

DISCUSSION OF THE DEFINITION OF "IDENTIFICATION DOCUMENT"

"identification document" means, in the case of a person who is-

- (a) a South African citizen or is lawfully and permanently resident in the Republic and has attained the age of 16 years –**
- (i) an identity card issued in terms of section 14 or temporary identity certificate issued in terms of section 16 of the Identification Act;**

(Identification Act defined in Act 70 of 2002 as "the Identification Act, 1997 (Act No. 68 of 1997)")

- (ii) a green, bar-coded identity document issued in terms of section 8 of the Identification Act, 1986 (Act No. 72 of 1986), until such identity document is replaced by an identity card as contemplated in section 25 of the Identification Act; or**

IDENTIFICATION ACT, 1997: Section 25:

Transitional arrangements

(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 72 of 1986), despite the repeal of that Act by section 24.

(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.

(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.

[S. 25 substituted by s. 2 of the Identification Amendment Act, 2000 (Act No. 28 of 2000. Date of commencement: 13 October 2000)]

- (iii) a valid/unexpired South African passport as defined in the South African Passports and Travel Documents Act, 1994 (Act No. 4 of**

1994);

SOUTH AFRICAN PASSPORTS AND TRAVEL DOCUMENTS ACT 4 OF 1994: Section 4:
Regulations

- (1) The Minister may make regulations regarding -....
- (b) endorsements on South African passports and travel documents, periods of validity and other restrictions;

SOUTH AFRICAN PASSPORTS AND TRAVEL DOCUMENTS REGULATIONS

Published under ON R784 in GG 17172 of 10 May 1996 [with effect from 22 May 1996]:

Regulation 5: Period of validity of South African passport:

- (1) Subject to subregulations (2) and (3), a South African passport shall be valid for a period of 10 years calculated from the date of issue.
- (2) The period of validity of an official passport shall be determined by the Director-General: Provided that such period shall not be more than five years.
- (3) A child passport is valid for a period of five years calculated from the date of issue.

OPTION

- (iv) a valid/unexpired driving licence (CARD {to be inserted}) as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996); or

(IT SHOULD BE NOTED THAT ONLY THE INITIALS OF A PERSON APPEARS ON A DRIVING LICENCE (should be "card") AND IN TERMS OF SECTION 40(2) OF THE BILL the full names of a person is required)

NATIONAL ROAD TRAFFIC ACT 93 OF 1996: NATIONAL ROAD TRAFFIC REGULATIONS *Published under ON R225 in GO 20963 of 17 March 2000 [with effect from 1 August 2000]*

Regulation 108 Manner of issue of driving licence

Regulation 108 (5)(a): Subject to regulation 101(2)(a), a driving licence card shall expire five years from the date on which it has been ordered from the Card Production Facility: Provided that where a person has applied for a new driving licence card in the manner contemplated in paragraph (b) on or before the expiry date of the driving licence card held by such person, the new driving licence card shall expire five years from the date after the expiry date of the driving licence card held by such person.

cannot be used as

OPTION

- (v) an identity document issued in terms of section 13 of the Population Registration Act, 1950 (Act No. 30 of 1950), until such identity document is replaced by an identity card as contemplated in section 25 of the Identification Act;

In terms of section 25(3) of the Identification Act, 1997 (Act 68 of 1997), from the date of commencement (13 October 2000) of the Identification Amendment Act, 2000 (Act 28 of 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.

- (b) not a South African citizen or is not lawfully and permanently resident in the Republic, excluding a refugee, a valid/unexpired passport issued in terms of section 7 of the Immigration Act, 2002 (Act No. 13 of 2002); and

This passport is issued by a foreign country:

(See definition of passport contained in the Immigration Act 13 of 2002:

“‘passport’ means any passport or travel document containing the prescribed information and characteristics issued -

- (a) under the South African Passports and Travel Documents Act, 1994 (Act 4 of 1994) (only a travel document can be issued to foreigners);*
- (b) on behalf of a foreign state recognised by the Government of the Republic to a person who is not a citizen;*
- (c) on behalf of any international organisation as prescribed, including regional or subregional organisations, to a person who is not a citizen, or*

any other document approved by the Minister and issued under special circumstances to a person who cannot obtain a document contemplated in paragraphs (a) to (c).”

- (c) a refugee, a valid/unexpired identity document issued in terms of section 30 of the Refugees Act, 1998 (Act 130 of 1998)”;

REFUGEE REGULATIONS (FORMS AND PROCEDURE)

Published under GN R366 in GO 21075 of 6 April 2000 as amended by GN R938 in GO 21573 of 15 September 2000:

Regulation 15(2): *The refugee identification document will be valid for an initial period of 2 years from the date asylum is granted, unless refugee status is withdrawn pursuant to section 36 of the Act within that time period.*

.....
(4) *When a refugee applies for renewal of the refugee identity document, the Standing Committee will consider whether he or she will remain a refugee indefinitely, pursuant to section 27(c) of the Act, if such certification has not already been issued pursuant to subregulation (5), or is subject to a withdrawal of refugee status under section 36 of the Act, with the following consequences:*

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(c) *If the Standing Committee fails to find that the individual will remain a refugee in the foreseeable future and that no grounds for withdrawal of refugee status apply, the Refugee Status Determination Officer will renew the refugee identity document, valid for period of 2 years.*