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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1099.

27th June, 1969.

No. 1099.

27 Junie 1969.

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 gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 106 of 1969: Population Registration Amendment Act, 1969.

No. 106 van 1969: Wysigingswet op Bevolkingsregistrasie, 1969.

ACT

To amend the Population Registration Act, 1950, so as to effect an alteration to the definitions of "Bantu" and "Secretary"; to effect a change of the circumstances in which it is assumed that a person is generally accepted as a coloured person; further to regulate which forms may be used in evidence against a person; further to regulate appeals against new classifications of persons; to authorize the Secretary for the Interior to alter the classification of a person with his concurrence; to extend the prescriptions relating to the classification of persons; to make provision for objections against the classification of all minors; to limit the power to extend the period within which an appeal against a decision of a board may be brought; to provide for the hearing of appeals in camera; to extend the power of the courts on appeal; to make an application for an identity card compulsory; further to regulate the power of the said Secretary in connection with cases where persons are in possession of more than one identity card; to regulate onus of proof in a case where a person claims to be a member of any particular group; further to regulate the effect of the description, in certain forms, of the race or group to which a person belongs; to regulate the admissibility of certain evidence before a board; to regulate the effect of the prescription that certain provisions shall have retrospective force; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 23rd June, 1969.)

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

Amendment of
section 1 of
Act 30 of
1950, as
amended by
section 1 of
Act 30 of
1960, section
1 of Act 61
of 1962 and
section 1 of
Act 64 of 1967.

1. Section 1 of the Population Registration Act, 1950 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution in subsection (1) for the definition of "Bantu" of the following definition:

"'Bantu' means a person who is, or is generally accepted as, a member of any aboriginal race or tribe of Africa;";

(b) by the substitution in the said subsection for the definition of "Secretary" of the following definition:

"'Secretary' means the Secretary for the Interior and includes any person employed by the State or the holder of a post in the public service acting under a delegation from or under the control or direction of the Secretary for the Interior;";

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

"(b) it shall, in the absence of proof that any person who is not a Bantu, is generally accepted as a white person, be assumed that he is generally accepted as a coloured person;"; and

WET

Tot wysiging van die Bevolkingsregistrasiewet, 1950, ten einde 'n verandering aan te bring aan die omskrywing van „Bantu” in die Engelse teks, en van „Sekretaris”; 'n verandering aan te bring aan die omstandighede waaronder dit aanvaar word dat iemand gewoonlik vir 'n gekleurde deurgaen; verder te reël watter vorms as getuienis teen iemand gebruik kan word; appèlle teen nuwe klassifikasies van persone verder te reël; die Sekretaris van Binnelandse Sake te magtig om die klassifikasie van iemand met sy instemming te verander; die voorskrifte betreffende die klassifikasie van persone uit te brei; voorsiening te maak vir besware teen die klassifikasie van alle minderjariges; 'n beperking te plaas op die bevoegdheid om die tydperk te verleng waarin teen 'n beslissing van 'n raad geappelleer kan word; voorsiening te maak vir die verhoor van appèlle agter geslote deure; die bevoegdheid van howe by die verhoor van appèlle uit te brei; 'n aansoek om 'n persoonskaart verpligtend te maak; die bevoegdheid van genoemde Sekretaris verder te reël in verband met gevalle waar persone meer as een persoonskaart besit; bewyslas te reël in 'n geval waar iemand aanspraak maak op lidmaatskap van 'n bepaalde groep; die uitwerking verder te reël van die beskrywing, in sekere vorms, van die ras of groep waartoe iemand behoort; die toelaatbaarheid van sekere getuienis voor 'n raad te reël; die uitwerking te reël van die voorskrif dat sekere bepalings terugwerkende krag het; en vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Junie 1969.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Bevolkingsregistrasiewet, 1950 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in subartikel (1) die omskrywing van „Bantu” in die Engelse teks deur die volgende omskrywing te vervang:

„'Bantu' means a person who is, or is generally accepted as, a member of any aboriginal race or tribe of Africa;”;

(b) deur in genoemde subartikel (1) die omskrywing van „Sekretaris” deur die volgende omskrywing te vervang:

„'Sekretaris' die Sekretaris van Binnelandse Sake en ook iemand in diens van die Staat of die bekleër van 'n pos in die Staatsdiens wat in opdrag of onder beheer of op las van die Sekretaris van Binnelandse Sake optree;”;

(c) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

„(b) word by ontstentenis van bewys dat iemand wat nie 'n Bantoe is nie, gewoonlik vir 'n blanke deurgaen, aanvaar dat hy gewoonlik vir 'n gekleurde deurgaen;” en

Wysiging van artikel 1 van Wet 30 van 1950, soos gewysig deur artikel 1 van Wet 30 van 1960, artikel 1 van Wet 61 van 1962 en artikel 1 van Wet 64 van 1967.

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- (d) by the substitution for subsection (3) of the following subsection:

“(3) Where in any form or return referred to in section 3 or 9 or in any application for an identity card the race of any person is described as ‘mixed’ or ‘gemeng’, that description shall for the purposes of subsections (1) and (2) of this section be deemed to be a reference to a coloured person unless such person proves that he is in fact not a coloured person.”.

Amendment of
section 5 of
Act 30 of 1950,
as substituted by
section 2 of
Act 64 of 1967.

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

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

“(4) (a) If at any time it appears to the Secretary that the classification of a person in terms of subsection (1) (other than a classification in accordance with a decision of a board) is incorrect he may, after having given notice to that person and, if he is a minor, also to his guardian, specifying in which respect the classification is incorrect alter the classification of that person in the register after affording such person and such guardian (if any) an opportunity of being heard.

- (b) If at any time the Secretary doubts whether any such classification is correct he may, after notice to the person in question and, if such person is a minor, also to his guardian, refer the case to a board for decision as to whether the classification of that person in the register should be altered.

- (c) The Secretary may at any time with the concurrence of any person, or, in the case of a minor, also with the concurrence of his guardian, alter in his discretion the classification of such person in the register.”;

- (b) by the insertion after subsection (4) of the following subsection:

“(4A). If any case is in terms of subsection (4) (b) of this section referred to a board for decision, the provisions of subsections (5) to (9), inclusive, of section 11 shall *mutatis mutandis* apply with reference to such case: Provided that in any such case an appeal shall only lie against a decision of a board if such decision results in the existing classification of the person in question being altered.”;

- (c) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words:

“In the application of this section and notwithstanding anything to the contrary contained in this Act—”;

- (d) by the addition at the end of subsection (5) of the following paragraphs:

“(e) a person shall not be classified as a white person if one of his natural parents has been classified as a coloured person or a Bantu;

(f) a person whose natural father has been classified as a member of any ethnic or other group into which coloured persons may be classified, shall be classified as a member of the group of which his father has been so classified as a member.”; and

- (e) by the addition of the following subsection:

“(6) The provisions of subsection (5) with reference to the classification of a parent of any person—

(a) shall be applied so long as such classification has not been altered in terms of this Act; and

(b) shall also apply with reference to the classification of any such parent who dies after such classification.”.

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(d) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Waar iemand se ras in 'n vorm of opgawe in artikel 3 of 9 bedoel of in 'n aansoek om 'n persoonskaart as 'gemeng' of 'mixed' beskryf word, word daardie beskrywing by die toepassing van subartikels (1) en (2) van hierdie artikel geag 'n verwysing na 'n gekleurde te wees tensy so iemand bewys dat hy inderdaad nie 'n gekleurde is nie.”.

2. Artikel 5 van die Hoofwet word hierby gewysig—

(a) deur subartikel (4) deur die volgende subartikel te vervang:

Wysiging van artikel 5 van Wet 30 van 1950, soos vervang deur artikel 2 van Wet 64 van 1967.

„(4) (a) Indien dit te eniger tyd aan die Sekretaris blyk dat iemand se klassifikasie ingevolge subartikel (1) (behalwe 'n klassifikasie ooreenkomstig 'n beslissing van 'n raad) onjuis is, kan hy, nadat hy aan daardie persoon en, indien daardie persoon 'n minderjarige is, ook aan sy voog, kennis gegee het in watter opsig die klassifikasie onjuis is, die klassifikasie van daardie persoon in die register wysig, nadat hy bedoelde persoon en bedoelde voog (indien daar een is) 'n geleentheid gegee het om aangehoor te word.

(b) Indien die Sekretaris te eniger tyd twyfel of so 'n klassifikasie juis is kan hy, na kennisgewing aan die betrokke persoon en, indien daardie persoon 'n minderjarige is, ook aan sy voog, die geval na die raad verwys vir beslissing of die klassifikasie van daardie persoon in die register gewysig moet word.

(c) Die Sekretaris kan te eniger tyd met die instemming van iemand, of, in die geval van 'n minderjarige, ook met die instemming van sy voog, die klassifikasie van so iemand in die register na goeddunke wysig.”;

(b) deur na subartikel (4) die volgende subartikel in te voeg:

„(4A) Indien 'n geval na 'n raad vir beslissing verwys word ingevolge subartikel (4) (b) van hierdie artikel, is die bepalings van subartikels (5) tot en met (9) van artikel 11 *mutatis mutandis* van toepassing met betrekking tot dié geval: Met dien verstande dat in so 'n geval daar slegs teen 'n beslissing van 'n raad geappelleer kan word indien dié beslissing die gevolg het dat die bestaande klassifikasie van die betrokke persoon verander word.”;

(c) deur in subartikel (5) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„By die toepassing van hierdie artikel, en ondanks andersluidende bepalings van hierdie Wet—”;

(d) deur aan die end van genoemde subartikel (5) die volgende paragrafe by te voeg:

„(e) word iemand nie as 'n blanke geklassifiseer nie indien een van sy natuurlike ouers as 'n gekleurde of 'n Bantoe geklassifiseer is;

(f) word iemand wie se natuurlike vader geklassifiseer is as lid van die een of ander etniese of ander groep waarin gekleurdes geklassifiseer kan word, geklassifiseer as lid van die groep waarvan sy vader aldus as lid geklassifiseer is.”; en

(e) deur die volgende subartikel by te voeg:

„(6) Die bepalings van subartikel (5) met betrekking tot die klassifikasie van 'n ouer van iemand—

(a) word toegepas vir so lank sodanige klassifikasie nie ingevolge hierdie Wet verander is nie; en

(b) geld ook met betrekking tot die klassifikasie van so 'n ouer wat na sodanige klassifikasie oorlede is.”.

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Amendment of
section 11 of
Act 30 of
1950, as
substituted by
section 4 of
Act 64 of 1967.

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

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

“(1) Any person who considers himself aggrieved by his classification, or the classification of a minor of whom he is the guardian, by the Secretary in terms of section 5 may within thirty days, or such longer period not exceeding one year as the Minister may allow, after the said classification became known to him, but in no circumstances later, object in writing to the Secretary against that classification.”;

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

“(2) A minor may himself object in terms of subsection (1) against his classification.”;

- (c) by the substitution for subsection (6) of the following subsection:

“(6) The decision of the board shall be final and binding upon all persons: Provided that any person who considers himself aggrieved by a decision of a board in regard to his own classification or the classification of his ward, or the Secretary, if he considers it necessary for the performance of his duties in terms of this Act, may appeal against that decision by way of application on notice of motion to the provincial or local division of the Supreme Court of South Africa having jurisdiction in the area within which the person to whose classification the decision relates, is ordinarily resident, within thirty days after the decision of the board has been given or within such further period, not exceeding two months, as the said court may for sufficient cause allow.”; and

- (d) by the substitution for subsection (7) of the following subsection:

“(7) (a) The sittings of a division of the said Supreme Court shall, while any such appeal is being heard, be held in public or in camera as the person whose classification is in issue, or, if he is a minor, his guardian, or, if such person or minor is represented by a legal representative, such legal representative, may elect.

- (b) The division of the said Supreme Court to which appeal is made may confirm, vary or set aside the decision of the board and give such other decision as in its opinion the board ought to have given, or remit the case to the board with such instructions as the said division may deem fit, and may make such order as to costs as it may deem fit.”.

Amendment of
section 13
of Act 30 of
1950, as
amended by
section 2 of
Act 71 of 1956.

4. Section 13 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Secretary shall, as soon as practicable after the receipt by him of an application for an identity card in the prescribed form, completed by or on behalf of any person whose name has been included in the register and who has attained the age of sixteen years, together with two copies of the photograph referred to in section 16 (1), and subject to the succeeding provisions of this section, issue an identity card to that person.”.

Amendment of
section 15
of Act 30 of
1950, as
substituted by
section 5 of
Act 64 of 1967.

5. Section 15 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) (a) Whenever it comes to the notice of a Bantu Affairs Commissioner or the Secretary that any person is in

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3. Artikel 11 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Iemand wat hom veronreg voel oor sy klassifikasie of die klassifikasie van 'n minderjarige waarvan hy die voog is, deur die Sekretaris ingevolge artikel 5, kan binne dertig dae, of so 'n langer tydperk van hoogstens een jaar as wat die Minister mag toelaat, na die bedoelde klassifikasie aan hom bekend geword het, maar onder geen omstandighede later nie, skriftelik by die Sekretaris teen bedoelde klassifikasie beswaar maak.”;
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) 'n Minderjarige kan self ingevolge subartikel (1) teen sy klassifikasie beswaar maak.”;
- (c) deur subartikel (6) deur die volgende subartikel te vervang:
- „(6) Die beslissing van die raad is afdoende en bindend vir alle persone: Met dien verstande dat iemand wat hom veronreg voel deur 'n beslissing van 'n raad met betrekking tot sy eie klassifikasie of die klassifikasie van sy pupil, of die Sekretaris, indien hy dit nodig ag vir die uitvoering van sy pligte ingevolge hierdie Wet, teen daardie beslissing by wyse van applikasie na kennisgewing van mosie na die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika wat regsbevoegdheid uitoefen in die gebied waarin die persoon sy gewone verblyf het op wie se klassifikasie die beslissing betrekking het, kan appelleer binne dertig dae na die beslissing van die raad gegee is of binne die verdere tydperk, maar van hoogstens twee maande, wat bedoelde hof om gegronde redes toelaat.”; en
- (d) deur subartikel (7) deur die volgende subartikel te vervang:
- „(7) (a) Die sittings van 'n afdeling van bedoelde Hooggeregshof word, terwyl so 'n appèl verhoor word, in die openbaar of agter geslote deure gehou, soos die persoon oor wie se klassifikasie beslis moet word, of, indien hy 'n minderjarige is, sy voog, of, indien sodanige persoon of minderjarige deur 'n regsverteenvoerder verteenwoordig word, dié regsverteenvoerder verkies.
- (b) Die afdeling van bedoelde Hooggeregshof waarna geappelleer word, kan die beslissing van die raad bevestig, wysig of tersyde stel en die ander beslissing gee wat die raad na sy oordeel moes gegee het, of die geval na die raad terugverwys met die opdragte wat genoemde afdeling goedvind, en kan die bevel met betrekking tot koste uitreik wat hy goedvind.”.
4. Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Die Sekretaris moet, so gou doenlik na die ontvangs deur hom van 'n aansoek om 'n persoonskaart in die voorgeskrewe vorm, voltooi deur of ten behoeve van 'n persoon wie se naam in die register opgeneem is en wat reeds die ouderdom van sestiën jaar bereik het, tesame met twee eksemplare van die foto bedoel in artikel 16 (1), en behoudens die hieropvolgende bepalinge van hierdie artikel, aan daardie persoon 'n persoonskaart uitreik.”.
5. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) (a) Wanneer dit onder die aandag van 'n Bantoesakekommissaris of die Sekretaris kom dat iemand in

Wysiging van artikel 11 van Wet 30 van 1950, soos vervang deur artikel 4 van Wet 64 van 1967.

Wysiging van artikel 13 van Wet 30 van 1950, soos gewysig deur artikel 2 van Wet 71 van 1956.

Wysiging van artikel 15 van Wet 30 van 1950, soos vervang deur artikel 5 van Wet 64 van 1967.

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possession of an identity card on which such person's race is reflected as native or Bantu, and also an identity card on which such person's race is not reflected as native or Bantu, such Bantu Affairs Commissioner or the Secretary, as the case may be, shall forthwith seize the identity card on which the race of the person in question is not reflected as native or Bantu, and transmit, in the case of the Bantu Affairs Commissioner, such identity card together with the relevant particulars to the Secretary.

- (b) If the identity card seized was issued to the person in question after the issue to him of the identity card on which his race is reflected as native or Bantu, the Secretary shall cancel the first-mentioned identity card.
- (c) If the identity card seized had been issued to the person in question prior to the issue to him of the other identity card and the Secretary is satisfied that such person's race is reflected correctly on the first-mentioned identity card, he shall return such identity card to the person in question.
- (d) If the Secretary is not so satisfied, the provisions of section 5 (4) shall apply in the same manner in which they apply if it appears to the Secretary that any person's classification is incorrect or, as the case may be, he doubts whether any person's classification is correct."

Amendment of section 18 of Act 30 of 1950, as amended by section 2 of Act 30 of 1960.

6. Section 18 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

"(2) If any person whose name was included in the register has failed to lodge with the Secretary an application for an identity card in the prescribed form, completed by him or on his behalf, together with two copies of the photograph referred to in section 16 (1), as soon as practicable after it became known to him that his name had been included in the register or, if his name had been included in the register prior to his attaining the age of sixteen years, as soon as practicable after he attained that age, and such person is charged with a contravention of subsection (1) (f) of this section read with section 14, he shall have no defence that he had lawful cause for failing or refusing to comply with the provisions of the said section 14."

Amendment of section 19 of Act 30 of 1950, as substituted by section 6 of Act 64 of 1967.

7. Section 19 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsections:

"(1A) If any person for the purposes of his classification in terms of this Act or such classification of a minor of whom he is the guardian alleges that he or such minor is a white person or a coloured person or a member of any ethnic or other group, the onus of proving that he or, as the case may be, such minor is such, shall be on him, and he shall prove it beyond reasonable doubt.

(1B) If in any form or return referred to in section 3 or 9 and completed by or in respect of any person or in an application for an identity card completed by or on behalf of any person there appears a statement to the effect that such person is a member of any race or group into which coloured persons may be classified, it shall be assumed that on the date on which such form, return or application was so completed, and at all times thereafter, such person was accepted as such a member, unless he proves that on that date he was not accepted as such a member.

(1C) Subject to the other provisions of this Act hearsay evidence of declarations as to pedigree shall not be admissible in evidence in proceedings before a board."

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besit is van 'n persoonskaart waarop so iemand se ras as naturel of Bantoe aangedui word, en ook van 'n persoonskaart waarop so iemand se ras nie as naturel of Bantoe aangedui word nie, lê daardie Bantoesake-kommissaris of die Sekretaris, na gelang van die geval, onverwyld beslag op die persoonskaart waarop die betrokke persoon se ras nie as naturel of Bantoe aangedui word nie en versend hy, in die geval van die Bantoesakekommissaris, daardie persoonskaart tesame met die ter sake dienende besonderhede aan die Sekretaris.

- (b) Indien die persoonskaart waarop beslag gelê is aan die betrokke persoon uitgereik is nadat die persoonskaart aan hom uitgereik is waarop sy ras as naturel of Bantoe aangedui is, rojeer die Sekretaris eersgenoemde persoonskaart.
- (c) Indien die persoonskaart waarop beslag gelê is, aan die betrokke persoon uitgereik was voordat die ander persoonskaart aan hom uitgereik is, en die Sekretaris oortuig is dat dié persoon se ras op eersgenoemde persoonskaart juis aangedui word, besorg die Sekretaris dié persoonskaart terug aan die betrokke persoon.
- (d) Indien die Sekretaris nie aldus oortuig is nie, geld die bepalings van artikel 5 (4) op dieselfde wyse waarop dit geld as dit vir die Sekretaris blyk dat iemand se klassifikasie onjuis is of, na gelang van die geval, hy twyfel of iemand se klassifikasie juis is."

6. Artikel 18 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

Wysiging van artikel 18 van Wet 30 van 1950, soos gewysig deur artikel 2 van Wet 30 van 1960.

„(2) Indien iemand wie se naam in die register opgeneem is, versuim het om so gou doenlik nadat hy te wete gekom het dat sy naam in die register opgeneem is, of, indien sy naam in die register opgeneem was voordat hy die ouderdom van sestien jaar bereik het, so gou doenlik nadat hy dié ouderdom bereik het, 'n aansoek om 'n persoonskaart in die voorgeskrewe vorm, deur of ten behoeve van hom voltooi, tesame met twee eksemplare van die foto bedoel in artikel 16 (1), by die Sekretaris in te dien, en so iemand van 'n oortreding van subartikel (1) (f) van hierdie artikel, saamgelees met artikel 14, aangekla word, is daar vir hom geen verweer dat hy gegronde rede gehad het vir versuim of weiering om aan die bepalings van genoemde artikel 14 te voldoen nie."

7. Artikel 19 van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikels in te voeg:

Wysiging van artikel 19 van Wet 30 van 1950, soos vervang deur artikel 6 van Wet 64 van 1967.

„(1A) Indien iemand vir die doeleindes van sy klassifikasie ingevolge hierdie Wet, of so 'n klassifikasie van 'n minderjarige waarvan hy die voog is, beweer dat hy of dié minderjarige 'n blanke of 'n gekleurde of 'n lid van die een of ander etniese of ander groep is, rus die bewyslas op hom om te bewys dat hy, of dié minderjarige, na gelang van die geval, dit wel is, en moet hy dit bo redelike twyfel bewys.

(1B) Indien in 'n vorm of opgawe bedoel in artikel 3 of 9 deur of ten opsigte van iemand voltooi of in 'n aansoek om 'n persoonskaart deur of ten behoeve van iemand voltooi, 'n verklaring voorkom ten effekte dat hy 'n lid is van die een of ander ras of groep waarin gekleurdes geklassifiseer kan word, word aanvaar dat hy op die datum waarop daardie vorm, opgawe of aansoek aldus voltooi is, en te alle tye daarna, as so 'n lid deurgegaan het, tensy hy bewys dat hy nie op daardie datum as so 'n lid deurgegaan het nie.

(1C) Behoudens die ander bepalings van hierdie Wet is hoorsê-getuienis oor verklaarings omtrent afstamming nie by verrigtinge voor 'n raad as getuienis toelaatbaar nie."

Act No. 106, 1969

POPULATION REGISTRATION AMENDMENT ACT, 1969.

Insertion of
section 21A
in Act 30 of
1950.

8. The following section is hereby inserted in the principal Act after section 21:

"Effect of
amendments
to Act.

21A. (1) The provisions of this Act as they exist immediately after the commencement of the Population Registration Amendment Act, 1969, and the provisions of Proclamation No. 123 of 1967 shall apply—

- (a) in considering, for the purposes of subsection (4) of section 5, the correctness or otherwise of the classification of any person, and in classifying any such person in terms or by virtue of the provisions of paragraph (a) or (b) of that subsection;
- (b) for the purposes of every decision given by a board after the said commencement, irrespective of the date on which the case concerned was referred to the board;
- (c) with reference to the classification of any person in any other case, except any case contemplated in subsection (2).

(2) An appeal in terms of section 11 against a decision of a board given prior to the commencement of the Population Registration Amendment Act, 1969, shall, subject to the provisions of subsection (3) of this section, be decided in accordance with the provisions of this Act as they existed on the date on which the relevant decision of the board in question was given, but without having regard to any retrospective effect of any provision of this Act, and in accordance with the provisions of Proclamation No. 123 of 1967.

(3) No objection by any person against the classification of any other person (save an objection by any person against the classification of a minor of whom he is the guardian) shall be considered by any board or any division of the Supreme Court of South Africa or, if it has been considered by any board or any such division, further considered or decided on, irrespective of the date on which such objection was lodged with the Secretary.

(4) Any classification made or purporting to have been made in terms of section 5 (1) prior to the commencement of Proclamation No. 46 of 1959, and any classification made or purporting to have been made in accordance with the provisions of the said Proclamation No. 46 and Proclamation No. 27 of 1961 which could be made in accordance with the provisions of Proclamation No. 123 of 1967, shall be deemed to have been made in accordance with the last-mentioned provisions and on the date on which it was so made or so purports to have been made.

(5) If the name of any person has been included in the register and an indication of the race or group to which he belongs is given therein, he shall be deemed to have been classified in terms of section 5 as a member of that race or group.

(6) A classification purporting to have been made in terms of section 5 (1) shall not be invalid merely on the ground of the fact that the person by whom such classification purports to have been made was not duly authorized thereto."

Short title and
commencement.

9. This Act shall be called the Population Registration Amendment Act, 1969, and the amendments thereby effected to the principal Act shall be deemed to have come into operation on the seventh day of July, 1950.

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE, 1969.

Wet No. 106, 1969

8. Die volgende artikel word hierby in die Hoofwet na artikel 21 ingevoeg:

„Uitwerking
van wysi-
gings aan
Wet aan-
gebring.

Invoeging van
artikel 21A
in Wet 30 van
1950.

21A. (1) Die bepalings van hierdie Wet soos hulle bestaan onmiddellik na die inwerkingtreding van die Wysigingswet op Bevolkingsregistrasie, 1969, en die bepalings van Proklamasie No. 123 van 1967 geld—

- (a) by die oorweging, vir die doeleindes van subartikel (4) van artikel 5, van die juistheid al dan nie van die klassifikasie van iemand, en by die klassifikasie van so iemand ingevolge of uit hoofde van die bepalings van paragraaf (a) of (b) van dié subartikel;
- (b) by iedere beslissing van 'n raad wat ná genoemde inwerkingtreding gegee word, ongeag die datum waarop die betrokke geval by die raad ahangig gemaak is;
- (c) met betrekking tot die klassifikasie van iemand in enige ander geval, uitgesonderd 'n geval beoog in subartikel (2).

(2) Oor 'n appèl ingevolge artikel 11 teen 'n beslissing van 'n raad wat gegee is voor die inwerkingtreding van die Wysigingswet op Bevolkingsregistrasie, 1969, word, behoudens die bepalings van subartikel (3) van hierdie artikel, beslis ooreenkomstig die bepalings van hierdie Wet soos hulle, sonder inagneming van enige terugwerkende krag van 'n bepaling van hierdie Wet, bestaan het op die datum waarop die betrokke beslissing van die betrokke raad gegee is, en ooreenkomstig die bepalings van Proklamasie No. 123 van 1967.

(3) Geen beswaar deur iemand teen die klassifikasie van iemand anders (uitgesonderd 'n beswaar deur iemand teen die klassifikasie van 'n minderjarige waarvan hy die voog is) word deur 'n raad of 'n afdeling van die Hooggeregshof van Suid-Afrika oorweeg nie, of indien dit reeds deur 'n raad of so 'n afdeling oorweeg is, verder oorweeg of 'n beslissing oor gegee nie, ongeag die datum waarop dié beswaar by die Sekretaris ingedien is.

(4) 'n Klassifikasie wat gedoen is of heet gedoen te wees ingevolge artikel 5 (1) voor die inwerkingtreding van Proklamasie No. 46 van 1959, en 'n klassifikasie wat gedoen is of heet gedoen te gewees het ooreenkomstig die bepalings van genoemde Proklamasie No. 46 en Proklamasie No. 27 van 1961 en wat ooreenkomstig die bepalings van Proklamasie No. 123 van 1967 gedoen sou kan word, word geag ooreenkomstig laasgenoemde bepalings gedoen te wees, en wel op die datum waarop dit aldus gedoen is of heet gedoen te gewees het.

(5) Indien iemand se naam in die register opgeneem is en daarin 'n aanduiding gegee word van die ras of groep waartoe hy behoort, word so iemand geag as 'n lid van daardie ras of groep ingevolge artikel 5 geklassifiseer te wees.

(6) 'n Klassifikasie wat heet ingevolge artikel 5 (1) gedoen te wees is nie ongeldig nie bloot op grond van die feit dat die persoon deur wie die klassifikasie heet gedoen te wees nie behoorlik daartoe gemagtig was nie.”

9. Hierdie Wet heet die Wysigingswet op Bevolkingsregistrasie, 1969, en die wysigings daardeur aan die Hoofwet aangebring word geag op die sewende dag van Julie 1950 in werking te getree het.

Kort titel
en inwerking-
treding.

