

Chronology of Apartheid Legislation¹

INTRODUCTION

This chronology seeks to record all major apartheid legislation as a context within which gross human rights violations occurred, but is not exhaustive of all legislation passed in the period under consideration by the Truth and Reconciliation Commission (the Commission). Legislation of 'independent' and 'self-governing' homelands is given separately. The homelands chronology is not, however, as comprehensive as that on the legislation enacted by the South African Parliament. Much of the homelands legislation was similar to South African parliamentary legislation. In several instances it proved extremely difficult to trace and record all details of homelands legislation.

The chronology is divided into two parts: Part 1 examines legislation in South Africa while Part 2 focuses on the 'independent' states - Transkei, Bophuthatswana, Venda and Ciskei (the TBVC states) - and the 'self-governing territories'.

The naming of legislation follows *Statutes of the Republic of South Africa Classified and Annotated from 1910* (Butterworths). Where an alternative name is in use, this is provided in brackets.

The commencement: date of the legislation is underlined and, where applicable, the repealing act is in italics. Where the legislation was still in force in September 1996, the name of the Butterworths title (subject category) is cited in upper case italics. Only the most important amending legislation (as this impinges on the mandate of the Commission) is cited. Where amendments contain extended detail which is relevant to the mandate of the Commission, appropriate references only are provided for the sake of brevity. Dates of some major events are included as historical landmarks; these are given in italics.

Note: For the purposes of this chronology, the term 'black' is taken to exclude coloured and Asian persons except where otherwise indicated.

PART I: SOUTH AFRICAN PARLIAMENT

The legislation in this section is flagged as follows for ease of reference:

Basic apartheid laws (A):

The most important legislation relating to segregation of race groups.

The workplace (W):

Laws which determined racially based job reservation, employment practices and labour relations.

Security legislation (S):

The history of security legislation in South Africa is very convoluted. Only those laws mentioned in the *Race Relations Surveys* (RRS and SRR) and John Dugard's *Human Rights and the South African Legal Order* (1978) are listed. In particular, those laws relating to the tightening up of detention legislation are included. Only a brief description of the various state of emergency regulations is given.

Political representation (P):

Discriminatory legislation related to political rights, including freedom of movement of homeland residents.

Land and property (L):

Legislation referring to black rural areas and the homelands: Prior to 1913 in the three northern provinces and 1936 in the Cape, blacks were legally entitled to acquire land from whites in parts of the country outside the scheduled areas. After 1913 (for the Orange Free State, Natal and Transvaal, and after 1936 in the Cape) this was prohibited unless the purchases were in areas which had been recommended by various commissions for 'release' to blacks (Horrell 1978: 203).

Education (E):

Racially discriminatory laws which relate to primary, secondary and tertiary education.

Urbanisation (U):

Legislation concerning freedom of movement issues and land ownership in white urban areas. See also 'political representation' above.

Note: Only discriminatory legislation is listed; laws and amendments that are purely administrative and not race-based are excluded.

1856-1910 Masters and Servants Acts:

W These Acts, which had been passed between 1856 and 1904 in the four territories, remained in force after Union. They made it a criminal offence to breach the contract of employment. Desertion, insolence, drunkenness, negligence and strikes were also criminal offences. Theoretically these laws applied to all races, but the courts held that the laws were applicable only to unskilled work, which was performed mostly by black people (Dugard 1978: 85; Horrell 1978: 6).

Repealed by s 51 of the Second General Law Amendment Act No 94 of 1974

1911 Mines and Works Act No 12:

W Permitted the granting of certificates of competency for a number of skilled mining occupations to whites and coloureds only.

Repealed by s 20 of the Mines and Works Amendment Act No 27 of 1956

1913 Admission of Persons to the Union Regulation Act No 22:

U Required Indians to obtain permission to travel from one province to another.

Commenced: 1 August 1913

Repealed by s 57 of the Admission of Persons to the Union Regulation Act 59 of 1972

1913 Black Land Act No 27:

- L** Prohibited blacks from owning or renting land outside designated reserves (approximately 7 per cent of land in the country).

Commenced: 19 June 1913

Repealed by s 1 of the Abolition of Racially Based Land Measures Act No 108 of 1991

1923 Native (Black) Urban Areas Act No 21:

- U** Made each local authority responsible for the blacks in its area. 'Native advisory boards' regulated influx control and removed 'surplus' people, i.e. those who were not employed in the area. The country was divided into prescribed (urban) and non-prescribed areas, movement between the two being strictly controlled (Horrell 1978: 2-3). This Act was consolidated by the 1945 Blacks (Urban Areas) Consolidation Act.

Assent gained: 14 June 1923; commencement date not found

Repealed by the Blacks (Urban Areas) Consolidation Act No 25 of 1945

1924 Industrial Conciliation Act No 11:

- W** Provided for job reservation. Excluded blacks from membership of registered trade unions, prohibited registration of black trade unions.

Commenced: 8 April 1924

Repealed by s 86 of the Industrial Conciliation Act No 36 of 1937

1926 Mines and Works Amendment Act No 25:

- W** Re-enacted the 1911 Mines and Works Act.

Repealed by s 20 of the Mines and Works Amendment Act No 27 of 1956

1927 Immorality Act No 5:

- A** Extra-marital intercourse between whites and blacks prohibited (Horrell 1978: 8). (Extended in 1950 to include coloureds and Asians.)

Commenced: 30 September 1927

Repealed by s 23 of Sexual Offences Act No 23 of 1957

1927 Black (Native) Administration Act No 38:

- L,U** Section 5(1)(b) provided that 'whenever he deemed it expedient in the public interest, the minister might, without prior notice to any persons concerned, order any tribe, portion thereof, or individual black person, to move from one place to another within the Republic of South Africa' (Horrell 1978: 204). Section 29(1) prohibited the fomenting of feelings of hostility between blacks and whites. Amended by s 4 of the Black Laws Further Amendment Act No 79 of 1957. This was extended to all racial groups in terms of s 1 of the 1974 Second General Law Amendment Act (see below). 'All the reported cases concern charges of inciting hostility among blacks towards the white section of the community' rather than cases of whites who cause feelings of racial hostility by racially abusive comments (Dugard 1978: 178). Used extensively to carry out forced removals. Later amended by the 1973 Bantu (Black) Laws Amendment Act.

Commenced: 1 September 1927, except ss 22, 23 & 36: 1 January 1929

Sections 5(1)-(5) repealed by the Abolition of Influx Control Act No 68 of 1986; repealed in full by the Abolition of Restrictions on Free Political Activity Act No 206 of 1993

1930 Riotous Assemblies (Amendment) Act No 19:

- S** Authorised the Governor-General to prohibit the publication or other dissemination of any 'documentary information ... calculated to engender feelings of hostility between the European inhabitants of the Union on the one hand and any other section of the inhabitants of the Union on the other hand' (Dugard 1978: 177).

Commenced: 21 May 1930

Repealed by s 20 of the Riotous Assemblies Act No 17 of 1956

1936 Representation of Blacks Act No 12:

- P** Removed black voters in the Cape from the common roll and placed them on a separate roll (Dugard 1978: 90). Blacks throughout the Union were then represented by four white senators.

Commenced: 10 July 1936

Repealed by s 15 of the Representation between the Republic of South Africa and self-governing Territories Act No 46 of 1959

1936 Development Trust and Land Act No 18:

- LI** Expanded the reserves to a total of 13, 6 per cent of the land in South Africa and authorised the Department of Bantu Administration and Development to eliminate 'black spots' (black-owned land surrounded by white-owned land) (Horrell 1978: 203). The South African Development Trust (SADT) was established and could, in terms of the Act, acquire land in each of the provinces for black settlement (RRS 1991/92: 381).

Commenced: 31 August 1936

Repealed by Proc R 28 of 1992, 31 March 1992 (phasing out and abolishing the SADT in terms of the Abolition of Racially Based Land Measures Act No 108 of 1991)

1937 Aliens Act No 1:

- P** Restricted and regulated the entry of certain aliens into the Union and regulated the right of any person to assume a surname.

Commenced: 1 February 1937

Repealed by s 33 of the Births and Deaths Registration Act No 51 of 1992

1937 Industrial Conciliation Act No 36:

- W** Provided for the registration and regulation of trade unions and employers' organisations, the settlement of disputes between employers and employees, and the regulation of conditions of employment.
Repealed by s 56 of the Industrial Conciliation Act No 28 of 1956

1937 Black (Native) Laws Amendment Act No 46:

- U** Prohibited acquisition of land in urban areas by blacks from non-blacks except with the Governor-General's consent (Horrell 1978: 3).
Commenced: 1 January 1938
Sections repealed by the Abolition of Influx Control Act No 68 of 1986 and the Abolition of Racially Based Land Measures Act No 108 of 1991. The only section remaining in force is s 36, which amended s 7 of the Agricultural Holdings (Transvaal) Registration Act 22 of 1919 and has no discriminatory implications.

1939 Aliens Registration Act No 26:

- U** Provided for the registration and control of aliens.
Assent gained: 14 June 1939; commencement date not found
Repealed by s 60 of the Aliens Control Act No 96 of 1991

1945 Natives (Urban Areas) Consolidation Act No 25:

- U** Introduced influx control - applicable to black males only (Horrell 1978: 172).
People who were deemed to be leading idle or dissolute lives or who had committed certain specified offences could be removed from an urban area (Horrell 1978: 173).
Commenced: 1 June 1945
Repealed by s 17 of the Abolition of Influx Control Act No 68 of 1986

1946 Asiatic Land Tenure (and Indian Representation) Act No 28:

- P** Granted Indians separate representation by three white members of Parliament and two senators in the Central Parliament. This chapter of the law was rejected by the Indian population and the Act was repealed by the Asiatic Laws Amendment Act No 47 of 1948. The chapter on land tenure was repealed by the Aliens Control Act No 96 of 1991.
Commenced: 6 June 1946

1948 Nationalist Party comes to power

1948 Asiatic Laws Amendment Act No 47:

- P** Repealed the chapter on Indian representation of the 1946 Asiatic Land Tenure (and Indian Representation) Act.
Commenced: 12 October 1948
Repealed by s 55 of the Abolition of Racially Based Land Measures Act No 108 of 1991

1949 Prohibition of Mixed Marriages Act No 55:

- A** Prohibited marriages between whites and members of other racial groups (Horrell 1978: 19).

Commenced: 8 July 1949

Repealed by s 7 of the Immorality and Prohibition of Mixed Marriages Amendment Act No 72 of 1985

1950 Immorality Amendment Act No 21:

- A** Extended the 1927 Immorality Act to all black people - including coloureds and Asians (Dugard 1978: 70).

Commenced: 12 May 1950

Repealed by s 23 of the Sexual Offences Act No 23 of 1957

1950 Population Registration Act No 30:

- A** Required people to be identified and registered from birth as belonging to one of four distinct racial groups. This Act was more rigid than earlier race classification laws.

Commenced: 7 July 1950

Repealed by s 1 of the Population Registration Act Repeal Act No 114 of 1991

1950 Group Areas Act No 41:

- U** Provided for areas to be declared for exclusive use of one particular racial group. It became compulsory for people to live in an area designated for their classification group.

Commenced: 7 July 1950

Repealed by s 44 of the Group Areas Act No 77 of 1957

1950 Internal Security Act (Suppression of Communism Act) No 44:

- S** Prohibited certain (listed) organisations and persons from promoting 'communism', which was broadly defined.

Commenced: 17 July 1950

Repealed by s 33 of the Internal Security and Intimidation Amendment Act 138 of 1991

1951 Suppression of Communism Amendment Act No 50:

- S** Related to situations where people conspired to overthrow the government, or alternatively to those where people harboured, concealed, failed to report, or assisted those intent on committing so-called acts of terrorism against the state.

Commenced: 18 June 1951

Repealed by s 73(1) of the Internal Security Act No 74 of 1982

1951 Separate Representation of Voters Act No 46:

- P** This attempt by the National Party to remove coloured people from the common voters' roll was declared invalid by the Supreme Court: A group of coloured voters in *Harris v Minister of the Interior* 1952(2) SA 428(AD) challenged the Act, which the Appellate Division unanimously declared invalid. In response, the government, via an 'ingenious and devious' (Dugard 1978: 31) process of increasing the numbers of Appellate Division judges from five to eleven (where an Act of Parliament was in issue) and increasing the size of the Senate from forty-eight to forty-nine, introduced the 1956 South Africa Act Amendment Act (see below).

Commenced: 18 June 1951; revalidated after challenge: 2 March 1956

Repealed by s 4 of the Separate Representation of Voters Amendment Act No 50 of 1968

1951 Black Building Workers Act No 27:

W Prohibited blacks from performing skilled work in the building industry in white urban areas (Dugard 1978: 87).

Repealed by s 11 of Industrial Conciliation Amendment Act No 95 of 1980

1951 Prevention of Illegal Squatting Act No 52:

U Prohibited persons from entering land or a building without lawful reason, or remaining there without the owner's permission. Magistrates were granted powers to order squatters out of urban areas, demolish their dwellings and move them to a place as might be determined.

Commenced: 6 July 1951

IN FORCE (This Act has been amended several times - see O'Regan 1990): CRIMINAL LAW AND PROCEDURE

1951 Bantu Authorities Act No 68:

P Gave recognition to traditional tribal authorities.

Commenced: 17 July 1951

Repealed by s 69 of the Black Communities Development Act No 4 of 1984

1951 Black (Bantu) Authorities Act No 68:

L Provided for the establishment of tribal, regional and territorial authorities in the reserves.

Commenced: 17 July 1951

IN FORCE as on September 1996: LOCAL GOVERNMENT

1952 Black (Native) Laws Amendment Act No 54:

U The 1945 Urban Areas Consolidation Act was amended to specify that all black persons, men and women, over the age of sixteen were to carry passes and that no black person was to be allowed to stay in the urban areas longer than seventy-two hours unless they had permission to do so. Section 10, which governed who could stay in the urban areas, stated that black people who had been born in the urban areas and had lived there continuously since then, and those who had been in continuous employment for ten years or continuous residence in the urban areas for fifteen years, were the only categories of black people legally entitled to stay in urban areas (Dugard 1978: 74; Horrell 1978: 173). Powers of authorities were widened to include the ordering of the removal of blacks deemed to be 'idle or undesirable' even though they were lawfully in an urban area (s 29 of the 1945 Urban Areas Consolidation Act). If found guilty, a person could be sent to her/his homeland, to a rehabilitation centre or to a farm colony for a period not exceeding two years. Section 29 of the 1945 Urban Areas Consolidation Act permitted the arrest, without a warrant, of any black person believed to be 'idle or undesirable'. In 1956, a new section was added to s 29, (i.e. s 29 bis) allowing for 'the removal of an African from an urban area ... where his presence was detrimental to the maintenance of peace and order in any such area' (Dugard 1978: 77). Because the purpose of this new s 29 was 'to confer upon local authorities arbitrary powers to rid themselves of "agitators",' this new provision (unlike s 29 of Act 25 of 1945) did not 'provide for an appeal against a banishment order' (Dugard 1978: 77). (The provisions under this Act are extremely complicated. For a full description see Horrell 1978: 171-95.)

Commenced: 27 June 1952

Sections 1-17 repealed by s 33(1) of the Black Labour Act No 67 of 1964, s 18 repealed by s 1(g) of the Abolition of Racially Based Land Measures Act No 108 of 1991; ss 27-32 by s 17 of the Abolition of Influx Control Act No 68 of 1986; and ss 33-8 by s 69(1) of the Black Communities Development Act No 4 of 1984

1952 Blacks (Abolition of Passes and Co-ordination of Documents) Act No 67:

- U** Repealed the laws relating to the carrying of passes by blacks. These laws had differed from province to province. This new Act provided for the issuing of reference books to all black persons in all provinces (Horrell 1978: 173).

Commenced: 11 July 1952

Repealed by s 23 of the Identification Act No 72 of 1986

1953 Reservation of Separate Amenities Act No 49:

- A** Allowed for public facilities and transport to be reserved for particular race groups.

Commenced: 9 October 1953

Repealed by s 1 of Discriminatory Legislation Regarding Public Amenities Appeal Act No 100 of 1990

1953 Public Safety Act No 3:

- S** This Act, passed in response to the ANC's civil disobedience campaign, provided for a state of emergency to be declared. The first state of emergency was declared only in 1960. Under a state of emergency the Minister of Law and Order, the Commissioner of the South African Police (SAP), a magistrate or a commissioned officer could detain any person for reasons of public safety. There was no commission to which a detainee could appeal, nor was there a body with the power to decide objectively whether a state of emergency was justified or not. This legislation also empowered a magistrate or the Commissioner of Police to ban meetings and gatherings.

Commenced: 4 March 1953

Repealed by the State of Emergency Act No 86 of 1995

1953 Criminal Law Amendment Act No 8:

- S** Made civil disobedience punishable by a three-year jail sentence.

Commenced: 4 March 1953

Repealed by s 73 of the Internal Security Act No 74 of 1982

1953 Black Education Act No 47:

- E** Formalised segregation of black education and laid the foundations for Bantu Education.

Commenced: 1 January 1954

Repealed by s 45 of the Education and Training Act No 90 of 1979

1953 Black Labour Relations Regulation Act (Black Labour and Settlement of Disputes Act) No 48:

- W** Amended the 1937 Industrial Conciliation Act, changing the definition of 'employee' to exclude blacks so that they could no longer be members of registered unions (Horrell 1978: 281). The Act also incorporated the War Measure No 145 of 1942, which prohibited strikes by black workers. In addition, it made lock-outs of blacks, the instigation of strikes and lock-outs, and sympathetic strikes illegal (Horrell 1978: 281).

Commenced: 1 May 1954

Repealed by s 63 of the Labour Relations Amendment Act No 57 of 1981

1954 Riotous Assemblies and Suppression of Communism Amendment Act No 15:

- W** The Minister of Justice was 'empowered to prohibit listed persons from being members of specific organisations or from attending gatherings of any description without giving them the opportunity of making representations in their defence or furnishing reasons'. The Minister was also 'authorized to prohibit any particular gathering or all gatherings, in any public place for specified periods'.

Commenced: 15 April 1954

Repealed by s 73 of the Internal Security Act No 74 of 1982

1954 Blacks Resettlement Act No 19:

- U** Established a Resettlement Board which would remove blacks from townships. This authorised the Sophiatown and other removals.

Commenced: 1 August 1954

Repealed by s 69 of the Black Communities Development Act No 4 of 1984

1955 Black Labour (Settlement of Disputes) Amendment Act No 59:

- W** Amended the 1953 Black Labour Relations Regulation Act. Provided for separate industrial conciliation machinery which applied to black workers other than those employed in farming operations, in domestic service, governmental or educational services or coal and gold mining industries (Horrell 1978: 288).

Repealed by s 63 of the Labour Relations Amendment Act No 57 of 1981

1955 Criminal Procedure Act No 56:

- S** Consolidated the laws relating to procedure and evidence in criminal proceedings. The Criminal Procedure and Evidence Act No 31 of 1917 and its numerous amendments were all repealed.

Commenced: 1 July 1955

Repealed by s 344(1) of the Criminal Procedure Act No 51 of 1977

1956 Riotous Assemblies Act No 17:

- S** Prohibited gatherings in open-air public places if the Minister of Justice considered that they could endanger the public peace. Also included banishment as a form of punishment (Dugard 1978: 137).

Commenced: 16 March 1956

Repealed in part (ss 1-9 inclusive and ss 19-20) by ss 10-15 of the Internal Security Act No 74 of 1982.

IN FORCE: Sections 16, 17 & 18 as at September 1996 (Section 17 covers the common-law offence of incitement to public violence): CRIMINAL LAW AND PROCEDURE

1956 South Africa Act Amendment Act No 9:

- P** Effectively revalidated the 1951 Separate Representation of Voters Act (see above), which had been challenged and declared invalid.

Commenced: 2 March 1956

Repealed by the Republic of South Africa Constitution Act 32 of 1961

1956 Mines and Works Act No 27:

W Commenced: 4 May 1956

IN FORCE (as amended by the Mines and Works Amendment Act No 51 of 1959): MINES, WORKS AND FACTORIES

1956 Industrial Conciliation Act (Labour Relations Act) No 28:

W Replaced the 1924 and 1937 Industrial Conciliation Acts. A new provision, s 77, provided for job reservation. Although excluded from the provisions of the Act, blacks were included in the definition of 'employee' for the purposes of this section. Black trade unions, though they could not be registered under the Act, were not illegal (Horrell 1978: 263, 281).

Commenced: 1 January 1957

Repealed by the Labour Relations Act No 66 of 1995

1956 Separate Representation of Voters Amendment Act No 30:

P Amended the 1951 Separate Representation of Voters Act to remove coloureds from the common roll. The Senate was enlarged to obtain the required majority.

Commenced: 18 May 1956

Repealed by s 4 of the Separate Representation of Voters Amendment Act No 50 of 1968

1956 Bantu (Black) Administration Amendment Act No 42:

L Amended the 1927 Black Administration Act so that a person being banished in terms of s 5(1)(b) could no longer present her/his case to the Governor-General (Dugard 1978: 140). (See also: Black (Native) Laws Amendment Act No 54 of 1952, above.)

Commenced: 1 June 1956

Repealed by the Abolition of Influx Control Act No 68 of 1986

1956 Blacks (Prohibition of Interdicts) Act No 64:

L Prohibited 'Africans from obtaining a court interdict to suspend the operation of any banishment order pending an attack on the validity of any such order' (Dugard 1978: 78).

Assent gained: 15 June 1956; commencement date not found

Repealed by s 17 of the Abolition of Influx Control Act No 68 of 1986

1957 Sexual Offences Act (Immorality Act) No 23 (s 16):

A Made it an offence for a white person to have intercourse with a black person or to commit any 'immoral or indecent act' (Dugard 1978: 69). This Act repealed the 1927 Immorality Act and the 1950 Immorality Amendment Act.

Commenced: 12 April 1957

IN FORCE, although s 16 was repealed by the Immorality and Prohibition of Mixed Marriages Amendment Act No 72 of 1985: CRIMINAL LAW AND PROCEDURE

1957 Group Areas Act No 77:

- U** Consolidated the law relating to the establishment of group areas and the control of the acquisition of immovable property in those areas.

Assent gained: 24 June 1957; commencement date not found

Repealed by s 49 of the Group Areas Act No 36 of 1966

1958 24 August: Strijdom dies.

2 September: Three candidates are suggested as successors, including Dr Verwoerd.

3 September: Dr Verwoerd assumes office as Prime Minister and leader of the National Party.

1959 Extension of University Education Act No 45:

- E** Empowered the Minister of Bantu Education to designate colleges for specified African ethnic groups. Black students were prohibited from attending the University of Cape Town or the University of Witwatersrand without a permit (Dugard 1978: 84).

Commenced: 19 June 1959

Repealed by s 21 of the Tertiary Education Act No 66 of 1988

1959 Representation between Republic of South Africa and Self-Governing Territories Act (Promotion of Bantu Self-Government Act) No 46:

- P** Provided for the transformation of reserves into fully fledged independent bantustans, dividing blacks into ethnically discrete groups. Abolition of parliamentary representation for blacks.

Commenced: 19 June 1959

Repealed by Sch 7 of the Constitution of the Republic of South Africa Act No 200 of 1993

1960 Extension of University Education Amendment Act No 32:

- E** Amended the extension of University Education Act No 45 of 1959 and the University of Fort Hare Transfer Act No 64 of 1959.

Assent gained: 7 April 1960; commencement date not found

Repealed by s 21 of the Tertiary Education Act No 66 of 1988

1960 Unlawful Organisations Act No 34:

- S** Provided for organisations threatening public order or the safety of the public to be declared unlawful. The ANC and the PAC were immediately declared unlawful.

Commenced: 7 April 1960

Repealed by s 73 of the Internal Security Act No 74 of 1982

1960 21 March: Sharpeville

Sixty-seven people were killed and 186 wounded by police at the Sharpeville police station during a PAC anti pass law demonstration. In September, 224 civil claims for damages were served on the Minister of Justice. He stated on 21 October that legislation would be introduced into the next parliamentary session to indemnify the government and its officials retrospectively against claims resulting from action taken during the demonstration (SRR 1959/60: 57). The passing of the 1961 Indemnity Act (assented to on 28 June 1961 - see below) can be explained in terms of the ministerial announcement of 21 October 1960.

1961 A state of emergency was declared on 30 March 1961, lasting until 31 August.

Regulations made provision for the arrest of persons without warrant and for their detention without charge for a period of twelve days (Horrell 1978: 440). Regulations under Proc 91 of 30 March, which included indemnity for persons exercising powers under these regulations, were passed in May (SRR 1959/60: 73, 78).

1961 General Law Amendment Act No 39:

S Provided for twelve-day detention. Amended:

- the Arms and Ammunition Act 28 of 1937 regarding the issuing and cancellation of firearm licences;
- the 1955 Criminal Procedure Act regarding powers of the Attorney-General to prohibit release on bail or otherwise; and
- the 1956 Riotous Assemblies Act.

Commenced: 19 May 1961

Sections 6 and 7 repealed by the Internal Security Act No 74 of 1982

1961 Indemnity Act No 61:

S With retrospective effect from 21 March 1960. This Act indemnifies the government, its officers and all other persons acting under their authority in respect of acts done, orders given or information provided in good faith for the prevention or suppression of internal disorder, the maintenance or restoration of good order, public safety or essential services, or the preservation of life or property in any part of the Republic.

Commenced: 5 July 1961

1961 Urban Blacks Council Act No 79:

P The first provision for black 'self-government' in the urban townships. Assent gained: 30 June 1961; commencement date not found

Repealed by s 14 of the Community Councils Act No 125 of 1977

1962 General Law Amendment Act (Sabotage Act) No 76:

S Increased the State President's power to declare organisations unlawful. Further restrictions could be imposed in banning orders, restricting movement. Persons could now even be banned from social gatherings, including having more than one visitor at a time. The Minister could list banned persons in the *Government Gazette (GG)*.

This Act created the offence of sabotage by providing that any person who committed any wrongful and wilful act whereby he/she injured, obstructed, tampered with or destroyed the health or safety of the public, the maintenance of law and order, the supply of water, light, power, fuel or foodstuffs, sanitary, medical, or fire extinguishing services could be tried for sabotage (Horrell 1978: 443).

Commenced: 27 June 1962

Section 16 repealed by the State of Emergency Act No 86 of 1995

1963 General Law Amendment Act No 37:

- S** Section 17, the ninety-day detention law, authorised any commissioned officer to detain - without a warrant - any person suspected of a political crime and to hold them for ninety days without access to a lawyer (Horrell 1978: 469). In practice people were often released after ninety days only to be re-detained on the same day for a further ninety-day period. The 'Sobukwe clause' allowed for a person convicted of political offences to be detained for a further twelve months. The Act also allowed for further declaration of unlawful organisations. The State President could declare any organisation or group of persons which had come into existence since 7 April 1960 to be unlawful. This enabled the government to extend to Umkhonto we Sizwe and Poqo the restrictions already in force on the ANC and the PAC (Horrell 1978: 416).

Commenced: 2 May 1963, except ss 3, 9 & 14, which came into effect at different times.

Sections 3-7 and 14-17 repealed by the Internal Security Act No 74 of 1982

1963 Transkei Constitution Act No 48:

- P** Self-government given to Transkei.

Commenced: 30 May 1963

Repealed by Sch 7 of the Constitution of the Republic of South Africa Act No 200 of 1993

1963 Extension of University Education Amendment Act No 67:

- E** Amended the 1959 Extension of University Education Act and the University College of Fort Hare Transfer Act No 64 of 1959.

Commenced: 3 July 1963

Repealed by s 21 of the Tertiary Education Act No 66 of 1988

1964 Black Labour Act No 67:

- U** Consolidated the laws regulating the recruiting, employment, accommodation, feeding and health conditions of black labourers.

Commenced: 1 January 1965

Repealed by s 69 of the Black Community Development Act No 4 of 1984

1964 General Law Amendment Act No 80:

- S** Amended the 1963 General Law Amendment Act so that the Minister of Justice could extend the operation of the Sobukwe clause in individual cases. Sobukwe was thus imprisoned until 1969. This clause was re-enacted in amended form in 1976.

Commenced: 24 June 1964

Repealed by the Corruption Act No 94 of 1992

1965 Criminal Procedure Amendment Act No 96 (180-Day Detention Law):

- S** Provided for 180-day detention and re-detention thereafter. The Attorney-General was empowered to order the detention of persons likely to give evidence for the state in any criminal proceedings relating to certain political or common-law offences. Unlike the ninety-day provision, this did not specify interrogation as part of the detention. Detainees could be held for six months in solitary confinement and only state officials were permitted

access. No court had the jurisdiction to order the release of prisoners or to rule on the validity of the regulations under the Act.

Commenced: 25 June 1965

Repealed by s 344 of the Criminal Procedure Act No 51 of 1977 except for ss 319(3) and 384

1966 Group Areas Act No 36:

U While in theory this was not discriminatory legislation, it was implemented in a way that was advantageous to whites (Dugard 1978: 82).

Commenced: 26 October 1966

Repealed by s 48 of the Abolition of Racially Based Land Measures Act No 108 of 1991

1966 Industrial Conciliation Further Amendment Act No 61:

W Prohibited strikes and lock-outs for any purpose unconnected with the employee/employer relationship (Horrell 1978: 279).

Commenced: 4 November 1966

Repealed by Labour Relations Act No 66 of 1995

1966 General Law Amendment Act No 62:

S Designed in response to guerrilla activities on the northern borders of the then South West Africa (Dugard 1978: 116). Section 22(1) was amended to provide for the detention of suspected 'terrorists' for up to fourteen days for purposes of interrogation. The Commissioner of Police could apply to a judge to have the detention order renewed. This was essentially a forerunner of the 1967 Terrorism Act.

Commenced: 4 November 1966

Sections 3-6 & 22 repealed by the Internal Security Act No 74 of 1982

1967 Suppression of Communism Act No 24:

S Prohibited certain persons from making or receiving donations for the benefit of certain organisations; prohibited others from practising as advocates, attorneys, notaries and conveyances, and extended the grounds for deporting people from the Republic.

Commenced: 8 March 1967

Repealed by s 73 of the Internal Security Act 74 of 1982

1967 Terrorism Act No 83:

S According to Horrell (1978: 473), this Act signalled the beginning of the struggle against 'Red arms' as opposed to purely 'Red ideology'. It authorised indefinite detention without trial on the authority of a policeman of or above the rank of lieutenant colonel. The definition of terrorism was very broad and included most criminal acts. No time limit was specified for detention; it could be continued until detainees had satisfactorily replied to all questions or no useful purpose would be served by continued detention. Fortnightly visits by magistrates were provided for 'if circumstances permit'. No other visitors were permitted. The Act was operative retrospectively to 27 June 1962 and also applied to South West Africa retrospectively (Horrell 1978: 445). It differed from the ninety-day and 180-day detention laws in that the

public was not entitled to information relating to the identity and number of people detained under the Terrorism Act (Dugard 1978: 118).

Commenced: 27 June 1962

All sections except s 7 repealed by s 33 of the Internal Security and Intimidation Amendment Act 138 of 1991

1967 Environmental Planning Act No 88:

W Placed restrictions on the number of blacks who could be employed in the manufacturing industry in the larger industrial areas.

Assent gained: 19 June 1967; commencement date not found

IN FORCE: LAND

1968 Prohibition of Mixed Marriages Amendment Act No 21:

A Invalidated any marriage entered into outside South Africa between a male citizen and a woman of another racial group (Dugard 1978: 69).

Commenced: 27 March 1968

Repealed by the Immorality and Prohibition of Mixed Marriages Amendment Act No 72 of 1985

1968 South African Indian Council Act No 31:

P Established the Council consisting of twenty-five members appointed by the Minister of Indian Affairs. The number was increased to thirty members, of which fifteen were appointed by the Minister and fifteen indirectly through electoral colleges in the provinces (Dugard 1978: 100). Unlike the Coloured Persons Representative Council, the South African Indian Council was not granted legislative powers.

Commenced: 26 March 1968

Repealed by s 23 of the Republic of South Africa Constitution Act No 110 of 1983

1968 Separate Representation of Voters Amendment Act No 50:

P The Coloured Persons Representative Council was formed with forty elected members and twenty nominated members. It had legislative powers to make laws affecting coloureds on finance, local government, education, community welfare and pensions, rural settlements and agriculture. No bill could be introduced without the approval of the Minister of Coloured Relations, nor could a bill be passed without the approval of the white Cabinet (Dugard 1978: 98).

Assent gained: 27 March 1968; commencement date not found

Repealed by s 101(1) of the Republic of South Africa Constitution Act No 110 of 1983

1968 Prohibition of Political Interference Act No 51:

P Prohibited non-racial political parties (ss 1 & 2) and foreign financing of political parties (s 3). The Act was later renamed the 'Prohibition of Foreign Financing of Political Parties Act' by the 1985 Constitutional Affairs Amendment Act.

Sections 1 and 2 relating to the ban on non-racial political parties repealed by the same Act (No 104) of 1985.

Section 3 repealed by Abolition of Restrictions on Free Political Activity Act No 206 of 1993

1968 Dangerous Weapons Act No 71:

- S** Prohibited the possession of weapons which could cause bodily injury if used in an assault. The Minister of Justice could prohibit the possession or manufacture or supply of such objects.

Commenced: 3 July 1968

IN FORCE (as amended by the Dangerous Weapons Amendment Act No 156 of 1993): ARMS AND AMMUNITION

1969 Public Service Amendment Act No 86:

- S** Established the Bureau of State Security (BOSS) (Horrell 1978: 449).

Commenced: 1 April 1969

Repealed by s 37 of the Public Service Act No 111 of 1984

1970 Bantu Homelands Citizenship Act (National States Citizenship Act) No 26:

- P** Required all black persons to become citizens of a self-governing territorial authority. As Minister Connie Mulder stated: 'No black person will eventually qualify in terms of section 10 because they will all be aliens, and as such, will only be able to occupy the houses bequeathed to them by their fathers, in the urban areas, by special permission of the Minister,' i.e. black people are forced by residence in designated 'homelands' areas to be citizens of that homeland and denied South African nationality, the right to work in South Africa etc.

Assent gained: 26 March 1970; commencement date not found

Repealed by the Constitution of the Republic of South Africa Act No 200 of 1993

1971 Bantu Homelands Constitution Act (National States Constitutional Act) No 21:

- P** Provided for the granting of increased powers to homeland governments, thus facilitating their eventual 'independence'.

Commenced: 31 March 1971

Repealed by Sch 7 of the Constitution of the Republic of South Africa Act No 200 of 1993

1971 Extension of University Education Amendment Act No 29:

- E** In order to prevent students from changing courses after admission, the Minister would give consent only in respect of a specific university and a specified qualification. He could withdraw his consent if the student concerned changed her/his course of study (SRR 1971:288).

Commenced: 12 May 1971

Repealed by s 21 of the Tertiary Education Act No 66 of 1988

1971 Black Affairs Administration Act No 45:

- P** Provided for black self-government in townships.

Commenced: 26 November 1971

Repealed by s 69 of the Black Communities Development Act No 4 of 1984

1972 Suppression of Communism Amendment Act No 2:

- S** Amended provisions regarding the participation of certain persons in the activities of certain organisations as well as ministerial powers regarding the registration of newspapers.

Commenced: 8 March 1972

Repealed by s 73(1) of the Internal Security Act No 74 of 1982

1972 Admission of Persons to the Republic Regulation Act No 59:

U Consolidated the laws relating to prohibited persons and to the admission of persons to the Republic or any of its provinces.

Commenced: 2 June 1972

Repealed by s 60 of the Abolition of Racially Based Land Measures Act No 108 of 1991

1972 Security Intelligence and State Security Council Act No 64:

S Commenced: 14 June 1972

Repealed by s 7 of the National Strategic Intelligence Act No 39 of 1994

1972-77 *Between 1972 and 1977, all the homelands were given self-government similar to that of the Transkei (Dugard 1978: 91). All enactments of the Legislative Assemblies of the homelands required the approval of the State President of the Republic of South Africa.*

1972 *Bophuthatswana, Ciskei and Lebowa proclaimed a self-governing territories*

1973 *Venda and Gazankulu proclaimed a self-governing territories.*

1973 Black Laws Amendment Act No 7:

L Designed to speed up the planning for partial consolidation of homelands. The 1927 Black Administration Act was amended so that 'a removal order might be served on a Bantu Community as well as on a tribe or portion thereof' (Horrell 1978: 205). If a tribe refused to move, and Parliament approved the plan, the tribe was unable to appeal to Parliament.

Commenced: 21 March 1973

Repealed by the Abolition of Influx Control Act No 68 of 1986

1973 Aliens Control Act No 40:

U Exempted Indians from the need to obtain permits for travel between provinces. However, in terms of provincial legislation, Indians were not allowed to stay in the Orange Free State and parts of northern Natal for more than a brief period unless prior permission had been obtained (Dugard 1978: 73).

Repealed by s 60 of the Abolition of Racially Based Land Measures Act No 108 of 1991

1973 Black Labour Relations Regulation Amendment Act 70:

W This Act was passed in response to a wave of strikes in 1972 and 1973 (Bendix 1989: 302) and included a limited right to strike. Previously black workers had been completely prohibited from striking.

Repealed by s 63 of the Labour Relation Amendment Act No 57 of 1981.

1974 *QwaQwa proclaimed a self-governing territory*

1974 Riotous Assemblies Amendment Act No 30:

S Redefined 'gathering' and removed the reference to 'public'. A gathering could comprise

any number of persons.

Commenced: 15 March 1974

Sections 1-8 and 11 repealed by the Internal Security Act No 74 of 1982.

IN FORCE: Sections 9 and 10 (dealing with ss 16-18 of the Riotous Assemblies Act No 17 of 1956): CRIMINAL LAW AND PROCEDURE

1974 Affected Organisations Act No 31:

S Provided for the declaration of Affected Organisations. Such organisations could not solicit foreign funds.

Commenced: 15 March 1974

Repealed by s 7 of the Abolition of Restrictions on Free Political Activity Act No 206 of 1993

1974 Second General Law Amendment Act No 94

(as amended by Acts No 87 of 1977, No 99 of 1978, No 74 of 1982, No 110 of 1983, Nos 84 & 95 of 1986 and No 101 of 1987):

W Repealed the Masters and Servants Acts (1856-1910). Section 1 of this Act prohibits any words or acts intended to cause feelings of hostility between different population groups of the Republic. Section 2 prohibits the furnishing of information about business carried on in or outside the Republic to any person outside the Republic without the permission of the Minister of Foreign Affairs.

Commenced: 20 November 1974

1976 Parliamentary Internal Security Commission Act No 67:

S Established a parliamentary Internal Security Commission and set out its functions. It differed little from the USA House Committee on Un-American Activities except that the South African law had more sanctions at its disposal (Dugard 1978: 173).

Commenced: 21 May 1976

Repealed by s 7 of the Abolition of Restriction on Free Political Activity Act No 206 of 1993

1976 Internal Security Amendment Act No 79:

S Removed the requirement that internment be linked with states of emergency. It amended five other Security Acts and embodied the 1967 Suppression of Communism Act with some amendments. The 'Sobukwe' clause for indefinite detention was deleted and a new provision for indefinite preventive detention was created instead. A Review Committee was established to review detentions within two months and could recommend further detention. Prohibition of bail and detention of potential witnesses were provided for. Restrictions on movement of banned persons were included.

Commenced: 16 June 1976

Repealed by the Internal Security Act No 74 of 1982 and the Internal Security and Intimidation Amendment Act No 138 of 1991 except for s 10. Section 10 was repealed by the State of Emergency Act No 86 of 1995.

1976 Inter-Cabinet Council formed by the Prime Minister with members drawn from the Coloured Persons Council and the Indian Council and the white cabinet. First meeting boycotted by the Coloured Labour Party (Dugard 1978: 101).

1976 2 October: Republic of Transkei Constitution Act
26 October: Transkei becomes the first independent homeland.

1977 Bophuthatswana independence
KwaZulu proclaimed a self-governing territory

1977 Community Councils Act No 125:

P Provided for the establishment of community councils, and for civil and criminal judicial powers to be conferred in certain black townships.

Assent gained: 11 July 1977; commencement date not found

Repealed by s 56 A of the Black Local Authorities Act No 102 of 1982

1977 Indemnity Act No 2:

S Retrospective to 16 June 1976

Commenced: 16 March 1977

IN FORCE: PUBLIC SERVICE

1977 Criminal Procedure Act No 51:

S Consolidates the law relating to procedure in criminal proceedings. Repeals the 1955 Criminal Procedure Act and its numerous amendments except for ss 319(3) and 384.

Commenced: 22 July 1977

IN FORCE (as amended by the Criminal Procedure Second Amendment Act No 75 of 1995): CRIMINAL LAW AND PROCEDURE

1978 Blacks (Urban Areas) Amendment Act No 97:

U Introduced a ninety-nine-year leasehold system. Full ownership was not attainable until 1986.

Commenced: 17 November 1978

Repealed by s 17 of the Abolition of Racially Based Land Measures Act No 108 of 1991

1979 Venda independence.

1979 Education and Training Act No 90:

E Repealed the Bantu (Black) Education Act No 47 of 1953 and the Bantu Special Education Act No 24 of 1964.

Commenced: 1 January 1980

IN FORCE (as amended by Educators Employment Act No 138 of 1994): EDUCATION

1979 Industrial Conciliation Amendment Act No 94:

W Permitted certain blacks, excluded under the 1953 Act, to join unions. However, the exclusion of migrant workers and frontier commuters remained in force until it was lifted in the *Government Gazette* No 6679 of 28 September 1979 (*SRR* 1979: 285). This Act prohibited the existence of mixed trade unions (*SRR* 1979: 281) and repealed s 77 of the 1956 Act (see above) regarding job reservation (*SRR* 1979: 282).

Commenced: 1 October 1979

Repealed by the Labour Relations Act No 66 of 1995

Between 1980 and 1983 important amendments were made to the 1979 Industrial Conciliation Amendment Act, but by 1983 the following major changes had been made:

- The term 'employee' was redefined to include all persons working for an employer.
- Racially mixed unions were allowed.
- Ministerial approval was no longer required for the registration of mixed unions.
- Job reservation was repealed (Bendix 1989: 305).

1980 Industrial Conciliation Amendment Act No 95:

W Commenced: 1 August 1980

Repealed by the Labour Relations Act 66 of 1995

1980 Republic of South African Constitution Fifth Amendment Act No 101:

P Abolished the Senate, which was replaced with a multiracial President's Council, consisting of sixty white, coloured and Indian nominated members. The council was charged with creating a new constitution that would give expression to coloured and Indian political ambitions. The recommendations of this body would lay the basis for the constitution of a tricameral Parliament.

Commenced: 1 August 1983

Repealed by the Constitution of Republic of South Africa Act No 200 of 1993

1981 *KwaNdebele proclaimed a self-governing territory*
Ciskei independence

1981 Labour Relations Amendment Act No 57:

W Redefined 'employee' to cover all black workers, including local and foreign migrants and commuters (SRR 1981: 202). The Act deleted the 1956 provision which prohibited the establishment of new unions (SRR 1981: 203). It gave black workers the right to organise and abolished job reservation. However, it clamped down on unions' involvement in politics by, for example, prohibiting any union, federation or employers' organisation from giving financial assistance to a person involved in an illegal strike (SRR 1981: 203-4). Union headquarters could not be established in independent states (SRR 1981: 203). This Act repealed the 1953 Black Labour Relations Regulation Act which provided for works and liaison committees, and replaced these with works councils (SRR 1981: 203).

Commenced: 1 November 1981, excluding the provisions of s 21(b): 1 November 1982 and s 63(1): 1 March 1982

Repealed by the Labour Relations Act No 66 of 1995

1982 Intimidation Act No 72:

S Repealed s 10-15 of the Riotous Assemblies Act No 17 of 1956.

Commenced: 2 June 1982

1982 Internal Security Act No 74:

S Following the recommendations of the Rabie Commission of Inquiry, this Act provided for the following:

- Sections 4 and 6: Banning of organisations, if the Minister had reason to believe than an organisation was using, encouraging, or threatening violence or disturbance in order to overthrow or challenge state authority or bring about change.
- Sections 5 and 15: Banning of publications.
- Sections 19(1) and 20: Banning of people, including confinement to a particular district, prohibition from attending any kind of meeting and prevention from being quoted. Also provided for house arrest.
- Section 28: Indefinite preventive detention.
- Section 29: Indefinite detention for interrogation. Detainees were held in solitary confinement.
- Section 29(2): The validity of a detention order was not subject to court challenge.
- Section 31: Detention of potential witnesses for not longer than six months or for the duration of a trial.
- Section 30: Empowerment of the Attorney-General to order that prisoners arrested be refused bail.
- Section 50: Fourteen-day preventive detention. A low-ranking police officer could detain a person deemed to be threatening public safety. For the detention to be extended beyond fourteen days, a magistrate's permission was required.
- Sections 46-53: Prohibition of meetings.
- Section 54: Redefinition of 'communism' to include campaigns of civil disobedience and creation of racial hostility between European and non-European races of the Republic (SRR 1982: 222). This definition was removed by the 1991 Internal Security and Intimidation Amendment Act.
- Section 54(2): Proscription of such activities as the promotion of 'general dislocation' or the causing of 'prejudice or interruption' to an industry or undertaking 'with the purpose of effecting social, political, constitutional, industrial or economic change'.
- Section 56(1): A ban on the publication or dissemination of any statement made by a listed person, except with the permission of the Minister of Law and Order.
- Section 62: Prohibition of actions causing, encouraging or fomenting feelings of hostility between different population groups.

Commenced: 2 July 1982

IN FORCE: CRIMINAL LAW AND PROCEDURE

1982 Black Local Authorities Act No 102:

- P** Provided for the establishment of local communities, village councils and town councils for blacks in certain areas.

Commenced: 1 August 1983

Repealed by the Local Government Transition Act No 209 of 1993

1983 Republic of South Africa Constitution Act No 110:

- P** Provided for the establishment of a tricameral Parliament consisting of separate legislative houses for whites, coloureds and Indians. Matters before Parliament were to be divided into 'general affairs' (to be discussed by all houses and applying to all South Africans) and 'own affairs' (relevant to one particular race group). The Constitution also made PW Botha both the formal and executive head of state and Commander-in-Chief of the South African Defence Force.

Commenced: 3 September 1984, except ss 48, 49(1)-(3), 50 & 102(9): 24 February 1984.

Repealed by the Constitution of Republic of South Africa Act No 200 of 1993

1984 Black Communities Development Act No 4:

- U** Introduced freehold ownership (Budlender 1989: 5). The Act stated that only a 'competent person' could lease or rent property. A person was 'competent' if she/he had section 12 rights in terms of the 1945 Natives (Urban Areas) Consolidation Act. (For further information see *RRS* 1984: 161-3.)
- P** This Act provided for purposeful development of black communities outside the national states and amended and consolidated certain laws which applied to such communities.
Commenced: 1 April 1984, except s 55: to be proclaimed; ss 56 & 57: 1 November 1985
Repealed by s 72 of the Abolition of Racially Based Land Measures Act No 108 of 1991, with the exception of chapters VI and VIIA

1984 Aliens and Immigration Laws Amendment Act No 49:

- U** Amended the 1937 Aliens Act, the 1939 Aliens Registration Act and the 1972 Admission of Persons to the Republic Regulation Act, used against squatters (*RRS* 1984: 345-6). Several critics warned that the 'amendment act would lead to a massive clamp-down on Africans present in white-designated areas but officially regarded as citizens of the "independent" homelands' (*RRS* 1984: 345). It is not clear from the *Race Relations Survey* whether this did in fact occur. What is more than clear is that those South Africans eligible to carry passes, if found not carrying one, were arrested and prosecuted for a wide range of influx control related offences (e.g. being in a prescribed area for longer than 72 hours without permission or having taken up employment without the necessary permission being granted).
Commenced: 18 June 1984
Repealed by s 60 of the Aliens Control Act No 96 of 1991

1984 *KaNgwane proclaimed a self-governing territory*

1984 Group Areas Amendment Act No 101:

- U** Amended the 1966 Act in order to give effect to the policy of declaring certain central business districts as free trade areas (*RRS* 1986: 11). Free trade areas were not permitted in black townships since these were established in terms of the 1945 Natives (Urban Areas) Consolidation Act and other laws and not in terms of the 1966 Group Areas Act.
Commenced: 30 May 1985
Repealed by s 48 of the Abolition of Racially Based Land Measures Act No 108 of 1991

1984 Public Service Act No 111:

- S** Provided for the organisation and administration of the public service, and laid down terms of office and conditions of employment and discharge for members of the public service.
Assent gained: 12 July 1984; commencement date not found
Repealed by s 43 of Proc 103 of 1994

1985 20 July midnight: State of emergency declared in terms of Public Safety Act No 3 of 1953, affected 36 magisterial districts.

Regulations (Proc R 121 of 1985) were amended as follows:

- The power to detain was extended to every member of the police, railways police, prisons and army.
- Detainees had no right to visitors or a lawyer, nor were they entitled to receive letters or any reading material other than the Bible.
- No member of the force could be brought to account, by civil suit or criminal charge, for unlawful actions in carrying out emergency laws.
- It became a crime to disclose the identity of any detainee without prior disclosure by the Minister of Law and Order.
- The Commissioner of Police was authorised to impose blanket censorship on press coverage of the emergency.
- The Minister of Law and Order was empowered to ban organisations, individuals, or publications which were 'calculated to endanger the security of the State or the maintenance of public order'.

Courts were denied jurisdiction to set aside any order or rule issued under emergency regulations.

1985 2 November: *Emergency regulations amended to prevent TV coverage of unrest* *without police approval*

1985 Immorality and Prohibition of Mixed Marriages Amendment Act No 72:

A Repealed s 16 of the 1957 Sexual Offences Act.

Commenced: 19 June 1985

1985 Constitutional Affairs Amendment Act No 104:

P Amended the 1968 Prohibition of Political Interference Act to allow non-racial political parties. Separate voters' rolls remained. However, s 3, which prohibited a political party from receiving foreign financial assistance, was re-enacted with technical amendments. The 1968 Act was also renamed to the 'Prohibition of Foreign Financing of Political Parties Act' (RRS 1985: 57).

Commenced: 2 July 1985

Repealed by s 230 of the Constitution of Republic of South Africa Act No 200 of 1993

1986 7 March: *State of emergency lifted (RRS 1985: 455).*

12 June: Countrywide state of emergency declared in terms of the Public Safety Act No 3 of 1953.

Far-reaching regulations prevent the dissemination or publication of information relating to police conduct or any incidents categorised as 'unrest' incidents.

- Regulation 16 provided that the security forces were indemnified from prosecution or civil liability for unlawful acts committed in good faith.
- Regulation 16(3) attempted to exclude the jurisdiction of the Supreme Court to set aside regulations issued in terms of the Act.
- Regulation 10 provided for the prohibition of publication or dissemination of 'subversive' statements.

Numerous challenges to the regulations resulted in further amendments. Commissioners of Police were authorised to restrict township funerals, impose curfews, prohibit school pupils from being outside their classrooms during school hours and prohibit indoor gatherings by named organisations.

1986 Public Safety Amendment Act No 67: 20 June

- S** Allowed for any area to be declared an 'unrest area' by the Minister of Law and Order, thus avoiding the negative consequences of declaring a national state of emergency. Denied the Supreme Court the jurisdiction to set aside any regulations in terms of the Act.

Commenced: 26 June 1986

Repealed by s 4 of the State of Emergency Act No 86 of 1995

1986 Internal Security Amendment Act No 66:

- S** Created a new section 50(a) of the 1982 Internal Security Act to allow for continued detention for a period of 180 days on the authorisation of a policeman at or above the rank of lieutenant colonel, if he was of the opinion that such detention would contribute to the 'termination, combating or prevention of public disturbance, disorder, riot or public violence at any place within the Republic'.

Commenced: 26 August 1986

Repealed by s 33 of the Internal Security and Intimidation Amendment Act No 138 of 1991

1986 Abolition of Influx Control Act No 68:

- L** Amended the 1927 Black Administration Act in order to repeal sections relating to the removal of black communities as well as individual black persons (*RRS* 1986: 339).

Commenced: 1 July 1986

IN FORCE: LOCAL GOVERNMENT

1986 Abolition of Influx Control Act No 68:

- U** Provided for the partial or entire repeal of thirty-four laws (*RRS* 1986: 339) relating to influx control in respect of blacks, the removal of blacks from land they occupied and the control of squatting.

Commenced: 1 July 1986

1986 Identification Act No 72:

- U** Repealed the 1952 Blacks (Abolition of Passes and Co-ordination of Documents) Act and large portions of the 1950 Population Registration Act (*RRS* 1986: 338). Identity numbers would no longer reflect a person's race group in terms of the 1950 Population Registration Act or any other law (*RRS* 1986: 7).

Commenced: 1 July 1986

IN FORCE (as amended by the Identification Amendment Act No 47 of 1995: CENSUS AND STATISTICS

1986 Restoration of South African Citizenship Act No 73:

- P** Granted South African citizenship to TBVC citizens who were born in South Africa prior to their homeland's independence or who resided in South Africa permanently. TBVC citizens who remained in South Africa temporarily while seeking employment, working, studying or visiting and whose permanent home was one of the TBVC areas remained 'aliens' (*RRS* 1986: 94-5). Citizenship was restored to about 1 751 400 TBVC

citizens, but eight to nine million still remained subject to the provisions of the 1937 Aliens Act. There was, however, according to Budlender (1989: 4), no official attempt to enforce this new migrant labour system.

Commenced: 1 July 1985

Repealed by s 7 of the Restoration and Extension of South African Citizenship Act No 196 of 1993

1986 Black Communities Development Amendment Act No 74:

- U** Introduced freehold rights in urban black townships and extended the definition of 'competent person' such that TBVC citizens could acquire leasehold or ownership (Budlender 1989: 5). The 1984 Black Communities Development Act was amended to allow 'South African' citizens and certain other blacks to acquire freehold property rights in black townships (*RRS* 1986: 343).

Commenced: 15 September 1986

Repealed by s 72 of the Abolition of Racially Based Land Measures Act No 108 of 1991

Both the above Acts introduced freedom of movement for South African citizens (i.e. excluding the TBVC states) (*RRS* 1986: 343). However, according to the South African Institute of Race Relations, 'shifting the basis of discrimination from race to foreign nationality would fool nobody' (*RRS* 1986: 343). According to the Black Sash, about 7.5 million TBVC citizens who did not have urban residence rights in South Africa remained aliens in 'South Africa' (i.e. South Africa excluding the TBVC states) (*RRS* 1986: 344).

- 1987 11 June: State of emergency declared Regulations governed security, media and black education. Initial period of detention extended from fourteen to thirty days.

- 1988 24 February: The State President amended the emergency regulations to allow the Minister of Law and Order to restrict the activities of organisations or people. Orders prohibiting organisations from performing any activities whatsoever could be gazetted (*RRS* 1987/88: 587).

1988 Black Communities Development Amendment Act No 42:

- U** Amended the 1984 Black Communities Amendment Act and made further provisions for the development areas and townships. Also regulated the rights of holders of mineral rights and mining titles where townships were established on the surface of the land in which these rights were held.

Commenced: 15 April 1988

Repealed by s 72 of the Abolition of Racially Based Land Measures Act No 108 of 1991

- 1988 10 June: State of emergency reproclaimed

1988 Tertiary Education Act No 66:

- E** Repealed the 1959 Extension of University Education Act and others.

Commenced: 29 June 1988

IN FORCE: EDUCATION

- 1989 *Desegregation of Residences:*

In June, the Minister of Constitutional Development and Planning announced that 'the government had accepted ... that the right to desegregate residences at tertiary institutions should rest with the governing bodies' (Budlender 1989: 24).

1989 10 June: State of emergency declared

Security regulations broadened to prohibit certain acts, wearing of specific clothes etc. Blanket renewal of restrictions on ex-detainees. Education, prison and media regulations re-imposed.

1989 Disclosure of Foreign Funding Act No 26:

S Provides for the regulation of foreign donations by or for certain organisations and persons.

Commenced: 18 August 1989

Repealed by s 7 of the Abolition of Restrictions on Free Political Activity Act No 206 of 1993

1990 Discriminatory Legislation Regarding Public Amenities Repeal Act No 100:

A Repealed the 1953 Reservation of Separate Amenities Act as well as various other Acts '...so as to abolish the distinction made therein between persons belonging to different races or population groups'.

Commenced: 15 October 1990

IN FORCE: CONSTITUTIONAL LAW

1990 2 February: ANC, SACP and PAC unbanned;

Emergency restrictions on 33 organisations and 225 listed people lifted

11 February: Mandela released

1990 Indemnity Act No 35:

S Granted temporary or permanent indemnity against prosecutions for exiles returning to South Africa.

Commenced: 18 May 1990

Repealed by s 48 of the Promotion of National Unity and Reconciliation Act No 34 of 1995

1990 8 June: Countrywide state of emergency lifted; partial emergency declared in Natal. Wide-ranging powers of arrest and detention remain in place.

1990 27 townships declared unrest areas in terms of the Public Safety Act No 3 of 1953

1990 18 October: Natal state of emergency lifted

1991 January: 205 white government schools admit black children for the first time

(RRS 1991/2: xxxiii)

1991 June: The quota system for universities repealed (RRS 1991/92: 184)

1991 Black Communities Development Amendment Act No 77:

U Amended the 1984 Black Communities Amendment Act to further regulate the granting and transfer of leasehold and the conversion of leasehold into ownership.

Commenced: 29 May 1991

Repealed by s 72 of the Abolition of Racially Based Land Measures Act No 108 of 1991

1991 Aliens Control Act No 96:

U, P Replaced all previous legislation regarding foreigners entering, leaving or being resident in the country.

Commenced: 1 October 1991

IN FORCE: ALIEN AND CITIZEN

1991 Abolition of Racially Based Land Measures Act No 108:

L, U Provided for the repeal of the 1913 Black Land Act, the 1936 Development Trust and Land Act, the 1966 Group Areas Act and the 1984 Black Communities Development Act. 'A total of 189 sections and acts that had supported racial discrimination in respect of land legislation regarding rural areas under the administration of the House of Representatives and the non-independent homelands were also repealed by the Act' (*RRS* 1991/1992: 385; see also 339-42). The promulgation of this Act 'did not affect the legal status of the non-independent homelands, their geographical definitions or their administrative structures' (*RRS* 1991/92: 385).

Promulgated: 28 June 1991

Commenced: 30 June 1991, except s 72: 1 September 1991, s 23: 1 April 1992, ss 4(1), 14(1), 17(1), 18(1), 19(1), 27(1), 35(1), 41(1), 43(1), 46(1): to be proclaimed *IN FORCE: LAND (as amended by the Housing Amendment Act No 6 of 1996: HOUSING)*

1991 Population Registration Act Repeal Act No 114:

A Repealed the 1950 Population Registration Act. The population register as compiled by the 1986 Identification Act was to remain in effect until the 1983 Republic of South Africa Constitution Act was repealed.

Commenced: 28 June 1991

IN FORCE: CENSUS AND STATISTICS

1991 Internal Security and Intimidation Amendment Act No 138:

S Abolished indefinite detention without trial and limited detention without trial to ten days. Abolished s 55, which had prohibited the furthering of the aims of communism (*RRS* 1991/92: 466).

Repealed:

- the 1950 Internal Security Act (parts not repealed earlier);
- the General Law Further Amendment Act No 93 of 1963 (s 22);
- section 23 of the 1966 General Law Amendment Act;
- the 1967 Terrorism Act (parts not repealed earlier);
- sections 13-14 of the 1976 Internal Security Amendment Act;
- the 1986 Internal Security Amendment Act in its entirety.

Commenced: 31 July 1991

IN FORCE: CRIMINAL LAW AND PROCEDURE

1992 *February: Carrying of dangerous weapons prohibited:* Participants in gatherings in unrest areas are prohibited from carrying listed weapons and firearms, excluding traditional cultural weapons and/or objects not specifically designed to inflict injury (Government Notice 719, GG 13801 of 28 Feb 1992).

1992 Births and Deaths Registration Act No 51:

P Regulated the registration of births and deaths.

Commenced: 1 October 1992

IN FORCE (as amended by the General Law Third Amendment Act No 129 of 1993, the Home Affairs Laws Rationalisation Act No 41 of 1995 and the Births and Deaths Registration Amendment Act No 40 of 1996): BIRTHS, MARRIAGES AND DEATHS

1992 Corruption Act No 94:

S Provided anew for the criminalisation of corruption.

Commenced: 3 July 1992

IN FORCE: CRIMINAL LAW AND PROCEDURE

1992 Indemnity Amendment Act No 124:

S Amended the 1990 Indemnity Act to provide for the disposal of articles seized in connection with the investigation of events for which a particular person has been granted indemnity.

Commenced: 10 July 1992

Repealed by s 48 of the Promotion of National Unity and Reconciliation Act No 34 of 1995

1992 Internal Peace Institutions Act No 135:

U Provided for the establishment of a National Peace Secretariat and local dispute resolution committees to combat and prevent public violence and intimidation.

Commenced: 4 November 1992

Repealed by s 1 of the Internal Peace Institutions Act Repeal Act No 28 of 1995

1992 Judicial Matters Amendment Act No 143:

U Amended the Investigation of Serious Economic Offences Act No 117 of 1991 in order to regulate the appointment of a Director, and amended the Attorney-General Act 92 of 1992 to provide for the appointment of attorneys-general to perform certain functions.

Commenced: 6 November 1992

Amended by the Internal Peace Institution Act Repeal Act No 28 of 1995

1992 Further Indemnity Act No 151:

S Extended indemnity to state offenders and provided for total secrecy regarding the actions for which individuals sought indemnity.

Commenced: 10 November 1992 (unless otherwise indicated), ss 2-25: September 1992

Repealed by s 48 of the Promotion of National Unity and Reconciliation Act No 34 of 1995

1993 Restoration and Extension of South African Citizenship Act No 196:

P Restored and extended South African citizenship to citizens of the TBVC states who would still have been citizens of South Africa but for the South African Citizenship Act No 44 of 1949.

Commenced: 1 January 1994

Repealed by s 26 of the South African Citizenship Act No 88 of 1995

1993 Constitution of the Republic of South Africa Act No 200:

P Commenced: 27 April 1994, except ss 248, 249: 28 January 1994; ss 6, 40, 42, 127, 132, 143(1), Sch 2: 9 March 1994.

IN FORCE: CONSTITUTIONAL LAW

1993 Regulation of Gatherings Act No 205:

S Repealed ss 46(1) & (2), 47-9, 51, 53, 57 & 62 of the 1982 Internal Security Act.

Section 46 measures were related to certain gatherings. Section 62 dealt with actions causing and/or encouraging feelings of hostility between different population groups.

Only Commenced: 15 November 1996

IN FORCE: CRIMINAL LAW AND PROCEDURE

1993 Abolition of Restrictions on Free Political Activity Act No 206:

S Repealed:

- section 29 of the 1927 Black Administration Act;
- the whole of the 1968 Prohibition of Foreign Financing of Political Parties Act (Prohibition of Political Interference Act);
- the whole of the 1974 Affected Organisations Act ;
- the whole of the 1976 Parliamentary Internal Security Commission Act;
- sections 29, 58-61 & 71 of the 1982 Internal Security Act;
- the whole of the 1989 Disclosure of Foreign Funding Act.

Commenced: 28 January 1994, except s 7: 29 April 1994

IN FORCE: CONSTITUTIONAL LAW

1993 Local Government Transition Act No 209:

P Provided for revised interim measures to promote the restructuring of local government and facilitate the establishment of Provincial Committees for local government of the provinces.

Commenced: 2 February 1994

IN FORCE: LOCAL GOVERNMENT

1994 National Strategic Intelligence Act No 39:

S Defined the functions of members of the National Intelligence Structures and established a National Intelligence Co-ordinating Committee. It repealed the 1972 Security Intelligence and State Security Council Act.

Commenced: 1 January 1995

IN FORCE: DEFENCE

1995 January: Compulsory schooling introduced on a gradual basis for black children in January starting with the enrolment in Sub A of all six-year-olds (RRS 1994/95: 267). In a draft white paper on education published in September 1994, it was proposed that children between the ages of five and fourteen be required by law to attend school. This differed from the existing provisions for other race groups: it had been compulsory for white and coloured children to attend school between the ages of six and sixteen years; for Indian children the upper limit was fifteen years of age (RRS 1989/90: 808).

1995 Internal Peace Institution Act Repeal Act No 28:

U Repealed the 1992 Internal Peace Institutions Act and provided for matters connected to it.

Commenced: 21 July 1995

IN FORCE: CRIMINAL LAW AND PROCEDURE

1995 Promotion of National Unity and Reconciliation Act No 34:

S Provided for investigation towards the establishment of as complete a picture as possible of the nature, causes and extent of gross violations of human rights committed during the period from 1 March 1960 to the cut-off date contemplated in the Constitution.

Commenced: 1 December 1995

IN FORCE (as amended by the Promotion of National Unity and Reconciliation Amendment Act No 87 of 1995):
CONSTITUTIONAL LAW

1995 Identification Amendment Act No 47:

U Amended the 1986 Identification Act so as to repeal certain obsolete provisions, and ordered, with retrospective effect, that a new population register be compiled and maintained.

Commenced: 4 October 1995

IN FORCE: CENSUS AND STATISTICS

1995 Labour Relations Act No 66:

W Repealed the 1956 Industrial Conciliation Act and all its amendments.

Commenced: 11 November 1996.

1995 State of Emergency Act No 86:

S Provides for the declaration of a state of emergency as well as empowering the President to make regulations in consequence of such a declaration.

Commenced: 6 October 1995

IN FORCE: CRIMINAL LAW AND PROCEDURE

1995 South African Citizenship Act No 88:

P Provides for the acquisition, loss and resumption of South African citizenship. Unlike the 1993 Restoration and Extension of South African Citizenship Act, this Act deals, *inter alia*, with situations where citizenship was renounced or lost on such grounds as, for example, being a child or already being a citizen of another country.

Commenced: 6 October 1995

IN FORCE: CONSTITUTIONAL LAW

p PART II: HOMELANDS

Introduction: Self-governing territories and independent homelands

The major pieces of legislation governing both the 'independent homelands' and the self-governing states were the National States Constitution Act 21 of 1971 and the National States Citizenship Act No 26 of 1970. (Both of these Acts were repealed by Schedule 7 of the Constitution of the Republic of South Africa Act No 200 of 1993.)

The legislative powers of the self-governing territories were contained in section 30(1) of the National States Constitution Act 21 of 1971. Any national state which was self-governing was entitled to ask for full independence from the Republic.

The Act made provision for three stages of autonomy: Homelands could progress from territorial authority status, in which no legislative power was conferred to the territory, to responsible government (the second stage) to self-government (the third stage).

The final stage of full independence was catered for in the National States Citizenship Act 26 of 1970. This Act provided for the establishment of ten so-called homelands to which eventually all black South Africans were to belong as citizens according to their ethnic, linguistic and cultural affiliation. This policy of denationalisation may be traced back to even before the National Party came to power in 1948.

Self-governing national states had their own symbols of state such as a national flag, anthem, and official language. Their legislation could repeal or amend any law listed in Schedule 1 of Act 21 of 1971, including Acts of the South African Parliament dealing with such matters.

No new South African law relating to Schedule 1 matters was applicable once the territory had become self-governing. This included Acts of Parliament but excluded laws made by the State President or any section 6(2)(a)(ii) or (iii) Act or ordinance. South African laws remained fully applicable in matters *not* listed in Schedule 1.

The constitutions of the homelands were based solidly on the South African Constitution. The president was elected by the National Assembly. The Constitution expressly provided that the president of a homeland possessed the same powers by virtue of prerogative as the South African President possessed at the time when the Constitution came into operation, and the conventions applicable in South African law continued to apply.

The legislature of the self-governing territory was composed of the president and the National Assembly. The latter body was not wholly elected: half the members were elected and the rest were traditional headmen and chiefs.

In each of the independent homelands, government-paid, nominated chiefs formed at least half of the parliament and dominated the various cabinets. They wielded inordinate power over the people under their jurisdiction and were one of the key methods of control. This in itself was a substantial restraint on democratic opposition to the system; consent was engineered through the chiefs and an armoury of security laws backed by the police, who earned a reputation for heavy-handedness.

The homelands' claim of 'independence' from South Africa was generally ridiculed. On the surface, all the trappings of a sovereign state were there: parliament, government and judiciary, even military forces and diplomatic missions, though ambassadors were exchanged only with the other independent homelands and with the Republic of South Africa. In reality, however, all were totally subservient to Pretoria. This was quite obvious in the economic sphere - the homelands formed a monetary and customs union with South Africa.

Security Legislation of the Homelands:

It is in the security sphere that the independent homelands demonstrated their willingness and ability to pass and administer legislation to great effect. In legal terms, the four independent homelands had complete sovereignty, with their own police

and defence forces to administer laws operative in those areas. The Ciskei government, for example, had the power to implement laws and detain people, even in the case of a family feud, and the Transkei re-imposed a state of emergency in July 1983 with extensive powers not subject to any judicial control.

In the non-independent self-governing territories the security laws were the same as those for the rest of South Africa, but in some cases the control of the police within the territories was transferred to the homeland government. In KwaZulu, for instance, control of the police was transferred in 1983 to the then Minister of Police, Chief Mangosuthu Buthelezi, who was also Chief Minister of the territory.

Notes to the chronology of homelands legislation

Listings related to the independent homelands are given in alphabetical order followed by those of the self-governing homelands, also alphabetically.

With the independent homelands, the focus is on the security legislation, particularly where it differed from that of South Africa. Security matters were, however, also addressed through regulations and proclamations, which proved difficult to trace in many instances. While specific attention is given to emergency regulations, the inventory does not fully cover other security regulations or proclamations.

In the case of the self-governing homelands, all the legislation has been listed since it did not differ significantly from that passed by the South African Parliament. It has proved very difficult to describe this legislation the laws themselves were very difficult to access. Security orders passed by the self-governing territories are not listed here as the chronology focuses only on legislation, not subordinate legislation.

The legislation of the homelands was not all repealed by a single act, but has been and is being repealed piecemeal. As a result, the repeal dates of legislation have not been included here.

BOPHUTHATSWANA

1977 Proclamation R174: (Government Gazette 5716 of 19 August 1977)

Laid down certain regulations for the administration of declared security districts in Bophuthatswana (*SRR* 1977: 1-2).

1977 6 December: *Bophuthatswana becomes an independent homeland*

1978 Riotous Assemblies Amendment Act

Amended the 1956 Riotous Assemblies Act [SA] and made provisions relating to the prohibition of gatherings and the dispersal of unlawful gatherings.

1979 Republic of Bophuthatswana Constitution Further Amendment Act No 21:

Provided for the detention of individuals 'in the interests of national security or public safety' (s 12(g)).

Commenced: 9 March 1979

1979 Internal Security Act No 32:

Empowered Government to declare an organisation unlawful and to control the distribution of publications. Meetings of more than twenty persons were declared unlawful unless authorised by the magistrate. This Act repealed the whole of

the 1950 Internal Security Act [SA] and related Acts, with the exception of the 1960 Unlawful Organisations Act which declared that any organisation which threatened public safety was unlawful. Included in this category were the ANC and the PAC (SRR 1979: 312).

Commenced: 27 April 1979

Sections 27-9 inclusive repealed by the State of Emergency Act No 86 of 1995 [SA]

1983 Prisons Amendment Act No 8:

Prohibited any publications about prisons and prisoners without the permission of the Commissioner of Prisons.

Commenced: 3 June 1983

1984 Industrial Conciliation Act No 8:

Prohibited unions with head offices outside the homeland from organising within the homeland. COSATU continued despite these restrictions.

Commenced: 1 July 1983

1984 Internal Security Amendment Act No 22:

Prohibited any meeting of more than twenty persons to be held without the permission of the Minister of Law and Order.

Commenced: 31 August 1984

1985 Internal Security Amendment Act No 39:

Empowered the President to close certain educational institutions in certain circumstances (notably circumstances of unrest etc.), in particular the University of Bophuthatswana.

Commenced: 20 December 1985

1985 Security Clearance Act No 40:

Required security clearance of people as a prerequisite to their employment in certain educational or training institutions and certain parastatal bodies.

Commenced: 20 December 1985

1986 Internal Security Amendment Act No 5:

Granted further control over illegal gatherings.

Commenced: 17 April 1986

1986 Security Laws Amendment Act No 13:

Imposed imprisonment for up to ten years for disruption of any educational institution, unlawful strikes, boycotting of consumer goods, civil disobedience, obstruction of public places, or attending a restricted funeral.

Commenced: 11 June 1986

1986 Special Offences Act No 6:

Made it an offence to possess a tyre or similar object, or any inflammable liquid, in circumstances in which it could be inferred that such things could be used to commit an offence.

Commenced: 17 April 1986

1987 Electoral Amendment Act No 7:

Provisions of section 16(a) allowed for the refusal of registration to political parties. Parties could be disqualified if their object was deemed to be 'hostile to the state'.

Commenced: 5 June 1987

1988 Internal Security Amendment Act No 2:

Amended the 1979 Internal Security Act (RRS 1988/89: 58).

Commenced: 15 March 1988

1990 Proclamation No 4:

Gave the President power to make emergency regulations and to govern the state of emergency which had been declared in some districts under Proclamation 3 of 1990.

Commenced: 10 March 1990

1991 Industrial Relations Act No 27:

Prohibited worker bodies from registering with unions based outside the homeland, and unions from contributing or to receiving money from any organisation banned under the 1979 Internal Security Act or any other security law.

1991 Internal Security Amendment Act No 5:

Continued to bar registered political parties other than the ruling party from holding meetings without official permission.

Commenced: 28 March 1991

CISKEI

1975 Proclamation No 86:

Provided that the Legislative Assembly could, by petition, request the State President to remove a minister from office and order the appointment of another.

Commenced: 29 April 1975

1977 Proclamation R 252:

Gave the government of Ciskei powers to declare a State of Emergency. Powers repealed by the 1982 National Security Act, below (SRR 1977: 348-9).

1981 The Status of Ciskei Act No 110:

Enabled Ciskei to get its independence.

1981 *4 December: Ciskei becomes an independent homeland*

1982 National Security Act No 13:

Replaced Proclamation R252 of 1977. Provided for detention without trial, banning of individuals and outlawing of organisations and publications. Offences were defined in typically broad terms (SRR 1982: 386-7).

Commenced: 27 August 1982

1982 The Ciskei National Assembly amends its Constitution so that no law in effect in the territory can be declared invalid by any court of law on the grounds that it contravenes fundamental human rights.

1983 National Security Amendment Act No 35:

Empowered police officers to detain and interrogate persons suspected of having committed or intending to commit an offence.

Commenced: 15 February 1983

1983 Arms and Ammunition Amendment Act No 17:

Removed several clauses in the old Act (Arms and Ammunition Act 75 of 1969) adopted from South Africa.

Commenced: 5 August 1983

1983 Explosives Amendment Act No 18:

Amended the Explosives Act 26 of 1956 [SA] to include, under 'explosive', petrol bombs and other apparatus which could cause an explosion.

Commenced: 5 August 1983

1984 Citizenship Act No 38:

Specified who were citizens, who could become citizens and who could lose their citizenship.

Commenced: 1 July 1985

1984 Supreme Court Act No 2:

Provided for the separation of the Ciskei judiciary from South Africa.

Commenced: 16 July 1984

1984 Republic of Ciskei Constitution Amendment Act No 10:

Removed the post of Vice-President.

Commenced: 27 July 1984

1985 Defence Amendment Act No 11:

Incorporated the Department of Defence into the Ciskei defence legislation.

Commenced: 26 July 1985

1985 National Security Amendment Act No 24:

Empowered the Minister of Justice to lift banning orders.

Commenced: 23 August 1985

1985 Indemnity Act No 31:

Indemnified the Ciskei administration against any court proceedings arising from their actions.

Commenced: 25 July 1985

1985 Explosives Amendment Act No 30:

Widened the definition of explosives.

Commenced: 7 February 1986

1985 National Security Second Amendment Act No 33:

Empowered the Attorney-General to prohibit the release on bail of people in seventy different cases (*RRS* 1985: 264-5).

Commenced: 23 August 1986

1985 Repeal of Laws Act No 22:

Further eliminated legislation adopted from South Africa.

Commenced: 23 August 1985

1986 Defence Act No 17:

Established a Ciskei defence force.

Commenced: 26 September 1986

1986 Elite Unit Act No 18:

Established an intelligence organisation which could investigate almost anything.

Commenced: 1 August 1986

1986 National Key Points Act No 16:

Empowered the Minister of Defence to declare any premises a 'national key point'. Such premises could not be destroyed.

Commenced: 1 August 1986

1988 National Security Amendment Act No 5:

Provided for the arrest of any person who directly or indirectly rendered any assistance to persons suspected of being 'terrorists', or failed to report them (or have them reported) to the police.

Commenced: 19 August 1988

1990 Proclamation No 3:

Provided for security emergency regulations and for external assistance to be sought from a neighbouring country in order to maintain law and order (*RRS* 1989/90: 490-96).

Commenced: 9 March 1990

1991 National Security Amendment Decree No 4:

Declared a state of emergency in the residential areas of Shiloh, Ekuphumeleni, Sada and Whittlesea, and in the industrial area of Sada, in the magisterial district of Whittlesea.

Commenced: 9 March 1990

1993 Ciskei National Security Decree No 19:

Provided for indefinite detention without trial.

Commenced: 3 September 1993

Sections 14-17 repealed by the State of Emergency Act No 86 of 1995 [SA].

TRANSKEI

1960 Proclamation No 400 and Proclamation No 413:

Emergency regulations contained in Proclamations 400 and 413 were issued under pre-union statutes (Dugard 1978: 110). Proclamation 400 was only repealed in 1977 by the Public Security Act No 30.

1964 Education Act No 2:

Overrode South African apartheid schooling systems and provided for black schooling and subsidies.

Commenced: 1 April 1965

1964 Transkei Authorities Act No 6:

Set in place mechanisms for the recognition of the Transkei government.

Commenced: 28 August 1964

Repealed by the Transkei Authorities Act No 4 of 1965

1965 Transkei Authorities Act No 4:

Made further provisions for the recognition of local bodies.

Commenced: 11 February 1966

1966 Transkeian Police Act No 5:

Provided for a national policing service and the various powers vested in it.

Commenced: 6 January 1967

1966 Transkeian Authorities Amendment Act No 7:

Amended the list of authoritative bodies in the homeland.

Commenced: 30 June 1966

1966 Education Act No 9:

Enacted various schooling mechanisms.

Commenced: 6 January 1967

1967 Labour Laws Amendment Act No 4:

Amended South African labour laws for Transkei.

Commenced: 1 September 1967

1972 Marriage Act No 4:

Created a local marriage recognition regime, distinct from that of South Africa.

Commenced: 19 April 1973

1973 Legal Aid Act No 2:

Provided legal aid for blacks, which was absent in the South African setting.

Commenced: 24 August 1973

1974 Prisons Act No 6:

Set out prison services in Transkei.

Commenced: 1 August 1975

1976 Bantu Administration Amendment Act No 2:

This Act was similar to the 1927 Black Administration Act [SA], with a few amendments.

1976 Extension of the Application of Transkeian Laws Act No 6:

Attempted to define areas of function for Transkeian laws.

Commenced: 19 July 1976

1976 Republic of Transkei Constitution Act No 15:

Created a Transkei Constitution.

Commenced: 20 October 1976

1976 Population Registration Act No 24:

Provided for census and citizenship rights in Transkei and for the compilation of a population register.

Commenced: 4 March 1977

1976 Citizenship of Transkei Act No 26:

Set out requirements for citizenship.

Commenced: 4 March 1977

1976 26 October: *Transkei becomes an independent homeland*

1977 Labour Relations Act:

Transkei's equivalent of the Labour Relations Act [SA].

Commenced: 1 October 1977

1977 Labour Act No 14:

Set out further requirements for labour in Transkei.

Commenced: 1 October 1977

1977 Wage Act No 15:

Provided for a minimum wage and wage regulation bodies.

Commenced: 1 October 1977

1977 Intelligence Service and State Security Council Act No 16:

Provided for a state security advisory board in which South Africa played a role.

Commenced: 22 July 1977

1977 Publication Act No 18:

Provided for state-sanctioned censorship.

Commenced: 14 April 1978

1977 Newspaper and Imprint Registration Act No 19:

Required newspapers to be registered and conform to a code of conduct.

Commenced: 28 October 1977

1977 Acquisition of Immovable Property Control Act No 21:

Provided for state expropriation and other powers.

Commenced: 2 September 1977

1977 Military Discipline Act No 23:

Specified punishment for military disobedience.

Commenced: 12 August 1977

1977 Aliens and Travellers Control Act No 29:

Provided for the control and monitoring of aliens, and for refusal of entry.

Commenced: 18 August 1978

1977 Public Security Act No 30:

Repealed all security laws applicable in South Africa (including the 1950 Suppression of Communism Act, the 1930 Riotous Assemblies Act and the 1960 Unlawful Organisations Act). Further, it repealed the Proclamation 400 of 1960 but retained some of its provisions (Horrell 1978: 230; SRR 1977: 336; Dugard 1978: 96).

Commenced: 7 October 1977

Sections 44 and 45 repealed by the State of Emergency Act No 86 of 1995.

1978 Undesirable Organisations Act No 9:

Granted the state power to act against illegal organisations.

Commenced: 19 May 1978

1978 Marriage Act No 21:

Made further amendments to the Marriage Act No 4 of 1972, largely in keeping with South African trends.

Commenced: 2 July 1979

1979 Police Act No 16:

Granted the police further powers with regard to search and seizure.

Commenced: 3 August 1979

1979 Births and Deaths Registration Act No 20:

Specified persons who could be registered as Transkeian citizens by birth.

Commenced: 3 October 1980

1979 State Land Disposal Act No 23:

Set out mechanisms for the disposal of state land.

Commenced: 8 June 1979

1980 Public Security Amendment Act No 6:

Made further amendments to state security legislation, allowing for greater control by state security mechanisms.

Commenced: 1 August 1980

1980 Public Security Further Amendment Act No 20:

Made further amendments regarding the declaration of states of emergency.

Commenced: 6 June 1980

1980 Second Public Security Further Amendment Act No 31:

As above.

Commenced: 1 August 1980

1983 Public Security Amendment Act No 10:

As above.

Commenced: 5 August 1983

1983 Aliens and Travellers Control Amendment Act No 16:

Regulated the control of travellers during states of emergency.

Commenced: 21 October 1983

1984 Diplomatic Privileges Act No 4:

Regulated the recognition of diplomats and privileges afforded in reciprocity.

Commenced: 22 February 1985

1984 Proclamation No 8:

Concerning a state of emergency.

Commenced: 21 June 1984

1984 Government Notice No 66:

Restricted the movement of certain persons at institutions of learning.

Commenced: 21 June 1984

1984 Government Notice No 149:

Authorised the arrest and conviction of people found loitering within a municipal area.

Commenced: 5 December 1984

1985 Government Notice No 76:

Provided for emergency regulations for the maintenance of law and order.

Commenced: 7 July 1985

1985 Government Notice No 109:

Gave power to a district commissioner or non-commissioned officer of the Transkeian Police, or a chief having jurisdiction in respect of a place where a meeting is held, to cancel such a meeting and/or impose conditions to be adhered to.

Commenced: 30 August 1985

1985 The National Key Points Act No 26:

Aimed at tightening up security following sabotage in Umtata.

Commenced: 8 November 1985

1985 The University of Transkei Amendment Act No 17:

Empowered the Transkei Minister of Education to veto, without giving reasons, the appointment of any person to a post at the University.

Commenced: 8 November 1985

1986 Government Notice No 72:

Defined curfew regulations.

Commenced: 1 July 1986

1986 Defence Amendment Act:

Dealt mainly with various ways of combating terrorism.

Commenced: 4 December 1986

1987 Intelligence Service and State Security Council Act No 20:

Granted further powers to the security mechanisms.

Commenced: 6 November 1987

1987 11 June: *State of emergency declared in South Africa*

1987 Government Notice No 68:

Repealed curfew regulations.

Commenced: 24 June 1987

1987 Proclamation No 8:

Declared a state of emergency in Transkei.

Commenced: 30 June 1987

1987 30 December: *Bloodless coup d'etat. Martial law declared*
(SRR 1987/88: 936).

1988 Establishment of Military Council Act No 1

Established a Military Council and a Council of Ministers to rule the Transkei until civilian rule was restored. Although the Act was published on 5 January 1988, it was deemed to be in effect from 30 December 1987.

Commenced: 30 December 1988

1988 Explosive, Public Security and Criminal Procedure Amendment Act No 10:

Controlled public activity and possession of contraband.

Commenced: 22 December 1988

1989 8 November: *State of emergency lifted in Transkei* (RRS 1989/90: 522).

1990 Enforcement of Foreign Civil Judgements Decree No 13:

Provided for civil judgements given in designated countries (mainly South Africa and the other homelands) to be enforceable in Transkeian magistrates' courts.

Commenced: 1 September 1990

1990 Second Public Security Amendment, Decree No 10:

Prohibited any demonstration or gathering of people without the written consent of the magistrate of that district.

Commenced: 20 June 1990

1991 Cross Border Arrest, Decree No 12:

Provided mechanisms for cross-border raids.

Commenced: 1 January 1991

1993 Application in Transkei of Certain South African Laws Relating to Transitional Democracy, Decree No 13:

Gave recognition to the democratic processes in South Africa.

Commenced: 7 December 1993

1994 Dispute Resolution, Peace Structure and Support Administrative Forums No 1:

Provided mechanisms for dispute resolution.

Commenced: 7 March 1994

1994 (Consequential, Transitional and Temporary Provisions) Constitution

Further legislation making transition possible.

Commenced: 26 April 1994

VENDA

1977 Proclamation No 276:

Passed in response to an outbreak of trouble in Venda schools. It is 'identical to Proclamation 252 of the Ciskei except that an additional clause includes in the definition of subversive statements or actions, the threatening of a scholar or by any means influencing him to refrain from attending classes or sitting for any examination' (SRR 1977: 360).

1979 Republic of Venda Constitution Act No 9:

Provided for a Venda Constitution.

Commenced: 13 September 1979

1979 *13 September: Venda becomes an independent homeland.*

1980 National Security Intelligence and National Security Council Act No 4:

Enacted mechanisms for state security.

Commenced: 30 May 1980

1980 Preservation of Good Morals Act No 14:

Dictated segregation similar to that required by South African apartheid laws.

Commenced: 15 August 1980

1982 Venda Advisory Council Act No 8:

Provided for a state advisory council to dictate state policy.

Commenced: 9 March 1982

1982 Labour Act No 18:

Enacted labour legislation similar to that of South Africa.

Commenced: 29 April 1983

1983 National Security Intelligence and National Security Council Amendment Act No 8:

Granted further powers to the intelligence mechanisms.

Commenced: 17 June 1983

1983 Publications Act No 15:

Provided for state censorship of the media.

Commenced: 19 August 1983

1983 Electoral Act No 18:

Provided for state elections and the creation of a voters' roll.

Commenced: 17 February 1984

1985 Prisons Act No 3:

Provided for prisons and prison protocol.

Commenced: 1 April 1985

1985 Venda Police Act No 4:

Created a police service and granted policing powers of search and seizure.

Commenced: 9 March 1985

1985 Maintenance of Law and Order Act No 13:

Provided for state declaration of states of emergency and suppression of uprising. Repealed a number of South African Acts but not the 1953 Public Safety Act [SA]. This was not repealed until the 1995 State of Emergency Act [SA] was passed.

Commenced: 1 April 1986

1987 The Republic of Venda Constitution Amendment Act No 4:

Had the effect of making Venda a one-party administration (s 24(1)).

Commenced: 30 March 1987

1987 The Electoral Amendment Act No 8:

Stipulated that no person could be nominated as an election candidate without being a registered member of the Venda National Party.

1987 Venda Border Extension Act No 31:

Included further territory into Venda.

Commenced: 13 September 1979

1988 National Intelligence Act No 31:

Created state security bodies.

Commenced: 1 April 1989

1989 Foreign States Immunity Act No 4:

Attempted to create diplomatic relationships.

Commenced: 31 March 1989

1991 Venda Reincorporation Forum Act No 5:

Provided for the reincorporation of Venda into South Africa.

Commenced: 6 September 1991

1991 Demonstration in or near Court Buildings Prohibition Act No 10:

Prohibited certain public gatherings and demonstrations.

Commenced: 27 September 1991

1992 Council of National Unity Constitution Amendment Proclamation No 23:

Created unity bodies and mechanisms.

Commenced: 5 April 1990

1993 Application in Venda of Certain South African Laws Relating to Transition to Democracy Proclamation No 26:

Recognised certain South African Legislation as enforceable in Venda.

Commenced: 3 December 1993

1995 State of Emergency Act No 86 [SA]

Repealed the 1953 Public Safety Act [SA], as amended.

GAZANKULU

1973 *Gazankulu proclaimed a self-governing territory*

1973 Education Act No 7:

Commenced: 1 January 1974

1973 Social Pensions Act No 7:

Commenced: 24 September 1976

1979 Black Administration Amendment Act No 4:

Commenced: 1 April 1980

1979 Criminal Procedure Amendment Act No 7:

Commenced: 1 April 1980

1980 Police Act No 5:

Commenced: 1 July 1981

1980 Divorce Act No 7:

Commenced: 1 April 1981

1982 Business and Trading Undertakings Amendment Act No 7:

Commenced: 1 April 1983

1984 Application of Laws to Added Areas Amendment Act No 7:

Commenced: 25 October 1985

1985 Police Amendment Act No 5:

Commenced: 1 January 1984

1986 Labour Regulations Repeal Act No 4:

Commenced: 6 February 1987

1987 Civil Protection Act No 5:

Commenced: 25 April 1988

1987 Social Pensions Amendment Act No 7:

Commenced: 24 December 1987

1988 Control of Access to Public Premises and Vehicles Act No 5:

Commenced: 20 January 1989

1988 Removal of Restrictions on Economic Activities Act No 15:

Commenced: 30 June 1989

1990 Immorality and Prohibition of Mixed Marriages Amendment Act No 6:

Commenced: 25 March 1991

1992 Criminal Procedure Amendment Act No 9:

Commenced: 25 September 1992

KANGWANE

1979 Public Services Act No 3:

Commenced: 28 March 1980

Repealed by s 37 of the Public Service Act No 5 of 1989.

1984 31 August: KaNgwane proclaimed a self-governing territory

1986 Labour Relations Repeal Act No 6:

Commenced: 25 June 1987

1988 Police Act No 4:

Commenced: 27 January 1989

1988 Control of Access to Public Premises and Vehicles Act No 5:

Commenced: 15 February 1989

1988 Local Authorities Act No 9:

Commenced: 17 March 1989

1989 Public Service Act No 5:

Commenced: 16 March 1990

**1991 Regulations for Administration and Control of Townships in Black Areas
Amendment Act No 3:**

Commenced: 16 August 1991

1991 Black Areas Land Regulation Amendment Act No 5:

Commenced: 16 August 1991

1992 Child Care Harmonisation Act No 2:

Commenced: 21 August 1992

1992 Criminal Procedure Amendment Act No 6:

Commenced: 21 August 1992

1993 Deeds Registry Amendment Act No 4:

Commenced: 4 February 1994

1993 Births and Deaths Registration Act No 5:

Commenced: 4 February 1994

KWANDEBELE

1981 *20 March: KwaNdebele proclaimed a self-governing territory*

1981 Public Services Act No 3:

Commenced: 1 July 1981

1986 Labour Regulations Repeal Act No 3:

Commenced: 5 September 1986

1986 Police Act No 11:

Commenced: 1 May 1987

1987 Public Safety Act No 5:

Commenced: 4 September 1987

1987 Civil Defence Act No 7:

Commenced: 12 February 1988

1988 Criminal Procedure Amendment Act No 8:

Commenced: 5 January 1989

1988 Mines and Works Amendment Act No 19:

Commenced: 28 July 1989

1989 Traditional Hearings of Civil Cases Act No 7:

Commenced: 16 March 1990

1990 Traditional Authorities Amendment Act No 7:

Commenced: 1 April 1990

1991 Labour Relations Act No 19:

Commenced: 10 January 1992

1992 Land Tenure Act No 11:

Commenced: 21 January 1994

1992 Intimidation Act No 13:

Commenced: 22 January 1993

1992 Corruption Act No 14:

Commenced: 5 February 1993

KWAZULU

1973 Medium of Instruction and Language Act No 5:

Commenced: 19 October 1973

1974 Chiefs and Headmen Act No 8:

Commenced: 20 September 1974

1974 Labour Amendment Act No 11:

Commenced: 1 September 1975

1975 Public Services Act No 7:

Commenced: 5 December 1975

1977 1 February: KwaZulu proclaimed a self-governing territory

1978 Education Act No 7:

Commenced: 8 December 1978

1978 Black Taxation Amendment Act No 13:

Commenced: 1 March 1978

1979 Black Authorities Amendment Act No 6:

Commenced: 14 December 1979

1979 Criminal Procedure Act No 14:

Commenced: 1 June 1979

1979 Financial Regulations for Tribal and Community Authorities Act No 7:

Commenced: 15 February 1980

1980 Labour Amendment Act No 9:

Commenced: 28 November 1980

1980 Divorce Act No 10:

Commenced: 28 November 1980

1981 Act on the Code of Zulu Law No 6:

Commenced: 29 October 1982

1981 Police Amendment Act No 11:

Commenced: 2 October 1981

1982 Marriage Amendment Act No 9:

Commenced: 25 February 1983

1985 Wage and Basic Conditions of Employment Act No 9:

Commenced: 10 April 1987

1985 Tribal, Community and Regional Authorities Amendment Act No 20:

Commenced: 22 August 1986

1986 National Welfare Act No 9:

Commenced: 24 July 1987

1985 KwaZulu Education Amendment Act No 17:

Empowered the Minister of Education and Culture to close schools and to suspend or transfer teachers.

Commenced: 1986

1987 The KwaZulu Act on the Tracing and Detention of Offences:

Empowered the KwaZulu Police and South African Police to detain without warrant, for the purposes of interrogation and for a period of up to ninety days, any person suspected by the police of intending to commit or having committed a crime.

Commenced: 1987

1991 Labour Relations Amendment Act No 13:

Commenced: 19 November 1991

1992 Land Affairs Act No 11:

Commenced: 30 November 1993

LEBOWA

1972 20 October: Lebowa proclaimed a self-governing territory

1974 Education Act No 6:

Commenced: 24 January 1975

1976 Criminal Procedure Amendment Act No 11:

Commenced: 20 August 1976

1977 Bantu Administration Amendment Act:

Commenced: 21 October 1977

1978 Social Pensions Act No 11:

Commenced: 1 September 1979

1984 Royal Allowance Act No 3:

Commenced: 1 January 1984

1985 Police Act No 6:

Commenced: 24 August 1979

QWAQWA

1974 1 November: QwaQwa proclaimed a self-governing territory

1976 Education Act No 4:

Commenced: 3 December 1976

1980 Police Act No 7:

Commenced: 27 February 1981

1981 Special Taxation Act No 8:

Commenced: 1 January 1981

1985 Welfare Act No 10:

(Commencement date not found)

1986 Labour Regulations Repeal Act No 7:

Commenced: 1 September 1986

1987 Education Act No 7:

Commenced: 1 July 1988

1988 Labour Regulations Act No 13:

Commenced: 13 June 1989

1988 Local Authorities Act No 18:

Commenced: 2 October 1989

1989 Police Amendment Act No 8:

Commenced: 26 July 1989

1989 Criminal Law Amendment Act No 10:

Commenced: 26 July 1989

1989 Land Act No 15:

Commenced: 6 August 1989

1990 Immorality and Prohibition of Mixed Marriages Amendment Act No 6:

Commenced: 4 March 1988

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A Survey of Race Relations in South Africa (SRR), 1955/56-1983, published by the South African Institute of Race Relations. Renamed in 1984 to *Race Relations Survey*.

Commissions of Enquiry from 1960 - 1995

- 1960 Commission of Inquiry into Sharpsville, Evaton and Vanderbijlpark Location RiotsMandate: To inquire into and report on the events in the district of Vereeniging (especially in Sharpsville and Evaton) and Vanderbijlpark, Transvaal.
Date of Report: 1960
Chair: WESSELS, P.J.
Ref: Ann. 125-61
- 1961 Judicial Commission on Langa Location Riots Mandate: To inquire into and report on the riots in Langa, district of Wynberg, Cape of Good Hope, on 21 March 1960.
Date of Report: 1961
Chair: DIEMONT, M.
Ref: Ann. 126-61
- 1963 Commission appointed to inquire into the events on 20-22 November 1962 at PAARL and the causes which gave rise theretoMandate: To inquire into and report on the events at Paarl in the province of the Cape of Good Hope on the stated dates, and the causes of these events.
Date of Report: 20 June 1963
Chair: SNYMAN, J.H.
Ref: RP 51/1963
- 1963 Commission of Inquiry into the Postal Vote System and Registration of Voters**
Mandate: To inquire into the postal vote system.
Date of Report: 1963
Chair: VAN DEN HEEVER, D.J.G.
Ref: RP 12/1963
- 1964 Commission of Inquiry into South West African Affairs 1962-1963
Mandate: To inquire thoroughly into further promoting the material and moral and the social progress of the inhabitants of South West Africa, and more particularly its 'non-white' inhabitants, and to submit a report with recommendations for a five-year plan for the accelerated development of the various 'non-white' groups of South West Africa (inside and outside their own territories) and for the further development and building up of such 'Native' territories in South West Africa.
Date of Report: 1964
Chair: ODENDAAL, F.H.
Ref: RP 12-64
- 1964 Commission of Inquiry into Secret Organisations
Mandate: To inquire into and report on the conduct of any secret organisation, including Freemasonry, the Afrikaner Broederbond and the Sons of England, and on the secret activities of any other organisation

which comes, or is brought, to the Commission's attention and which, in the opinion of the Commission, calls for inquiry in terms of the purpose of its appointment.

Date of Report: 12 December 1964

Chair: BOTHA, D.H.

Ref: RP 20/1965

1966 Commission of Inquiry into the Circumstances of the Death of the late Dr Honourable Hendrik Frensch

Verwoerd

Mandate: To inquire into and submit a report on all aspects relating to the death of the late Dr Hendrik Frensch Verwoerd which the said Commission deems to be in public interest.

Date of Report: December 1966

Chair: VAN WYK, J.T.

Ref: RP 16/1967

1967 Commission of Inquiry into Improper Political Interference and the Political Representation of the various Population Groups

Mandate: To investigate, report on and make recommendations with regard to the matters referred to by the Prohibition of Improper Interference Bill (A.B. 81-'66) and any matters concerning the political representation of the various population groups.

Date of Report: 20 November 1967

Chair: MULLER, S. L.

Ref: RP 72/1967

1969-70 Commission of Inquiry into matters relating to the Security of the State [BOSS]

Mandate: To inquire into and submit recommendations and a report on -

1. whether the State Departments concerned with security function properly and act in a co-ordinated manner so as to ensure the greatest measure of efficiency, and to what extent each State Department concerned plays a necessary and an efficient part;
2. any matter which, in the opinion of the Commission, constitutes a threat to the efficient functioning of the security organisations; the harmful effects, if any, which their activities might have on the State or its citizens, and the anomalies which might arise as a result of the operations of any of the said organisations or of individuals attached to or in control of them;
3. any further aspect concerning the security structure of the State;
4. whether, and to what extent, present legislation concerning the Bureau for State Security should be amended in the light of the report and recommendations on the above matters;
5. the release to the public of as much of the Commission's report as would not, in opinion of the Commission, be in conflict with the security of the State.

Date of Report:

Report I: 27 November 1969

Report II: 4 August 1970

Chair: POTGIETER, H.J.

Ref: **Report I:** RP 17/70

Report II: RP 102/1971

1973-75 Commission of Inquiry into Certain Organisations

Mandate:

1) To inquire into and (taking into account the evidence, memoranda and exhibits submitted to the Parliamentary Select Committee on Certain Organisations) report on -

- a) the objects, organisation and functioning of the National Union of South African Students, the South African Institute of Race Relations, the University Christian Movement, the Christian Institute of Southern Africa and any related organisations, bodies, committees or groups of persons;
- b) the activities of the above-mentioned organisations and the direct or indirect results or possible results of such activities;
- c) the activities of individuals in or connected with the aforementioned organisations, and the direct or indirect results or possible results of those activities; and

2) to make recommendations as necessary.

Date of Reports: (see specific dates listed after ref. for each report)

Chairpersons: KRUGER, J.T. (4 July 1972 - 1 August 1972)
SCHLEBUSCH, A.L. (1 August 1972 - 14 May 1974)
LE GRANGE, L. (14 May 1974 - completion)

Refs: **Reports 1 and 2**, concerning the National Union of South African Students (NUSAS): unnumbered, signed 23.2.73, tabled 27.2.73, S297/43 and S297/43a

Date: 1973

Report 3, concerning same as above: unnumbered, signed 11.4.73, tabled 25.4.73

Date: 1973

Report 4: Final Report concerning the National Union of South African Students: RP 33-74 **Date:** 1974

Report 5, concerning the South African Institute of Race Relations: RP 62-74

Date: 1974

Report 6, concerning the University Christian Movement: RP 64-75 **Date:** 1975

Final Report, concerning the Christian Institute of Southern Africa: RP 44-75

Date: 1975.

1975 Commission of Inquiry into Certain Matters Relating to the University of the North

Mandate: To inquire into and report on -

- 1) the events on 25 September 1974 on the campus of the University of the North to determine their causes and the part played by the University management, the student representative council and any other organisation of either students or faculty, with specific attention to-
 - a) the relationship on the campus between black and white academic staff, as well as between the black academic staff and the students; and
 - b) related matters concerning the present and future management of the university, including possible interference by the black academic staff association;
- 2) any related matter which comes to the notice of the Commission and which in its view calls for inquiry.

Date of Report: 30 June 1975

Chair: SNYMAN, J.H.

Ref: G68 E: EDUC 1/75

1976 Commission of Inquiry into the Penal System of the Republic of South Africa

Mandate: To inquire into the penal system of the Republic of South Africa and to make recommendations for amendments: in this respect the question of the death penalty should not be inquired.

Date of Report: 1976

Chair: VILJOEN, G.

Ref: RP 78/1976

1976 Commission of Inquiry into Matters relating to the Coloured Population Group

Mandate: To inquire into, consider, and report on-

- a) progress of the coloured population group since 1960 in –
 - i) the social sphere, including housing and health conditions, community development, education, and all matters relevant hereto;
 - ii) the economic field, including commerce and industrial development, agricultural development, general economic development, occupational participation, and all matters relevant hereto;
 - iii) the constitutional field and all matters relevant hereto;
 - iv) local government and all matters relevant hereto;
 - v) the sports and cultural fields and all matters relevant hereto;
- b) hindrances in the different fields which constitute obstacles;
- c) any other relevant matter within the scope of the designated field of inquiry which may come to the attention

of the Commission and which in its opinion necessitates inquiry.

Date of Report: 9 April 1976

Chair: THERON, E.

Ref: RP 38/1976 [Also a white paper on the report of the Commission of Inquiry into Matters relating to the Coloured Population Group, W.P.D./'77; and an Interim Memorandum stating provisional comments by the government on the recommendations of the Commission of Inquiry into Matters relating to the Coloured Population: W.P.S./'76]

1979-90 Commission of Inquiry into Labour Legislation

Mandate: To inquire into, report on and make recommendations in connection with the following matters:

- a) Industrial Conciliation Act, 1956
- b) Bantu Labour Relations Regulation Act, 1953
- c) Wage Act, 1957
- d) Factories, Machinery and Building Work Act, 1941
- e) Shops and Offices Act, 1964
- f) Apprenticeship Act, 1944
- g) Training of Artisans Act, 1951
- h) Bantu Building Workers Act, 1951
- i) Electrical Wiremen and Contractors' Act, 1939
- j) Workmen's Compensation Act, 1941
- k) Unemployment Insurance Act, 1966
- l) Registration for Employment Act, 1945

The mandate was extended to include:

- m) Mines and Works Act, 1956 or any other act administered by the Department of Mines.

Date of Report: 1979/1990

The report was made in six parts (see separate references below)

Chair: WIEHAHN, N.E.

Ref: Part 1: RP 47-79 (E&A)

Part 2: RP 38-80 (E&A)

Parts 3 & 4: RP 82-80 (E), RP 87-80 (A)

Part 5: RP 27-81(E&A)

Part 6: RP 28-81 (E&A).

1978-79 Commission of Inquiry into Alleged Irregularities in the Former Department of Information

Mandate: To evaluate and make findings and recommendations on certain evidence of alleged irregularities in the former Department of Information which had come to light through other authorities and through the press; and [for the supplementary report] to extend the inquiry into new facets and areas brought to light in the course of the Commission's first inquiry.

Date of Report: 1978, supplementary report 1979

Chair: ERASMUS, R.P.B.

Ref: RP 63/1979 (supplementary report)

1979 Commission of Inquiry into the Riots at Soweto and Elsewhere from 16 June 1976 to 28 February 1977

Mandate: To inquire into and report on the riots at Soweto and other places in the Republic during June 1976, and their causes.

Date of Report: 1979

Chair: CILLIÉ, P.M.

Ref: RP 55/1980 (E), RP 106/1979 (A)

1980-81 Commission of Inquiry on the Constitution

Mandate: To inquire into and report on the introduction of a new Constitution for the Republic of South Africa

Date of Report: Interim Report: 6 May 1980

Final Report: 4 February 1981

Chair: SCHLEBUSCH, A. L.

Ref: Interim Report: RP 68/1980

Final Report: RP 23/1981

1980 Commission of Inquiry into Reporting of Security Matters regarding the South African Defence Force and the South African Police Force

Mandate: To inquire into and make recommendations on -

a) the delimitation of, on the one hand, the interests of the news media and the public's right to be informed on affairs of the state and, on the other hand, the interests of the state and of its citizens as entrenched by section 118 and other provisions of the Defence Act of 1957 and the Police Act of 1958, which require that newsworthy information should sometimes not be made known;

b) ways of reconciling these interests and any changes that might be needed to the Defence Act of 1957 and the Police Act of 1958.

Date of Report: 1980

Chair: STEYN, M.T.

Ref: RP 52-80

1981 Commission of Inquiry into Security Legislation

Mandate: To inquire into, report and make recommendations on the necessity, adequacy, fairness and efficacy of legislation pertaining to the internal security of the Republic of South Africa.

Date of Report: 21 November 1981

Chair: RABIE, P.J.

Ref: RP 90-81

1982 Commission of Inquiry into the Monetary System and Monetary Policy in South Africa

Mandate: To inquire into and report on the oversight on the monetary system and the monetary policy in South Africa.

Date of Report: November 1982

Chair: DE KOCK, G.P.C.

Ref: RP 93/1982

1982 Commission of Inquiry into the Mass Media

Mandate: To continue with and build on the work of the Van Zijl Commission (1950-64), the Commission of Inquiry on Security Matters regarding the Defence Force and the Police Force (1979-80) and the Meyer Commission (1969-71), which investigated the desirability of establishing a television service.

Date of Report: 1982

Chair: STEYN, M.T.

Ref: RP 89/1981 (3 vol.)

1984 Commission of Inquiry into South African Council of Churches

Mandate: To inquire into and report on –

a) the inception, development, objects and activities of the South African Council of Churches, including the way it functions and is managed;

b) the way in which the South African Council of Churches and individuals connected with it solicit or obtain money and assets (at present or in the past), the purpose for which these funds are used and the organisations and individuals from or through whom they are solicited or received.

c) any other matter pertaining to the South African Council of Churches, its present and past office bearers or officers and other persons connected with it, on which the Commission is of the opinion that a report should be made in the public interest.

Date of Report: 1984

Chair: ELOFF, C.F.

Ref: RP 74/1983

1984 Commission of Inquiry into Township Establishment and Related Matters

Mandate: To inquire into, report on and make recommendations regarding –

a) methods and proposals for the accelerated provision of affordable new housing by giving particular attention to simplifying and expediting township establishment by, for instance, removing or streamlining any impeding legislation and regulations;

b) ways of transferring land to competent institutions, or any other measures in cases where township establishment does not proceed as desired;

c) ways to facilitate efficient use of land, for example by relaxing some of the restrictions on the subdivision or the placing of more than one housing unit on an erf or holding; and

d) any other methods which may promote the provision of sufficient residential erven and reduce their cost.

Date of Report: 29 March 1983

Chair: VENTER, A.A.

Ref: RP 20, 21 and 54/1984

First report: RP 20/1984.

Second report: RP 21/1984.

Third report: RP 54/1984.

1985 Commission Appointed to Inquire into the Incident which occurred on 21 March 1985 at Uitenhage

Mandate: To investigate the circumstances surrounding the incident on the date mentioned, in which people were killed and injured, and to submit an urgent report.

Date of Report: 4 June 1985

Chair: KANNEMEYER, D.D.V.

Ref: RP 74-85; S297/103

1985 Commission of Inquiry into the Violence which occurred on 29 October 1983 at the University of Zululand

Mandate: To inquire into and report on the circumstances surrounding the violence at the University of Zululand on 29 October 1983.

Date of Report: February 1985

Chair: MIDDLETON, A.J.

Ref: RP 80/1985

1988 Commission of Inquiry into alleged misappropriation of funds of the Lebowa Government Service

Mandate: To inquire into, report on and make recommendations on-

a) the possible misappropriation of funds of the Lebowa Government Service by -

i) the financing of the erection of a house on the farm Majebaskraal and

ii) the granting of a loan to Kgosi L.C. Mothiba;

b) the methods employed and malpractices committed in connection with any irregularities or advantage accorded anyone, or any misappropriation the Commission may find;

c) steps to end such practices, and action to be taken against those involved.

Date of Report: 18 October 1988.

Chair: DEKKER, L.W.

Ref: RP 45-89; S291/141 (Bilingual)

1989 Commission of Inquiry into Certain Alleged Across-Border Irregularities

Mandate: To accept the findings made by the 'Alexander Commission' and to attempt to clear up alleged irregularities found but not fully investigated by that commission with regard to the processing and granting of gambling rights and related licences by Transkeian authorities.

First report: The Matter of S.G. Palazzolo-De Pontes.

Second report: Transkei Gambling Rights.

Date of Reports: 1989

Chair: HARMS, The Hon L.T.C.

Ref: Anns 11, 12/1989 or S297/145 (E)

1989 Commission of Inquiry into Allegations Concerning the Involvement of any Member of the Ministers' Council in the House of Delegates or any Member of the House of Delegates in any Irregularities

Mandate: As above.

Date of Report: 13 March 1989.

Chair: JAMES, N.

Ref: An 119-89 or S297/136 (E)

1990 Commission of Inquiry into the Death of Clayton Sizwe Sithole

Mandate: To investigate the circumstances surrounding the death in detention of Clayton Sizwe Sithole on 30 January 1990.

Date of Report: 20 February 1990

Chair: GOLDSTONE, R.J.

Ref: S297/143 (E)

1990 Commission of Inquiry into Certain Alleged Murders

Mandate: To inquire into and to report on certain alleged murders and other unlawful acts of violence committed in the Republic of South Africa (including self-governing territories). If such murders and acts of violence are found to have occurred, to investigate what bodies and organisations were responsible for these acts. The mandate was extended to include an investigation into and report on the allegation that one Anton Lubowski was a paid agent of the SADF: Military Intelligence Section.

Date of Report: September 1990

Chair: HARMS, L.T.C.

Ref: RP 108-90 (A); RP 109-90 (E); S297/151 (A); S297/152 (E).

1990 Commission of Inquiry into the Salvage on the 'An Hung No. 1' and Related Matters

Mandate: To investigate and report on the effectiveness of existing measures and their application with regard to the salvage of the stranded fish trawler 'An Hung No. 1' and its cargo, and to make recommendations accordingly.

Date of Report: 2 October 1990

Chair: DE BEER, J.

Ref: RP 104/1990

1990 Commission of Inquiry into the Incidents at Sebokeng, Boipatong, Lekoa, Sharpville and Evaton on 26 March 1990

Mandate: To investigate all the factual circumstances around the violent incidents at Sebokeng, Boipatong, Lekoa, Sharpville and Evaton on 26 March 1990 during which people were killed or injured, and to report urgently.

Date: 27 June 1990

Chair: GOLDSTONE, R.J.

Ref: G68 E2 15/90

1992-93 Commission of Inquiry into the 1986 Unrest and Alleged

Mismanagement in KwaNdebele

Mandate: To inquire into and report on any mismanagement that has occurred in the governmental department of KwaNdebele, the KwaNdebele National Development Corporation or the KwaNdebele Utility Company, with special reference to -

- a) any malpractices or irregularities in the above-mentioned department, corporation and company; and to any irregular favouring of individuals or institutions;

- b) any abuse of authority or position by persons in the board of such a corporation or company;
- c) any losses suffered by a department or organisation as a result of misallocation of funds;

and to determine steps to be taken to halt such mismanagement or to prevent their recurrence, in order to ensure that funds put at the disposal of KwaNdebele are used to the best advantage of KwaNdebele and its inhabitants.

The mandate was extended in *Government Gazette* No 13586 (25 October 1991) to include any such matters irrespective of whether they occurred before or after 28 November 1988.

Date of Report: see below

Chair: PARSONS, B.J.

Ref(s):

Report 1: RP 119-92 [topic and date not available];

Report 2: Concerning police functions of the Department of Law and Order as one of the Departments of Government of KwaNdebele; RP 120/1992; 19 May 1992

Report 3: --- [not available]

Report 4: Concerning the Department of Water Affairs and Public Works; RP 91/93; 10 March 1993

Report 5: Concerning the Department of Civil Relations and Information; RP 137/1993; 24 August 1993

Report 6: Concerning the KwaNdebele National Development Corporation and the KwaNdebele Utilities Company; RP 146/1993; 9 November 1993

1992-95 Commission of Inquiry regarding the Prevention of Public Violence and

Intimidation

Mandate: The chairperson and members of the Commission were appointed for three years to investigate the issue of public violence and intimidation in South African society. With regard to specific incidents of violence, the Commission's approach was to inquire into paradigm situations where, on the face of it, the symptoms were common to other areas of violence. The Commission's major aim with these investigations was to act as a catalyst in the process of transforming the police force into a body that had the confidence, respect and co-operation of the vast majority of the people of South Africa.

Dates of Reports: Reports spanned a number of topics and were given at various points between 1992 and 1995. The final report was submitted in October 1994.

Chair: GOLDSTONE, R.J.

Ref: The references are different for the different reports of the Commission, which were being processed at the Parliamentary Library, Cape Town, at the time of writing.

(See appendix)

1995 Commission of Inquiry into Unrest in Prisons -

Appointed by the President on 27 June 1994

Mandate:

- 1) To inquire into, consider and report on the causes, course and consequences of occurred in South African prisons during the period 26 April
- 2) to investigate the circumstances and causes of any deaths or injuries which occurred in the said unrest;
- 3) to recommend steps that can be taken to prevent the future occurrence of such unrest or to minimise its risk; and
- 4) to inquire into and report to the President on any matter which seems to the Commission to be relevant to the proceedings.

Date of Report: February 1995

Chair: KRIEGLER, J. C.

Ref: R 125/1994

the unrest that
1994 to 13 June 1994;

**1995 Commission of Inquiry into Alleged Arms Transactions between Armscor and
and other Related Matters**

one Eli Wazan,

Mandate:

- 1) To inquire into, consider and report on-
 - a) all aspects and surrounding circumstances of the transaction/s between Armscor and one Eli Wazan for the sale of weapons, arms components and related materials;
 - b) the facts relating to other arms deals and other transactions relating to arms components and related material since 2 February 1990, with a view to identifying any possible similarities between such other transactions and the transaction/s referred to in paragraph (a) above;
 - c) the identity of all persons, parties and/or countries involved in such transactions and their antecedents;
 - d) whether there was any connection between such transactions and any other matter;
 - e) whether such transactions violated-
 - i) any law and/or
 - ii) any international embargo;
 - f) whether *prima facie* evidence exists indicating that any person committed-
 - i) a criminal offence; or
 - ii) serious misconduct, negligence or impropriety.
- 2) To comment, in the context of South Africa's national and international obligations and responsibilities, on the appropriateness of-
 - a) South Africa's current trade policy with regard to weapons, arms components and related materials; and
 - b) decision-making processes with regard to such trade.
- 3) To submit an interim report (and further interim reports) as soon as possible.

Date of Report:

First Report: 15 June 1995

Second Report: 20 November 1995

Chair: CAMERON, E

Ref: **First Report: S 297/208**

Second Report: S 297/215

n APPENDIX

REPORTS OF THE COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE (GOLDSTONE COMMISSION)

- First Interim Report (Jan 1992)
- Interim Report: Violence at Mooi River, Natal (Feb 1992)
- Further Interim Report on Mooi River (Feb 1992)
- Report: Incidents at President Steyn Gold Mine, Welkom (Feb 1992)
- Report: Press statement by IFP on 24 March 1992 (Apr 1992)
- Second Interim Report (Apr 1992)
- Report: Conduct of members of 32 Battalion in April 1992 (Jun 1992)
- First Interim Report: Violence in the taxi industry (Jun 1992)
- Second Interim Report: Violence in the taxi industry (Jul 1992)
- Interim Report: Train violence (Jul 1992)
- Interim Report: Violence in hostels (Sept 1992)
- Report: Preliminary inquiry into the Bisho incident on 7 September 1992 (Sept 1992)
- Report: Allegations of planning or instigation of acts of violence by the SAP in the Vaal area (Oct 1992)
- Report: Violence in Tokoza (Nov 1992)
- Third Interim Report: Taxi violence (Dec 1992)
- Report: Presence of Renamo soldiers in KwaZulu (Dec 1992)
- Third Interim Report (Dec 1992)
- Final Report: Violence at Mooi River, Natal (Dec 1992)
- Report: Regulation of gatherings (Jan 1993)
- Fourth Interim Report: Taxi violence in Groblersdal and surrounding areas (Feb 1993)
- Interim Report: APLA (Mar 1993)
- Final Report: Regulation of gatherings (Apr 1993)
- Final Report: Train violence (May 1993)
- Report: Allegations published in the *Vrye Weekblad* dated 30 October 1992 concerning a third force (May 1993)
- Report: Allegations concerning front companies of the SADF, the training by the SADF of Inkatha supporters in 1986 and the 'Black Cats' (Jun 1993)
- Report by the committee appointed to hold a workshop to consider events after the assassination and during the funeral of Mr. Chris Hani (Jun 1993)
- Report of the multi-national panel to inquire into the curbing of violence before, during and after the forthcoming election (Aug 1993)
- Fifth Interim Report: Taxi violence in the Western Cape and in general (1993)
- Report: Illegal importation, distribution and use of firearms, ammunition and explosive devices (Oct 1993)
- Report: Crossroads (Cape) during March to June 1993 (Nov 1993)
- Report: Incidents of violence at Mossel Bay: July 1993 (Oct 1993)
- Fourth Interim Report (Dec 1993)
- Report: Incidents in Katshehong on 9 January 1994 (Jan 1994)
- Interim Report: Criminal political violence by elements within the SAP, the KwaZulu Police and the Inkatha Freedom Party (Mar 1994)
- Interim Report: Wallis Committee - causes of the incidents between IFP and ANC (Mar 1994)
- Second Interim Report: Wallis Committee - specific matters (Mar 1994)
- Final Report: Attacks on members of the SAP (Apr 1994)
- Report: Preliminary inquiry into the shooting incidents which took place in the centre of Johannesburg on 28 March 1994 (Apr 1994)
- Report: Preliminary inquiry into the attempted purchase of firearms by the KwaZulu government from Escom (Apr 1994)
- Report: Attack on the Power Park squatter camp on 27 July 1993 (May 1994)
- Fifth Interim Report (May 1994)
- Sixth Interim Report: Violence in the taxi industry in the King William's town area (Jul 1994)
- Seventh Interim Report: Violence in the taxi industry in the Queenstown area (Aug 1994)
- Report: The effects of public violence and intimidation on children (Oct 1994)
- Final Report by the Commission (Oct 1994)

NOTE: All these reports can be found in the Parliamentary Library in Cape Town (not yet catalogued as of July 1997).

