. The following section is hereby substituted for section 6 of the Aliens Act, 1937:

Substitution of section 6 of Act 1 of 1937, as amended by section 10 of Act 69 of 1962 and section 2 of Act 23 of 1964.

20 “Permit holders not exempted from Act 59 of 1972. 6. (1) A permit in terms of section 4 or 5 shall not exempt the holder thereof from any provision of the principal Act or of any regulation made under that Act.

25 (2) Any alien who arrived by sea within the territorial waters of the Union or who has entered the Union by aircraft, or who became an alien while in the Union and who is not the holder of a permit issued in terms of section 4 or 5, may be dealt with as a prohibited person in terms of section **[thirteen]** 26 of the principal Act, even though he would, but for the provisions of this subsection, not be a prohibited person under the principal Act.”.

35 5. The Aliens Act, 1937, is hereby amended by the substitution, in sections 5 (1), 5 (1A), 5 (2), 5bis (1) and 5quat (1) and (3), for the words “passport control officer”, wherever they occur, of the words “immigration officer”.

Substitution of the words “passport control officer” in Act 1 of 1937.

6. Section 1 of the South African Citizenship Act, 1949 (hereinafter called the principal Act), is hereby amended by the addition to subsection (2) of the following paragraph:

Amendment of section 1 of Act 44 of 1949, as amended by section 1 of Act 64 of 1961 and section 18 of Act 69 of 1962.

40 “(c) a person—
 (i) to whom an exemption from the prohibition mentioned in section 2 (a) of the Aliens Act, 1937, has been granted unconditionally and for an unspecified period in terms of section 7bis of that Act, whether as an individual or as a member of a class of persons; or
 45 (ii) to whom the said prohibition is not applicable by virtue of section 12 (1) (a) or (c) of that Act, and who entered the Union or is therein or at any time prior to the commencement of the Matters concerning Admission to and Residence in the Republic Amendment Act, 1986, was therein for purposes of permanent residence, shall be deemed to be or have been lawfully admitted to the Union for permanent residence therein, or permanently and lawfully residing in the
 50 Union.”.

7. Section 6 of the principal Act is hereby amended—
 (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of section 6 of Act 44 of 1949, as amended by section 6 of Act 64 of 1961.

60 “(a) his father was, at the time of the birth, a South African citizen and the birth is **[within one year thereof or such longer period as the Minister may**

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in the special circumstances of the case approve, registered at a Union consulate or such other place as may be prescribed] registered in terms of the provisions of section 17A of the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963); or"; and

(b) by the deletion of paragraph (c) of subsection (2).

8. Section 11A of the principal Act is hereby amended—

(a) by the insertion after subsection (1) of the following subsection:

"(1A) The provisions of subsection (1) shall *mutatis mutandis* apply to an alien who is entitled to permanent residence by virtue of an exemption in terms of section 7bis of the Aliens Act, 1937, and in such application a reference in that subsection—

(a) to "a permit in terms of section 4 of the Aliens Act, 1937 (Act No. 1 of 1937)" shall be construed as a reference to an exemption in terms of section 7bis of the Aliens Act, 1937, from the prohibition in section 2 (a) of the said Act;

(b) to "19 April 1978" and "two years" shall be construed as a reference to four years and six months; and

(c) to "the South African Citizenship Amendment Act, 1984" shall be construed as a reference to the Matters concerning Admission to and Residence in the Republic Amendment Act, 1986.";

(b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) The Minister may in his discretion exclude any person or category of persons, with such exceptions as he may deem fit, from the provisions of subsection (1) or (1A), and either for a specified or unspecified period and either unconditionally or subject to such conditions as the Minister may impose.";

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

"(3) If a declaration [contemplated] referred to in subsection (1) or referred to in that subsection as applied by subsection (1A) has been made by or on behalf of any person—

(a) he shall from the day on which the declaration has been registered in the prescribed manner, be deemed to be an alien who, for the purposes of the Aliens Act, 1937, is not—

(i) in possession of a permit issued to him in terms of section 4 or 5 of the said Act; or

(ii) in terms of section 7bis of the said Act exempted from the prohibition in section 2 (a) of that Act;

(b) a permit may not in terms of section 4 of the said Act be issued or an exemption in terms of section 7bis of the said Act from the prohibition in section 2 (a) of that Act may not be granted to him; and

(c) he shall be disqualified from acquiring South African citizenship in any manner.";

(d) by the substitution in subsection (3A) for the words preceding paragraph (a) of the following words:

"(3A) Any person who made a declaration in terms of subsection (1) or in terms of that subsection as applied by subsection (1A) may withdraw that declaration with the consent of the Minister and subject to the conditions determined by the Minister, and if such declaration is so withdrawn—";

Amendment of section 11A of Act 44 of 1949, as inserted by section 1 of Act 53 of 1978 and amended by section 3 of Act 95 of 1981 and section 1 of Act 43 of 1984.

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(e) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

“(a) If a declaration **[contemplated]** referred to in subsection (1) or referred to in that subsection as applied by subsection (1A) has been made by or on behalf of a minor, he may at any time during a period of three months after attaining majority make a declaration in the prescribed form stating that he wishes to become a South African citizen, and thereupon—”; and

(f) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) the provisions of subsection (1) or (1A) shall apply in respect of such person as if the first-mentioned declaration had not been made on his behalf;”.

9. Section 21 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) Whenever a person ceases to be a South African citizen under the provisions of section 16, 19, 19bis or 20bis, he shall for the purposes of the Aliens Act, 1937, be deemed to be an alien who is not—

(i) in possession or is not deemed to be in possession of a permit referred to in section 4 or 5 of that Act; or

(ii) in terms of section 7bis of the said Act exempted or deemed to be exempted from the prohibition in section 2 (a) of that Act.”; and

(b) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) If any person ceased to be a South African citizen under section 16 (2), a permit shall not be issued to him in terms of section 4 of the Aliens Act, 1937, or an exemption in terms of section 7bis of the said Act from the prohibition in section 2 (a) of that Act shall not be granted to him, and he shall not be entitled to obtain South African citizenship in any manner again.”.

Amendment of section 21 of Act 44 of 1949, as amended by section 15 of Act 64 of 1961, section 1 of Act 30 of 1980 and section 7 of Act 95 of 1981.

10. Section 39 of the principal Act is hereby repealed.

Repeal of section 39 of Act 44 of 1949, as amended by section 22 of Act 64 of 1961, section 25 of Act 69 of 1962 and section 13 of Act 95 of 1981.

11. Section 40 of the principal Act is hereby amended by the substitution for paragraph (f) of the following paragraph:

“(f) the issue of certificates of acknowledgement of South African citizenship to persons born elsewhere than in the Union;”.

Amendment of section 40 of Act 44 of 1949, as amended by section 26 of Act 69 of 1962, section 14 of Act 95 of 1981 and section 2 of Act 43 of 1984.

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12. The following Schedule is hereby substituted for the First Schedule to the principal Act:

Substitution of First Schedule to Act 44 of 1949, as substituted by section 27 of Act 69 of 1962.

"First Schedule

OATH OF ALLEGIANCE

5 I, A. B., do hereby declare on oath that I [unreservedly re-
nounce all allegiance and fidelity to any foreign State or
Head of State of whom I have heretofore been a citizen or a
subject, or to any other External Authority to whom I have
10 heretofore owed any form of allegiance; that I] will be faith-
ful to the Republic of South Africa, observe its laws, pro-
mote all that which will advance it and oppose all that may
harm it. So Help Me God."

13. Chapter XXXIII of the "Wetboek van den Oranje-
vrijstaat" is hereby repealed.

Repeal of Chapter XXXIII of the "Wetboek van den Oranje-vrijstaat".

15 14. The Asiatics in the Northern Districts of Natal Act, 1927,
is hereby repealed.

Repeal of Act 33 of 1927.

15 15. Section 17 of the Admission of Persons to the Republic
Regulation Act, 1972, is hereby repealed.

Repeal of section 17 of Act 59 of 1972.

20 16. This Act shall be called the Matters concerning Admission
to and Residence in the Republic Amendment Act, 1986.

Short title.