



WETTE
VAN
DIE UNIE VAN SUID-AFRIKA
1952

MET
ALFABETIESE TABEL VAN INHOUD EN TABEL VAN WETTE
ENS., DEUR HIERDIE WETTE HERROEP OF GEWYSIG.

GEPUBLISEER OP LAS
En Gedruk onder Toesig van die Staatsdrukker.

PAROW, K.P.
1952.



STATUTES
OF
THE UNION OF SOUTH AFRICA
1952

WITH
TABLE OF ALPHABETICAL CONTENTS AND TABLE OF LAWS,
ETC., REPEALED OR AMENDED BY THESE STATUTES.

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PAROW, C.P.
1952.

Act No. 67
of 1952.

ACT

To repeal the laws relating to the carrying of passes by natives; to provide for the issue of reference books to natives; to amend the Native Administration Act, 1927, the Native Service Contract Act, 1932, and the Natives (Urban Areas) Consolidation Act, 1945, and to provide for incidental matters.

(English text signed by the Governor-General.)
(Assented to 28th June, 1952.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates— Definitions.

- (i) "authorized officer" means an authorized officer as defined in section *one* of the Urban Areas Act and any non-European policeman; (ii)
- (ii) "bureau" means the Native Affairs Central Reference Bureau established under section *eleven*; (i)
- (iii) "fixed date" means a date to be fixed by the Minister by notice in the *Gazette*; (ix)
- (iv) "reference book" means a reference book referred to in section *two*; (viii)
- (v) "Minister" means the Minister of Native Affairs; (iv)
- (vi) "native" means a person who is or is generally accepted as a member of any aboriginal race or tribe of Africa; (v)
- (vii) "prescribed" means prescribed by regulation; (x)
- (viii) "regulation" means a regulation made under section *twelve*; (vi)
- (ix) "this Act" includes the regulations; (iii)
- (x) "Urban Areas Act" means the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945). (vii)

2. (1) The Minister may by notice in the *Gazette* require every native of a class specified in the notice who has attained the age of sixteen years and is resident in an area defined therein, to appear before an officer during a period and at a time and place so specified, in order that a reference book in such form as the Minister may determine may be issued to such native. Notification of
issue of reference
books.

(2) Any notice under sub-section (1) shall also be published in one or more newspapers circulating in the area defined therein and posted up at every magistrate's office, every native commissioner's office and every police station in that area and in such other places in that area as the Minister may direct.

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(3) If after the expiration of the period specified in a notice under sub-section (1), the Minister has reason to believe that there are in the area defined in the notice any natives of a class specified in a notice issued under sub-section (1), who have attained the age of sixteen years and to whom reference books have not been issued, he may make any arrangements which he deems necessary to facilitate the issue of reference books to such natives.

Issue of reference
books.

3. (1) An officer before whom a native appears in pursuance of a notice under sub-section (1) of section *two* shall, subject to the provisions of sub-sections (2) and (4)—

(a) in the prescribed manner take or cause to be taken the finger prints of that native and transmit such finger prints to the bureau; and

(b) issue to that native a reference book in which shall be recorded the appropriate prescribed particulars relating to such native.

(2) If for any reason it is found impracticable to issue a reference book to any native on his appearance in pursuance of such a notice, the officer concerned may direct that native to appear in person within a period determined by him before the native commissioner of the district in which such native resides for the purpose of the issue to him by that native commissioner of such a book.

(3) A native commissioner before whom any native appears in pursuance of such a direction may take and deal with such native's finger prints as if the native had appeared before him on a notice under sub-section (1) of section *two* and shall, after making such enquiries as he deems necessary, issue to that native a reference book.

(4) If a native who appears before an officer in pursuance of a notice under sub-section (1) of section *two*, proves to the satisfaction of such officer that he is a chief or headman appointed or recognized under the Native Administration Act, 1927 (Act No. 38 of 1927), or a teacher in possession of a teachers' certificate issued to him by a provincial education department or a professor or lecturer of the South African Native College or any state-aided university or university college or a minister of religion who is a marriage officer or an advocate or attorney admitted to practise as such or a medical practitioner or a dentist or a holder of a letter of exemption issued under section *thirty-one* of the Native Administration Act, 1927 (Act No. 38 of 1927), or a holder of a certificate of exemption issued under regulation *14bis* of the regulations published by proclamation No. 150 of 1934, and in the case of any such lastmentioned native, surrenders the certificate in question to that officer—

(a) no finger prints shall be taken in the case of any such native but such native shall, if able to do so, furnish a specimen of his signature to that officer who shall transmit it to the bureau; and

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- (b) the outside cover of the reference book issued to such native under paragraph (b) of that sub-section shall be of a colour different from that of the outside cover of the reference book issued to a native not included in this sub-section.
- (5) Whenever a native ceases to hold the qualification by virtue of which he has been dealt with as provided in sub-section (4), the native commissioner of the area in which such native resides may by notice in writing call upon such native to appear before him at a time and place specified in the notice and may—
- (a) take such native's finger prints;
 - (b) seize the reference book previously issued to such native and cancel the same; and
 - (c) issue to such native a reference book the outside cover of which is of the same colour as in the case of natives not included in the said sub-section and record in that reference book any particulars required to be recorded therein in terms of this Act.
- (6) If any native fails to comply with any notice under sub-section (5)—
- (a) he shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds or imprisonment for a period not exceeding one month; and
 - (b) the native commissioner concerned may cause such native to be arrested and brought before him and thereupon take action as provided in paragraphs (a), (b) and (c) of sub-section (5).
4. There shall in such manner as may be prescribed, be affixed in any reference book issued under this Act, any identity card issued to the native concerned in terms of section *thirteen* of the Population Registration Act, 1950 (Act No. 30 of 1950).
5. (1) If at any time after the fixed date it is found that any native of a class specified in a notice issued under sub-section (1) of section *two* who has attained the age of sixteen years, is not in possession of a reference book, such native may be brought before a native commissioner or assistant native commissioner who shall subject to the provisions of sub-section (4) of section *three*—
- (a) take such native's finger prints for transmission to the bureau; and
 - (b) after such enquiries as he may deem necessary, issue to such native a reference book and record therein the appropriate prescribed particulars referred to in paragraph (b) of sub-section (1) of section *three*.
- (2) Any such native commissioner or assistant native commissioner may pending completion of any enquiries under paragraph (b) of sub-section (1), make arrangements to ensure the appearance before him of that native on any subsequent date and may for that purpose, if he deems it necessary, cause

Identity card to
be affixed in
reference book.

Native not in
possession of a
reference book
after fixed date.

the native to be detained in any reception depot, lock-up, police cell or gaol, for a period not exceeding seven days, which period may from time to time be extended by the native commissioner or assistant native commissioner for further periods not exceeding seven days at a time: Provided that the total period of detention under this sub-section shall not exceed thirty days.

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6. (1) No person shall record in a reference book any information other than the particulars required or permitted to be recorded therein in terms of this Act.

Matters to be recorded in reference books and correction of mistakes.

(2) A native commissioner or assistant native commissioner may correct any mistake in a reference book which comes to his notice or if he considers the cancellation of such reference book and the issue of a duplicate thereof advisable, may issue such duplicate and may for either purpose seize and retain such book for such period as he may deem necessary and shall in the event of such retention issue to the native to whom the book relates a certificate indicating that such book has been seized under this section and the period for which it is being retained.

7. Any native commissioner or assistant native commissioner shall on the application of any native exempted under any law from a provision of any law or from the operation of native law and custom and upon proof to his satisfaction that the applicant is so exempted record full particulars of the exemption in the applicant's reference book.

Exemptions may be recorded in reference books.

8. (1) Any person who after the fixed date—

Notice of engagement or termination of services of natives.

(a) enters into a contract of service (not being a contract which is required to be registered in terms of the regulations made under section *twenty-three* of the Native Labour Regulation Act, 1911 (Act No. 15 of 1911)), with a native of a class specified in a notice issued under sub-section (1) of section *two*, who has attained the age of sixteen years, in terms of which such native is to be employed in an area other than an area which has been proclaimed under section *twenty-three* of the Urban Areas Act; or

(b) enters into a contract of service with a native of the class so specified who has attained the said age and who by virtue of sub-section (2) of section *twenty-three* of the Urban Areas Act is exempt from the provisions of sub-section (1) of the lastmentioned section,

shall within fourteen days after entering into such contract lodge with the native commissioner of the district in which such native is to be employed and record in the reference book issued to such native, prescribed particulars relating to such contract.

(2) Any such person shall if such native deserts from his service or if such contract is terminated advise such native commissioner within fourteen days after such desertion or termination of the date of such termination or desertion and in the event of the termination of such contract also record the date thereof in such native's reference book.

(3) The provisions of sub-sections (1) and (2) shall apply only in respect of any contract entered into for an indefinite period (not being a contract with a native who is a togt or casual labourer or works as an independent contractor) or for a fixed period of not less than one month or terminable on not less than one month's notice.

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(4) Every owner (as defined in section *forty-nine* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936)), of land as so defined shall within one month after the fixed date furnish to the native commissioner of the district in which that land is situated, the prescribed particulars in respect of every labour tenant or squatter as so defined, who was resident on that land on the said date, and shall thereafter furnish to such native commissioner the prescribed particulars of every native who becomes or ceases to be such a labour tenant or squatter on that land.

(5) Every such owner shall record the prescribed particulars in the reference book of any native in respect of whom particulars are in terms of sub-section (4) required to be furnished to a native commissioner.

(6) Every native of a class specified in a notice issued under sub-section (1) of section *two* who has attained the age of sixteen years, in respect of whom particulars are not required to be furnished to a native commissioner under sub-sections (1), (2) or (4) shall once every three months furnish the native commissioner of the district in which he is for the time being resident with such particulars in relation to himself as may be prescribed and the native commissioner shall record those particulars in such native's reference book in such manner as may be prescribed.

9. No native not born in the Union, the Territory of South-West Africa, Basutoland, Swaziland or Bechuanaland shall enter any district, otherwise than in the course of his employment, without the written permission of the native commissioner or assistant native commissioner of the district in which he resides.

Natives born
outside the
Union.

10. (1) After the fixed date no native under the age of sixteen years shall engage himself to work elsewhere than on the land on which his parent or guardian resides or is employed or (without being under the control of his parent or guardian or a person lawfully exercising authority over him) absent himself from his home, unless he is in possession of a document of identification issued by the native commissioner or assistant native commissioner of the district or the superintendent of any location established under section *two* of the Urban Areas Act, in which such native's father or guardian resides, indicating that his father or guardian has consented thereto. If any native to whom this section applies, has no parent or guardian, any consent required for the purposes of this section may be given by the native commissioner or assistant native commissioner of the district in which that native resides, as if he were such native's guardian.

Natives under
sixteen years
of age.

(2) Any native to whom a document of identification has been issued under sub-section (1) shall retain such document for the period during which he is employed or absent from his home, as the case may be, and shall produce such document on demand of any authorized officer.

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(3) Any native who fails to comply with any provision of sub-section (1) or (2) may be taken into custody by an authorized officer and on the order of a native commissioner or an assistant native commissioner returned to his father or guardian, from whom the expenditure incurred in returning him may be recovered.

11. The Minister shall establish a Native Affairs Central Reference Bureau in which all finger prints taken under this Act shall be classified and all particulars contained in reference books shall be recorded or otherwise dealt with in such manner as may be prescribed.

Establishment of
Native Affairs
Central Reference
Bureau.

12. (1) The Minister may make regulations as to—

Regulations.

- (a) the management and control of the bureau;
- (b) the manner in which particulars relating to contracts of service referred to in section *eight*, the date of termination of such contracts and the date of desertion from service under such contracts, shall be lodged with a native commissioner;
- (c) the transmission to the bureau of particulars recorded in reference books;
- (d) the issue of duplicate reference books, the circumstances under and the conditions subject to which they may be issued and the fees payable therefor;
- (e) the surrender or seizure of reference books relating to deceased natives;
- (f) the particulars for the recording whereof provision shall be made in reference books;
- (g) the form of documents of identification referred to in section *ten*, the circumstances under and the conditions subject to which they may be issued,

and generally, as to all matters which by this Act are required or permitted to be prescribed or which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) The particulars prescribed under paragraph (f) of sub-section (1) shall not include particulars relating to criminal offences.

(3) Any regulations made under sub-section (1) may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of ten pounds or imprisonment for a period of one month.

13. Any authorized officer may at any time call upon any native of a class specified in a notice issued under sub-section (1) of section *two* who has attained the age of sixteen years to produce to him a reference book issued to such native under this Act.

Production of
reference books.

14. Whenever under this Act any question arises as to whether or not a native has attained the age of sixteen years, the matter shall be referred to a district surgeon whose decision thereon shall be final.

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Determination
of age.

15. Any person—

- (a) being a native of a class specified in a notice issued under sub-section (1) of section *two*, who has attained the age of sixteen years, who—
- Offences and Penalties.
- (i) after the fixed date, is not in possession of a reference book issued to him under this Act;
 - (ii) after the fixed date, fails or refuses to produce on demand of an authorized officer under section *thirteen*, a reference book issued to him under this Act;
 - (iii) on demand of an authorized officer under section *thirteen*, produces with intent to deceive a reference book which contains any false statement or which has been altered in any material respect;
 - (iv) having come into possession of a reference book belonging to another person, represents it as his own;
 - (v) allows any other person to come into possession of a reference book belonging to him;
- (b) who fails to comply with any provision of section *eight* or *nine*; or
- (c) who wilfully imitates, alters, defaces, destroys, or mutilates any reference book,

shall be guilty of an offence and on conviction liable—

- (aa) in the case of an offence referred to in sub-paragraph (ii) of paragraph (a) or in paragraph (b), to a fine not exceeding ten pounds or imprisonment for a period not exceeding one month; and
- (bb) in the case of an offence referred to in sub-paragraph (i), (iii), (iv) or (v) of paragraph (a), or in paragraph (c), to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months.

16. The Governor-General may, by proclamation in the *Gazette* and subject to such conditions, modifications and exceptions as may be prescribed in the proclamation, apply the provisions of this Act to the Territory of South-West Africa.

Extension of
application of Act.

17. The laws mentioned in the Schedule to this Act are hereby repealed or amended to the extent indicated in the fourth column of that Schedule—

Repeal of laws.

- (a) with effect from the fixed date; and

(b) in the case of any such law mentioned in Part I of that Schedule, in so far as it relates to a native to whom a reference book has, prior to the fixed date, been issued under this Act, with effect from the date of issue of that reference book: Provided that for the purposes of this paragraph a reference book shall be deemed not to have been issued to any native who fails to produce that book on demand by an authorized officer under section *thirteen*. Act No. 67 of 1952.

18. This Act shall be called the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952. Short title.

Schedule.

PART I.

Province or Union.	Number and year of law.	Title or subject of law.	Extent of repeal or amendment.
Cape of Good Hope.	Act No. 22 of 1867.	Native Pass Law ..	By the repeal of the whole.
"	Proclamation No. 110 of 1879.	General Regulations for the Transkei.	By the repeal of regulation No. 51 in so far as it applies to natives.
"	Proclamation No. 112 of 1879.	General Regulations for Griqualand East.	By the repeal of regulation No. 51 in so far as it applies to natives.
"	Proclamation No. 140 of 1885.	General Regulations for Tembuland.	By the repeal of regulation No. 50 in so far as it applies to natives.
"	Proclamation No. 109 of 1894.	Passes for entry into the Transkeian Territories.	By the repeal of the whole.
"	Proclamation No. 497 of 1895.	Application to Pondoland of Proclamation No. 109 of 1894.	By the repeal of the whole.
"	British Bechuanaland Proclamation No. 2 of 1885.	Laws and Regulations for the government of British Bechuanaland.	By the repeal of sections <i>forty-eight</i> and <i>fifty</i> .
Natal ..	Law No. 48 of 1884.	Passing of natives between Natal and neighbouring States and Territories.	By the repeal of the whole.
Union ..	Act No. 38 of 1927.	Native Administration Act, 1927.	By the repeal of section <i>twenty-eight</i> and the deletion of the definition of "pass area" in section <i>thirty-five</i> .
"	Act No. 24 of 1932.	Native Service Contract Act, 1932.	(1) In section <i>two</i> — (a) by the substitution in subsection (1) for all the words preceding the word "signed" where it occurs for the first time of the words "No person shall employ any male native who has attained the age of sixteen years unless the latter produces to him a

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Province or Union.	Number and year of law.	Title or subject of law.	Extent of repeal or amendment.
			<p>reference book issued to him under the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952, and no person shall employ any native who is or appears to be not more than eighteen years of age, unless such native if a male also produces to him a statement or statements in writing (which may be recorded in the said book)";</p> <p>(b) by the deletion of sub-sections (1)<i>bis</i> and (1)<i>ter</i>;</p> <p>(c) by the substitution in sub-section (3) for the words "document of identification" where they occur for the first time, of the words "reference book";</p> <p>(d) by the substitution in the said sub-section for the words "embodied in or endorsed upon the said document of identification" of the words "recorded in such book";</p> <p>(e) by the substitution in paragraph (c) of sub-section (4) for the words "document of identification" of the words "reference book".</p> <p>(2) In section <i>four</i>—</p> <p>(a) by the substitution for the words "a document of identification" of the words "a reference book";</p> <p>(b) by the substitution in the said sub-section for the words "or mark of such document of identification" of the words "of such book";</p> <p>(c) by the substitution in the said sub-section for the words "on the said document" of the words "in the said book";</p> <p>(d) by the substitution in sub-section (2) for the words "upon the document of identification" of the words "in the reference book";</p> <p>(e) by the substitution in sub-section (4) for the words "upon a document of identification" of the words "in a reference book" and for the words "on the said document of identification" of the words "in the said book".</p>

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Province or Union.	Number and year of law.	Title or subject of law.	Extent of repeal or amendment.
Union ..	Act No. 25 of 1945.	Natives (Urban Areas) Consolidation Act, 1945.	<p>(3) In section <i>six</i>—</p> <p>(a) by the deletion in paragraph (a) of the words “any documents of identification referred to in section <i>two</i> or of”; and</p> <p>(b) by the deletion in that section of the words “documents of identification or”.</p> <p>(1) In section <i>twenty-three</i>— by the substitution in subparagraph (ii) of paragraph (c) of sub-section (1) for all the words preceding the words “and has not” of the words “if he is not in possession of a reference book issued to him under the Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952, or in the provinces of Transvaal and Natal, if he is in possession of such book and it appears therefrom that he is domiciled on land outside a location as defined in the Native Service Contract Act, 1932”;</p> <p>(2) In section <i>thirty-one</i>—</p> <p>(a) by the deletion in paragraph (b) of sub-section (4) of the words “and in paragraphs (a) to (e) inclusive of sub-section (2) of section <i>twenty-three</i>”; and</p> <p>(b) by the insertion at the end of the said sub-section of the following paragraph: “(c) to any native who has been exempted therefrom by the Minister.”.</p> <p>(3) By the deletion of section <i>forty-three</i>.</p>

PART II.

Province or Union.	Number and year of law.	Title or subject of law.	Extent of repeal or amendment.
Union ..	Act No. 38 of 1927.	Native Administration Act, 1927.	<p>By the substitution in sub-section (1) of section <i>thirty-one</i> for all the words after the word “from” where it occurs for the first time, of the words “native law and custom”.</p>