



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 363

CAPE TOWN, 5 SEPTEMBER 1995

KAAPSTAD, 5 SEPTEMBER 1995

No. 16655

OFFICE OF THE PRESIDENT

No. 1378.

5 September 1995

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

No. 41 of 1995: Home Affairs Laws Rationalisation Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1378.

5 September 1995

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

No. 41 van 1995: Wet op die Rasionalisering van Wette op Binnelandse Sake, 1995.

GENERAL EXPLANATORY NOTE:

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

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To repeal certain laws which apply in the various areas of the national territory of the Republic; to introduce certain transitional measures for the application of the Publications Act, 1974, the Aliens Control Act, 1991, the Births and Deaths Registration Act, 1992, and section 29A(2) of the Marriage Act, 1961, throughout the Republic; to amend the Births and Deaths Registration Act, 1992, so as to insert a definition and to further regulate the giving of notice of birth; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 30 August 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Repeal of laws, and savings

1. (1) Subject to subsections (2) and (3) the laws referred to in the Schedule are hereby repealed to the extent reflected in the fourth column of the Schedule. 5

(2) Anything done under a provision repealed by subsection (1), other than a regulation made under such a provision, and which is capable of being done in terms of an Act mentioned in section 2(1) shall be deemed to have been done in terms of such Act.

(3) Any enquiry or other pending proceedings commenced in terms of any law repealed by subsection (1) shall be continued and concluded as if such law had not been repealed. 10

Application of certain laws throughout Republic

2. (1) The Publications Act, 1974 (Act No. 42 of 1974), the Aliens Control Act, 1991 (Act No. 96 of 1991), the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), and section 29A(2) of the Marriage Act, 1961 (Act No. 25 of 1961), apply uniformly 15 throughout the Republic.

(2) Any law referred to in an Act mentioned in subsection (1) and which is not applicable throughout the Republic shall, for the purposes of the particular Act mentioned in subsection (1), be deemed to be applicable throughout the Republic.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om sekere wette wat in die onderskeie gebiede van die nasionale grondgebied van die Republiek van toepassing is, te herroep; om sekere oorgangsmaatreëls vir die toepassing van die Wet op Publikasies, 1974, die Wet op Vreemdelinge-beheer, 1991, die Wet op die Registrasie van Geboortes en Sterftes, 1992, en artikel 29A(2) van die Huwelikswet, 1961, in die hele Republiek, in te voer; tot wysiging van die Wet op die Registrasie van Geboortes en Sterftes, 1992, ten einde 'n woordomskriving in te voeg en die aangifte van geboorte verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 30 Augustus 1995.)*

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Herroeping van wette, en voorbehoud

1. (1) Behoudens subartikels (2) en (3) word die wette genoem in die Bylae hierby soos aangedui in die vierde kolom van die Bylae, herroep.

(2) Enigiets wat gedoen is kragtens 'n bepaling wat by subartikel (1) herroep is, uitgesonderd 'n regulasie kragtens so 'n bepaling uitgevaardig, en wat ingevolge 'n Wet genoem in artikel 2(1) gedoen kan word, word geag ingevolge sodanige Wet gedoen te gewees het.

10 (3) 'n Ondersoek of ander hangende verrigtinge begin ingevolge 'n wet wat by subartikel (1) herroep is, word voortgesit en afgehandel asof daardie wet nie herroep is nie.

Toepassing van sekere wette in hele Republiek

2. (1) Die Wet op Publikasies, 1974 (Wet No. 42 van 1974), die Wet op Vreemdelingebeheer, 1991 (Wet No. 96 van 1991), die Wet op die Registrasie van Geboortes en Sterftes, 1992 (Wet No. 51 van 1992), en artikel 29A(2) van die Huwelikswet, 1961 (Wet No. 25 van 1961), is eenvormig in die hele Republiek van toepassing.

20 (2) Enige wet waarna verwys word in 'n Wet in subartikel (1) genoem, en wat nie in die hele Republiek van toepassing is nie, word geag in die hele Republiek van toepassing te wees vir doeleindes van die betrokke Wet in subartikel (1) genoem.

Amendment of section 1 of Act No. 51 of 1992

3. Section 1 of the Births and Deaths Registration Act, 1992 (hereinafter referred to as the principal Act), is hereby amended by the insertion before the definition of "Minister" of the following definition:

" 'medical practitioner' includes a suitably qualified person who, on the recommendation of the Director-General: Health by virtue of such person's medical knowledge or experience, is appointed by the Director-General;". 5

Amendment of section 9 of Act No. 51 of 1992

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

(a) by the substitution for subsection (1) of the following subsection: 10

"(1) In the case of any child born alive, any one of his or her parents or, if neither of his or her parents is able to do so, the person having charge of the child or a person requested to do so by the parents or the said person, shall within [seven] 30 days after the birth give notice thereof in the prescribed manner to any person contemplated in section 15 4."; and

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

"(3) Where the notice of a birth is given after the expiration of [seven] 30 days from the date of the birth, the Director-General may demand that reasons for the late notice be furnished and that the fingerprints be taken 20 of the person whose notice of birth is given.".

Short title

5. This Act shall be called the Home Affairs Laws Rationalisation Act, 1995.

Wysiging van artikel 1 van Wet No. 51 van 1992

3. Artikel 1 van die Wet op die Registrasie van Geboortes en Sterftes, 1992 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende omskrywing na die omskrywing van "geboorte" in te voeg:

- 5 " 'geneesheer' ook 'n paslik gekwalifiseerde persoon wat op aanbeveling van die Direkteur-generaal: Gesondheid vanweë so 'n persoon se mediese kennis of ondervinding, deur die Direkteur-generaal aangestel word;".

Wysiging van artikel 9 van Wet No. 51 van 1992

4. Artikel 9 van die Hoofwet word hierby gewysig—

- 10 (a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) In die geval van 'n kind wat lewend gebore word, moet enigeen van sy of haar ouers of, indien geeneen van sy of haar ouers daartoe in staat is nie, die persoon wat die kind onder sy of haar sorg het of 'n persoon wat deur die ouers of genoemde persoon daartoe versoek is, binne [sewe] 30 dae na die geboorte die aangifte daarvan op die voorgeskrewe wyse doen aan 'n persoon beoog in artikel 4."; en

- 15 (b) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Waar die aangifte van 'n geboorte gedoen word na die verloop van [sewe] 30 dae vanaf die datum van die geboorte, kan die Direkteur-generaal gelas dat redes vir die laat aangifte verstrek word en dat die vingerafdrukke van die persoon wie se aangifte van geboorte gedoen word, geneem word.".

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Kort titel

5. Hierdie Wet heet die Wet op die Rasionalisering van Wette op Binnelandse Sake, 25 1995.

SCHEDULE

No. and year of law	Short title	Area in which law applies	Extent of repeal
Act No. 15 of 1931	Immigration Amendment Act, 1931	The areas of the former Republics of Transkei, Bophuthatswana and Venda	The whole
Act No. 19 of 1933	Immigration Amendment Act, 1933	The areas of the former Republics of Transkei, Bophuthatswana and Venda	The whole
Act No. 18 of 1977 (Transkei)	Publications Act, 1977	The area of the former Republic of Transkei	The whole
Act No. 29 of 1977 (Transkei)	Aliens and Travellers Control Act, 1977	The area of the former Republic of Transkei	The whole
Act No. 20 of 1979 (Transkei)	Registration of Births and Deaths Act, 1979	The area of the former Republic of Transkei	The whole
Act No. 14 of 1980 (Transkei)	General Law Amendment Act, 1980	The area of the former Republic of Transkei	Section 1
Act No. 16 of 1983 (Transkei)	Aliens and Travellers Control Amendment Act, 1983	The area of the former Republic of Transkei	The whole
Decree No. 13 of 1988 (Transkei)	—	The area of the former Republic of Transkei	The whole
Decree No. 18 of 1988 (Transkei)	—	The area of the former Republic of Transkei	The whole
Decree No. 2 of 1990 (Transkei)	—	The area of the former Republic of Transkei	The whole
Decree No. 21 of 1990 (Transkei)	—	The area of the former Republic of Transkei	The whole
Act No. 22 of 1979 (Bophuthatswana)	Aliens and Travellers Control Act, 1979	The area of the former Republic of Bophuthatswana	The whole
Act No. 28 of 1979 (Bophuthatswana)	Public Holidays Amendment Act, 1979	The area of the former Republic of Bophuthatswana	The whole
Act No. 36 of 1979 (Bophuthatswana)	Publications Act, 1979	The area of the former Republic of Bophuthatswana	The whole
Act No. 57 of 1979 (Bophuthatswana)	Publications Amendment Act, 1979	The area of the former Republic of Bophuthatswana	The whole
Act No. 18 of 1980 (Bophuthatswana)	Public Holidays Amendment Act, 1980	The area of the former Republic of Bophuthatswana	The whole
Act No. 19 of 1980 (Bophuthatswana)	Aliens and Travellers Control Amendment Act, 1980	The area of the former Republic of Bophuthatswana	The whole

WET OP DIE RASIONALISERING VAN WETTE OP BINNELANDSE SAKE, 1995 **Wet No. 41, 1995****BYLAE**

No. en jaar van wet	Kort titel	Gebied waar wet van krag is	In hoeverre herroep
Wet No. 15 van 1931	Wysigingswet op Immigrasie, 1931	Die gebiede van die voormalige Republieke van Transkei, Bophuthatswana en Venda	Die geheel
Wet No. 19 van 1933	Wysigingswet op Immigrasie, 1933	Die gebiede van die voormalige Republieke van Transkei, Bophuthatswana en Venda	Die geheel
Wet No. 18 van 1977 (Transkei)	"Publications Act", 1977	Die gebied van die voormalige Republiek van Transkei	Die geheel
Wet No. 29 van 1977 (Transkei)	"Aliens and Travellers Control Act," 1977	Die gebied van die voormalige Republiek van Transkei	Die geheel
Wet No. 20 van 1979 (Transkei)	"Registration of Births and Deaths Act," 1979	Die gebied van die voormalige Republiek van Transkei	Die geheel
Wet No. 14 van 1980 (Transkei)	"General Law Amendment Act," 1980	Die gebied van die voormalige Republiek van Transkei	Artikel 1
Wet No. 16 van 1983 (Transkei)	"Aliens and Travellers Control Amendment Act," 1983	Die gebied van die voormalige Republiek van Transkei	Die geheel
Dekreet No. 13 van 1988 (Transkei)	—	Die gebied van die voormalige Republiek van Transkei	Die geheel
Dekreet No. 18 van 1988 (Transkei)	—	Die gebied van die voormalige Republiek van Transkei	Die geheel
Dekreet No. 2 van 1990 (Transkei)	—	Die gebied van die voormalige Republiek van Transkei	Die geheel
Dekreet No. 21 van 1990 (Transkei)	—	Die gebied van die voormalige Republiek van Transkei	Die geheel
Wet No. 22 van 1979 (Bophuthatswana)	"Aliens and Travellers Control Act," 1979	Die gebied van die voormalige Republiek van Bophuthatswana	Die geheel
Wet No. 28 van 1979 (Bophuthatswana)	"Public Holidays Amendment Act," 1979	Die gebied van die voormalige Republiek van Bophuthatswana	Die geheel
Wet No. 36 van 1979 (Bophuthatswana)	"Publications Act", 1979	Die gebied van die voormalige Republiek van Bophuthatswana	Die geheel
Wet No. 57 van 1979 (Bophuthatswana)	"Publications Amendment Act," 1979	Die gebied van die voormalige Republiek van Bophuthatswana	Die geheel
Wet No. 18 van 1980 (Bophuthatswana)	"Public Holidays Amendment Act," 1980	Die gebied van die voormalige Republiek van Bophuthatswana	Die geheel
Wet No. 19 van 1980 (Bophuthatswana)	"Aliens and Travellers Control Amendment Act," 1980	Die gebied van die voormalige Republiek van Bophuthatswana	Die geheel

Act No. 41, 1995

HOME AFFAIRS LAWS RATIONALISATION ACT, 1995

No. and year of law	Short title	Area in which law applies	Extent of repeal
Act No. 26 of 1982 (Bophuthatswana)	Publications Amendment Act, 1982	The area of the former Republic of Bophuthatswana	The whole
Act No. 16 of 1988 (Bophuthatswana)	Aliens and Travellers Control Amendment Act, 1988	The area of the former Republic of Bophuthatswana	The whole
Act No. 55 of 1992 (Bophuthatswana)	Aliens and Travellers Control Amendment Act, 1992	The area of the former Republic of Bophuthatswana	The whole
Act No. 8 of 1981 (Venda)	Registration of Births and Deaths Act, 1981	The area of the former Republic of Venda	The whole
Act No. 4 of 1982 (Venda)	Public Holidays Amendment Act, 1982	The area of the former Republic of Venda	The whole
Act No. 15 of 1983 (Venda)	Publications Act, 1983	The area of the former Republic of Venda	The whole
Amendment Proclamation No. 11 of 1992 (Venda)	Amendment Proclamation on Public Holidays, 1992	The area of the former Republic of Venda	The whole
Act No. 5 of 1982 (Qwaqwa)	Public Holidays Amendment Act, 1982	The area of the former self-governing territory of Qwaqwa	The whole
Act No. 7 of 1985 (Qwaqwa)	Public Holidays Amendment Act, 1985	The area of the former self-governing territory of Qwaqwa	The whole
Act No. 8 of 1987 (Qwaqwa)	Public Holidays Amendment Act, 1987	The area of the former self-governing territory of Qwaqwa	The whole
Act No. 6 of 1993 (Qwaqwa)	Registration of Births and Deaths Amendment Act, 1993	The area of the former self-governing territory of Qwaqwa	The whole
Act No. 2 of 1987 (Ciskei)	Registration of Births and Deaths Act, 1987	The area of the former Republic of Ciskei	The whole
Act No. 9 of 1988 (Ciskei)	Immigration, Emigration and Aliens Act, 1988	The area of the former Republic of Ciskei	The whole
Act No. 7 of 1988 (Gazankulu)	Public Holidays Amendment Act, 1988	The area of the former self-governing territory of Gazankulu	The whole
Act No. 15 of 1988 (KwaNdebele)	Public Holidays Act, 1988	The area of the former self-governing territory of KwaNdebele	The whole
Act No. 4 of 1990 (KwaNdebele)	Public Holidays Amendment Act, 1990	The area of the former self-governing territory of KwaNdebele	The whole
Act No. 25 of 1989 (KwaZulu)	Public Holidays Amendment Act, 1989	The area of the former self-governing territory of KwaZulu	The whole

WET OP DIE RASIONALISERING VAN WETTE OP BINNELANDSE SAKE, 1995 Wet No. 41, 1995

No. en jaar van wet	Kort titel	Gebied waar wet van krag is	In hoeverre herroep
Wet No. 26 van 1982 (Bophuthatswana)	"Publications Amendment Act", 1982	Die gebied van die voormalige Republiek van Bophuthatswana	Die geheel
Wet No. 16 van 1988 (Bophuthatswana)	"Aliens and Travellers Control Amendment Act," 1988	Die gebied van die voormalige Republiek van Bophuthatswana	Die geheel
Wet No. 55 van 1992 (Bophuthatswana)	"Aliens and Travellers Control Amendment Act," 1992	Die gebied van die voormalige Republiek van Bophuthatswana	Die geheel
Wet No. 8 van 1981 (Venda)	"Registration of Births and Deaths Act," 1981	Die gebied van die voormalige Republiek van Venda	Die geheel
Wet No. 4 van 1982 (Venda)	"Public Holidays Amendment Act," 1982	Die gebied van die voormalige Republiek van Venda	Die geheel
Wet No. 15 van 1983 (Venda)	"Publications Act," 1983	Die gebied van die voormalige Republiek van Venda	Die geheel
Wysigingsproklamasie No. 11 van 1992 (Venda)	"Amendment Proclamation on Public Holidays", 1992	Die gebied van die voormalige Republiek van Venda	Die geheel
Wet No. 5 van 1982 (Qwaqwa)	Wysigingswet op Openbare Feesdae, 1982	Die gebied van die voormalige selfregerende gebied van Qwaqwa	Die geheel
Wet No. 7 van 1985 (Qwaqwa)	Wysigingswet op Openbare Feesdae, 1985	Die gebied van die voormalige selfregerende gebied van Qwaqwa	Die geheel
Wet No. 8 van 1987 (Qwaqwa)	Wysigingswet op Openbare Feesdae, 1987	Die gebied van die voormalige selfregerende gebied van Qwaqwa	Die geheel
Wet No. 6 van 1993 (Qwaqwa)	Wysigingswet op Registrasie van Geboortes en Sterftes, 1993	Die gebied van die voormalige selfregerende gebied van Qwaqwa	Die geheel
Wet No. 2 van 1987 (Ciskei)	"Registration of Births and Deaths Act," 1987	Die gebied van die voormalige Republiek van Ciskei	Die geheel
Wet No. 9 van 1988 (Ciskei)	"Immigration, Emigration and Aliens Act," 1988	Die gebied van die voormalige Republiek van Ciskei	Die geheel
Wet No. 7 van 1988 (Gazankulu)	Wysigingswet op Openbare Feesdae, 1988	Die gebied van die voormalige selfregerende gebied van Gazankulu	Die geheel
Wet No. 15 van 1988 (KwaNdebele)	Wet op Openbare Feesdae, 1988	Die gebied van die voormalige selfregerende gebied van KwaNdebele	Die geheel
Wet No. 4 van 1990 (KwaNdebele)	Wysigingswet op Openbare Feesdae, 1990	Die gebied van die voormalige selfregerende gebied van KwaNdebele	Die geheel
Wet No. 25 van 1989 (KwaZulu)	Wysigingswet op Openbare Feesdae, 1989	Die gebied van die voormalige selfregerende gebied van KwaZulu	Die geheel

Act No. 41, 1995

HOME AFFAIRS LAWS RATIONALISATION ACT, 1995

No. and year of law	Short title	Area in which law applies	Extent of repeal
Act No. 11 of 1993 (KwaZulu)	Registration of Births and Deaths Amendment Act, 1993	The area of the former self-governing territory of KwaZulu	The whole
Act No. 5 of 1993 (KaNgwane)	Registration of Births and Deaths Amendment Act, 1993	The area of the former self-governing territory of KaNgwane	The whole

WET OP DIE RASIONALISERING VAN WETTE OP BINNELANDSE SAKE, 1995 **Wet No. 41, 1995**

No. en jaar van wet	Kort titel	Gebied waar wet van krag is	In hoeverre herroep
Wet No. 11 van 1993 (KwaZulu)	Wysigingswet op Registrasie van Geboortes en Sterftes, 1993	Die gebied van die voormalige selfregerende gebied van KwaZulu	Die geheel
Wet No. 5 van 1993 (KaNgwane)	Wysigingswet op Registrasie van Geboortes en Sterftes, 1993	Die gebied van die voormalige selfregerende gebied van KaNgwane	Die geheel

