

REPUBLIC OF SOUTH AFRICA

IDENTIFICATION AMENDMENT BILL

(As introduced in the National Assembly as a section 75 Bill) (Explanatory summary of Bill published in Government Gazette No 21079 of 7 April 2000) (The English text is the official text of the Bill)

(MINISTER OF HOME AFFAIRS)

[B 33—2000]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP IDENTIFIKASIE

(Soos ingedien in die Nasionale Vergadering as 'n artikel 75-wetsontwerp; verduidelikende opsomming van Wetsontwerp in Staatskoerant No 21079 van 7 April 2000 gepubliseer)

(MINISTER VAN BINNELANDSE SAKE)

[W 33—2000]

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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.
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BILL

To amend the Identification Act, 1997, so as to substitute the definition of identity card and to provide for the cessation of the validity of all forms of identity documents other than the green, bar-coded identity documents; 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 68 of 1997

1. Section 1 of the Identification Act, 1997 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of “identity card” of the following definition: 5

“ ‘identity card’ means the identity card referred to in section 14 **[and, unless clearly inconsistent with the provisions of this Act, includes an identity document referred to in section 25(1) or (2)];**”.

Substitution of section 25 of Act 68 of 1997 10

2. The following section is hereby substituted for section 25 of the principal Act:

“Transitional arrangements

25. (1) Until a date determined by the Minister by notice in the *Gazette* the Director-General shall continue to issue the green, bar-coded identity documents in accordance with the Identification Act, 1986 (Act No. 72 of 1986), despite the repeal of that Act by section 24. 15

(2) Any green, bar-coded identity document issued in accordance with the Identification Act, 1986, shall remain valid until it is replaced by an identity card issued in terms of section 14 or until a date contemplated in subsection (4), whichever is the sooner. 20

(3) As from the date of commencement of the Identification Amendment Act, 2000, all forms of identity documents other than the green, bar-coded identity documents issued in accordance with the Identification Act, 1986, will cease to be valid.

(4) The Minister may by notice in the *Gazette* fix a date for the replacement of green, bar-coded identity documents referred to in subsection (2) and may make regulations regarding such replacement.”. 25

Short title and commencement

3. This Act is called the Identification Amendment Act, 2000, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE IDENTIFICATION AMENDMENT BILL, 2000

1. BACKGROUND

1.1 Prior to 1986 the issuing of identity documents was based on race. This was changed by the Identification Act, 1986 (Act No.72 of 1986), which prescribed that new identity documents must be issued to all South Africans.

1.2 The Identification Act, 1997 (Act No. 68 of 1997) (the principal Act), repealed the 1986 Act. However, section 25(1) of the principal Act authorises the Director-General of the Department of Home Affairs to issue identity documents in accordance with the repealed Act until a date determined by the Minister by notice in the *Gazette*. The Minister will be in a position to determine such a date only after the introduction of the card system of identification.

1.3 Currently, all forms of identity documents are still valid and therefore acceptable except for election purposes. This multiplicity of identification systems is undesirable and creates unnecessary uncertainty. It is therefore imperative that certainty be created in this regard by amending the present Identification Act accordingly.

2. OBJECTS OF BILL

2.1 Clause 1 seeks to amend the definition of “identity card” by omitting reference to “identity document”.

2.2 Clause 2 is aimed at abolishing all forms of identity documents other than the green, bar-coded identity documents issued in accordance with the Identification Act, 1986 (Act No. 72 of 1986), and prescribes that only green bar-coded identity documents will be valid, and that other forms of identity documents will cease to be valid from the date of commencement of this Bill as an Act.

3. DEPARTMENTS/BODIES CONSULTED

The following departments and bodies were consulted:

- The Presidency
- Department of Justice and Constitutional Development
- Department of Provincial and Local Government
- South African Police Services
- Independent Electoral Commission

4. IMPLICATIONS FOR PROVINCES

None.

5. FINANCIAL IMPLICATIONS FOR STATE

None.

6. PARLIAMENTARY PROCEDURE

The State Law Advisers and the Department of Home Affairs are of the opinion that the Bill must be dealt with in accordance with the procedure established by 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.