

## **BLACK ADMINISTRATION ACT 38 OF 1927**

[ASSENTED TO 29 JULY 1927]

[DATE OF COMMENCEMENT: 1 SEPTEMBER 1927]

(Unless otherwise indicated)

*(Signed by the Governor-General in Afrikaans)*

### **as amended by**

- Black Administration Act 1927, Amendment Act 9 of 1929
- Black Administration (Amendment) Act 9 of 1939
- Black Administration Amendment Act 42 of 1942
- Black Administration (Amendment) Act 21 of 1943
  - Black Laws Amendment Act 36 of 1944
  - Black Laws Amendment Act 56 of 1949
  - Black Laws Amendment Act 54 of 1952
- Blacks (Abolition of Passes and Co-ordination of Documents) Act 67 of 1952
  - Black Administration Amendment Act 13 of 1955
  - Black Administration Amendment Act 42 of 1956
  - Black Laws Further Amendment Act 79 of 1957
- Promotion of Black Self-government Act 46 of 1959
  - Black Laws Amendment Act 46 of 1962
  - Maintenance Act 23 of 1963
  - Black Laws Amendment Act 63 of 1966
  - Black Laws Amendment Act 56 of 1968
  - Black Laws Amendment Act 23 of 1972
  - Black Laws Amendment Act 7 of 1973
  - Black Laws Amendment Act 70 of 1974
  - Black Laws Amendment Act 4 of 1976
  - Black Laws Amendment Act 12 of 1978
- Laws on Plural Relations and Development Second Amendment Act 98 of 1979
  - Laws on Co-operation and Development Amendment Act 3 of 1980
- Laws on Co-operation and Development Second Amendment Act 94 of 1980
  - Black Administration Amendment Act 44 of 1981
  - Laws on Co-operation and Development Amendment Act 83 of 1984
- Laws on Co-operation and Development Second Amendment Act 90 of 1985
  - Laws on Co-operation and Development Amendment Act 91 of 1985
  - Special Courts for Blacks Abolition Act 34 of 1986
  - Laws on Development Aid Amendment Act 57 of 1986
  - Abolition of Influx Control Act 68 of 1986
  - Laws on Development Aid Second Amendment Act 105 of 1986
  - Constitutional Laws Amendment Act 32 of 1987
- Marriage and Matrimonial Property Law Amendment Act 3 of 1988
  - Development Aid Laws Amendment Act 53 of 1988
  - Businesses Act 71 of 1991<sup>1\*</sup>
- Abolition of Racially Based Land Measures Act 108 of 1991
  - Development Aid Laws Amendment Act 126 of 1991
- Regional and Land Affairs General Amendment Act 89 of 1993
  - Land Titles Adjustment Act 111 of 1993
- Abolition of Restrictions on Free Political Activity Act 206 of 1993
- Abolition of Restrictions on the Jurisdiction of Courts Act 88 of 1996
  - Abolition of Corporal Punishment Act 33 of 1997
  - Public Service Laws Amendment Act 47 of 1997
- Recognition of Customary Marriages Act 120 of 1998
- Institution of Legal Proceedings against certain Organs of State Act 40 of 2002
  - Administration of Estates Amendment Act 47 of 2002
  - Prevention and Combating of Corrupt Activities Act 12 of 2004
- Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005

### **also amended by**

- Magistrates' Courts Amendment Act 120 of 1993
- [with effect from a date to be proclaimed - see PENDLEX]
- Communal Land Rights Act 11 of 2004

[with effect from a date to be proclaimed]

**Regulations under this Act**

REGULATIONS FOR THE ADMINISTRATION AND DISTRIBUTION OF THE ESTATES OF DECEASED BLACKS

**NB: See Proclamation 139 in *Government Gazette 15951* of 9 September 1994 concerning the extent of the assignment of the administration of this Act to certain provinces.**

**ACT**

**To provide for the better control and management of Black affairs.**

[NB: The long title has been repealed by s. 1 (7) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, subject to the repeal of sections 1, 2 (1), (2), (3), (5), (6), (7), (7)*bis*, (7)*ter*, (8) and (9), 3, 5 (1) (a), 11 (3) (a), 11A, 12 (1), (2), (3), (4) and (6), 20 (1), (2), (3), (4), (5), (6) and (9), 21A, 22 (7) and (8), 23 (1), (2), (3), (5), (6), (7) (b), (8), (9), (10) (a), (b), (c), (e) and (f) and (11), 24, 26 (1), 27, 31, 33, 34, and the Second and Third Schedules of the Black Administration Act 38 of 1927 (hereafter referred to as the Act), and any proclamation made under section 25 (1) of the Act, including a proclamation validated by an Act of Parliament, and in force immediately prior to the commencement of section 5 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991; and any regulation made under section 30 (2) of the Act or any by-law made under section 30A (1) of the Act and in force immediately prior to the commencement of section 8 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991.]

**CHAPTER I**

**ADMINISTRATION (ss 1-2)**

**1** .....

[S. 1 amended by s. 2 of Act 9 of 1929, substituted by s. 2 of Act 42 of 1956 and repealed by s. 1 (1) of Act 28 of 2005.]

**2** **Appointment of certain office bearers**

(1) .....

[Sub-s. (1) repealed by s. 1 (1) of Act 28 of 2005.]

(2) .....

[Sub-s. (2) substituted by s. 1 (a) of Act 70 of 1974 and repealed by s. 1 (1) of Act 28 of 2005.]

(3) .....

[Sub-s. (3) amended by s. 1 (b) of Act 70 of 1974, s. 35 (1) of Act 47 of 1997 and repealed by s. 1 (1) of Act 28 of 2005.]

(4) .....

[Sub-s. (4) deleted by s. 1 of Act 23 of 1972.]

(5) .....

[Sub-s. (5) amended by s. 9 (1) (a) of Act 46 of 1962, repealed by s. 3 of Act 105 of 1986 in so far as it relates to the appointment of a tribal settlement superintendent, amended by s. 10 of Act 108 of 1991 and repealed by s. 1 (1) of Act 28 of 2005.]

(6) .....

[Sub-s. (6) amended by s. 1 of Act 79 of 1957 and by s. 9 (1) (b) and (c) of Act 46 of 1962, repealed by s. 3 of Act 105 of 1986 in so far as it relates to the appointment of any person to act temporarily as tribal settlement superintendent for any area in which a large number of Blacks reside and such an area is situated on land which is the property of the South African Development Trust, amended by s. 10 of Act 108 of 1991 and repealed by s. 1 (1) of Act 28 of 2005.]

(7) The Governor-General may recognize or appoint any person as a chief of a Black tribe and may make regulations prescribing the duties, powers, privileges and conditions of service of chiefs so recognized or appointed, and of headmen, acting chiefs and acting headmen appointed under subsection (8). The Governor-General may depose any chief so recognized or appointed.

[Sub-s. (7) amended by s. 19 (a) of Act 56 of 1949 and by s. 19 (a) of Act 54 of 1952.]

[NB: Sub-s. (7) has been repealed by s. 1 (2) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date when the last of the provinces of KwaZulu-Natal; Free State; Mpumalanga; North West; Limpopo and Eastern Cape have repealed those provisions that were assigned to them or their equivalent and have enacted and implemented corresponding provincial legislation regulating the matters dealt with in sub-s. (7) of the Act in terms of the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), within their areas of jurisdiction, whichever occurs first.]

(7)*bis* When recognizing or appointing a person as chief of a Black tribe or at any time thereafter or when any person is or has been recognized or appointed as the chief of a Black tribe, the Governor-General may, notwithstanding anything in this Act or in any other law contained, after a public enquiry by such persons having a knowledge of the language, customs and laws of the Black tribe concerned, as he may appoint for the purpose, make an order awarding to, or imposing upon, the person so recognized or appointed as chief such of the property, rights or obligations of the previous

chief, whether deceased or deposed, as in his opinion were acquired or incurred by the previous chief by virtue of his office and as he may deem just.

[Sub-s. (7)*bis* inserted by s. 19 (b) of Act 56 of 1949, amended by s. 19 (b) of Act 54 of 1952 and by s. 6 (a) of Act 46 of 1959 and substituted by s. 1 (a) of Act 126 of 1991.]

**[NB:** Sub-s. (7)*bis* has been repealed by s. 1 (2) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date when the last of the provinces of KwaZulu-Natal; Free State; Mpumalanga; North West; Limpopo and Eastern Cape have repealed those provisions that were assigned to them or their equivalent and have enacted and implemented corresponding provincial legislation regulating the matters dealt with in sub-s. (7)*bis* of the Act in terms of the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), within their areas of jurisdiction, whichever occurs first.]

(7)*ter* Any person affected by an order made in terms of subsection (7)*bis* may, within one year from the date thereof, petition the Governor-General for the amplification, variation or interpretation of the provisions of the order, and the Governor-General may make such order thereon as he may deem fit.

[Sub-s. (7)*ter* inserted by s. 19 (b) of Act 56 of 1949.]

**[NB:** Sub-s. (7)*ter* has been repealed by s. 1 (2) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date when the last of the provinces of KwaZulu-Natal; Free State; Mpumalanga; North West; Limpopo and Eastern Cape have repealed those provisions that were assigned to them or their equivalent and have enacted and implemented corresponding provincial legislation regulating the matters dealt with in sub-s. (7)*ter* of the Act in terms of the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), within their areas of jurisdiction, whichever occurs first.]

(8) The Minister or, if delegated thereto by the Minister, the Secretary for Plural Relations and Development, the Under Secretary for Plural Relations and Development or the Chief Commissioner for the area concerned, may appoint any person as headman over a tribal settlement or as headman of the Blacks in any area and may appoint any person to act temporarily as a chief or headman in the place of or in addition to the ordinary incumbent of the post, or when the post is vacant or there is ordinarily no such post in respect of the tribe, tribal settlement or Blacks in question, and may depose any headman or acting chief or acting headman so appointed.

[Sub-s. (8) amended by s. 19 (c) of Act 56 of 1949, by s. 19 (c) of Act 54 of 1952, by s. 9 (1) (d) of Act 46 of 1962 and by s. 10 of Act 108 of 1991.]

**[NB:** Sub-s. (8) has been repealed by s. 1 (2) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date when the last of the provinces of KwaZulu-Natal; Free State; Mpumalanga; North West; Limpopo and Eastern Cape have repealed those provisions that were assigned to them or their equivalent and have enacted and implemented corresponding provincial legislation regulating the matters dealt with in sub-s. (8) of the Act in terms of the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), within their areas of jurisdiction, whichever occurs first.]

(8)*bis* and (8)*ter* .....

[Sub-ss. (8)*bis* and (8)*ter* inserted by s. 6 (b) of Act 46 of 1959 and deleted by s. 1 (b) of Act 126 of 1991.]

(9) .....

[Sub-s. (9) repealed by s. 1 (1) of Act 28 of 2005.]

[S. 2 amended by s. 3 of Act 9 of 1929, by s. 1 of Act 9 of 1939 and substituted by s. 2 of Act 21 of 1943.]

## CHAPTER II

### TRIBAL ORGANIZATION AND CONTROL (ss 3-5)

3 .....

[S. 3 repealed by s. 1 (1) of Act 28 of 2005.]

4 .....

[S. 4 repealed by s. 1 of Act 88 of 1996.]

### 5 **Constitution or adjustment of Black tribes and removal of Blacks**

(1) The Governor-General may-

(a) .....

[Para. (a) amended by s. 10 of Act 108 of 1991 and repealed by s. 1 (1) of Act 28 of 2005.]

(b) .....

[Para. (b) amended by s. 3 (a) of Act 42 of 1956, substituted by s. 1 (a) of Act 7 of 1973 and deleted by s. 1 of Act 68 of 1986.]

(1)*bis* .....

[Sub-s. (1)*bis* inserted by s. 3 (b) of Act 42 of 1956, amended by s. 1 (b) of Act 7 of 1973 and deleted by s. 1 of Act 68 of 1986.]

(1)*ter* .....

[Sub-s. (1)*ter* inserted by s. 3 (b) of Act 42 of 1956 and deleted by s. 1 of Act 68 of 1986.]

(2) to (5) inclusive .....

[Sub-ss. (2) to (5) inclusive deleted by s. 1 of Act 68 of 1986.]  
 [S. 5 amended by s. 4 of Act 9 of 1929 and substituted by s. 20 of Act 54 of 1952.]

### CHAPTER III

#### LAND REGISTRATION AND TENURE (ss 6-8)

##### 6 Registration of titles to land by Chief Commissioner

(1) All the powers and duties hitherto vested in or imposed upon registrars of deeds under the law relating to the registration of deeds, in so far as may relate to immovable property owned by Blacks and situate within any such area included in the Schedule to the Black Land Act, 1913 (Act 27 of 1913) or any amendment thereof, or within any such area in any tribal settlement, as may be defined by the Governor-General by proclamation in the *Gazette* shall, upon the issue of such proclamation, devolve upon the Chief Commissioner of the area within which such immovable property is situate and all documents relating to any such immovable property shall thereupon be transferred from any existing deeds registry to the custody of the Chief Commissioner concerned: Provided that any registrar of deeds may instead of so transferring any document filed in his registry furnish the Chief Commissioner concerned with a copy thereof certified under his hand, which copy shall thereafter be as valid for all purposes as the original document.

[Sub-s. (1) amended by s. 20 of Act 56 of 1949 and by s. 10 of Act 108 of 1991.]

(2) The Governor-General may make all such regulations as he may deem expedient for giving effect to the provisions of subsection (1), and may in such regulations prescribe the fees to be charged by the Chief Commissioners in the exercise of any function under that subsection.

[NB: S. 6 has been repealed by s. 46 (1) of the Communal Land Rights Act 11 of 2004, a provision which will be put into operation by proclamation.]

##### 7 Substitution of new title to land in certain cases

(1) The Governor-General may revoke any grant of land in a tribal settlement made on individual tenure to a Black upon quitrent conditions, and issue a substituted deed of grant in favour of the holder or of such person as may be adjudged to be entitled to be registered as the holder in conformity with the procedure prescribed in section *eight*: Provided that in the case of the areas comprising the Fingo and Hottentot Village situate within the urban area of Grahamstown in the Province of the Cape of Good Hope, this subsection shall be construed as if the words 'upon quitrent conditions' were omitted therefrom.

[Sub-s. (1) amended by s. 22 (a) of Act 36 of 1944 and by s. 10 of Act 108 of 1991.]

(2) Such substituted grant shall be registered in the appropriate registry, and shall be in such form and subject to such conditions as the Governor-General may by proclamation prescribe: Provided that the conditions of any such substituted grant as may be issued in respect of land in the areas comprising the said Fingo and Hottentot Village shall be as set forth in the Second Schedule to this Act.

[Sub-s. (2) amended by s. 1 of Act 42 of 1942 and by s. 22 (b) of Act 36 of 1944.]

[NB: S. 7 has been repealed by s. 46 (1) of the Communal Land Rights Act 11 of 2004, a provision which will be put into operation by proclamation.]

##### 8 .....

[S. 8 amended by s. 2 of Act 42 of 1942, by s. 21 of Act 54 of 1952 and by s. 10 of Act 108 of 1991 and repealed by s. 15 (1) of Act 111 of 1993.]

### CHAPTER IV

#### JUDICIAL ORGANIZATION AND PROCEDURE (ss 9-21A)

##### 9 .....

[S. 9 substituted by s. 2 of Act 79 of 1957, amended by s. 1 of Act 63 of 1966 and by s. 2 of Act 98 of 1979 and repealed by s. 2 of Act 34 of 1986.]

##### 10 .....

[S. 10 amended by s. 5 of Act 9 of 1929, by s. 3 of Act 21 of 1943, by s. 21 of Act 56 of 1949, by s. 3 (1) of Act 79 of 1957, by s. 2 (1) of Act 70 of 1974, by s. 1 of Act 12 of 1978 and by s. 1 of Act 44 of 1981 and repealed by s. 2 of Act 34 of 1986.]

##### 10bis .....

[S. 10bis inserted by s. 4 of Act 21 of 1943 and repealed by s. 16 (1) of Act 23 of 1963, except in so far as it may impose any liability upon any person to maintain any other person.]

##### 11 What law to be applied in Commissioner's Courts

(1) .....

[Sub-s. (1) deleted by s. 2 of Act 34 of 1986.]

(2) .....

[Sub-s. (2) substituted by s. 5 of Act 21 of 1943 and deleted by s. 2 of Act 34 of 1986.]

(3) The capacity of a Black to enter into any transaction or to enforce or defend his rights in any court of law shall, subject to any statutory provision affecting any such capacity of a Black, be determined as if he were a European: Provided that-

(a) .....

[Para. (a) repealed by s. 1 (1) of Act 28 of 2005.]

(b) .....

[Para. (b) substituted by s. 1 of Act 91 of 1985 and repealed by s. 13 of Act 120 of 1998.]

[Sub-s. (3) added by s. 5 of Act 21 of 1943.]

#### 11A .....

[S. 11A inserted by s. 1 of Act 90 of 1985, substituted by s. 1 of Act 32 of 1987 and repealed by s. 1 (1) of Act 28 of 2005.]

#### 12 Settlement of civil disputes by Black chiefs, headmen and chiefs' deputies

(1) The Minister may-

- (a) authorize any Black chief or headman recognized or appointed under subsection (7) or (8) of section *two* to hear and determine civil claims arising out of Black law and custom brought before him by Blacks against Blacks resident within his area of jurisdiction;
- (b) at the request of any chief upon whom jurisdiction has been conferred in terms of paragraph (a), authorize a deputy of such chief to hear and determine civil claims arising out of Black law and custom brought before him by Blacks against Blacks resident within such chief's area of jurisdiction:

Provided that a Black chief, headman or chief's deputy shall not under this section or any other law have power to determine any question of nullity, divorce or separation arising out of a marriage.

[Sub-s. (1) amended by s. 22 (a) of Act 56 of 1949.]

[NB: Sub-s. (1) has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (1) is implemented, whichever occurs first.]

(2) The Minister may at any time revoke the authority granted to a chief, headman or chief's deputy under subsection (1).

[Sub-s. (2) amended by s. 22 (a) of Act 56 of 1949.]

[NB: Sub-s. (2) has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (2) is implemented, whichever occurs first.]

(3) A judgment given by such chief, headman or chief's deputy shall be executed in accordance with the procedure prescribed by regulation under subsection (6).

[NB: Sub-s. (3) has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (3) is implemented, whichever occurs first.]

(4) Any party to a suit in which a Black chief, headman or chief's deputy has given judgment may appeal therefrom to any magistrate's court which would have had jurisdiction had the proceedings in the first instance been instituted in a magistrate's court, and if the appellant has noted his appeal in the manner and within the period prescribed by regulation under subsection (6), the execution of the judgment shall be suspended until the appeal has been decided (if it was prosecuted at the time and in the manner so prescribed) or until the expiration of the last-mentioned period if the appeal was not prosecuted within that period, or until the appeal has been withdrawn or has lapsed: Provided that no such appeal shall lie in any case where the claim or the value of the matter in dispute is less than R10, unless the court to which the appellant proposes to appeal, has certified after summary enquiry that the issue involves an important principle of law.

[Sub-s. (4) amended by s. 22 (b) of Act 56 of 1949 and by s. 22 of Act 54 of 1952 and substituted by s. 2 of Act 34 of 1986.]

[NB: Sub-s. (4) has been amended by s. 74 of the Magistrates' Courts Amendment Act 120 of 1993, a provision which will be put into operation by proclamation. See PENDLEX. Sub-s. (4) has subsequently been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (4) is implemented, whichever occurs first.]

(5) .....

[Sub-s. (5) deleted by s. 2 of Act 34 of 1986.]

(6) The Minister may make the regulations mentioned in subsections (3) and (4), and generally regulations prescribing the procedure which shall be followed in any action taken under this section.

[NB: Sub-s. (6) has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (6) is implemented, whichever occurs first.]

[S. 12 amended by s. 6 of Act 9 of 1929 and by s. 6 of Act 21 of 1943 and substituted by s. 23 of Act 36 of 1944.]

#### 13 .....

[S. 13 amended by s. 23 of Act 56 of 1949 and repealed by s. 2 of Act 34 of 1986.]

#### 14 .....

[S. 14 substituted by s. 7 of Act 21 of 1943 and repealed by s. 2 of Act 34 of 1986.]

**15 to 19 inclusive** .....

[Ss. 15 to 19 inclusive repealed by s. 2 of Act 34 of 1986.]

**20 Powers of chiefs, headmen and chiefs' deputies to try certain offences**

(1) The Minister may-

- (a) by writing under his hand confer upon any Black chief or headman jurisdiction to try and punish any Black who has committed, in the area under the control of the chief or headman concerned-
- (i) any offence at common law or under Black law and custom other than an offence referred to in the Third Schedule to this Act; and
  - (ii) any statutory offence other than an offence referred to in the Third Schedule to this Act, specified by the Minister:

Provided that if any such offence has been committed by two or more persons any of whom is not a Black, or in relation to a person who is not a Black or property belonging to any person who is not a Black other than property, movable or immovable, held in trust for a Black tribe or a community or aggregation of Blacks or a Black, such offence may not be tried by a Black chief or headman;

[Para. (a) amended by s. 4 (1) of Act 108 of 1991.]

- (b) at the request of any chief upon whom jurisdiction has been conferred in terms of paragraph (a), by writing under his hand confer upon a deputy of such chief jurisdiction to try and punish any Black who has committed, in the area under the control of such chief, any offence which may be tried by such chief.

[NB: Sub-s. (1) has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (1) is implemented, whichever occurs first.]

(2) The procedure at any trial by a chief, headman or chief's deputy under this section, the punishment, the manner of execution of any sentence imposed and subject to the provisions of paragraph (b) of subsection (1) of section *nine* of the Black Authorities Act, 1951 (Act 68 of 1951), the appropriation of fines shall, save in so far as the Minister may prescribe otherwise by regulation made under subsection (9), be in accordance with Black law and custom: Provided that in the exercise of the jurisdiction conferred upon him or her under subsection (1) a chief, headman or chief's deputy may not inflict any punishment involving death, mutilation, grievous bodily harm or imprisonment or impose a fine in excess of R100 or two head of large stock or ten head of small stock or impose corporal punishment.

[Sub-s. (2) amended by s. 2 of Act 33 of 1997.]

[NB: Sub-s. (2) has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (2) is implemented, whichever occurs first.]

(3) Any jurisdiction conferred upon a chief, headman or chief's deputy under any provision of this Act before the date of commencement of the Black Administration Amendment Act, 1955, and which at that date has not been revoked under any such provision, shall be deemed to have been conferred under and subject to the provisions of this section.

[NB: Sub-s. (3) has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (3) is implemented, whichever occurs first.]

(4) The Minister may at any time revoke the jurisdiction conferred upon a chief, headman or chief's deputy under any provision of this Act before or after the commencement of the Black Administration Amendment Act, 1955.

[NB: Sub-s. (4) has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (4) is implemented, whichever occurs first.]

(5) (a) If a Black chief, headman or chief's deputy fails to recover from a person any fine imposed upon him in terms of subsection (2), or any portion of such fine, he may arrest such person or cause him to be arrested by his messengers, and shall within 48 hours after his arrest bring or cause him to be brought before the magistrate's court which has jurisdiction in the district in which the trial took place.

(b) A magistrate before whom any person is brought under paragraph (a) may, upon being satisfied that the fine was duly and lawfully imposed and is still unpaid either wholly or in part, order such person to pay the fine or the unpaid portion thereof forthwith and, if such person fails to comply forthwith with such order, sentence him to imprisonment for a period not exceeding three months.

(c) The magistrate shall issue in respect of any person sentenced to imprisonment in terms of this subsection a warrant for his detention in a prison.

[Sub-s. (5) substituted by s. 2 of Act 34 of 1986.]

[NB: Sub-s. (5) has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (5) is implemented, whichever occurs first.]

(6) Any person who has been convicted by a Black chief, headman or chief's deputy under this section may in the

manner and within the period prescribed by regulation made under subsection (9), appeal against his conviction and against any sentence which may have been imposed upon him, to the magistrate's court which has jurisdiction in the district in which the trial in question took place.

[Sub-s. (6) substituted by s. 2 of Act 34 of 1986.]

**[NB:** Sub-s. (6) has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (6) is implemented, whichever occurs first.]

(7) and (8) .....

[Sub-ss. (7) and (8) deleted by s. 2 of Act 34 of 1986.]

(9) The Minister may make regulations-

- (a) in regard to all matters which by this section are required or permitted to be prescribed by regulation;
- (b) prescribing the manner in which and the period within which an appeal under subsection (6) shall be brought;
- (c) prescribing the procedure to be followed in any action taken under this section.

**[NB:** Sub-s. (9) has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (9) is implemented, whichever occurs first.]

[S. 20 amended by s. 6 (1) of Act 9 of 1929, by s. 8 of Act 21 of 1943 and by s. 24 of Act 56 of 1949 and substituted by s. 23 of Act 54 of 1952 and by s. 1 of Act 13 of 1955.]

**21** .....

[S. 21 amended by s. 25 of Act 56 of 1949, substituted by s. 24 of Act 54 of 1952 and repealed by s. 2 of Act 34 of 1986.]

**21A** .....

[S. 21A inserted by s. 1 of Act 94 of 1980 and repealed by s. 1 (1) of Act 28 of 2005.]

## CHAPTER V

### MARRIAGE AND SUCCESSION (ss 22-23)

#### **22 Marriages of Blacks: Property rights**

(1) .....

[Sub-s. (1) substituted by s. 1 (a) of Act 3 of 1988 and repealed by s. 13 of Act 120 of 1998.]

(2) .....

[Sub-s. (2) substituted by s. 1 (b) of Act 3 of 1988 and repealed by s. 13 of Act 120 of 1998.]

(3) .....

[Sub-s. (3) substituted by s. 1 (c) of Act 3 of 1988 and repealed by s. 13 of Act 120 of 1998.]

(4) .....

[Sub-s. (4) repealed by s. 13 of Act 120 of 1998.]

(5) .....

[Sub-s. (5) substituted by s. 1 (d) of Act 3 of 1988 and repealed by s. 13 of Act 120 of 1998.]

(6) .....

[Sub-s. (6) deleted by s. 1 (e) of Act 3 of 1988.]

(7) No marriage contracted after the commencement of this Act but before the commencement of the Marriage and Matrimonial Property Law Amendment Act, 1988, during the subsistence of any customary union between the husband and any woman other than the wife shall in any way affect the material rights of any partner of such union or any issue thereof, and the widow of any such marriage and the issue thereof shall have no greater rights in respect of the estate of the deceased spouse than she or they would have had if the said marriage had been a customary union.

[Sub-s. (7) substituted by s. 1 (f) of Act 3 of 1988.]

**[NB:** Sub-s. (7) has been repealed by s. 1 (4) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (7) is implemented, whichever occurs first.]

(8) Nothing in this section or in section *twenty-three* shall affect any legal right which has accrued or may accrue as the result of a marriage in community of property contracted before the commencement of this Act.

**[NB:** Sub-s. (8) has been repealed by s. 1 (4) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in sub-s. (8) is implemented, whichever occurs first.]

[Date of commencement of section 22: 1 January 1929.]

**22bis** .....

[S. 22bis inserted by s. 10 of Act 46 of 1962 and repealed by s.13 of Act 120 of 1998.]

**22ter** .....

[S. 22ter inserted by s. 2 of Act 23 of 1972 and repealed by s. 2 of Act 91 of 1985.]

#### **23 Succession**

- (1) .....  
[Sub-s. (1) repealed by s. 1 (1) of Act 28 of 2005.]
- (2) .....  
[Sub-s. (2) amended by s. 10 of Act 108 of 1991 and repealed by s. 1 (1) of Act 28 of 2005.]
- (3) .....  
[Sub-s. (3) amended by s. 7 (a) of Act 9 of 1929 and repealed by s. 1 (1) of Act 28 of 2005.]
- (4) .....  
[Sub-s. (4) deleted by s. 2 of Act 34 of 1986.]
- (5) .....  
[Sub-s. (5) amended by s. 7 (b) of Act 9 of 1929, substituted by s. 2 of Act 34 of 1986 and repealed by s. 1 (1) of Act 28 of 2005.]
- (6) .....  
[Sub-s. (6) amended by s. 7 (c) of Act 9 of 1929 and repealed by s. 1 (1) of Act 28 of 2005.]
- (7) Letters of administration from the Master of the Supreme court shall not be necessary in, nor shall the Master or any executor appointed by the Master have any powers in connection with, the administration and distribution of-
- (a) .....  
[Para. (a) substituted by s. 7 (d) of Act 9 of 1929 and deleted by s. 3 of Act 47 of 2002.]
- (b) .....  
[Para. (b) substituted by s. 7 (d) of Act 9 of 1929 and repealed by s. 1 (1) of Act 28 of 2005.]  
[Sub-s. (7) amended by s. 7 (d) of Act 9 of 1929.]
- (8) .....  
[Sub-s. (8) repealed by s. 1 (1) of Act 28 of 2005.]
- (9) .....  
[Sub-s. (9) substituted by s. 7 (e) of Act 9 of 1929 and repealed by s. 1 (1) of Act 28 of 2005.]
- (10) The Governor-General may make regulations not inconsistent with this Act-
- (a) .....  
[Para. (a) repealed by s. 1 (1) of Act 28 of 2005.]
- (b) .....  
[Para. (b) repealed by s. 1 (1) of Act 28 of 2005.]
- (c) .....  
[Para. (c) repealed by s. 1 (1) of Act 28 of 2005.]
- (d) .....  
[Para. (d) deleted by s. 2 of Act 34 of 1986.]
- (e) .....  
[Para. (e) repealed by s. 1 (1) of Act 28 of 2005.]
- (f) .....  
[Para. (f) repealed by s. 1 (1) of Act 28 of 2005.]
- (11) .....  
[Sub-s. (11) repealed by s. 1 (1) of Act 28 of 2005.]  
[Date of commencement of section 23: 1 January 1929.]

## CHAPTER VI LEGISLATION (ss 24-26)

### 24 Operation of Code of Zulu Law

Notwithstanding the repeal of Natal Law 19 of 1891 by section 1 of the Black Laws Amendment Act, 1976, the Schedule to that Act, as substituted by Proclamation R.195 of 1967, shall, subject to the provisions of section 7 (a) of the Alteration of Provincial Boundaries Act, 1978 (Act 36 of 1978), remain of full force as law for Blacks in Natal, and the State President may from time to time by proclamation in the *Gazette* amend, repeal or substitute the provisions of the said Schedule, which shall be known as the Code of Zulu Law: Provided that no such proclamation shall have any force or effect until one month has elapsed from the date of its promulgation in the *Gazette*.

[S. 24 amended by s. 2 of Act 4 of 1976 and substituted by s. 1 of Act 3 of 1980.]

[NB: S. 24 has been repealed by s. 1 (5) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as provincial legislation in the province of Kwa-Zulu-Natal in order to further regulate the matters dealt with in s. 24 of the Act is implemented, whichever occurs first.<sup>ii\*</sup>]

### 25 .....

[S. 25 amended by s. 1 of Act 83 of 1984 and repealed by s. 5 (1) of Act 108 of 1991.]

### 26 List of proclamations to be laid before Parliament

#### (1) .....

[Sub-s. (1) repealed by s. 1 (1) of Act 28 of 2005.]

(2) .....

[Sub-s. (2) deleted by s. 6 of Act 108 of 1991.]

[S. 26 substituted by s. 3 of Act 4 of 1976.]

**CHAPTER VII****PREVENTION OF MISCONDUCT AND DISORDERS, REGULATION OF BLACK LIVING, AND CONTROL OF CERTAIN VILLAGES AND TOWNSHIPS (ss 27-30A)****27** .....

[S. 27 amended by s. 2 (a) and (b) of Act 9 of 1939, s. 3 of Act 42 of 1942, s. 26 of Act 56 of 1949, s. 25 of Act 54 of 1952, s. 2 of Act 94 of 1980, s. 10 of Act 108 of 1991 and repealed by s. 1 (1) of Act 28 of 2005.]

**28** .....

[S. 28 repealed by s. 17 of Act 67 of 1952.]

**29** .....

[S. 29 amended by s. 4 of Act 79 of 1957, by s. 3 of Act 70 of 1974 and by s. 7 of Act 108 of 1991 and repealed by s. 7 of Act 206 of 1993.]

**30** .....

[S. 30 substituted by s. 9 of Act 21 of 1943 and by s. 2 (1) of Act 83 of 1984, amended by s. 2 of Act 57 of 1986, by s. 1 of Act 53 of 1988 and by s. 7 (1)(b) of Act 71 of 1991 and repealed by s. 8 (1) of Act 108 of 1991.]

**30A** .....

[S. 30A inserted by s. 3 of Act 57 of 1986 and repealed by s. 8 (1) of Act 108 of 1991.]

**CHAPTER VIII****GENERAL (ss 31-37)****31** .....

[S. 31 amended by s. 8 of Act 9 of 1929, by s. 17 of Act 67 of 1952 and repealed by s. 1 (1) of Act 28 of 2005.]

**32 Penalties for breach of proclamation, rule or regulation**

(1) Any proclamation, rule or regulation made under the authority of this Act may prescribe penalties for a contravention thereof, or default in complying therewith.

(2) In the absence of any specific penalty for any offence under this Act or any proclamation, rule or regulation made thereunder, the court convicting any person of such offence may impose upon him a fine not exceeding twenty-five pounds, or in default of payment imprisonment for a period not exceeding three months.

(3) Different provisions may be made by proclamation, rule or regulation in respect of different localities.

**[NB: S. 32 has been repealed by s. 1 (7) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, subject to the repeal of sections 1, 2 (1), (2), (3), (5), (6), (7), (7)bis, (7)ter, (8) and (9), 3, 5 (1) (a), 11 (3) (a), 11A, 12 (1), (2), (3), (4) and (6), 20 (1), (2), (3), (4), (5), (6) and (9), 21A, 22 (7) and (8), 23 (1), (2), (3), (5), (6), (7) (b), (8), (9), (10) (a), (b), (c), (e) and (f) and (11), 24, 26 (1), 27, 31, 33, 34, and the Second and Third Schedules of the Black Administration Act 38 of 1927 (hereafter referred to as the Act), and any proclamation made under section 25 (1) of the Act, including a proclamation validated by an Act of Parliament, and in force immediately prior to the commencement of section 5 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991; and any regulation made under section 30 (2) of the Act or any by-law made under section 30A (1) of the Act and in force immediately prior to the commencement of section 8 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991.]**

**32A** .....

[S. 32A inserted by s. 2 of Act 63 of 1966 and repealed by s. 2 (1) of Act 40 of 2002.]

**33** .....

[S. 33 repealed by s. 1 (1) of Act 28 of 2005.]

**34** .....

[S. 34 amended by s. 4 of Act 42 of 1942 and repealed by s. 1 (1) of Act 28 of 2005.]

**35 Interpretation of terms**

In this Act, and any proclamation, rule or regulation made thereunder, unless inconsistent with the context -  
**'Black'** shall include any person who is a member of any aboriginal race or tribe of Africa;

[Definition of 'Black' amended by s. 3 (b) of Act 9 of 1939, substituted by s. 4 of Act 70 of 1974 and amended by s. 2 of Act 3 of 1980 and by s. 9 (a) of Act 108 of 1991.]

**'chief'**, in relation to a Black tribe, includes a paramount chief and a sub-chief;

[Definition of 'chief' inserted by s. 4 of Act 42 of 1956.]

**'Chief Commissioner'** includes an Assistant chief Commissioner;

[Definition of 'Chief Commissioner' inserted by s. 10 of Act 21 of 1943.]

**'Commissioner'** includes an Additional and an Assistant Commissioner;

[Definition of 'Commissioner' amended by s. 9 (c) of Act 9 of 1929.]

'**customary union**' means the association of a man and a woman in a conjugal relationship according to Black law and custom, where neither the man nor the woman is party to a subsisting marriage;

[Definition of 'customary union' substituted by s. 9 (a) of Act 9 of 1929.]

'**house**' means the family and property, rights and status, which commence with, attach to, and arise out of the customary union of each Black woman;

'**location**' .....

[Definition of 'location' deleted by s. 9 (b) of Act 108 of 1991.]

'**marriage**' means the union of one man with one woman in accordance with any law for the time being in force in any Province governing marriages, but does not include any union contracted under Black law and custom or any union recognized as a marriage in Black law under the provisions of section *one hundred and forty-seven* of the Code of Black Law contained in the Schedule to Law 19 of 1891 (Natal) or any amendment thereof or any other law;

[Definition of 'marriage' inserted by s. 9 (b) of Act 9 of 1929.]

'**mine**' bears the meaning assigned to the expression by section *two* of the Black Labour Regulation Act, 1911 (Act 15 of 1911), as amended by section *thirty-three* of the Black Laws Amendment Act, 1937 (Act 46 of 1937);

[Definition of 'mine' inserted by s. 3 (a) of Act 9 of 1939.]

'**Minister**' means the Minister of Regional and Land Affairs;

[Definition of 'Minister' substituted by s. 4 of Act 89 of 1993.]

'**partner**' means any spouse of a customary union;

'**pass area**' .....

[Definition of 'pass area' deleted by s. 17 of Act 67 of 1952.]

'**tribal settlement**' means any area where persons reside according to indigenous law;

[Definition of 'tribal settlement' inserted by s. 9 (c) of Act 108 of 1991.]

'**works**' bears the meaning assigned to the expression by section *two* of the Black Labour Regulation Act, 1911 (Act 15 of 1911), as amended by section *thirty-three* of the Black Laws Amendment Act, 1937 (Act 46 of 1937).

[Definition of 'works' added by s. 3 (c) of Act 9 of 1939.]

[NB: S. 35 has been repealed by s. 1 (7) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, subject to the repeal of sections 1, 2 (1), (2), (3), (5), (6), (7), (7)*bis*, (7)*ter*, (8) and (9), 3, 5 (1) (a), 11 (3) (a), 11A, 12 (1), (2), (3), (4) and (6), 20 (1), (2), (3), (4), (5), (6) and (9), 21A, 22 (7) and (8), 23 (1), (2), (3), (5), (6), (7) (b), (8), (9), (10) (a), (b), (c), (e) and (f) and (11), 24, 26 (1), 27, 31, 33, 34, and the Second and Third Schedules of the Black Administration Act 38 of 1927 (hereafter referred to as the Act), and any proclamation made under section 25 (1) of the Act, including a proclamation validated by an Act of Parliament, and in force immediately prior to the commencement of section 5 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991; and any regulation made under section 30 (2) of the Act or any by-law made under section 30A (1) of the Act and in force immediately prior to the commencement of section 8 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991.]

### 36 Repeal of laws

The laws mentioned in the Schedule to this Act, and so much of any other law as may be repugnant to or inconsistent with the provisions of this Act, are hereby repealed.

[Date of commencement: 1 January 1929.]

[NB: S. 36 has been repealed by s. 1 (7) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, subject to the repeal of sections 1, 2 (1), (2), (3), (5), (6), (7), (7)*bis*, (7)*ter*, (8) and (9), 3, 5 (1) (a), 11 (3) (a), 11A, 12 (1), (2), (3), (4) and (6), 20 (1), (2), (3), (4), (5), (6) and (9), 21A, 22 (7) and (8), 23 (1), (2), (3), (5), (6), (7) (b), (8), (9), (10) (a), (b), (c), (e) and (f) and (11), 24, 26 (1), 27, 31, 33, 34, and the Second and Third Schedules of the Black Administration Act 38 of 1927 (hereafter referred to as the Act), and any proclamation made under section 25 (1) of the Act, including a proclamation validated by an Act of Parliament, and in force immediately prior to the commencement of section 5 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991; and any regulation made under section 30 (2) of the Act or any by-law made under section 30A (1) of the Act and in force immediately prior to the commencement of section 8 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991.]

### 37 Short title and commencement

This Act may be cited as the Black Administration Act, 1927, and shall commence upon a date to be fixed by the Governor-General by proclamation in the *Gazette*: Provided that in such proclamation the Governor-General may exclude from application any specified part or provision of this Act, which shall thereupon not apply until brought into operation by

a further proclamation in the *Gazette*.

[NB: S. 37 has been repealed by s. 1 (7) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, subject to the repeal of sections 1, 2 (1), (2), (3), (5), (6), (7), (7)*bis*, (7)*ter*, (8) and (9), 3, 5 (1) (a), 11 (3) (a), 11A, 12 (1), (2), (3), (4) and (6), 20 (1), (2), (3), (4), (5), (6) and (9), 21A, 22 (7) and (8), 23 (1), (2), (3), (5), (6), (7) (b), (8), (9), (10) (a), (b), (c), (e) and (f) and (11), 24, 26 (1), 27, 31, 33, 34, and the Second and Third Schedules of the Black Administration Act 38 of 1927 (hereafter referred to as the Act), and any proclamation made under section 25 (1) of the Act, including a proclamation validated by an Act of Parliament, and in force immediately prior to the commencement of section 5 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991; and any regulation made under section 30 (2) of the Act or any by-law made under section 30A (1) of the Act and in force immediately prior to the commencement of section 8 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991.]

**First Schedule**  
**LAWS REPEALED**

[NB: The First Schedule has been repealed by s. 1 (7) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, subject to the repeal of sections 1, 2 (1), (2), (3), (5), (6), (7), (7)*bis*, (7)*ter*, (8) and (9), 3, 5 (1) (a), 11 (3) (a), 11A, 12 (1), (2), (3), (4) and (6), 20 (1), (2), (3), (4), (5), (6) and (9), 21A, 22 (7) and (8), 23 (1), (2), (3), (5), (6), (7) (b), (8), (9), (10) (a), (b), (c), (e) and (f) and (11), 24, 26 (1), 27, 31, 33, 34, and the Second and Third Schedules of the Black Administration Act 38 of 1927 (hereafter referred to as the Act), and any proclamation made under section 25 (1) of the Act, including a proclamation validated by an Act of Parliament, and in force immediately prior to the commencement of section 5 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991; and any regulation made under section 30 (2) of the Act or any by-law made under section 30A (1) of the Act and in force immediately prior to the commencement of section 8 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991), in an area, including a former self-governing territory which has not been repealed in terms of section 87 of the Abolition of Racially Based Land Measures Act, 1991.]

Province or Union	No. and Year of Law	Title or subject of Law	Extent of Repeal
Cape of Good Hope	Act 17 of 1864	The Certificate of Citizenship Amendment Act, 1864	The whole.
"	Act 18 of 1864	The Black Successions Act, 1864	The whole.
"	British Kaffraria Ordinance 10 of 1864	The Black Successions Ordinance	The whole.
"	Act 37 of 1884	The Black Locations Act, 1884	So much as is unrepealed.
"	Act 39 of 1887	The Black Registered Voters Relief Act, 1887	In so far as it in conflict with the provisions of this Act.
"	Act 25 of 1894	The Glen Grey Act, 1894	Sections <i>nineteen to twenty-five</i> inclusive.
"	Act 14 of 1905	The Glen Grey Amendment Act, 1905	Sections <i>one</i> and <i>two</i> .
Natal	Law 28 of 1865	For relieving certain persons from the operation of Black law	The whole.
"	Law 26 of 1875	The Black Administration Law, 1875	So much as is unrepealed excepting section <i>fourteen</i> .
"	Government Notice 194 of 1878	The Code of Black Law	So far as it applies to Zululand.

"	Law 44 of 1887	To amend the Black Administration Law, 1875	So much as is unrepealed excepting section <i>seven</i> .
"	Law 19 of 1891	To legalize the Code of Black Law	Section <i>two</i> .
"	Act 7 of 1895	To enable certain Blacks to dispose of immovable property	The whole.
"	Act 49 of 1898	The Courts Act, 1898	Paragraph ( <i>e</i> ) of section <i>four</i> , sections <i>thirty-seven</i> to <i>forty-one</i> inclusive, Chapters III and IV, and section <i>seventy-one</i> .
"	Act 47 of 1901	To amend the Courts Act, 1898	Section <i>seven</i> .
"	Act 1 of 1909	The Black Administration Act, 1909	So much as is unrepealed.
Transvaal	Law 4 of 1885	To provide for the better administration of justice among Blacks	So much as is unrepealed.
"	Law 3 of 1898	Relative to the contracts of Black chiefs	The whole.
"	Law 7 of 1899	Regulating the competency of Black Commissioners to punish legal practitioners	The whole.
"	Proclamation 35 of 1901	Coloured Persons Exemption (or Relief) Proclamation, 1901	The whole.
"	Proclamation 28 of 1902	The Administration of Estates Proclamation, 1902	Sections <i>seventy</i> and <i>seventy-one</i> .
"	Ordinance 3 of 1902	The Black Commissioners Jurisdiction Ordinance, 1902	The whole.
"	Ordinance 28 of 1902	The Black Relief Ordinance, 1902	The whole.
"	Act 29 of 1907	The Black Administration Amendment Act, 1907	The whole.
Orange Free State	Chapter XXXVI	Regarding the tribe of Paulus Mopeli	The whole.
"	Chapter LVI	On the liquidation and distribution of Barolong Estates	The whole.
"	Law 9 of 1898	Regarding the tribe at Witzieshoek	The whole.
"	Law 26 of 1899	The Marriage Law	Section <i>twenty-eight</i> .
"	Ordinance 2 of 1903	The Coloured Persons Relief Ordinance, 1903	The whole.
"	Ordinance 12 of 1907	The Coloured persons of Distinction Exemption Ordinance, 1907	The whole.

Union	Act 24 of 1913	The Administration of Estates Act, 1913	Paragraph (d) of subsection (1) of section <i>three</i> .
"	Act 32 of 1917	The Magistrates' Court Act, 1917	Subsection (1) of section <i>one hundred and eight</i> in so far as it relates to Black cases.
"	Act 7 of 1924	The Black Chiefs' Jurisdiction (Transvaal and British Bechuanaland) Act, 1924	The whole, except section <i>two</i> .

### Second Schedule

[Second Schedule inserted by s. 24 of Act 36 of 1944, amended by s. 1 of Act 56 of 1968 and repealed by s. 1 (1) of Act 28 of 2005.]

### Third Schedule

[Third Schedule added by s. 2 of Act 13 of 1955 and amended by s. 36 (1) of Act 12 of 2004.]

**[NB:** The Third Schedule has been repealed by s. 1 (3) of the Repeal of the Black Administration Act and Amendment of Certain Laws Act 28 of 2005, with effect from 31 July 2006; or such date as national legislation to further regulate the matters dealt with in the Third Schedule of the Act is implemented, whichever occurs first.]

Offences which may not be tried by a chief, headman or chief's deputy under subsection (1) of section *twenty*:

Treason.

Crimen laesae majestatis.

Public violence.

Sedition.

Murder.

Culpable homicide.

Rape.

Robbery.

Assault with intent to do grievous bodily harm.

Assault with intent to commit murder, rape or robbery.

Indecent assault.

Arson.

Bigamy.

Crimen injuria.

Abortion.

Abduction.

Offences under any law relating to stock theft.

Sodomy.

Bestiality.

Any offence referred to in Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004.

Breaking or entering any premises with intent to commit an offence either at common law or in contravention of any statute.

Receiving any stolen property knowing that it has been stolen.

Fraud.

Forgery or uttering a forged document knowing it to be forged.

Any offence under any law relating to illicit possession of or dealing in any precious metals or precious stones.

Any offence under any law relating to conveyance, possession or supply of habit-forming drugs or intoxicating liquor.

Any offence relating to the coinage.

Perjury.

Pretended witchcraft.

Faction fighting.

Man stealing.

Incest.

Extortion.

Defeating or obstructing the course of justice.

Any conspiracy, incitement or attempt to commit any of the above-mentioned offences.

**PENDLEX: Black Administration Act 38 of 1927 after amendment by the Magistrates' Courts Amendment Act 120 of 1993**

**Section 12 (4)**

Any party to a suit in which a Black chief, headman or chief's deputy has given judgment may appeal therefrom to any civil court of a district which would have had jurisdiction had the proceedings in the first instance been instituted in a civil court of a district, and if the appellant has noted his appeal in the manner and within the period prescribed by regulation under subsection (6), the execution of the judgment shall be suspended until the appeal has been decided (if it was prosecuted at the time and in the manner so prescribed) or until the expiration of the last-mentioned period if the appeal was not prosecuted within that period, or until the appeal has been withdrawn or has lapsed: Provided that no such appeal shall lie in any case where the claim or the value of the matter in dispute is less than R10, unless the court to which the appellant proposes to appeal, has certified after summary enquiry that the issue involves an important principle of law.

**BLACK ADMINISTRATION (AMENDMENT) ACT 9 OF 1939**

[ASSENTED TO 27 MARCH 1939]

[DATE OF COMMENCEMENT: 29 MARCH 1939]

*(Signed by the Governor-General in English)*

**ACT**

**To amend the Black Administration Act, 1927.**

**1 to 3 inclusive** Amend respectively the following sections of the Black Administration Act 38 of 1927: 2, 27, 35.

**4 Short title**

This Act shall be called the Black Administration (Amendment) Act, 1939.

**BLACK ADMINISTRATION AMENDMENT ACT 42 OF 1942**

[ASSENTED TO 20 APRIL 1942]

[DATE OF COMMENCEMENT: 28 APRIL 1942]

*(Signed by the Governor-General in Afrikaans)*

**as amended by**

Land Titles Adjustment Act 111 of 1993

**ACT**

**To amend the laws relating to Black administration.**

**1** Amends section 7 of the Black Administration Act 38 of 1927.

**2** .....

[S. 2 repealed by s. 15 (1) of Act 111 of 1993.]

**3 and 4** Amend respectively sections 27 and 34 of the Black Administration Act 38 of 1927.

**5** Amends section 10 of the Black Administration Act, 1927, Amendment Act 9 of 1929.

**6 Short title**

This Act shall be called the Black Administration Amendment Act, 1942.

**BLACK ADMINISTRATION (AMENDMENT) ACT 21 OF 1943**

[ASSENTED TO 19 APRIL 1943]

[DATE OF COMMENCEMENT: 21 APRIL 1943]

*(Signed by the Officer Administering the Government in English)*

**as amended by**

Marriage Act 25 of 1961

**ACT**

**To amend the Black Administration Act, 1927, and Law 46 of 1887 of Natal.**

**1 Definition**

In this Act the expression '**the principal Act**' means the Black Administration Act, 1927 (Act 38 of 1927), as amended.

**2** Substitutes section 2 of the Black Administration Act 38 of 1927.

**3** Amends section 10 of the Black Administration Act 38 of 1927.

**4** Inserts section 10*bis* in the Black Administration Act 38 of 1927.

**5 and 6** Amend respectively sections 11 and 12 of the Black Administration Act 38 of 1927.

**7** Substitutes section 14 of the Black Administration Act 38 of 1927.

**8** Amends section 20 of the Black Administration Act 38 of 1927.

**9** Substitutes section 30 of the Black Administration Act 38 of 1927.

**10** Amends section 35 of the Black Administration Act 38 of 1927.

**11 Continuance of measures taken under superseded provisions**

Any action taken under any provision of the principal Act which has been superseded by a provision contained in this Act shall be deemed to have been taken under the last-mentioned provision, if it would have been validly taken had the last-mentioned provision been in force at the time when the action in question was taken.

**12** .....

[S. 12 repealed by s. 39 (1) of Act 25 of 1961.]

**13 Short title**

This Act shall be called the Black Administration (Amendment) Act, 1943.

**BLACK ADMINISTRATION AMENDMENT ACT 13 OF 1955**

[ASSENTED TO 28 MARCH 1955]

[DATE OF COMMENCEMENT: 30 MARCH 1955]

*(English text signed by the Governor-General)*

**ACT**

**To amend the Black Administration Act, 1927.**

**1** Substitutes section 20 of the Black Administration Act 38 of 1927.

**2** Adds the Third Schedule to the Black Administration Act 38 of 1927.

**3 Short title**

This Act shall be called the Black Administration Amendment Act, 1955.

**BLACK ADMINISTRATION AMENDMENT ACT 42 OF 1956**

[ASSENTED TO 29 MAY 1956]

[DATE OF COMMENCEMENT: 1 JUNE 1956]

*(English text signed by the Governor-General)*

**ACT**

**To amend Act 11 of 1896 of Natal and the Black Administration Act, 1927.**

**1** Amends section 4 of Act 11 of 1896 of Natal.

**2** Substitutes section 1 of the Black Administration Act 38 of 1927.

**3 and 4** Amend respectively sections 5 and 35 of the Black Administration Act 38 of 1927.

**5 Short title**

This Act shall be called the Black Administration Amendment Act, 1956.

**BLACK ADMINISTRATION AMENDMENT ACT 44 OF 1981**

[ASSENTED TO 3 MARCH 1981]

[DATE OF COMMENCEMENT: 27 MARCH 1981]

*(English text signed by the State President)*

**ACT**

**To amend the Black Administration Act, 1927, so as to exclude certain persons from the jurisdiction of a Commissioner's Court; and to provide for matters connected therewith.**

**1** Amends section 10 (1) of the Black Administration Act 38 of 1927 by adding paragraph (f) to the proviso.

**2 Short title**

This Act shall be called the Black Administration Amendment Act 1981.

<sup>i</sup>The amendments made by Act 71 of 1991 to this Act came into operation in the Cape Province on 1 January 1992 (Administrator's Proclamation 83 of 1991 in Cape Official Gazette 4723 of 15 November 1991), in the Orange Free State on 1 July 1993 (Administrator's Proclamation 20 of 1993 in OFS Official Gazette 27 of 25 June 1993), in Natal on 24 February 1994 (Administrator's Proclamation 7 in Natal Official Gazette 4952 of 24 February 1994), and in the Transvaal on 25 April 1994 (Administrator's Proclamation 29 in Tvl Official Gazette 4992 of 13 April 1994).

<sup>ii</sup>The KwaZulu-Natal Traditional Leadership and Governance Act 5 of 2005 repeals the KwaZulu Act on the Code of Zulu Law, 1985 (Act 16 of 1985) and the Natal Code of Zulu Law, 1987 (Proclamation R151 of 1987), with effect from a date determined by the responsible Member of the Executive Council by notice in the *Gazette*.