

No. 68, 1963.]

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.

ACT

To amend the Indians Relief Act, 1914 (Act No. 22 of 1914), the Admission of Persons to the Union Regulation Act, 1913 (Act No. 22 of 1913) and the Immigration and Indian Relief (Further Provision) Act, 1927 (Act No. 37 of 1927); to repeal the Indian Immigration Law, 1891 (Law No. 25 of 1891 of Natal), Act No. 2 of 1907 of Natal, the Asiatic Law Amendment Act, 1907 (Act No. 2 of 1907 of Transvaal), the Asiatics Registration Amendment Act, 1908 (Act No. 36 of 1908 of Transvaal) and the Indian Marriages Validation Act, 1944 (Act No. 8 of 1944); and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 26th June, 1963.)

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

Repeal of section 1 of Act 22 of 1914.

1. Section *one* of the Indians Relief Act, 1914 (hereinafter referred to as the principal Act), is hereby repealed.

Amendment of section 2 of Act 22 of 1914.

2. Section *two* of the principal Act is hereby amended—

(a) by the deletion in sub-section (1) of the words “(whether appointed under this Act or under any other law),”; and

(b) by the addition to the said sub-section of the following proviso:

“Provided that the said union shall, if it is registered after a date to be fixed by the Minister of Indian Affairs by notice in the *Gazette*, become a valid and binding marriage as from the date of such registration.”.

Repeal of section 4 of Act 22 of 1914.

3. Section *four* of the principal Act is hereby repealed.

Amendment of section 6 of Act 22 of 1914, as amended by section 11 of Act 37 of 1927 and section 18 of Act 45 of 1931.

4. Section *six* of the principal Act is hereby amended by the deletion in sub-section (1) of the words “or out of the funds of the Indian Immigration Bureau” and the words “(other than an Indian who is or may become entitled under Law No. 25 of 1891, Natal, or any amendment thereof, to a free passage to India)”.

Validation of registration of marriages under Law 25 of 1891 of Natal and Act 22 of 1914.

5. (1) Subject to the provisions of this section, any marriage registered by any magistrate in the Province of Natal or by the Protector or Assistant Protector of Indian Immigrants or by the Minister of the Interior by virtue of the powers granted to him by section *three* of the Indian Immigration Bureau Transfer Act, 1949 (Act No. 31 of 1949), under section *seventy* of the Indian Immigration Law, 1891 (Law No. 25 of 1891 of Natal), between the third day of September, 1891, and the date of commencement of this Act, shall be deemed to have been validly registered and to be a valid and binding marriage in law as from the date of such registration, notwithstanding that such registration may have been contrary to the provisions of the law requiring such registration.

(2) Subject to the provisions of this section, any marriage which has been registered under section *two* of the principal Act between the second day of July, 1914, and the date of commencement of this Act, shall be deemed to have been validly registered and to be a valid and binding marriage in law as from the date referred to in the said section, notwithstanding that at the time of such registration the law did not permit of the registration of the marriage under the said section.

(3) The provisions of sub-section (1) or (2) shall not apply to any marriage registered under section *seventy* of the Indian Immigration Law, 1891 (Law No. 25 of 1891 of Natal) or section *two* of the principal Act, which has been dissolved or declared to be invalid by a competent court of law prior to the commencement of this Act.

(4) The provisions of sub-section (1) or (2) shall not apply if, subsequent to the marriage and prior to the commencement of this Act and at a time when both parties were still alive, one of them entered into a union with a third party which is recognized in law as a valid marriage.

(5) If the estate of any party to—

(a) a marriage validated by the Indian Marriages Validation Act, 1944 (Act No. 8 of 1944), has been sequestrated under the provisions of the Insolvency Act, 1936 (Act No. 24 of 1936), or of any prior law, before the thirty-first day of March, 1944; or

(b) a marriage (other than a marriage referred to in paragraph (a)) validated by this Act has been sequestrated under the provisions of the Insolvency Act, 1936, before the commencement of this Act,

the insolvent estate of that party shall be liquidated and distributed in all respects as if this Act had not come into operation.

(6) If any party to—

(a) a marriage validated by the Indian Marriages Validation Act, 1944, has died before the thirty-first day of March, 1944; or

(b) a marriage (other than a marriage referred to in paragraph (a)) validated by this Act has died before the date of commencement of this Act,

the deceased estate of that party shall only be administered on the basis of a valid marriage if, at the thirty-first day of March, 1944, in the case of a marriage referred to in paragraph (a) or at the said date, in the case of a marriage referred to in paragraph (b), letters of administration have not been issued by the Master of the Supreme Court to any executor in respect of the estate, or if, in the case of an estate not exceeding two hundred rand, no directions have, at the thirty-first day of March, 1944, or at the said date, been given by the Master under sub-section (1) of section *sixty-five* of the Administration of Estates Act, 1913 (Act No. 24 of 1913), and in all other cases the estate shall be administered and distributed in all respects as if this Act had not come into operation.

(7) All marriages registered under section *seventy* of the Indian Immigration Law, 1891 (Law No. 25 of 1891 of Natal), which have been dissolved in terms of section *seventy-eight* of the said law by order of any magistrate in the Province of Natal, except where such order has been reversed upon appeal to the Supreme Court under the provisions of section *seventy-nine* of the said law, shall be deemed to have been correctly dissolved with effect from the date stated in such order.

Proof of registration or dissolution of marriages under Law 25 of 1891 of Natal.

6. Whenever it shall be necessary in any court, civil or criminal, to prove the registration or dissolution of any marriage under the provisions of the Indian Immigration Law, 1891 (Law No. 25 of 1891 of Natal), it shall be competent for any person to prove the same by the production of a copy of the register kept by the Protector of Indian Immigrants, a magistrate, a minister of the Christian religion or a marriage officer, provided that such copy be certified under the hand of the said person who kept such register or of his successor in office.

Repeal of laws.

7. The laws specified in the Schedule to this Act are hereby repealed to the extent set forth in the third column thereof.

Short title and date of commencement.

8. This Act shall be called the Indians Laws Amendment Act, 1963, and shall come into force on a date to be fixed by the State President by proclamation in the *Gazette*.

Schedule.

Province or Republic.	No. and year of Law.	Title or Subject matter.	Extent of Repeal.
Natal ..	Law No. 25 of 1891	Indian Immigration Law, 1891.	In so far as it has not been repealed.
.. ..	Act No. 2 of 1907 ..	To make certain provisions relative to Marriages of Indian Immigrants.	The whole.
Transvaal ..	Act No. 2 of 1907 ..	Asiatic Law Amendment Act, 1907.	In so far as it has not been repealed.
.. ..	Act No. 36 of 1908	Asiatics Registration Amendment Act, 1908.	In so far as it has not been repealed.
Republic ..	Act No. 22 of 1913	Admission of Persons to the Union Regulation Act, 1913.	Section <i>twenty-eight</i> .
.. ..	Act No. 37 of 1927	Immigration and Indian Relief (Further Provision) Act, 1927.	Sections <i>twelve, thirteen, fourteen and fifteen</i> .
.. ..	Act No. 8 of 1944 ..	Indian Marriages Validation Act, 1944.	The whole.