

REPUBLIC OF SOUTH AFRICA

**SOUTH AFRICAN PASSPORTS AND
TRAVEL DOCUMENTS
AMENDMENT BILL**

(As introduced)

(MINISTER OF HOME AFFAIRS)

[B 63-97]

REPUBLIEK VAN SUID-AFRIKA

**WYSIGINGSWETSONTWERP OP
SUID-AFRIKAANSE PASPOORTE
EN REISDOKUMENTE**

(Soos ingedien)

(MINISTER VAN BINNELANDSE SAKE)

[W 63—97]

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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.

BILL

To amend the South African Passports and Travel Documents Act, 1994, so as to provide for certain definitions; 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 4 of 1994

1. Section 1 of the South African Passports and Travel Documents Act, 1994 (Act No. 4 of 1994), is hereby amended by the insertion after the definition of “Minister” of the following definition:

“ ‘minor’ means any person who has not yet attained the age of 18 years, excluding a person who has been declared a major in terms of the Age of Majority Act, 1972 (Act No. 57 of 1972), or who has contracted a legal marriage or who is emancipated;”.

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Amendment of section 1 of Act 192 of 1993

2. Section 1 of the Guardianship Act, 1993, is hereby amended by the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) the application for a passport **[by one of the parents in which the minor child is to be specified as the child of the prospective passport holder]** by 15 or on behalf of a person under the age of 18 years;”

Short title

3. This Act shall be called the South African Passports and Travel Documents Amendment Act, 1997.

MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN PASSPORTS AND TRAVEL DOCUMENTS AMENDMENT BILL, 1997

In terms of section 1(2)(d) of the Guardianship Act, 1993, both parents of a minor must give their consent when one of the parents applies for the specification of that minor in his or her passport.

Although the practice of specifying a minor in one of its parent's passport is no longer followed due to the fact that separate passports are now issued for minors, the principle that both parents must give their consent when a person under the age of 21 years applies for a passport is still strictly adhered to by the Department of Home Affairs.

Where a particular parent cannot **be** located or withholds such consent on unreasonable grounds, the other parent is obliged to approach a High Court to authorise the issuing of a passport to such a minor, with considerable legal costs to the applicant.

The object of this Bill is to amend the South African Passports and Travel Documents Act, 1994, in order **to** provide that **persons** who have attained the age of 18 years can apply for a passport or travel document in the same way as an adult despite the fact that they have not yet attained the age of majority. The Bill also provides for a consequential amendment of the Guardianship Act, 1993.

In the opinion of the Department and the State Law Advisers this Bill should be dealt with in accordance with section 75 of the Constitution of the Republic of South Africa, 1996.