

REPUBLIC OF SOUTH AFRICA

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

(As introduced in the National Assembly)

(MINISTER OF HOME AFFAIRS)

[B 31—98]

REPUBLIEK VAN SUID-AFRIKA

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

(Soos ingedien in die Nasionale Vergadering)

(MINISTER VAN BINNELANDSE SAKE)

[W 31—98]

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GENERAL EXPLANATORY NOTE:

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 further regulate the power of the Minister to make regulations; and to provide for matters connected therewith.

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

Amendment of section 4 of Act 4 of 1994

1. Section 4 of the South African Passports and Travel Documents Act, 1994, is hereby amended by the deletion in paragraph (a) of subsection (1) of the word “and” at the end of subparagraph (ii), the addition of the word “and” at the end of subparagraph (iii) and the addition of the following subparagraph to the said paragraph: 5
“(iv) the taking of fingerprints;”.

Short title and commencement

2. This Act is called the South African Passports and Travel Documents Amendment Act, 1998, and shall be deemed to have taken effect on 13 July 1994. 10

**MEMORANDUM ON THE OBJECTS OF THE SOUTH AFRICAN
PASSPORTS AND TRAVEL DOCUMENTS AMENDMENT BILL, 1998**

1. The taking of fingerprints in respect of applications for passports is prescribed by the regulations made under the South African Passports and Travel Documents Act, 1994 (Act No. 4 of 1994) (“the Act”), by the Minister of Home Affairs and is necessary for purposes of identifying applicants for passports against the Population Register.

2. Although the Act empowers the Minister to prescribe the manner in which an application is to be made, it does not specifically refer to fingerprints.

3. For purposes of legal certainty it is proposed in clause 1 of the Bill that the Minister be granted such power explicitly. It is also proposed in clause 2 to enact the Bill with retrospective effect so as to ensure the validity of any previous action taken with regard to the taking of fingerprints.

PARLIAMENTARY PROCEDURE

The State Law Advisers and the Department of Home Affairs are of the opinion that this Bill must be dealt with in accordance with section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.