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GENERAL NOTICE

NOTICE 653 OF 2008

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

PUBLICATION OF DRAFT REPEAL OF THE BLACK ADMINISTRATION ACT AND AMENDMENT OF CERTAIN LAWS AMENDMENT BILL, 2008

A draft Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Bill, 2008, 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 14 June 2008, to the following person:

The Secretary to Parliament
For the attention of :
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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.

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

Amendment of section 1 of Act 28 of 2005

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 substituting the date "30 June, 2008", for the date "30 December 2009".

Short title and commencement

2. This Act is called the Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Act, 2008, and comes into operation on 29 June 2008.

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MEMORANDUM ON THE OBJECTS OF THE REPEAL OF THE BLACK ADMINISTRATION ACT AND AMENDMENT OF CERTAIN LAWS AMENDMENT BILL, 2008

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 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 (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of sections 12 and 20 and the Third Schedule of the Black Administration Act, 1927 (Act No. 38 of 1927), will be repealed on 30 June 2008 or on such date as national legislation to further regulate the matters dealt with in these provisions has been implemented, whichever occurs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, 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 June 2008. 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 2009.

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 Land Affairs and Provincial and Local Government. These deadlines are, likewise, being extended from 30 June 2008 to 30 December 2009.

3. FINANCIAL IMPLICATIONS FOR STATE

None

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