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GENERAL NOTICE

Parliament of the Republic of South Africa

General Notice

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GENERAL NOTICE

NOTICE 1407 OF 2009

A draft Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Bill, 2009, as presented to the Speaker of the National Assembly by the Portfolio Committee on Justice and Constitutional Development, is hereby published for comment. Interested persons and institutions are invited to submit written comments on the draft legislation before 06 November 2009, to the following person:

The Secretary to Parliament
For the attention of:
Mr Vhonani Ramaano
3rd floor, 90 Plein Street
Cape Town
8001

Postal Address:
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REPUBLIC OF SOUTH AFRICA

**REPEAL OF THE BLACK
ADMINISTRATION ACT AND
AMENDMENT OF CERTAIN LAWS
AMENDMENT BILL**

(PORTFOLIO COMMITTEE ON JUSTICE AND CONSTITUTIONAL
DEVELOPMENT)

[B – 2009]

ISBN

BILL

To amend the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005, so as to substitute a date; and to provide for matters connected therewith.

Parliament of the Republic of South Africa enacts as follows:-

Amendment of section 1 of Act 28 of 2005, as amended by section 1 of Act 8 of 2006, section 1 of Act 13 of 2007 and section 1 of Act 7 of 2008

1. Section 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act, No 28 of 2005, is hereby amended by the substitution in subsection (3) for paragraph (a) of the following paragraph:

“(a) [**30 December 2009**] 30 December 2010; or”.

Short title and commencement

2. This Act is called the Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2009, and comes into operation on 29 December 2009.

**MEMORANDUM ON THE OBJECTS OF THE REPEAL OF THE BLACK
ADMINISTRATION ACT AND AMENDMENT OF CERTAIN LAWS
AMENDMENT BILL, 2009**

1. PURPOSE OF BILL

The purpose of the Bill is to amend the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005 (Act No. 28 of 2005) in order to substitute a date.

2. OBJECTS OF BILL

Section 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act, 2005 (Act No. 28 of 2005) (the Act), provides that the remaining provisions of sections 12 and 20 and the Third Schedule of the Black Administration Act, 1927 (Act No. 38 of 1927), will be repealed on 30 December 2009 or on such date as national legislation to further regulate the matters dealt with in these provisions has been implemented, whichever occurs first. These sections deal with the judicial functions of traditional leaders.

The Traditional Courts Bill, which regulates the matters dealt with in sections 12 and 20 and the Third Schedule of the Black Administration Act, 1927, (Act 38 of 1927) is currently before the Portfolio Committee on Justice and Constitutional Development. It is foreseen that the Traditional Courts Bill would not be signed into law by the deadline of 30 December 2009. The Bill consequently intends extending the date of the application of the provisions of sections 12 and 20 and the Third Schedule of the Black Administration Act, 1927 to 30 December 2010.

The same deadline has been determined in section 1(2), (4), (5) and (6) of the Act in respect of legislation which is administered by other Departments, namely the Departments of development and Land Reform and Cooperative governance and Traditional Affairs. These deadlines are, likewise, being extended from 30 December 2009 to 30 December 2010.

3. FINANCIAL IMPLICATIONS FOR STATE

None
