

ARCHIVES

Archives Act 12 of 1992

Summary: This Act ([GG 421](#)) deals with the custody, care and control of archives. It repeals the Archives Act 4 of 1987 ([OG 5351](#)).

Regulations: Section 17(2) of the Archives Act 12 of 1992 states:

Anything done in terms of a provision of the Act repealed by subsection (1) and which could have been done under a corresponding provision of this Act shall be deemed to have been done under the provision of this Act.

But the current Act makes no provision for regulations, so this savings clause does not apply to regulations made under the repealed Act.

The Archives Act 4 of 1987 contained a broader savings clause in section 16(2):

Any regulation, rule, directive, notice, order, prohibition, authority, delegation, agreement, approval, appointment, exemption or document promulgated, issued, made, done, published, imposed, concluded, given or granted, and any other act performed in terms of any of the Acts repealed... shall, if and in so far as it is not repugnant to the provisions of this Act, be deemed to have been promulgated, issued, made, done, published, imposed, concluded, given, granted or performed in terms of or under the corresponding or allied provisions of this Act, and shall remain in force until a competent person or authority repeals, deletes, withdraws, substitutes or otherwise cancels it.

The Archives Act 4 of 1987 repealed the RSA *Archives Act 6 of 1962* ([RSA GG 197](#)).¹⁹ Regulations that survived this repeal appear to have remained in force under the Archives Act 4 of 1987.

However, since the wording of the savings clause in the current Act is narrower than the savings clause in the repealed Archives Act 4 of 1987, it appears that any regulations which survived under the Archives Act 4 of 1987 did not survive under the current Act.

Directives: Section 12 authorises the Head of Archives to issue directives on various topics “in any manner which he or she deems proper”. Such directives may have been issued, but none have been published in the *Government Gazette*.

See also **LIBRARIES**.

¹⁹ The Archives Act 4 of 1987 was brought into force on 1 October 1987 by AG Proc. 33/1987 ([OG 5433](#)). Note that the repealing Act explicitly repeals the SWA Archives Act Amendment Act 5 of 1979 ([OG 4013](#)) and the SWA Archives Amendment Act 16 of 1979 ([OG 4037](#)). However, it does not mention other South African amendments to the *Archives Act 6 of 1962* which pre-dated the relevant date of transfer or were otherwise made applicable to SWA: *Act 12/1964*, *Act 63/1969*, *Act 54/1977* and *Act 32/1979*, which was applied to SWA by SWA Act 5/1979.