



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1376.

27 Junie 1986

No. 1376.

27 June 1986

Hierby word bekend gemaak dat die Staatspresident sy medkeuring geheg 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. 68 van 1986: Wet op die Afskaffing van Instromingsbeheer, 1986.

No. 68 of 1986: Abolition of Influx Control Act, 1986.

## ABOLITION OF INFLUX CONTROL ACT, 1986

Act No. 68, 1986

## GENERAL EXPLANATORY NOTE:

**[** Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with solid line indicate insertions in existing enactments.

# ACT

To repeal the laws relating to influx control in respect of Black persons and related matters; to amend the Black Administration Act, 1927, so as to repeal certain provisions relating to the removal of Black tribes, communities or persons from land occupied by them; to amend the Prevention of Illegal Squatting Act, 1951, so as to provide for the uniform application of the Act in respect of all persons irrespective of the population group to which they belong; to adjust the fines which may be imposed for contraventions of the Act; to provide for controlled squatting on land designated by the Minister of Constitutional Development and Planning; to amend the Slums Act, 1979 so as to provide for the application of that Act in the areas under the jurisdiction of local authorities in terms of the Black Local Authorities Act, 1982; and to provide for incidental matters.

*(English text signed by the State President.)*  
*(Assented to 24 June 1986.)*

**BE IT ENACTED** by the State President and the Parliament of the Republic of South Africa, as follows:—

1. Section 5 of the Black Administration Act, 1927, is hereby  
 5 amended by the deletion of paragraph (b) of subsection (1) and  
 subsections (1)bis, (1)ter, (2), (3), (4) and (5).
 

Amendment of  
 section 5 of  
 Act 38 of 1927,  
 as substituted by  
 section 20 of  
 Act 54 of 1952  
 and amended by  
 section 3 of  
 Act 42 of 1956  
 and section 1 of  
 Act 7 of 1973.
2. Section 1 of the Prevention of Illegal Squatting Act, 1951  
 (hereinafter referred to as the principal Act), is hereby amended  
 by the deletion of paragraph (b).
 

Amendment of  
 section 1 of  
 Act 52 of 1951,  
 as amended by  
 section 12 of  
 Act 76 of 1963.
3. Section 2 of the principal Act is hereby amended by the  
 10 substitution for subsection (1) of the following subsection:  
 “(1) Any person contravening the provisions of section 1  
 shall be guilty of an offence and liable on conviction to a  
 fine not exceeding **[two hundred rand]** R1 000 or to im-  
 15 prisonment for a period not exceeding six months or to both  
 such fine and such imprisonment.”
 

Amendment of  
 section 3 of  
 Act 52 of 1951.
4. Section 3 of the principal Act is hereby amended—  
 (a) by the substitution in subsection (1) for the words pre-  
 ceding paragraph (a) of the following words:
 

Amendment of  
 section 3 of  
 Act 52 of 1951.

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“(1) The Court which convicts any person **[of an offence in terms of section 2]** under section 2 of a contravention of section 1, may—”;

(b) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) in addition to any other penalty inflicted, make an order for the summary ejectment of such person from the land or building **[Black location, village or area]** concerned;”;

(c) by the substitution for subparagraph (ii) of paragraph (b) of subsection (1) of the following subparagraph:

“(ii) to effect the transfer of such person and his family and dependants to such other place, whether within or without the jurisdiction of the said Court, as it may indicate, including a place where a specified portion of land has been designated by the Minister of Constitutional Development and Planning under section 6A or otherwise been made available by the State, a local authority or any other competent authority as land on which persons who are unable to find accommodation may settle or reside;”;

(d) by the substitution for subparagraph (iii) of paragraph (b) of subsection (1) of the following subparagraph:

“(iii) to ensure the demolition and removal from the said land **[building, Black location, village or area]** of all buildings or structures which may have been erected thereon by any such person or on his behalf.”; and

(e) by the substitution for subsection (2) of the following subsection:

“(2) If such persons as aforesaid have at any time been transferred to any particular place in terms of subsection (1), and the magistrate within whose district such place is situated **[or any Commissioner (where the persons concerned are Blacks)]** is satisfied, on information placed before him, or on personal investigation, that the said place provides no suitable accommodation for the said persons, or that they can be more suitably accommodated elsewhere, or that they have no proper employment within a reasonable distance from such place, such magistrate **[or Commissioner]** may take all such steps as appear to him to be reasonably necessary for the transfer of the said persons, or any one or more of them, to such other suitable place (whether within or without the said magistrate's district) as he may indicate, and for such purpose such magistrate **[or Commissioner]** shall have unconditionally all the powers conferred on a magistrate under subsection (1).”.

50 5. Section 3A of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person who contravenes a provision of subsection (1) (a), shall be guilty of an offence and liable on conviction to a fine not exceeding **[five hundred rand]** R2 000 or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.”.

Amendment of section 3A of Act 52 of 1951, as inserted by section 2 of Act 92 of 1976.

6. Section 3B of the principal Act is hereby amended—

(a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) an officer of the Department of **[Community Development]** Constitutional Development and Planning, or the incumbent of any particular post in the Department, designated by the Minister of **[Community Development]** Constitutional Development and Planning for this purpose, **[or in the case of**

Amendment of section 3B of Act 52 of 1951, as inserted by section 2 of Act 92 of 1976 and amended by section 1 of Act 72 of 1977 and section 1 of Act 33 of 1980.

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- 5       Blacks, an officer of an Administration Board, or  
the incumbent of a particular post in that board,  
designated by the Minister of Co-operation and De-  
velopment for this purpose,] may without an order  
of court and at the expense of the owner of the  
land, demolish any building or structure which—
- 10       (i) is intended for occupation by persons;  
(ii) does not comply with the requirements of any  
legal provision under which a plan or descrip-  
tion is to be approved by the local authority in  
question before the building or structure may  
be erected; and
- 15       (iii) is situated on land which is not the property of  
the said Department **[or board]**,  
and remove the material from the land.”; and
- (b) by the substitution for subsection (3) of the following  
subsection:
- 20       “(3) (a) The owner referred to in subsection (1) shall  
forthwith, when it is brought to his notice that the  
building or structure has been erected on his land,  
notify the local authority or the Department of  
**[Community Development]** Constitutional Devel-  
opment and Planning in writing thereof.
- 25       (b) Any person who fails to comply with the provi-  
sions of paragraph (a), shall be guilty of an offence  
and liable on conviction to a fine not exceeding  
**[two hundred rand]** R1 000 or to imprisonment for  
a period not exceeding six months or to both such  
fine and such imprisonment.”.

30   7. Section 3C of the principal Act is hereby repealed.

Repeal of section 3C  
of Act 52 of 1951,  
as inserted by  
section 2 of  
Act 92 of 1976  
and amended by  
section 2 of  
Act 72 of 1977.

8. Section 3D of the principal Act is hereby amended by the  
substitution for the expression “Community Development” of  
the expression “Constitutional Development and Planning.”.

Amendment of  
section 3D of  
Act 52 of 1951,  
as inserted by  
section 2 of  
Act 33 of 1980.

- 35   9. Section 4 of the principal Act is hereby amended—  
(a) by the substitution for subsection (1) of the following  
subsection:
- 40       “(1) Any person who directly or indirectly receives  
or solicits payment of any moneys or other consider-  
ation as a fee or charge, or other payment, connected  
whether directly or indirectly with the arrangement or  
organization of the occupation of any land or buildings  
**[, Black location, village or area,]** in contravention of  
the provisions of section 1 or of any order or instruc-  
tion issued under section 5 or controls or exercises any  
45       degree of authority in connection with such occupation  
as aforesaid, shall be guilty of an offence and liable on  
conviction to a fine not exceeding **[five hundred rand]**  
**R2 000**, or to imprisonment for a period not exceeding  
one year, or to both such fine and such imprisonment,  
50       and the Court convicting such person shall order any  
such moneys or other consideration that may have been  
seized and made available to be confiscated, and the  
said moneys and the proceeds of such other consider-  
ation shall thereupon be paid into the State Revenue  
55       Fund.”; and

Amendment of  
section 4 of  
Act 52 of 1951,  
as amended by  
section 3 of  
Act 92 of 1976.

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“(b) by the addition of the following subsections:

“(3) The Court which convicts any person of a contravention of subsection (1) may—

(a) make an order for the summary ejectment of the occupants of the land or buildings concerned; and

(b) issue such further orders, give such instructions and confer such authority as may be reasonably necessary—

(i) to give effect to the said order of ejectment;

(ii) to effect the transfer of such occupants to such other place, whether within or without the jurisdiction of the said Court, as it may indicate, including a place where a specified portion of land has been designated by the Minister of Constitutional Development and Planning under section 6A or otherwise been made available by the State, a local authority or any other competent authority as land on which persons who are unable to find accommodation may settle or reside.

(4) The provisions of section 3 (2) shall *mutatis mutandis* apply in respect of such occupants.”

10. Section 5 of the principal Act is hereby amended—

(a) by the substitution for paragraph (ii) of subsection (1) of the following paragraph:

“(ii) to effect the transfer of such persons to such other place, whether within or without the said district, as he may indicate, including a place where a specified portion of land has been designated by the Minister of Constitutional Development and Planning under section 6A or otherwise been made available by the State, a local authority or any other competent authority as land on which persons who are unable to find accommodation may settle or reside;” and

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

“(2) If such persons as aforesaid have at any time been transferred to any particular place in terms of subsection (1), and the magistrate within whose district such place is situated [ , or any Commissioner (where the persons concerned are Blacks) ] is satisfied, on information placed before him, or on personal investigation, that the said place provides no suitable accommodation for the said persons, or that they can be more suitably accommodated elsewhere, or that they have no proper employment within a reasonable distance from such place, such magistrate [or Commissioner] may take all such steps as appear to him to be reasonably necessary for the transfer of the said persons, or any one or more of them, to such other suitable place whether within or without the said magistrate’s district, as he may indicate, and for such purpose such magistrate [or Commissioner] shall have unconditionally all the powers conferred on a magistrate under subsection (1).”

Amendment of section 5 of Act 52 of 1951, as amended by section 30 of Act 62 of 1955.

11. Section 6 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Any local authority [or, in the case of Blacks, an Administration Board established by section 2 of the Black Affairs Administration Act, 1971 (Act No. 45 of 1971),] may, and if so directed, after consultation, by the Minister of [Community Development or an officer

Amendment of section 6 of Act 52 of 1951, as amended by section 4 of Act 92 of 1976.

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- of the Department of Community Development designated for this purpose by the said Minister, or, in the case of Blacks, by the Minister of Plural Relations and Development or an officer of the Department of Plural Relations and Development designated for this purpose by the last-mentioned Minister,] Constitutional Development and Planning or an officer of the Department of Constitutional Development and Planning designated for this purpose by the said Minister, shall, in addition to any powers that it has in terms of any other law, establish within the area over which it has jurisdiction, an emergency camp for the purpose of the accommodation of homeless persons, and the Minister of [Community Development or, in the case of an emergency camp established in respect of Blacks, the Minister of Plural Relations and Development] Constitutional Development and Planning may, after consultation with the Minister of National Health and Population Development, issue regulations providing for the administration, maintenance, sanitation and health of the said emergency camp, and the control thereof, including particularly the control of trading.”;
- (b) by the substitution for paragraph (iii) of subsection (2) of the following paragraph:
- “(iii) provide penalties in respect of the contravention of such regulations not exceeding on first conviction a fine of **[one hundred rand] R500** or imprisonment for a period of three months or both such fine and such imprisonment, and not exceeding on any subsequent conviction a fine of **[two hundred rand] R1 000** or imprisonment for a period of six months or **[to]** both such fine and such imprisonment.”;
- (c) by the substitution for subsection (3A) of the following subsection:
- “(3A) A regulation issued under this section before the commencement of the Abolition of Influx Control Act, 1986, and which was of force immediately prior to such commencement, shall be deemed to have been issued by the Minister of Constitutional Development and Planning.”;
- (d) by the deletion of subsection (4); and
- (e) by the substitution for subsection (5) of the following subsection:
- “(5) The Minister of **[Community Development or, in the case of Blacks, the Minister of Plural Relations and Development]** Constitutional Development and Planning may at any time, by notice in the *Gazette*, declare that, as from a date to be stated in such notice, an emergency camp established in terms of this section shall no longer be an emergency camp for the purposes of this section.”.

12. The following section is hereby inserted in the principal Act after section 6:

Insertion of  
section 6A in  
Act 52 of 1951.

- 55 “Designation of land for controlled squatting. **6A. (1) The Minister of Constitutional Development and Planning may by notice in the *Gazette* designate a portion of land defined in the notice as land on which persons who are unable to find accommodation may, subject to any regulations made under subsection (3), settle or reside.**
- 60 (2) Unless, and save to the extent to which, the Minister of Constitutional Development and Planning otherwise determines by notice in the *Gazette*—

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- (a) no law relating to the setting apart of land for the purposes of townships, or to the establishment of townships, shall be applicable in respect of land designated under subsection (1);
- 5 (b) land so designated shall for the purposes of the application of any law relating to townships be deemed not to be a township.
- (3) The Minister of Constitutional Development and Planning may with respect to a portion of land designated under subsection (1) make regulations providing for the orderly development of such land as a residential area, the construction, provision and maintenance of services on such land, the erection of buildings, structures and shelters on such land, the establishment of a local committee or any other similar institution to control and manage such land as a residential area, the functions, duties and powers of such a committee or institution, and any other matter which the Minister may deem fit."

20 13. The following section is hereby substituted for section 7 of the principal Act:

Substitution of section 7 of Act 52 of 1951, as substituted by section 5 of Act 92 of 1976.

"Obstruction of police and other authorized persons prohibited.

25 7. Any person who hinders, obstructs or resists any police officer or other person, acting under the authority of an instruction or order issued by the Court in terms of section 3, or by a Magistrate **[or Commissioner]** in terms of section 5, when carrying out such instruction or order, or who hinders, obstructs or resists an owner or an officer of a local authority or the Department of **[Community Development or an Administration Board]** Constitutional Development and Planning when exercising any power granted under section 3B (1), shall be guilty of an offence and on conviction liable to a fine not exceeding **[five hundred rand]** R2 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment."

14. The following section is hereby substituted for section 10 of the principal Act:

Substitution of section 10 of Act 52 of 1951, as amended by section 1 of Act 24 of 1952.

"Interpretation.

40 10. In this Act 'local authority' means any divisional council, municipal council, borough council, town council, village council, town board, local board, village management board, health committee, the Transvaal Board for the Development of Peri-Urban Areas **[Health Board]** established **[under]** by the **[Peri-Urban Areas Health Board]** Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943), Transvaal, **[or]** the **[Local Health Commission]** Development and Service Board constituted under the **[Local Health Commission (Public Health Areas Control)]** Development and Services Board Ordinance, 1941 (Ordinance No. 20 of 1941), Natal, or any local authority as defined in section 1 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982)."

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15. The following section is hereby substituted for section 11 of the principal Act:

Substitution of section 11 of Act 52 of 1951.

5 "Transfer of powers, duties or functions. 11. The State President may by proclamation in the *Gazette*, either generally or in respect of such area or in such circumstances as may be specified in the proclamation, provide that any power, duty or function which in terms of this Act is permitted or required to be performed by any authority or person mentioned in the Act, may be or shall be, as the case may be, exercised, carried out or performed by such authority or person, including a person in the service of such authority or of the State, as may be specified in the proclamation."

16. Section 1 of the Slums Act, 1979, is hereby amended—

Amendment of section 1 of Act 76 of 1979.

15 (a) by the substitution for the definition of "local authority" of the following definition:

20 "local authority' means the council of any city, town or borough specified in the list set out in Schedule 2, a local authority as defined in section 1 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), and any body of persons declared under section 39 to be a local authority;" and

(b) by the substitution for the definition of "premises" of the following definition:

25 "premises' means any dwelling together with the land on which the dwelling is situated and the adjoining land used in connection therewith [, but does not include any compound situated on proclaimed land and erected in terms of the regulations made under the Black Labour Act, 1964 (Act No. 67 of 1964), nor any location, Black village or Black hostel, or any part thereof, established by a local authority in terms of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945)];".

35 17. The laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column thereof.

Repeal of laws.

18. This Act shall be called the Abolition of Influx Control Act, 1986, and shall come into operation on 1 July 1986.

Short title and commencement.



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## SCHEDULE

## LAWS REPEALED

No. and year of law	Short title	Extent of repeal
Act No. 18 of 1936 .....	Development Trust and Land Act, 1936 .....	The repeal of Chapter IV.
Act No. 46 of 1937 .....	Black Laws Amendment Act, 1937 .....	The repeal of sections 38 and 39.
Act No. 17 of 1939 .....	Development Trust and Land Amendment Act, 1939 .....	The repeal of section 10.
Act No. 25 of 1945 .....	Blacks (Urban Areas) Consolidation Act, 1945 .....	The repeal of the whole.
Act No. 20 of 1950 .....	The Administrators' Powers (Validation) Act, 1950 .....	The repeal of the whole.
Act No. 54 of 1952 .....	Black Laws Amendment Act, 1952 .....	The repeal of sections 27, 28, 29, 30, 31 and 32.
Act No. 18 of 1954 .....	Development Trust and Land Amendment Act, 1954 .....	The repeal of sections 4, 5, 6, 7, 8, 9, 10, 11 and 12.
Act No. 16 of 1955 .....	Blacks (Urban Areas) Amendment Act, 1955 .....	The repeal of the whole.
Act No. 64 of 1956 .....	Blacks (Prohibition of Interdicts) Act, 1956 .....	The repeal of the whole.
Act No. 73 of 1956 .....	Development Trust and Land Amendment Act, 1956 .....	The repeal of sections 8 and 9.
Act No. 36 of 1957 .....	Black Laws Amendment Act, 1957 .....	The repeal of the whole.
Act No. 79 of 1957 .....	Black Laws Further Amendment Act, 1957 .....	The repeal of section 8.
Act No. 41 of 1958 .....	Development Trust and Land Amendment Act, 1958 .....	The repeal of section 4.
Act No. 76 of 1963 .....	Black Laws Amendment Act, 1963 .....	The repeal of sections 6 and 7.
Act No. 42 of 1964 .....	Black Laws Amendment Act, 1964 .....	The repeal of sections 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 45, 46, 47, 48, 49, 50, 51, 61, 64, 72, 73 and 76.
Act No. 36 of 1966 .....	Group Areas Act, 1966 .....	The repeal of sections 17 (2) (e) and 20 (2) (i), (j), (k), (l) and (p).
Proclamation 270 of 1966 .....	.....	The repeal of the whole.
Act No. 56 of 1968 .....	Black Laws Amendment Act, 1968 .....	The repeal of section 3.
Proclamation R.74 of 1968 .....	Black Labour Regulations (Black Areas), 1968 .....	The repeal of the whole.
Act No. 19 of 1970 .....	Black Laws Amendment Act, 1970 .....	The repeal of sections 3 and 6.
Act No. 45 of 1971 .....	Black Affairs Administration Act, 1971 .....	The repeal of section 26.
Act No. 29 of 1972 .....	Contributions in respect of Black Labour Act, 1972 .....	The repeal of the whole.
Act No. 70 of 1974 .....	Black Laws Amendment Act, 1974 .....	The repeal of section 8.
Act No. 4 of 1976 .....	Black Laws Amendment Act, 1976 .....	The repeal of section 7.
Act No. 119 of 1977 .....	Black Laws Amendment Act, 1977 .....	The repeal of sections 3 and 4.
Act No. 12 of 1978 .....	Black Laws Amendment Act, 1978 .....	The repeal of sections 2, 3 and 5.
Act No. 97 of 1978 .....	Blacks (Urban Areas) Amendment Act, 1978 .....	The repeal of the whole.
Act No. 102 of 1978 .....	Second Black Laws Amendment Act, 1978 .....	The repeal of section 1.
Act No. 16 of 1979 .....	Laws on Plural Relations and Development Amendment Act, 1979 .....	The repeal of section 6.
Act No. 98 of 1979 .....	Laws on Plural Relations and Development Second Amendment Act, 1979 .....	The repeal of sections 4 and 5.
Act No. 3 of 1980 .....	Laws on Co-operation and Development Amendment Act, 1980 .....	The repeal of section 3.
Act No. 111 of 1981 .....	Laws on Co-operation and Development Amendment Act, 1981 .....	The repeal of section 1.
Act No. 102 of 1983 .....	Laws on Co-operation and Development Amendment Act, 1983 .....	The repeal of sections 3, 4 and 5.
Act No. 91 of 1985 .....	Laws on Co-operation and Development Amendment Act, 1985 .....	The repeal of sections 3 and 4.