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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1852.

6 October 1993

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

No. 132 of 1993: General Law Fourth Amendment Act, 1993.

No. 1852.

6 Oktober 1993

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

No. 132 van 1993: Vierde Algemene Regswysigingswet, 1993.

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 or to amend provisions which differentiate between men and women; and to provide for matters connected therewith.

*(Afrikaans text signed by the Acting State President.)
(Assented to 24 September 1993.)*

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

Amendment of section 17 of Act 47 of 1937, as substituted by section 29 of Act 88 of 1984 and amended by section 1 of Act 75 of 1987

1. Section 17 of the Deeds Registries Act, 1937, is hereby amended by the substitution for subsection (6) of the following subsection: 5

“(6) A **[woman married out of community of property, or]** person married in terms of a marriage the legal consequences of which are governed by the law of any other country, shall be assisted by his or her **[husband]** spouse in executing any deed or other document required or permitted to be registered 10 in any deeds registry or required or permitted to be produced in connection with any such deed or document, **[unless the marital power has been excluded or]** unless the assistance of the **[husband]** spouse is in terms of this Act or on other grounds deemed by the registrar to be unnecessary.”.

Repeal of section 94 of Act 47 of 1937

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2. Section 94 of the Deeds Registries Act, 1937, is hereby repealed.

Amendment of section 5 of Act 32 of 1944, as amended by section 6 of Act 40 of 1952 and section 1 of Act 91 of 1977

3. Section 5 of the Magistrates' Courts Act, 1944, is hereby amended by the substitution for subsection (2) of the following subsection: 20

“(2) The court may in any case, in the interests of good order or public morals, direct that a civil trial shall be held with closed doors, or that (with such exceptions as the court may direct) **[females or]** minors or the public generally shall not be permitted to be present thereat.”.

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.
- _____** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om bepalings wat onderskeid tref tussen mans en vroue te herroep of te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 24 September 1993.)*

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

Wysiging van artikel 17 van Wet 47 van 1937, soos vervang deur artikel 29 van Wet 88 van 1984 en gewysig deur artikel 1 van Wet 75 van 1987

- 5 1. Artikel 17 van die Registrasie van Aktes Wet, 1937, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:
- “(6) 'n **[Vrou]** Persoon wat **[buite gemeenskap van goed getroud is, of]** getroud is ingevolge 'n huwelik waarvan die regsgevolge deur die reg van 'n ander land bepaal word, moet deur **[haar man]** sy of haar gade bygestaan word by die ondertekening van enige akte of ander dokument wat in 'n
- 10 registrasiekantoor geregistreer moet of kan word of wat vertoon moet of kan word in verband met so 'n akte of dokument, **[tensy die maritale mag uitgesluit is of]** tensy die registrateur ingevolge die bepalings van hierdie Wet of om ander redes die bystand van die **[man]** gade onnodig ag.”.

15 Herroeping van artikel 94 van Wet 47 van 1937

2. Artikel 94 van die Registrasie van Aktes Wet, 1937, word hierby herroep.

Wysiging van artikel 5 van Wet 32 van 1944, soos gewysig deur artikel 6 van Wet 40 van 1952 en artikel 1 van Wet 91 van 1977

3. Artikel 5 van die Wet op Landdroshowe, 1944, word hierby gewysig deur
- 20 subartikel (2) deur die volgende subartikel te vervang:
- “(2) Die hof kan, in die belang van die goeie orde of die openbare sedelikheid, beveel dat 'n siviele verhoor agter geslote deure moet plaasvind, of dat (met sulke uitsonderings as wat die hof bepaal) **[vroue of]** minderjariges of die publiek in die algemeen nie daarby aanwesig mag wees nie.”.
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Amendment of section 111 of Act 32 of 1944, as amended by section 10 of Act 63 of 1976

4. Section 111 of the Magistrates' Courts Act, 1944, is hereby amended by the deletion of subsection (4).

Amendment of section 3 of Act 44 of 1949, as amended by section 3 of Act 64 of 1961, section 1 of Act 95 of 1981 and section 1 of Act 70 of 1991 5

5. Section 3 of the South African Citizenship Act, 1949, is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) No person shall be a South African citizen by virtue of subsection (1) if, at the time of his birth— 10
- (a) **[his father]** one of his parents— 10
- (i) was a person enjoying diplomatic immunity in the Union in terms of any law relating to diplomatic privileges, or was a career representative of the government of another country, or was a person employed in the embassy or legation of such a government or in the office of such a career representative, or was a member of the household or a servant of any such person; and 15
- (ii) was not a South African citizen or had not been lawfully admitted to the Union for permanent residence therein, and his **[mother]** other parent was not a South African citizen; or 20
- (b) **[his father]** one of his parents was an enemy alien and the birth occurred at a place under occupation by the enemy and his **[mother]** other parent was not a South African citizen; or
- (c) **[his father]** one of his parents was an enemy alien without the right of permanent residence in the Union and was interned or detained in custody in the Union and his **[mother]** other parent was not a South African citizen; or 25
- (d) **[his father]** one of his parents was a prohibited person or had no right of permanent residence in the Union under the law then in force in the Union and his **[mother]** other parent was not a South African citizen.”. 30

Amendment of section 4 of Act 44 of 1949, as amended by section 4 of Act 64 of 1961

6. Section 4 of the South African Citizenship Act, 1949, is hereby amended by the substitution in paragraph (b) of subsection (1) for the words preceding subparagraph (i) of the following words:

- “(b) section 5 or 6 a South African citizen, and whose father or mother was at the time of such person's birth—”. 35

Amendment of section 5 of Act 44 of 1949, as amended by section 5 of Act 64 of 1961 and section 2 of Act 70 of 1991

7. Section 5 of the South African Citizenship Act, 1949, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection: 40
- “(1) A person born outside the Union prior to the date of commencement of this Act, other than a person referred to in subsection (2) of section 2, shall be a South African citizen if **[his father]** one of his parents was at the time of his birth a British subject under the law then in force in the Union, and he fulfils any one of the following conditions, that is to say, if either— 45
- (a) **[his father]** one of his parents was born in the Union; or

Wysiging van artikel 111 van Wet 32 van 1944, soos gewysig deur artikel 10 van Wet 63 van 1976

4. Artikel 111 van die Wet op Landdroshowe, 1944, word hierby gewysig deur subartikel (4) te skrap.

5 Wysiging van artikel 3 van Wet 44 van 1949, soos gewysig deur artikel 3 van Wet 64 van 1961, artikel 1 van Wet 95 van 1981 en artikel 1 van Wet 70 van 1991

5. Artikel 3 van die Wet op Suid-Afrikaanse Burgerskap, 1949, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- “(2) Niemand is uit hoofde van subartikel (1) ’n Suid-Afrikaanse burger nie indien, by sy geboorte—
- (a) **[sy vader]** een van sy ouers—
- (i) iemand was wat in die Unie diplomatieke immunititeit geniet het ingevolge ’n wetsbepaling op diplomatieke voorregte, of ’n beroepsverteenvoerder van die regering van ’n ander land was, of iemand in diens in die ambassade of gesantskap van so ’n regering of die kantoor van so ’n beroepsverteenvoerder was, of ’n lid van die huisgesin of ’n bediende van enige sodanige persoon was; en
- (ii) nie ’n Suid-Afrikaanse burger was nie of nie wettiglik tot die Unie vir permanente verblyf daarin toegelaat was nie, en sy **[moeder]** ander ouer nie ’n Suid-Afrikaanse burger was nie; of
- (b) **[sy vader]** een van sy ouers ’n vyandsonderdaan was en die geboorte op ’n plek wat onder die okkupasie van die vyand was, plaasgevind het en sy **[moeder]** ander ouer nie ’n Suid-Afrikaanse burger was nie; of
- (c) **[sy vader]** een van sy ouers ’n vyandsonderdaan sonder die reg van permanente verblyf in die Unie was en in die Unie geïnterneer of in bewaring aangehou was en sy **[moeder]** ander ouer nie ’n Suid-Afrikaanse burger was nie; of
- (d) **[sy vader]** een van sy ouers volgens die wetsbepalings wat destyds in die Unie van krag was, ’n verbode persoon was of geen reg op permanente verblyf in die Unie gehad het nie en sy **[moeder]** ander ouer nie ’n Suid-Afrikaanse burger was nie.”.

Wysiging van artikel 4 van Wet 44 van 1949, soos gewysig deur artikel 4 van Wet 64 van 1961

6. Artikel 4 van die Wet op Suid-Afrikaanse Burgerskap, 1949, word hierby gewysig deur in paragraaf (b) van subartikel (1) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“(b) artikel 5 of 6 ’n Suid-Afrikaanse burger is, en wie se vader of moeder by die geboorte van so iemand—”.

40 Wysiging van artikel 5 van Wet 44 van 1949, soos gewysig deur artikel 5 van Wet 64 van 1961 en artikel 2 van Wet 70 van 1991

7. Artikel 5 van die Wet op Suid-Afrikaanse Burgerskap, 1949, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Iemand wat buite die Unie voor die datum van die inwerkingtreding van hierdie Wet gebore is, behalwe ’n in subartikel (2) van artikel 2 bedoelde persoon, is ’n Suid-Afrikaanse burger indien **[sy vader]** een van sy ouers by sy geboorte volgens die wetsbepalings wat destyds in die Unie van krag was, ’n Britse onderdaan was en hy aan een of ander van die volgende voorwaardes voldoen, naamlik, indien—
- (a) **[sy vader]** een van sy ouers in die Unie gebore is; of

- (b) **[his father]** one of his parents was, at the time of the birth, a person to whom a naturalization certificate had been granted in the Union; or
- (c) **[his father]** one of his parents had acquired British nationality by reason of the annexation of the territories of the South African Republic and the Republic of the Orange Free State; or
- (d) **[his father]** one of his parents was, at the time of the birth, in the service of the Government of the Union; or
- (e) **[his father]** one of his parents was, at the time of the birth, domiciled in the Union or South West Africa.”;
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) A person who, immediately prior to the date of commencement of this Act, was a Union national by virtue of the provisions of paragraph (d) of section 1 of the Union Nationality and Flags Act, 1927 (Act No. 40 of 1927), but whose father or mother was not, at the time of such person’s birth, a British subject under the law then in force in the Union, shall be a South African citizen if he would have been such a citizen by virtue of the provisions of subsection (1) of this section if **[his father]** one of his parents had, at the time of the birth, been a British subject under the law then in force in the Union.”; and
- (c) by the substitution for paragraph (b) of subsection (6) of the following paragraph:
- “(b) he would be such a citizen by virtue of the provisions of subsection (1) if he were the natural child of his adoptive father or mother.”.

Amendment of section 10 of Act 44 of 1949, as amended by section 9 of Act 64 of 1961, section 20 of Act 69 of 1962, section 3 of Act 23 of 1964 and section 2 of Act 95 of 1981

8. Section 10 of the South African Citizenship Act, 1949, is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:
- “(2) Any period during which an applicant for naturalization has been employed outside the Union in the service of the Government of the Union (otherwise than as a person engaged locally) or on a ship or aircraft or a public means of transport registered or licensed in and operating from the Union, and any period during which a **[woman]** person who is an applicant for naturalization has been resident outside the Union with **[her husband]** his or her spouse while the latter was so employed, shall, for the purposes of subsection (1), be regarded as a period of residence or ordinary residence in the Union, and for such purposes the Minister may, in his discretion, regard as a period of residence or ordinary residence in the Union any period during which an applicant for naturalization has been employed outside the Union on a ship, aircraft or public means of transport operating from the Union, and any period during which a **[woman]** person who is an applicant for naturalization has been resident outside the Union with **[her husband]** his or her spouse while the latter was so employed, notwithstanding the fact that such ship, aircraft or public means of transport was not registered or licensed in the Union.”;
- (b) by the substitution for subsection (4)*bis* of the following subsection:
- “(4)*bis* The Minister may, notwithstanding the provisions of subsection (1), upon application in the prescribed form, grant a certificate of naturalization as a South African citizen to any person who is not already a South African citizen and—
- (a) who, or one of whose **[father or paternal grandfather or paternal great-grandfather]** parents, grandparents or great-grandparents, was born prior to the first day of September,

- (b) **[sy vader]** een van sy ouers by die geboorte iemand was aan wie 'n sertifikaat van naturalisasie in die Unie toegeken was; of
- 5 (c) **[sy vader]** een van sy ouers Britse nasionaliteit verkry het ten gevolge van die anneksasie van die gebiede van die Suid-Afrikaanse Republiek en die Republiek van die Oranje-Vrystaat; of
- (d) **[sy vader]** een van sy ouers by die geboorte in diens van die Regering van die Unie was; of
- 10 (e) **[sy vader]** een van sy ouers by die geboorte in die Unie of Suidwes-Afrika gedomisileer was.”;
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- “ (2) Iemand wat, onmiddellik voor die datum van die inwerking-treding van hierdie Wet, uit hoofde van die bepalings van paragraaf (d) van artikel 1 van die Unie Nasionaliteit en Vlae Wet, 1927 (Wet No. 40 van 1927), 'n Unie staatsburger was, maar wie se vader of moeder nie by die geboorte van so iemand volgens die wetsbepalings wat destyds in die Unie van krag was, 'n Britse onderdaan was nie, is 'n Suid-Afrikaanse burger indien hy uit
- 15 hoofde van die bepalings van subartikel (1) van hierdie artikel so 'n burger sou gewees het indien **[sy vader]** een van sy ouers, by die geboorte, volgens die wetsbepalings wat destyds in die Unie van krag was, 'n Britse onderdaan was.”; en
- (c) deur paragraaf (b) van subartikel (6) deur die volgende paragraaf te vervang:
- 25 “(b) uit hoofde van die bepalings van subartikel (1) so 'n burger sou gewees het indien hy die natuurlike kind van sy aangenome vader of moeder was.”.

Wysiging van artikel 10 van Wet 44 van 1949, soos gewysig deur artikel 9 van Wet 64 van 1961, artikel 20 van Wet 69 van 1962, artikel 3 van Wet 23 van 1964 en artikel 2 van Wet 95 van 1981

8. Artikel 10 van die Wet op Suid-Afrikaanse Burgerskap, 1949, word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:
- 35 “(2) Enige tydperk wat 'n applikant om naturalisasie buite die Unie in diens was van die Regering van die Unie (behalwe as iemand wat plaaslik in diens geneem is) of op 'n skip of lugvaartuig of 'n openbare vervoermiddel wat in die Unie geregistreer of gelisensieer is en vandaar bestuur word, en enige tydperk wat 'n
- 40 **[vrou]** persoon wat 'n applikant om naturalisasie is, buite die Unie saam met **[haar eggenoot]** sy of haar gade woonagtig was terwyl laasgenoemde aldus in diens was, word by die toepassing van subartikel (1) as 'n tydperk van verblyf of gewone verblyf in die Unie beskou en by sodanige toepassing kan die Minister na goeiddunke enige tydperk wat 'n applikant om naturalisasie buite die Unie in diens was op 'n skip, lugvaartuig of openbare vervoermiddel wat vanuit die Unie bestuur is, en enige tydperk wat 'n **[vrou]** persoon wat 'n applikant om naturalisasie is, buite die Unie saam met **[haar eggenoot]** sy of haar gade woonagtig was
- 50 terwyl laasgenoemde aldus in diens was, as 'n tydperk van verblyf of gewone verblyf in die Unie beskou, ondanks die feit dat sodanige skip, lugvaartuig of openbare vervoermiddel nie in die Unie geregistreer of gelisensieer was nie.”;
- (b) deur subartikel (4) *bis* deur die volgende subartikel te vervang:
- 55 “(4) *bis* Die Minister kan, ondanks die bepalings van subartikel (1), op aansoek in die voorgeskrewe vorm, 'n sertifikaat van naturalisasie as Suid-Afrikaanse burger toeken aan iemand wat nie alreeds 'n Suid-Afrikaanse burger is nie en—
- (a) wat, of van wie **[se vader of grootvader of oorgrootvader aan vaderskant]** 'n ouer of grootouer of oorgrootouer, in 'n deel
- 60 van Suid-Afrika wat in die Unie opgeneem is, gebore is voor

1900, in any part of South Africa included in the Union, or was a burgher of the late South African Republic or of the late Orange Free State Republic at any time prior to that date; and

(b) who satisfies the Minister that he has been lawfully admitted to the Union for permanent residence therein.”; and

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

“(6) The Minister may, notwithstanding the provisions of subsection (1), upon application in the prescribed form, grant a certificate of naturalization as a South African citizen to a **[woman]** **person** who is an alien and who satisfies the Minister that—

(a) he is the husband or widower of, or in the case of a woman, she is the wife or widow of a South African citizen and he or she has been lawfully admitted to the Union for permanent residence therein and has resided in the Union for a period of not less than two years immediately preceding the date of his or her application and after the date of his or her marriage to such citizen; or

(b) he is the husband of, or in the case of a woman, she is the wife of a South African citizen, he or she has in terms of any law relating to immigration obtained permission to enter the Union for permanent residence therein and he or she has resided with **[her husband]** his or her spouse in the Union or, while he or she was employed in the service of the Government of the Union, outside the Union for a period of not less than two years.”.

Amendment of section 17 of Act 44 of 1949, as amended by section 12 of Act 64 of 1961 and section 4 of Act 23 of 1964

9. Section 17 of the South African Citizenship Act, 1949, is hereby amended—

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

“(c) in the case of **[a]** the husband, wife or minor child of a person referred to in paragraph (a) or (b), such husband, wife or child so resides with such person; or”; and

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

“(d) in the case of the husband, wife or minor child of a person who is a South African citizen by birth or descent, such husband, wife or child so resides with such person; or”.

Repeal of sections 1 and 2 of Act 37 of 1953

10. Sections 1 and 2 of the Matrimonial Affairs Act, 1953, are hereby repealed.

Amendment of section 3 of Act 23 of 1957, as amended by section 5 of Act 139 of 1992

11. Section 3 of the Sexual Offences Act, 1957, is hereby amended by the substitution for paragraph (g) of the following paragraph:

“(g) any person whose **[wife]** spouse keeps or resides in or manages or assists in the management of a brothel unless **[he]** such person proves that he or she was ignorant thereof or that he or she lives apart from **[her]** the said spouse and did not receive the whole or any share of the moneys taken therein.”.

Amendment of section 78 of the First Schedule to Act 44 of 1957

12. Section 78 of the First Schedule to the Defence Act, 1957, is hereby amended by the substitution for subsection (3) of the following subsection:

- die eerste dag van September 1900, of te eniger tyd voor daardie datum 'n staatsburger van die gewese Suid-Afrikaanse Republiek of van die gewese Republiek Oranje-Vrystaat was; en
- 5 (b) wat die Minister oortuig dat hy wettiglik tot die Unie vir permanente verblyf daarin toegelaat is.”; en
- (c) deur subartikel (6) deur die volgende subartikel te vervang:
- “(6) Die Minister kan, ondanks die bepalings van subartikel (1), op aansoek in die voorgeskrewe vorm, 'n sertifikaat van naturalisasie as 'n Suid-Afrikaanse burger aan 'n **[vrou]** persoon toeken
- 10 wat 'n vreemdeling is en die Minister oortuig dat—
- (a) hy die man of wenaar of, in die geval van 'n vrou, sy die vrou of weduwee van 'n Suid-Afrikaanse burger is en hy of sy wettiglik tot die Unie vir permanente verblyf daarin toegelaat is en vir 'n tydperk van minstens twee jaar onmiddellik voor die datum van sy of haar aansoek en ná die datum van sy of haar huwelik met dié burger in die Unie gewoon het; of
- 15 (b) hy die man of, in die geval van 'n vrou, sy die vrou van 'n Suid-Afrikaanse burger is, hy of sy ingevolge 'n wetsbepaling op immigrasie toestemming verkry het om die Unie vir permanente verblyf daarin binne te kom en hy of sy saam met [haar eggenoot] sy of haar gade in die Unie of, terwyl hy of sy in diens van die Regering van die Unie was, buite die Unie gewoon het vir 'n tydperk van minstens twee jaar.”.
- 20
- 25 **Wysiging van artikel 17 van Wet 44 van 1949, soos gewysig deur artikel 12 van Wet 64 van 1961 en artikel 4 van Wet 23 van 1964**

9. Artikel 17 van die Wet op Suid-Afrikaanse Burgerskap, 1949, word hierby gewysig—

- (a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te
- 30 vervang:
- “(c) in die geval van die man, vrou of minderjarige kind van 'n in paragraaf (a) of (b) bedoelde persoon, so 'n man, vrou of kind saam met sodanige persoon aldus woonagtig is; of”; en
- (b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te
- 35 vervang:
- “(d) in die geval van die man, vrou of minderjarige kind van 'n persoon wat 'n Suid-Afrikaanse burger deur geboorte of afkoms is, so 'n man, vrou of kind saam met sodanige persoon aldus woonagtig is; of”.

40 Herroeping van artikels 1 en 2 van Wet 37 van 1953

10. Artikels 1 en 2 van die Wet op Huweliksaangeleenthede, 1953, word hierby herroep.

Wysiging van artikel 3 van Wet 23 van 1957, soos gewysig deur artikel 5 van Wet 139 van 1992

- 45 11. Artikel 3 van die Wet op Seksuele Misdrywe, 1957, word hierby gewysig deur paragraaf (g) deur die volgende paragraaf te vervang:
- “(g) iemand wie se **[vrou]** gade 'n bordeel hou of by 'n bordeel inwoon of dit bestuur of met die bestuur daarvan help, tensy **[hy]** so 'n persoon bewys lewer dat hy of sy daarvan onbewus was of dat hy of sy afgesonderd van **[haar]** genoemde gade woon en dat hy of sy nie al of 'n gedeelte van die geld wat daarin ontvang is, ontvang het nie.”.
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Wysiging van artikel 78 van die Eerste Bylae by Wet 44 van 1957

12. Artikel 78 van die Eerste Bylae by die Verdedigingswet, 1957, word hierby
- 55 gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Whenever it appears to a convening authority or a court martial that, in the interests of good order or public morals or the administration of justice or for reasons of security, a trial ought not to be conducted or continued in open court, the convening authority or the court martial may at any time either before the commencement or during the course of the trial, order that persons other than the accused, his counsel and the necessary court officials, or **[females,]** that juveniles or other classes of persons, shall not be permitted to be present at the trial.”.

Amendment of section 5 of Act 63 of 1962, as amended by section 2 of Act 30 of 1972, section 11 of Act 70 of 1974, section 10 of Act 4 of 1976, section 2 of Act 115 of 1977, section 7 of Act 102 of 1983 and section 2 of Act 29 of 1987

13. Section 5 of the Sorghum Beer Act, 1962, is hereby amended—

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

“(b) The provisions of subsections (2), (3) **[(4)]** and (8) shall apply *mutatis mutandis* in relation to any authority under paragraph (a) to sell and supply sorghum beer.”; and

(b) by the deletion of subsection (4).

Amendment of section 16 of Act 63 of 1962, as amended by section 93 of Act 42 of 1964, section 19 of Act 98 of 1965, section 5 of Act 30 of 1972 and section 23 of Act 62 of 1973

14. Section 16 of the Sorghum Beer Act, 1962, is hereby amended by the deletion of paragraph (c) of subsection (1).

Amendment of section 15 of Act 47 of 1963, as substituted by section 6 of Act 112 of 1992

15. Section 15 of the Coloured Persons Education Act, 1963, is hereby amended by the deletion of paragraph (g) of subsection (1).

Repeal of section 17 of Act 66 of 1965

16. Section 17 of the Administration of Estates Act, 1965, is hereby repealed.

Substitution of section 85 of Act 66 of 1965

17. The following section is hereby substituted for section 85 of the Administration of Estates Act, 1965:

“Application of certain sections to tutors and curators

85. Sections **[17,]** 24, 26, 28 and 36, subsection (2) of section 42, sections 46 and 48, subsection (2) of section 49 and sections 52, 53, 54 and 56 shall *mutatis mutandis* apply with reference to tutors and curators: Provided that—

(a) any reference in any of the said sections to a will shall, for the purposes of its application under this section, include a reference to any written instrument by which the tutor or curator concerned has been nominated; and

(b) notwithstanding the provisions of section 17 as so applied, letters of curatorship may be granted to a married woman as curatrix of her husband or his property, without his consent.”.

“(3) Wanneer ’n beleggende outoriteit of ’n krygsraad van oordeel is dat ’n verhoor in belang van die goeie orde of openbare sedelikheid of die regspleging of om veiligheidsredes nie in ope sitting gevoer of voortgesit behoort te word nie, kan die beleggende outoriteit of krygsraad te eniger tyd, hetsy voor die aanvang van of gedurende die verhoor, gelas dat ander persone as die beskuldigde, sy regsverteenvoordiger en die nodige raads-beamptes, of **[vrouspersone,]** dat jeugdiges of ander kategorieë van persone, nie toegelaat word om by die verhoor teenwoordig te wees nie.”.

Wysiging van artikel 5 van Wet 63 van 1962, soos gewysig deur artikel 2 van Wet 30 van 1972, artikel 11 van Wet 70 van 1974, artikel 10 van Wet 4 van 1976, artikel 2 van Wet 115 van 1977, artikel 7 van Wet 102 van 1983 en artikel 2 van Wet 29 van 1987

13. Artikel 5 van die Wet op Sorghumbier, 1962, word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1C) deur die volgende paragraaf te vervang:

“(b) Die bepalings van subartikels (2), (3) **[(4)]** en (8) is *mutatis mutandis* van toepassing met betrekking tot ’n magtiging kragtens paragraaf (a) om sorghumbier te verkoop en te verskaf.”; en

(b) deur subartikel (4) te skrap.

Wysiging van artikel 16 van Wet 63 van 1962, soos gewysig deur artikel 93 van Wet 42 van 1964, artikel 19 van Wet 98 van 1965, artikel 5 van Wet 30 van 1972 en artikel 23 van Wet 62 van 1973

14. Artikel 16 van die Wet op Sorghumbier, 1962, word hierby gewysig deur paragraaf (c) van subartikel (1) te skrap.

Wysiging van artikel 15 van Wet 47 van 1963, soos vervang deur artikel 6 van Wet 112 van 1992

15. Artikel 15 van die Wet op Onderwys vir Kleurlinge, 1963, word hierby gewysig deur paragraaf (g) van subartikel (1) te skrap.

Herroeping van artikel 17 van Wet 66 van 1965

16. Artikel 17 van die Boedelwet, 1965, word hierby herroep.

Vervanging van artikel 85 van Wet 66 van 1965

17. Artikel 85 van die Boedelwet, 1965, word hierby deur die volgende artikel vervang:

“Toepassing van sekere artikels op voogde en kurators

85. Artikels [17,] 24, 26, 28 en 36, subartikel (2) van artikel 42, artikels 46 en 48, subartikel (2) van artikel 49 en artikels 52, 53, 54 en 56 is *mutatis mutandis* van toepassing met betrekking tot voogde en kurators: Met dien verstande dat[—

(a) ’n verwysing in enigeen van gemelde artikels na ’n testament, by die toepassing daarvan kragtens hierdie artikel, ook ’n verwysing is na ’n geskrif waarby die betrokke voog of kurator benoem is; en

(b) ’n brief van kuratele, ondanks die bepalings van artikel 17 soos aldus toegepas, aan ’n getroude vrou as kuratriese van haar man of sy goed, sonder sy toestemming uitgereik kan word].”.

Amendment of section 16 of Act 16 of 1967, as substituted by section 6 of Act 14 of 1991

18. Section 16 of the Mining Titles Registration Act, 1967, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) A **[woman married out of community of property, or]** person married in terms of a marriage the legal consequences of which are governed by the law of any other country, shall be assisted by his or her [husband] spouse in executing any deed or other document required or permitted to be registered in the Mining Titles Office or required or permitted to be produced in connection with any such deed or document, **[unless the marital power has been excluded or]** unless the assistance of the **[husband] other spouse** is in terms of this Act or on other grounds deemed by the registrar to be unnecessary.”.

Substitution of section 30 of Act 16 of 1967

19. The following section is hereby substituted for section 30 of the Mining Titles Registration Act, 1967:

“Endorsement of deed to reflect the change of status of a person

30. When rights are or a bond is registered in the name of—

- (a) a **[woman] person** who since the registration was effected has been married either in or out of community of property or has been married and whose marriage is governed by the law of any country other than the Republic **[or South-West Africa]**; or
 - (b) a **[woman] person** who at the date of the registration was married out of community of property or whose marriage was at that date governed by the law of any country other than the Republic **[or South-West Africa]** and who has since **[been widowed or] become** a widow or widower or been divorced,
- the registrar may on written application by such **[woman] person** (assisted where necessary by **[her husband] such person's spouse**) and on production of the relevant deed or, where there are two or more interdependent deeds, of all such deeds, and of proof to his satisfaction of the change in **[her] such person's** status, record the change on such deed or deeds and in the registers.”.

Amendment of section 38 of Act 16 of 1967

20. Section 38 of the Mining Titles Registration Act, 1967, is hereby amended by the substitution for subsection (4) of the following subsection:

- “(4) The provisions of this section shall not apply if the mortgaged rights are to be transferred or ceded—
- (a) to a person who would not himself be competent to mortgage them; or
 - (b) to two or more persons, unless they take transfer or cession of the rights in undivided shares and renounce in the written consent referred to in subsection (1) the exception *de duobus vel pluribus reis debendi*; or
 - (c) to a woman unless in the said written consent she renounces any special legal exceptions which she would otherwise be entitled to raise.”.

Repeal of section 60 of Act 16 of 1967

21. Section 60 of the Mining Titles Registration Act, 1967, is hereby repealed.

Wysiging van artikel 16 van Wet 16 van 1967, soos vervang deur artikel 6 van Wet 14 van 1991

18. Artikel 16 van die Wet op die Registrasie van Myntitels, 1967, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

- 5 “(5) ’n **[Vrou] Persoon** wat **[buite gemeenskap van goed getroud is, of]** getroud is ingevolge ’n huwelik waarvan die regsgevolge deur die reg van ’n ander land bepaal word, moet deur sy of haar **[man] gade** bygestaan word by die verlyding van enige akte of ander dokument wat in die Mynbriewekantoor geregistreer moet of kan word of wat vertoon moet of kan word in verband met so ’n akte of dokument, **[tensy die maritale mag uitgesluit is of]** tensy die registrateur ingevolge die bepalings van hierdie Wet of om ander redes die bystand van die **[man] ander gade** onnodig ag.”.

Vervanging van artikel 30 van Wet 16 van 1967

19. Artikel 30 van die Wet op die Registrasie van Myntitels, 1967, word hierby 15 deur die volgende artikel vervang:

“Endossering van akte om die verandering in die status van ’n persoon aan te toon

30. Wanneer regte of ’n verband geregistreer is op die naam van—
- 20 (a) ’n **[vrouspersoon] persoon** wat sedert die registrasie plaasgevind het, òf in òf buite gemeenskap van goed getroud is of wat getroud is en wie se huwelik beheer word deur die reg van ’n ander land as die Republiek **[of Suidwes-Afrika]**; of
- 25 (b) ’n **[vrouspersoon] persoon** wat op die datum van die registrasie buite gemeenskap van goed getroud was of wie se huwelik op daardie datum beheer was deur die reg van ’n ander land as die Republiek **[of Suidwes-Afrika]** en wat daarna ’n weduwee of wewenaar geword het of geskei is,
- 30 kan die registrateur op skriftelike aansoek deur bedoelde **[vrouspersoon] persoon** (bygestaan waar nodig deur **[haar man] die persoon se gade**) en by voorlegging van die betrokke akte of, waar daar twee of meer onderling afhanklike aktes is, van al daardie aktes, en van bewys tot sy bevrediging van die verandering van **[haar] die persoon se status**, die verandering op daardie akte of aktes en in die registers aanteken.”.

35 Wysiging van artikel 38 van Wet 16 van 1967

20. Artikel 38 van die Wet op die Registrasie van Myntitels, 1967, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- “ (4) Die bepalings van hierdie artikel is nie van toepassing nie as die met verband beswaarde regte oorgedra of gesedeer moet word—
- 40 (a) aan iemand wat nie self bevoeg sou wees om dit met ’n verband te beswaar nie; of
- 45 (b) aan twee of meer persone, tensy hulle oordrag of sessie van die regte neem in onverdeelde aandele en in die in subartikel (1) vermelde skriftelike toestemming afstand doen van die eksepsie *de duobus vel pluribus reis debendi*; of
- (c) aan ’n vrouspersoon, tensy sy in die bedoelde skriftelike toestemming afstand doen van alle besondere eksepsies wat sy andersins geregtig sou gewees het om te opper].”.

Herroeping van artikel 60 van Wet 16 van 1967

50 21. Artikel 60 van die Wet op die Registrasie van Myntitels, 1967, word hierby herroep.

Amendment of section 3 of Act 68 of 1969, as amended by section 10 of Act 139 of 1992

22. Section 3 of the Prescription Act, 1969, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the person against whom the prescription is running is a minor or is insane, **[or is a woman whose separate property is controlled by her husband by virtue of his marital power,]** or is a person under curatorship, or is prevented by superior force from interrupting the running of prescription as contemplated in section 4; or”.

Amendment of section 216 of Act 61 of 1973, as substituted by section 15 of Act 59 of 1978 and amended by section 15 of Act 83 of 1981, section 10 of Act 70 of 1984 and section 8 of Act 18 of 1990

23. Section 216 of the Companies Act, 1973, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) In respect of any of the matters referred to in section 211(1) the return referred to in subsection (2) shall contain a statement, signed by a director, a secretary who is a body corporate or an officer of the company, that—

- (a) the consent, referred to in section 211, of the director or officer in respect of whom particulars are reflected in such return, has been obtained on a duly completed and signed prescribed form; and
- (b) any person appointed as director or officer of the company, is not disqualified under section 218 or 219; and
- (c) **the written consent under section 218(1)(b) of the husband of any woman appointed as a director of the company has been obtained on the prescribed form].**”.

Amendment of section 218 of Act 61 of 1973, as substituted by section 17 of Act 59 of 1978

24. Section 218 of the Companies Act, 1973, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) a minor or any other person under legal disability **[save a married woman subject to the marital power of her husband whose written consent to her appointment as a director has, on the form referred to in section 211(1)(a), been lodged with the company];**”.

Amendment of section 14 of Act 78 of 1973

25. Section 14 of the Occupational Diseases in Mines and Works Act, 1973, is hereby amended—

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

“**[(1) Save as provided in subsection (2),] No [male] person** under the age of 16 years **[and no female]** shall perform risk work at a controlled mine or a controlled works, and no owner of such a mine or works or person in control of such a mine or works or any part thereof or contractor shall knowingly permit any **[male]** person under the age of 16 years **[or any female]** to perform risk work at such mine or works.”; and

(b) by the deletion of subsection (2).

Amendment of section 1 of Act 80 of 1976

26. Section 1 of the Rent Control Act, 1976, is hereby amended by the substitution for paragraph (a) of the definition of “lessee” of the following paragraph:

Wysiging van artikel 3 van Wet 68 van 1969, soos gewysig deur artikel 10 van Wet 139 van 1992

22. Artikel 3 van die Verjaringswet, 1969, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

- 5 “(a) die persoon teen wie die verjaring loop minderjarig of kranksinnig is, **[of ’n vrou is wie se afsonderlike goed deur haar man kragtens sy maritale mag beheer word,]** of ’n persoon onder kuratele is, of deur oormag verhinder word om die loop van verjaring te stuit soos in artikel 4 bedoel; of”.

10 **Wysiging van artikel 216 van Wet 61 van 1973, soos vervang deur artikel 15 van Wet 59 van 1978 en gewysig deur artikel 15 van Wet 83 van 1981, artikel 10 van Wet 70 van 1984 en artikel 8 van Wet 18 van 1990**

23. Artikel 216 van die Maatskappywet, 1973, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

- 15 “(3) Met betrekking tot enige van die aangeleenthede bedoel in artikel 211(1) moet die opgawe bedoel in subartikel (2) ’n verklaring bevat, onderteken deur ’n direkteur, ’n sekretaris wat ’n regspersoon is of ’n beamppte van die maatskappy, dat—
- 20 (a) die toestemming, bedoel in artikel 211, van die direkteur of beamppte ten opsigte van wie besonderhede in sodanige opgawe weergegee word, verkry is op ’n behoorlik voltooide en ondertekende voorgeskrewe vorm; **en**
- 25 (b) ’n persoon wat as direkteur of beamppte van die maatskappy aangestel is, nie ingevolge artikel 218 of 219 gediskwalifiseer is nie; **en**
- (c) **die skriftelike toestemming ingevolge artikel 218(1)(b) van die eggenoot van ’n vrou wat as ’n direkteur van die maatskappy aangestel is, op die voorgeskrewe vorm verkry is].”.**

Wysiging van artikel 218 van Wet 61 van 1973, soos vervang deur artikel 17 van Wet 59 van 1978

30 24. Artikel 218 van die Maatskappywet, 1973, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

- “(b) ’n minderjarige of ’n ander persoon wat handelingsonbevoeg is, behalwe ’n getroude vrou onder die maritale mag van haar eggenoot wie se skriftelike toestemming tot haar aanstelling as ’n
- 35 direkteur op die vorm bedoel in artikel 211(1)(a) by die maatskappy ingedien is];”.

Wysiging van artikel 14 van Wet 78 van 1973

25. Artikel 14 van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973, word hierby gewysig—

- 40 (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) **Behoudens die bepalinge van subartikel (2), mag** Geen **[manspersoon]** persoon onder die ouderdom van 16 jaar mag **[en geen vrouspersoon]** risikowerk by ’n beheerde myn of ’n beheerde bedryf verrig nie, en **[mag]** geen eienaar van so ’n myn of bedryf of persoon in beheer van so ’n myn of bedryf of ’n deel daarvan of kontrakteur **mag** wetens ’n **[manspersoon]** persoon onder die ouderdom van 16 jaar **[of ’n vrouspersoon]** toelaat om risikowerk by dié myn of bedryf te verrig nie.”; en
- 45 (b) deur subartikel (2) te skrap.

50 **Wysiging van artikel 1 van Wet 80 van 1976**

26. Artikel 1 van die Wet op Huurbeheer, 1976, word hierby gewysig deur paragraaf (a) van die omskrywing van “huurder” deur die volgende paragraaf te vervang:

“(a) a sublessee and the widower or widow or divorced or deserted [wife] spouse of a lessee or sublessee who was living with [him] the lessee at the time of [his] the lessee’s death, divorce or desertion;”.

Amendment of section 108 of Act 91 of 1981, as amended by section 15 of Act 42 of 1985

27. Section 108 of the Co-operatives Act, 1981, is hereby amended by the deletion of paragraph (c) of subsection (1).

Amendment of section 33 of Act 61 of 1984

28. Section 33 of the Small Claims Courts Act, 1984, is hereby amended by the deletion of subsection (4).

Substitution of section 11 of Act 88 of 1984

29. The following section is hereby substituted for section 11 of the Matrimonial Property Act, 1984:

“Abolition of marital power

11. (1) The common law rule in terms of which a husband obtains the marital power over the person and property of his wife is hereby repealed.

(2) Any marital power which a husband has over the person and property of his wife immediately prior to the date of coming into operation of this subsection, is hereby abolished.

(3) The provisions of Chapter III shall apply to every marriage in community of property irrespective of the date on which such marriage was entered into.

(4) The abolition of the marital power by subsection (2) shall not affect the legal consequences of any act done or omission or fact existing before such abolition.”.

Substitution of section 13 of Act 88 of 1984

30. The following section is hereby substituted for section 13 of the Matrimonial Property Act, 1984:

“Savings

13. The provisions of this Chapter do not affect the law relating to [the position of the husband as head of the family or the law relating to domicile and] guardianship.”.

Repeal of section 26 of Act 88 of 1984, as substituted by section 5 of Act 3 of 1988

31. Section 26 of the Matrimonial Property Act, 1984, is hereby repealed.

Amendment of section 1 of Act 72 of 1986

32. Section 1 of the Identification Act, 1986, is hereby amended by the substitution in paragraph (d) of subsection (2) for the word “wife” of the word “spouse”.

Amendment of section 4 of Act 72 of 1986

33. Section 4 of the Identification Act, 1986, is hereby amended by the substitution in paragraph (b) for the word “wife” of the word “spouse”.

“(a) ’n onderhuurder en die wewenaar of weduwee of geskeide of verlate [**vrou**] gade van ’n huurder of onderhuurder wat ten tyde van [**sy**] die huurder se dood, egskeiding of verlating met [**hom**] die huurder saamgewoon het;”.

5 **Wysiging van artikel 108 van Wet 91 van 1981, soos gewysig deur artikel 15 van Wet 42 van 1985**

27. Artikel 108 van die Koöperasiewet, 1981, word hierby gewysig deur paragraaf (c) van subartikel (1) te skrap.

Wysiging van artikel 33 van Wet 61 van 1984

10 28. Artikel 33 van die Wet op Howe vir Klein Eise, 1984, word hierby gewysig deur subartikel (4) te skrap.

Vervanging van artikel 11 van Wet 88 van 1984

29. Artikel 11 van die Wet op Huweliksgoedere, 1984, word hierby deur die volgende artikel vervang:

15 **“Afskaffing van maritale mag**

11. (1) Die reël van die gemene reg ingevolge waarvan ’n man die maritale mag oor die persoon en goed van sy vrou verkry, word hierby herroep.

20 (2) Enige maritale mag wat ’n man oor die persoon en goed van sy vrou onmiddellik voor die datum van inwerkingtreding van hierdie subartikel het, word hierby afgeskaf.

(3) Die bepalings van Hoofstuk III is op elke huwelik binne gemeenskap van goed van toepassing, ongeag die datum waarop so ’n huwelik gesluit is.

25 (4) Die afskaffing van die maritale mag by subartikel (2) raak nie die regsgevolge van enige handeling verrig of late of feit wat bestaan het voor sodanige afskaffing nie.”.

Vervanging van artikel 13 van Wet 88 van 1984

30 30. Artikel 13 van die Wet op Huweliksgoedere, 1984, word hierby deur die volgende artikel vervang:

“Voorbehoud

13. Die bepalings van hierdie Hoofstuk raak nie die reg betreffende [**die man se posisie as hoof van die gesin of die reg betreffende domisilie en**] voogdy nie.”.

35 **Herroeping van artikel 26 van Wet 88 van 1984, soos vervang deur artikel 5 van Wet 3 van 1988**

31. Artikel 26 van die Wet op Huweliksgoedere, 1984, word hierby herroep.

40 **Wysiging van artikel 1 van Wet 72 van 1986**

32. Artikel 1 van die Wet op Identifikasie, 1986, word hierby gewysig deur in paragraaf (d) van subartikel (2) die woord “eggenote” deur die woord “gade” te vervang.

45 **Wysiging van artikel 4 van Wet 72 van 1986**

33. Artikel 4 van die Wet op Identifikasie, 1986, word hierby gewysig deur in paragraaf (b) die woord “eggenote” deur die woord “gade” te vervang.

Amendment of section 4 of Act 73 of 1986

34. Section 4 of the Restoration of South African Citizenship Act, 1986, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any period during which a person applying for registration as a South African citizen has been employed outside the Republic in the service of the Government of the Republic or on a ship or aircraft or any public means of transport registered or licensed in and operating from the Republic, and any period during which **[a woman]** the spouse of a person so applying has been resident outside the Republic with his or her **[husband]** spouse while the latter was so employed, shall, for the purposes of subsection (1), be regarded as a period of permanent residence in the Republic, and for such purposes the Director-General may, in his discretion, regard as a period of permanent residence in the Republic any period during which an applicant for registration as a South African citizen has been employed outside the Republic on a ship, aircraft or public means of transport operating from the Republic, and any period during which **[a woman]** the spouse of a person so applying has been resident outside the Republic with his or her **[husband]** spouse while the latter was so employed notwithstanding the fact that such ship, aircraft or public means of transport was not registered or licensed in the Republic.”.

Amendment of section 5 of Act 73 of 1986

35. Section 5 of the Restoration of South African Citizenship Act, 1986, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Director-General may, notwithstanding the provisions of subsection (1), on written application grant a certificate of naturalization as a South African citizen to a **[woman]** person who in terms of an Act specified in the Schedule is a citizen of an independent state and who convinces the Director-General that he or she—

- (a) is the **[wife]** spouse or widower or widow of a South African citizen; and
- (b) is lawfully and permanently resident in the Republic and has been so resident for a continuous period of not less than two years immediately preceding **[her]** the application and after **[her]** such person's marriage to such citizen.”.

Amendment of section 32 of Act 50 of 1991

36. Section 32 of the Minerals Act, 1991, is hereby amended by the deletion of subsection (2).

Amendment of section 28 of Act 96 of 1991

37. Section 28 of the Aliens Control Act, 1991, is hereby amended by the substitution in subsection (1) for the word “wife” of the word “spouse”.

Amendment of section 31 of Act 96 of 1991

38. Section 31 of the Aliens Control Act, 1991, is hereby amended—

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

“(iv) in the case of the **[wife]** spouse or dependent child of a person referred to in paragraph (i), (ii) or (iii), such **[wife]** spouse or child was so resident with such person;”;
- (b) by the substitution for paragraph (v) of subsection (1) of the following paragraph:

Wysiging van artikel 4 van Wet 73 van 1986

34. Artikel 4 van die Wet op Hervrening van Suid-Afrikaanse Burgerskap, 1986, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- 5 “(2) Enige tydperk wat ’n persoon wat aansoek doen om registrasie as ’n Suid-Afrikaanse burger, buite die Republiek in diens was van die Regering van die Republiek of op ’n skip of lugvaartuig of ’n openbare vervoermiddel wat in die Republiek geregistreer of gelisensieer is en vandaar bestuur word, en enige tydperk wat **['n vrou] die gade van ’n persoon** wat aldus
10 aansoek doen buite die Republiek saam met sy of haar **[eggenoot] gade** woonagtig was terwyl laasgenoemde aldus in diens was, word, by die toepassing van subartikel (1), as ’n tydperk van permanente verblyf in die Republiek beskou, en by sodanige toepassing kan die Direkteur-generaal na goeiddunke enige tydperk wat ’n aansoeker om registrasie as ’n Suid-Afrikaanse burger buite die Republiek in diens was op ’n skip, lugvaartuig of openbare vervoermiddel wat vanuit die Republiek bestuur is, en enige
15 tydperk wat **['n vrou] die gade van ’n persoon** wat aldus aansoek doen buite die Republiek saam met sy of haar **[eggenoot] gade** woonagtig was terwyl laasgenoemde aldus in diens was, as ’n tydperk van permanente verblyf in die Republiek beskou, ondanks die feit dat sodanige skip, lugvaartuig of openbare vervoermiddel nie in die Republiek geregistreer of gelisensieer was nie.”

Wysiging van artikel 5 van Wet 73 van 1986

35. Artikel 5 van die Wet op Hervrening van Suid-Afrikaanse Burgerskap, 1986, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- “ (2) Die Direkteur-generaal kan, ondanks die bepalings van subartikel (1), op skriftelike aansoek ’n sertifikaat van naturalisasie as ’n Suid-Afrikaanse burger aan ’n **[vrou] persoon** toeken wat ingevolge ’n Wet in die Bylae vermeld ’n burger van ’n onafhanklike staat is indien **[sy] sodanige persoon** die Direkteur-generaal oortuig dat hy of sy—
30 (a) die **[vrou] gade of wewenaar** of weduwee van ’n Suid-Afrikaanse burger is; en
(b) **[wettig] wettig** en **[permanent] permanente** verblyf in die Republiek het en aldus gehad het vir ’n ononderbroke tydperk van minstens twee jaar onmiddellik voor **[haar] die aansoek** en na **[haar] sodanige persoon se** huwelik met dié burger.”

Wysiging van artikel 32 van Wet 50 van 1991

36. Artikel 32 van die Mineralewet, 1991, word hierby gewysig deur subartikel 40 (2) te skrap.

Wysiging van artikel 28 van Wet 96 van 1991

37. Artikel 28 van die Wet op Vreemdelingebeheer, 1991, word hierby gewysig deur in subartikel (1) die woord “eggenote” deur die woord “gade” te vervang.

45 Wysiging van artikel 31 van Wet 96 van 1991

38. Artikel 31 van die Wet op Vreemdelingebeheer, 1991, word hierby gewysig—

- (a) deur paragraaf (iv) van subartikel (1) deur die volgende subparagraaf te vervang:
50 “(iv) in die geval van die **[vrou] gade** of afhanklike kind van ’n persoon bedoel in paragraaf (i), (ii) of (iii), dié **[vrou] gade** of kind by dié persoon aldus woonagtig was;” en
(b) deur paragraaf (v) van subartikel (1) deur die volgende subparagraaf te vervang:

- “(v) in the case of the **[wife]** spouse or dependent child of a person who is a South African citizen, such **[wife]** spouse or child was so resident with such person; or”.

Legal proceedings not affected by repeal

39. Sections 111(4) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and 33(4) of the Small Claims Courts Act, 1984 (Act No. 61 of 1984), shall, notwithstanding their repeal by sections 4 and 28 respectively, remain in force in respect of legal proceedings instituted before such repeal.

Short title and commencement

40. (1) This Act shall be called the General Law Fourth Amendment Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

“(v) in die geval van die **[vrou]** gade of afhanklike kind van ’n persoon wat ’n Suid-Afrikaanse burger is, dié **[vrou]** gade of kind by dié persoon aldus woonagtig was; of”.

Regsverrigtinge nie deur herroeping geraak nie

- 5 **39.** Artikels 111(4) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), en 33(4) van die Wet op Howe vir Klein Eise, 1984 (Wet No. 61 van 1984), bly, ondanks die herroeping daarvan by onderskeidelik artikels 4 en 28, van krag ten opsigte van regsverrigtinge wat voor sodanige herroeping ingestel is.

10 Kort titel en inwerkingtreding

40. (1) Hierdie Wet heet die Vierde Algemene Regswysigingswet, 1993, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskil-
15 lende bepalinge van hierdie Wet bepaal word.