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PROVINCE OF KWAZULU-NATAL
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TO WHOM IT MAY CONCERN

REPORT BY KWAZULU-NATAL PROVINCE IN RESPONSE TO THE REPEAL OF THE BLACK ADMINISTRATION ACT AND AMENDMENT OF CERTAIN LAWS BILL, 2005

The Director-General of the Department of Justice and Constitutional Development in a letter dated 8 November 2005 (Reference: 8/6/Nie/1; L Bassett) informed Provinces of certain resolutions taken by the Portfolio Committee on Justice and Constitutional Development taken during the deliberations on the Repeal of the Black Administration Act and Amendment of Certain Laws Bill, 2005. Provinces were required to report progress (through the national Department of Land Affairs and the national Department of Provincial and Local Government) to the Committee by 31 January 2006.

KwaZulu-Natal welcomes the repeal of the Black Administration Act, 1927, and the purging of the statute book of all subordinate legislation made under that Act.

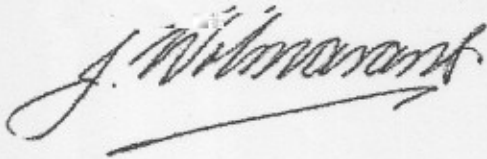
KwaZulu-Natal has, since 30 August 2004, been involved in an intensive Provincial Rationalisation of Laws Project (which will run until mid 2007) aimed at establishing a Statute Book for the Province:

- that is aligned to the Constitution, 1996;
- that addresses the specific needs of the Province in a coherent and comprehensive manner;
- that is free from obsolete and ideologically determined references and components;
- that will be accessible and...
- that will promote legal certainty, smooth administration and enhanced delivery.

Since the launch of the Project on 30 August 2004, good progress has been made in accordance with the Project Plan and various old order laws (assigned to Provinces) have either already been repealed or identified for repeal. Similarly, new legislation has either already been enacted or identified for possible enactment in accordance with current policy.

In the case of KwaZulu-Natal, there is no danger of a legal vacuum being created by the repeal of the Black Administration Act, 1927, and the subordinate legislation made under that Act.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Wolmarans', with a long horizontal flourish underneath.

**ADV J WOLMARANS
PROVINCIAL CHIEF STATE LAW ADVISOR**

12 JANUARY 2006

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THE POSITION OF DIFFERENT CATEGORIES OF SUBORDINATE LEGISLATION MADE UNDER THE BLACK ADMINISTRATION ACT, 1927, WHICH IS STILL REFLECTED IN BUTTERWORTHS AS BEING APPLICABLE:

REGULATION GAZETTE NO	GOVERNMENT NOTICE NO (P) PROCLAMATION	DATE	CONTENTS OF SUBORDINATE LEGISLATION	PARTICULARS RELATING TO ASSIGNMENT OF SUBORDINATE LEGISLATION TO PROVINCES	POSSIBLE RESPONSIBLE OR ADMINISTERING AUTHORITY COMMENTS ON USAGE AND LEGAL IMPLICATIONS OF THE REPEAL ?
<p>1. Subordinate legislation (proclamations) made under section 25 of the Black Administration Act, 1927, repealed by virtue of section 5(1) of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991) and still reflected in Butterworths</p> <p>(Section 25 was repealed by section 5(1) of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991). Section 25 originally empowered the Governor-General to proclaim laws for scheduled native areas, that is by proclamation)</p>					
	R110	1957	Regulations Prescribing the Duties, Powers, Privileges and Conditions of service of Chief and Headmen	Assigned (whole) to a competent authority within the government of the Provinces of Eastern Cape, Eastern Transvaal, KwaZulu/Natal, Northern Province and Orange Free State under section 235 (8) of the Interim Constitution, 1993, Gazette No 15951, Proc.139 of 1994 dated 9 September 1994.	Department of Provincial and Local Government (DPLG) and relevant provinces
140	R293 (P)	16/11/1962	Regulations for the Administration and Control of Township in Bantu Areas -	Proc. R293 of 1962 assigned (whole) to	Department of Land Affairs (DLA) (security of tenure, upgrading land rights and registration) will

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			Establishment of Townships, Ethnic Character of Population of Township, Township administration etc.	<p>North West and Eastern Cape, under Section 235 (8) of the Interim Constitution Gazette No. 15813, Proc. R110 and 111 of 1994 dated 17 June 1994.</p> <p>Proc. R293 of 1962 was also assigned (excluding those provisions (if any) which fall outside the functional areas specified in Schedule 6 to the Constitution or which relate to matters referred to in paragraphs (a) and (c) of section 126 (3) of the Constitution) to Eastern Transvaal (Mpumalanga), KwaZulu/Natal and Northern Transvaal (Limpopo) under section 235 (8) of the Interim Constitution.</p>	coordinate the process. Department of Housing (DOH) DPLG and Provinces (control of Township)

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				Gazette No. 1604 , Proc . R162 of 1994 dated 31 October 1994.	
415	R5	11/1/1963	Regulations for the Control of Irrigation Schemes in Bantu Area	Assigned to Eastern Cape, Limpopo , Mpumalanga and North West under Section 235 (8) of the Interim Constitution Gazette No. 15813, Proc. R109,110,111 and 112 of 1994 dated 17 June 1994.	Department Of Water Affairs and Forestry (DWAF) or Department of Agriculture (NDA) and partly DLA
1839	R192	8/9/1967	Regulations for the Control of the Residence on and Occupation of Privately or Tribally- owned land in Bantu Areas	Assigned to Eastern Cape, Limpopo , Mpumalanga and North West under Section 235 (8) of the Interim Constitution Gazette No. 15813, Proc. R109,110,111 and 112 of 1994 dated 17 June 1994.	DLA DOH;and DPLG and the Relevant provinces
1841	R196	8/9/1967	Limitation, Control and improvement of Livestock and of Pastoral and Agricultural Resources in Bantu Areas	Assigned to Eastern Cape, Limpopo , Mpumalanga and	NDA DPLG and relevant provinces

TION E NO	GOVERNMENT NOTICE NO (P) PROCLAMATION	DATE	CONTENTS OF SUBORDINATE LEGISLATION	PARTICULARS RELATING TO ASSIGNMENT OF SUBORDINATE LEGISLATION TO PROVINCES	POSSIBLE RESPONSIBLE OR ADMINISTERING AUTHORITY COMMENTS ON USAGE AND LEGAL IMPLICATIONS OF THE REPEAL ?
			(Betterment Areas Proclamation)	North West under Section 235 (8) of the Interim Constitution Gazette No. 15813, Proc. 109, 110, 111 and 112 of 1994 dated 17 June 1994.	
R199		8/9/1967	Regulations Relating to the Protection of Works in Bantu Areas	Assigned (whole) to a competent authority within the government of the Provinces of Eastern Cape, Eastern Transvaal, KwaZulu/Natal, Northern Province and Orange Free State under section 235 (8) of the Interim Constitution, 1993, Gazette No 15951, Proc.139 of 1994 dated 9 September 1994.	Department of Public Works (DPW) Relevant provinces
R200		8/9/1967	Regulations relating to Community Services in Bantu Areas. Repealed by Proc R95 of 23 June 1989 - GG No 11965	Assigned (whole) to a competent authority within the government of the	DPLG (Not clear why it was assigned in 1994 when it was repealed in 1989)

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				Provinces of Eastern Cape, Eastern Transvaal, KwaZulu/Natal, Northern Province and Orange Free State under section 235 (8) of the Interim Constitution, 1993, Gazette No 15951, Proc.139 of 1994 dated 9 September 1994.	
2165	R269	20/9/1968	Sanitary Regulations – Rural Bantu Areas	Assigned (whole) to a competent authority within the government of the Provinces of Eastern Cape, Eastern Transvaal, KwaZulu/Natal, Northern Province and Orange Free State under section 235 (8) of the Interim Constitution, 1993, Gazette No 15951, Proc.139 of 1994 dated 9 September	DPLG and Provinces

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1037	R300	18/10/1968	The Payment by Bantu of Rentals for Arable and Residential allotment and of fees for grazing Stock on certain Land Owned by the South African Bantu Trust	Assigned to Eastern Cape, Limpopo, Mpumalanga and North West under Section 235 (8) of the Interim Constitution Gazette No. 15813, Proc. R109,110,111 and 112 of 1994 dated 17 June 1994.	DLA DPLG and provinces NDA
1154	R188	11/7/1969	Bantu Area Land Regulations – Freehold Tenure, Commonage, Quitrent Tenure, Permission to Occupy etc.	Assigned (whole) to a competent authority within the government of the Provinces of Eastern Cape, Eastern Transvaal, KwaZulu/Natal, Northern Province, North West and Orange Free State under section 235 (8) of the Interim Constitution, 1993, Gazette No 15951, Proc.139 of 1994 dated 9 September	DLA – will conduct investigation on registration issues Comment- can possible be repealed

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				1994.	
2589	R6	13/1/1978	Nature Conservation in Bantu Areas	Assigned (whole) to a competent authority within the government of the Provinces of Eastern Cape, Eastern Transvaal, KwaZulu/Natal, Northern Province and Orange Free State under section 235 (8) of the Interim Constitution, 1993, Gazette No 15951, Proc.139 of 1994 dated 9 September 1994.	DPLG Department of Environmental Affairs and Tourism (DEAT) Provinces
2940	R12(P)	18/1/1980	Application of certain Acts made by the Lebowa Legislative Assembly to apply in Segop's Location in the District of Letaba		Limpopo Provincial Govt.
2972	R64(P)	28/3/1980	Outstanding moneys and moneys paid in advance in respect of Ashdown and Imbali residential areas and Black villages shall be deemed to be debts due to the SA Development Trust		DLA
3130	R211(P)	24/10/1980	Application and repeal of laws in respect of the district Moutse in the		DPLG and Limpopo Provincial Govt

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			Province of the Transvaal The administration and control of the district of Moutse removed /excised from the Lebowa Legislative Assembly		
3099	R231 (P)	14/11/1980	Application of Transvaal Road Traffic Ordinance of 1966 in KaNgwane		Department of Transport and Mpumalanga Prov Govt
3130	R18 (P)	23/1/1981	Continuation of membership to the KwaZulu Legislative Assembly of Chiefs and Chairmen of Community Authorities residing in areas excised from KwaZulu. Excision deemed not to have been done for the purpose of membership.		DPLG and KwaZulu/Natal Prov Govt
7499	R61 (P)	20/3/1981	Repeal of Proclamation R206 of 14 September 1979 regarding the establishment of Departments - Kwandebele Legislative Assembly.		DPLG and Mpumalanga Prov. Govt
7699	R124 (P)	3/7/1981	Promulgation of Regulations for the administration of Gazankulu		DPLG and Limpopo Prov. Govt
3306	R195 (P)	2/10/1981	Promulgation of Regulations for the administration of Qwaqwa		DPLG and Free State Prov Govt
3341	R243 (P)	27/11/1981	Transfer of land and certain rights to the Government of Ciskei. Land listed in a schedule transferred to and registered in the name of the Chief Minister of the Ciskei to hold in trust for a black person, tribe or community. Mineral rights in respect such land transferred to the Government of Ciskei. Such		DLA

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			transfer to be endorsed in the title deed by the Registrar of Deeds for proof.		
3382	R31 (P)	5/3/1982	Promulgation of Regulations for the administration of Lebowa		DPLG and Limpopo Prov. Govt
3418	R76 (P)	26/4/1982	Postponement of the fifth session of second Legislative Assembly - KaNgwane Legislative Assembly		DPLG and Mpumalanga Prov. Govt
3250	R96 (P)	16/0/1982	Regulations of the Administration for Lebowa - Amendment of Proclamation R31 of 1982		DPLG and Limpopo Prov. Govt
8285	R117 (P)	2/1/1982	Regulations for the administration of Qwaqwa - Amendment of Proclamation R195 of 1981		DPLG and Free State Prov Govt
3445	R121 (P)	28/6/1982	Excision of certain areas in the district of Ingwavuma from KwaZulu. Administration of the District of Ingwavuma taken away from the Government of KwaZulu.		DPLG and KwaZulu/Natal Prov Govt
3517	R 232 (P)	9 /12/1982	Repeal of Proclamation R108 of 1982.		Can be repealed
10560	R228 (P)	24/12/1986	Transfer of Land and Certain Rights to the Government of Lebowa. Land (including mineral rights) listed in a schedule transferred and registered in the name of the Government of Lebowa in trust for a black person, tribe or community. Registrar of Deeds to endorse the transfer for proof.		DLA and Limpopo Prov. Govt - can be repealed

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10560	R229 (P)	24/12/1986	Transfer of Land and Certain Rights to the Government of Kangwane. Land (including mineral rights) listed in a schedule transferred and registered in the name of the Government of Kangwane in trust for a black person, tribe or community. Registrar of Deeds to endorse the transfer for proof.		DLA and Mpumalanga Prov. Govt DLA indicated this can be repealed.
10560	R230 (P)	24/12/1986	Transfer of Land and Certain Rights to the Government of Gazankulu. Land (including mineral rights) listed in a schedule transferred and registered in the name of the Government of Gazankulu in trust for a black person, tribe or community. Registrar of Deeds to endorse the transfer for proof.		DLA and Limpopo Prov. Govt DLA indicated this can be repealed.
10560	R231 (P)	24/12/1986	Transfer of Land and Certain Rights to the Government of Qwaqwa. Land (including mineral rights) listed in a schedule transferred and registered in the name of the Government of Qwaqwa in trust for a black person, tribe or community. Registrar of Deeds to endorse the transfer for proof.		DLA and Free State Prov Govt DLA indicated this can be repealed.
10560	R232 (P)	24/12/1986	Transfer of Land and Certain Rights to the Government of KwaZulu. Land (including mineral rights) listed in a schedule transferred and registered in the name of the Government of		DLA and KwaZulu/Natal Prov Govt DLA indicated this can be repealed.

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			KwaZulu in trust for a black person, tribe or community. Registrar of Deeds to endorse the transfer for proof		
10560	R233 (P)	24/12/1986	Transfer of Land and Certain Rights to the Government of KwaNdebele. Land (including mineral rights) listed in a schedule transferred and registered in the name of the Government of KwaNdebele in trust for a black person, tribe or community. Registrar of Deeds to endorse the transfer for proof		DLA and Mpumalanga Prov. Govt DLA indicated this can be repealed.
11014	R156 (P)	30/10/1987	Repeal of proclamation R321 of 1970		Can be repealed
11050	R2648 (P)	1/12/1987	Prescribing fees (referred to in schedule) in respect of selling price, redemption instalments rent and service charges in respect of the town of Ekangala.		DPLG and Mpumalanga Prov. Govt
11166	R29 (P)	9/3/1988	Regulations Concerning Land Tenure in Towns - Rights conferred by Deed of Grant Rights, Who may grant deed of grants, Conversion of deed of grant ownership.	Assigned (whole) to a competent authority within the government of the Provinces of Eastern Cape, Eastern Transvaal, KwaZulu/Natal, Northern Province, North West and Orange Free State under section 235 (8)	DLA - to investigate whether there is sufficient provision for upgrading and registration.

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				of the Interim Constitution, 1993, Gazette No 15951, Proc.139 of 1994 dated 9 September 1994.	
11167	R31 (P)	9/3/1988	Repeal of Proclamation R264 of 1968 as amended by Proclamation R339 of 1970 and Proclamation R101 of 1982 - regarding control of certain activities in black areas.		DPLG and Provinces
11699	R8 (P)	17/2/1989	Licensing and control of dogs in black areas in the province of Good Hope - Amendment of Proclamation R351 of 1963.		DPLG and Western Cape Prov Govt
12688	R131 (P)	10/09/1990	Regulations for the Establishment and Development of Towns - Repeal of Proclamation R154. This proclamation did not apply in self governing territories established under National States Constitution Act No. 21 of 1971.		DPLG DLA ? (possible on the question of registration)

REGULATION GAZETTE NO	GOVERNMENT NOTICE NO (P) PROCLAMATION	SPECIAL PARTICULARS (REG) RELATING TO ASSIGNMENT OF SUBORDINATE LEGISLATION TO PROVINCES	POST ADM COMMI
2. Subordinate legislation (regulations) not in force, kept alive by virtue of section 8(1) (#1) inserted in Butterworths (Section 30 was repealed by section 8(1) of the Act of 1991). Section originally concerned native villages and townships)			
2165	R163 (P)	To give effect to the provisions of the Constitution of the Republic of South Africa, 1993, in relation to the transfer of certain functions from the Department of Education to the Department of Education and Training, and to provide for the transfer of certain functions from the Department of Education to the Department of Education and Training.	DLA DPLG and K
5800	R320 (P)	To give effect to the provisions of the Constitution of the Republic of South Africa, 1993, in relation to the transfer of certain functions from the Department of Education to the Department of Education and Training, and to provide for the transfer of certain functions from the Department of Education to the Department of Education and Training.	DPLG and K
9846	R1561 (P)	To give effect to the provisions of the Constitution of the Republic of South Africa, 1993, in relation to the transfer of certain functions from the Department of Education to the Department of Education and Training, and to provide for the transfer of certain functions from the Department of Education to the Department of Education and Training.	DLA DPLG and Pr
10081	R149 (P)	To give effect to the provisions of the Constitution of the Republic of South Africa, 1993, in relation to the transfer of certain functions from the Department of Education to the Department of Education and Training, and to provide for the transfer of certain functions from the Department of Education to the Department of Education and Training.	DPLG and K