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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1352. 30 June 1978.

No. 1352. 30 Junie 1978.

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

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

No. 102 of 1978: Second Bantu Laws Amendment Act, 1978.

No. 102 van 1978: Tweede Wysigingswet op Bantowetgewing, 1978.

SECOND BANTU LAWS AMENDMENT ACT, 1978.

Act No. 102, 1978

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 amend the Bantu (Urban Areas) Consolidation Act, 1945, so as to extend the meaning of the words "reference book"; to amend the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, so as to exempt certain persons who are in possession of certain documents from the obligation to be in possession of reference books; relating to the particulars to be entered in reference books; to apply certain provisions relating to reference books and the persons to whom they were issued, also in respect of certain documents and the persons to whom they were issued; to penalize the refusal and, in certain circumstances, inability of certain persons to produce certain documents to authorized officers; and to prohibit the furnishing of certain false information by certain persons; to amend the Bantu Labour Act, 1964, so as to provide for the power to make regulations relating to the making of certain entries in certain documents; and to provide for a change of the names or official titles of certain institutions and the holders of certain offices and to substitute the word "Bantu" and derivatives thereof in all laws; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 20 June 1978.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

- | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | 1. Section 1 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution for the definition of "reference book" of the following definition: | Amendment of section 1 of Act 25 of 1945, as amended by section 1 of Act 16 of 1955, section 23 of Act 36 of 1957, section 20 of Act 63 of 1962, section 39 of Act 42 of 1964, section 8 of Act 70 of 1974 and section 7 of Act 4 of 1976. |
| 10 | <p style="margin-left: 20px;">"reference book" means a reference book as defined in the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952); or any document referred to in section 3 (1)<i>bis</i> (c) of that Act or any passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972);"</p> | |
| 15 | 2. Section 3 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (hereinafter referred to as the reference book Act), is hereby amended by the substitution for subsection (1) <i>bis</i> of the following subsection: | Amendment of section 3 of Act 67 of 1952, as amended by section 12 of Act 79 of 1957, section 15 of Act 76 of 1963, section 84 of |
| 20 | <p style="margin-left: 20px;">"(1)<i>bis</i> Notwithstanding the provisions of subsection (1), the reference book referred to in paragraph (b) (i) or the identity document referred to in paragraph (b) (ii), as the case</p> | |

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may be, of the said subsection shall not be required of nor shall such book or document be issued to a Bantu—

Act 42 of 1964,
section 7 of
Act 119 of 1977
and section 6 of
Act 12 of 1978.

- (a) who is in possession of a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972);
- (b) who is not a South African citizen, and who enters or has after the thirtieth day of June, 1963 entered the Republic;
- (c) who is a South African citizen and is in possession of a document—
 - (i) issued to him in terms of any law of any legislative assembly established under the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971); and
 - (ii) whereby his identity and his right to be at the place where he is, can be established.”

3. The following section is hereby substituted for section 4 of the reference book Act:

Amendment of
section 4 of
Act 67 of 1952.

4. There shall in such manner as may be prescribed, be **[affixed]** entered in any reference book issued under this Act; **[any identity card issued to the Bantu concerned in terms of section *thirteen* of the Population Registration Act, 1950 (Act No. 30 of 1950)]** the prescribed particulars of the person to whom it is issued.”

4. Section 5 of the reference book Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of
section 5 of
Act 67 of 1952,
as substituted by
section 13 of
Act 79 of 1957
and amended by
section 16 of
Act 76 of 1963.

“(2) If at any time an authorized officer finds that a Bantu is not in possession of a reference book as required by this Act or is not in possession of a document referred to in section 3 (1)*bis* (c) or of a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972, as the case may be; or if such authorized officer has reasonable grounds for believing that such reference book, document, passport, permit, document of identity or other travel document in the possession of such Bantu was in fact not issued to such Bantu, he may bring such Bantu or cause him to be brought before a Bantu Affairs Commissioner or an officer referred to in subsection (1) in order that a reference book may be issued to such Bantu or in order that such enquiry may be made regarding the identification of such Bantu as such Bantu Affairs Commissioner or officer may consider necessary.”

5. Section 6 of the reference book Act is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of
section 6 of
Act 67 of 1952,
as amended by
section 14 of
Act 79 of 1957,
section 17 of
Act 76 of 1963
and section 7 of
Act 12 of 1978.

“(3) Whenever it comes to the notice of a Bantu Affairs Commissioner or an officer referred to in subsection (2) that a reference book has been issued to a Bantu—

- (a) who is not a South African citizen and that such Bantu is or is required to be in possession of a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972; or
- (b) who is a South African citizen and that such Bantu is or was in possession of a document referred to in section 3 (1)*bis* (c),

he may **[(a)]** request that Bantu to surrender such reference book to him and **[(b)]** cancel such reference book, and thereupon the provisions of section 3 (1), (2) and (3) shall *mutatis mutandis* apply.”

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6. Section 8 of the reference book Act is hereby amended by the substitution for subsection (7) of the following subsection:
 “(7) For the purposes of this section, any reference therein to a reference book shall be deemed to include a reference to a document referred to in section 3 (1)*bis* (c) and to a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972.”
7. The following section is hereby substituted for section 8*bis* of the reference book Act:
 “Employment of Bantu in area to which a fixed date applies. 8*bis*. After the fixed date no person shall employ in the area to which such date applies any Bantu of a class to which such date applies, who is not in possession of a reference book or a document referred to in section 3 (1)*bis* (c) or a document of identification referred to in section 10 (1).”
8. Section 8*ter* of the reference book Act is hereby amended by the substitution for subsection (3) of the following subsection:
 “(3) For the purposes of this section, any reference therein to a reference book shall be deemed to include a reference to a document referred to in section 3 (1)*bis* (c) and to a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972.”
9. The following section is hereby substituted for section 11 of the reference book Act:
 “Establishment of Bantu Reference Bureau. 11. The Minister shall establish a Bantu Reference Bureau under the control of an officer of the Department of Bantu Administration and Development, to be known as the Director, in which all fingerprints taken under this Act or any other law and received therein shall be classified and all such particulars as the Minister may from time to time determine which are contained in reference books or in documents referred to in section 3 (1)*bis* (c) or in passports, permits, documents of identity or other travel documents referred to in [section 3 (1)*bis*] the Admission of Persons to the Republic Regulation Act, 1972, or in documents of identification referred to in section 10 or in certificates of citizenship referred to in section 5 of the Bantu Homelands Citizenship Act, 1970 (Act No. 26 of 1970), shall be recorded or otherwise dealt with in such manner as may be prescribed.”
10. Section 12 of the reference book Act is hereby amended—
 (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
 “(c) the transmission to the bureau of particulars recorded in reference books and in documents referred to in section 3 (1)*bis* (c);”;
 (b) by the substitution for paragraph (e) of subsection (1) of the following paragraph:
 “(e) the surrender, disposal or seizure of reference books relating to deceased Bantu or to Bantu departing from the Republic, other than Bantu who are South African citizens, or to Bantu in possession of documents referred to in section 3 (1)*bis* (c) or of passports, permits, documents of identity or other travel documents referred to in the Admission of Persons to the Republic Regulation Act, 1972;”;
 (c) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

Amendment of section 8 of Act 67 of 1952, as amended by section 16 of Act 79 of 1957, section 18 of Act 76 of 1963, section 85 of Act 42 of 1964 and section 5 of Act 7 of 1973.

Substitution of section 8*bis* of Act 67 of 1952, as inserted by section 17 of Act 79 of 1957.

Amendment of section 8*ter* of Act 67 of 1952, as inserted by section 17 of Act 79 of 1957 and amended by section 19 of Act 76 of 1963.

Substitution of section 11 of Act 67 of 1952, as substituted by section 15 of Act 26 of 1970.

Amendment of section 12 of Act 67 of 1952, as amended by section 21 of Act 79 of 1957, section 22 of Act 76 of 1963, section 86 of Act 42 of 1964, section 8 of Act 119 of 1977, and section 8 of Act 12 of 1978.

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- 5 “(f) the particulars which may be recorded in reference books or on documents referred to in section 3 (1)*bis* (c) or on passports, permits, documents of identity or other travel documents referred to in the Admission of Persons to the Republic Regulation Act, 1972, and the persons by whom and the manner in which such particulars shall be recorded;”;
- 10 (d) by the substitution for paragraph (j) of subsection (1) of the following paragraph:
- 15 “(j) the periodical signing of reference books or of documents referred to in section 3 (1)*bis* (c) or of passports, permits, documents of identity or other travel documents referred to in the Admission of Persons to the Republic Regulation Act, 1972, by or on behalf of employers.”

11. The following section is hereby substituted for section 13 of the reference book Act:

- 20 “Production of reference books and certain other documents. 13. Any authorized officer may at any time call upon any Bantu to produce to him a reference book issued to such Bantu under this Act, or a document referred to in section 3 (1)*bis* (c) or a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972, and issued to such Bantu.”
- 25

Substitution of section 13 of Act 67 of 1952, as amended by section 22 of Act 79 of 1957 and section 23 of Act 76 of 1963.

12. Section 14*bis* of the reference book Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

- 30 “(2) For the purposes of subsection (1) any reference therein to a reference book shall be deemed to include a reference to a document referred to in section 3 (1)*bis* (c).”

Amendment of section 14*bis* of Act 67 of 1952, as substituted by section 24 of Act 76 of 1963.

13. Section 15 of the reference book Act is hereby amended—

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

- “*(aA)* who is a Bantu referred to in section 3 (1)*bis* (c) to whom a document referred to in that section was issued and who, having been requested under section 13 by an authorized officer—
- 40 (i) refuses to produce such document;
- (ii) is unable to produce such document within 5 km from the place where he has been so requested;
- 45 *(aB)* falsely holds himself out to be in possession of a reference book or of a document referred to in section 3 (1)*bis* (c);”;

Amendment of section 15 of Act 67 of 1952, as substituted by section 24 of Act 79 of 1957 and amended by section 25 of Act 76 of 1963.

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

- 50 “*(o)* who resists or wilfully obstructs an authorized officer in the exercise of the powers conferred on him by this Act or furnishes him with false information;”;

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

- 55 “*(i)* in the case of an offence referred to in paragraph (a) (i) or (ii), *(aA)*, *(f)*, *(k)*, *(l)* or *(m)* to a fine not exceeding fifty rand or to imprisonment for a period not exceeding three months;”;

60 (d) by the substitution for subsection (4) of the following subsection:

- “(4) For the purposes of this section, unless the context otherwise indicates, any reference therein to a reference book shall be deemed to include a reference to a document referred to in section 3 (1)*bis* (c) or to a

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passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972.”

14. Section 16 of the Bantu Laws Amendment Act, 1962, is hereby repealed, Repeal of section 16 of Act 46 of 1962.

15. Section 100 of the Bantu Laws Amendment Act, 1964, is hereby repealed. Repeal of section 100 of Act 42 of 1964.

16. Section 28 of the Bantu Labour Act, 1964, is hereby amended by the substitution for paragraph (u) of subsection (1) of the following paragraph:

“(u) the management and control of labour bureaux; the powers, duties and functions of officers appointed for the management or control of any such bureau; the forms to be used by labour bureaux; the voluntary or compulsory registration with a labour bureau of Bantu; the classes of Bantu to be dealt with by any such bureau; the classes of employers to whom Bantu may be made available by any such bureau for employment and the manner in which and the conditions under which such Bantu shall be placed in employment; the fees to be paid for any service rendered by any labour bureau; the registration with a labour bureau of all regular employers of Bantu, and the notification to such bureau by any such employer of vacancies in his service for Bantu; the seeking or taking up of employment by Bantu; the movement of Bantu from areas which are not prescribed areas to prescribed areas or from one prescribed area to another; the making of orders on such Bantu to leave any such area; the period and the manner in which particulars relative to contracts of employment and labour tenants' contracts and the other particulars referred to in section 8 of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952), the date of termination of such contracts and the date of desertion from employment under such contracts shall be advised; the conditions under which a Bantu may be permitted to work on his own account in any remunerative activity, or as an independent contractor; the maintenance of records, including records of Bantu desiring to take up employment and of persons requiring the services of Bantu; the recording of data and the rendition of statistical returns by labour bureaux; the manner or form in which a municipal or district labour officer shall exercise the powers referred to in section 22; the recording of particulars relevant to labour bureau matters and the making of entries in any reference book or document of identification referred to in the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952, or any document referred to in section 3 (1) *bis* (c) of that Act or in a passport, permit, document of identity or other travel document referred to in the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972); the documents to be produced by a female Bantu wishing to take up employment; the procedure to be followed when and the circumstances under which a Bantu (whether recruited or otherwise) may be introduced into the area of a local or district labour bureau from another area, which may include a condition requiring the labour agent recruiting such Bantu or the person desiring such introduction, to give security to the satisfaction of the municipal or district labour officer

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concerned that at the termination of the contract of employment entered into with or to be entered into with such Bantu, such Bantu will be returned to his home or last place of residence; the rendering by employers of Bantu or by owners, lessees or occupiers of land, when so required by a labour bureau, of returns or statistics of or information relative to Bantu in employment or resident on such land; the conditions under which and the procedure whereby a Bantu who is not permitted to be or to reside or to be employed in any area, may be removed from or be ordered to leave such area; and generally any matter connected with the proper maintenance and control and proper functioning of labour bureaux;”.

- 15 17. (1) In any law or document there are hereby substituted for—
- (a) the words “Department of Bantu Administration and Development” the words “Department of Plural Relations and Development”;
- (b) the words “Minister of Bantu Administration and Development” the words “Minister of Plural Relations and Development”;
- (c) the words “Secretary for Bantu Administration and Development” the words “Secretary for Plural Relations and Development”;
- (d) the words “Bantu Affairs Commission” the words “Commission for Plural Affairs”;
- (e) the words “Chief Bantu Affairs Commissioner” and “Assistant Chief Bantu Affairs Commissioner” the words “Chief Commissioner” and “Assistant Chief Commissioner”, respectively;
- (f) the words “Director of Bantu Labour”, “Assistant Director of Bantu Labour” and “Additional Director of Bantu Labour” the words “Director of Labour”, “Assistant Director of Labour” and “Additional Director of Labour”, respectively;
- (g) the words “Director of the Bantu Reference Bureau” the words “Director of the Reference Bureau”;
- (h) the words “Bantu Reference Bureau” the words “Reference Bureau”;
- (i) the words “Bantu Affairs Commissioner”, “Additional Bantu Affairs Commissioner” and “Assistant Bantu Affairs Commissioner” the words “Commissioner”, “Additional Commissioner” and “Assistant Commissioner”, respectively;
- (j) the words “Bantu Appeal Court” the words “Appeal Court for Commissioners’ Courts”;
- (k) the words “Bantu Divorce Court” the words “Divorce Court”;
- (l) the words “court of a Bantu Affairs Commissioner” the words “Commissioner’s Court”;
- (m) the words “South African Bantu Trust” and “Bantu Trust” the words “South African Development Trust” and “Development Trust”, respectively;
- (n) the words “Bantu Homelands” the words “Black states”;
- (o) the words “Bantu beer” the words “sorghum beer”;
- (p) the words “Bantu Affairs Administration Board” the words “Administration Board”;
- (q) the words “Bantu Trust and Land Act” the words “Development Trust and Land Act”.
- (2) Subject to the provisions of this section there is hereby substituted for the word “Bantu” wherever it occurs in any law as a reference to a person or persons, the word “Black” or “Blacks” as the context in question may require.
- (3) Subject to the provisions of this section there is hereby substituted for any compound word, or any expression, of which

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the word "Bantu" or any derivative thereof forms a part, wherever such compound word or expression occurs in any law, the corresponding compound word, or the corresponding expression, of which the word "Black" or the corresponding derivative thereof forms a part: Provided that in all such compound words or expressions in the Afrikaans text of any law the word "Swart" shall be written separately from the other words of the compound word or expression.

18. This Act shall be called the Second Bantu Laws Amendment Act, 1978, and sections 14, 15 and 17 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.