

Argief

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA.

OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA.



UITGAWE OP GESAG.

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WET OP IDENTITEITSDOKUMENTE IN
SUIDWES-AFRIKA, 1970.

WET

Om voorsiening te maak vir die uitreiking van identiteitsdokumente aan die inwoners van die gebied Suidwes-Afrika; om die inhoud van sodanige dokumente voor te skryf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 14 Augustus 1970.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woord-
omskrywing.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „gebied” die gebied Suidwes-Afrika; (vii)
- (ii) „hierdie Wet” ook die regulasies; (viii)
- (iii) „identiteitsdokument” ’n identiteitsdokument bedoel in artikel 2; (i)
- (iv) „identiteitsnommer” ’n identiteitsnommer bedoel in artikel 3; (ii)
- (v) „register” die register bedoel in artikel 2 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (iv)
- (vi) „regulasie” ’n regulasie kragtens artikel 10 uitgevaardig; (v)
- (vii) „Sekretaris” die Sekretaris van Binnelandse Sake en ook iemand in diens van die Staat of die bekleër van ’n pos in die Staatsdiens wat in opdrag of onder beheer of op las van die Sekretaris van Binnelandse Sake optree; (vi)
- (viii) „voorgeskryf” by regulasie voorgeskryf. (iii)

Identiteits-
dokumente.

2. (1) Die Sekretaris moet aan iedere persoon wat blywend in die gebied woonagtig is, ’n identiteitsdokument uitreik.

(2) ’n Identiteitsdokument mag slegs die volgende toepaslike besonderhede, en geen ander besonderhede hoegenaamd nie, bevat met betrekking tot die persoon aan wie dit uitgereik word, naamlik—

- (a) sy identiteitsnommer en die datum van uitreiking van die identiteitsdokument;
- (b) sy volle naam, geboortedatum en geslag, en die land waarin hy gebore is;
- (c) ’n aanduiding of hy ’n Suid-Afrikaanse burger is of nie;
- (d) ’n onlangse foto van homself, indien hy reeds die ouderdom van sestien jaar bereik het;
- (e) die besonderhede aangaande sy huwelik vervat in die betrokke huweliksregister of ander stukke met betrekking tot die aangaan van sy huwelik, en die ander besonderhede aangaande sy huwelikstaat wat hy verlang dat dié dokument bevat;

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ACT

To provide for the issue of identity documents to the inhabitants of the territory of South-West Africa; to prescribe the contents of such documents; and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 14th August, 1970.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates— Definitions.

- (i) "identity document" means an identity document referred to in section 2; (iii)
- (ii) "identity number" means an identity number referred to in section 3; (iv)
- (iii) "prescribed" means prescribed by regulation; (viii)
- (iv) "register" means the register referred to in section 2 of the Population Registration Act, 1950 (Act No. 30 of 1950); (v)
- (v) "regulation" means a regulation made under section 10; (vi)
- (vi) "Secretary" means the Secretary for the Interior and includes any person employed by the State or the holder of a post in the public service acting under a delegation from or under the control or direction of the Secretary for the Interior; (vii)
- (vii) "territory" means the territory of South-West Africa; (i)
- (viii) "this Act" includes the regulations. (ii)

2. (1) The Secretary shall issue to every person who is permanently resident in the territory an identity document. Identity documents.

(2) An identity document may contain only the following relevant particulars, and no other particulars whatsoever, in relation to the person to whom it is issued, namely—

- (a) his identity number and the date of issue of the identity document;
- (b) his full name, date of birth and sex, and the country in which he was born;
- (c) an indication whether or not he is a South African citizen;
- (d) a recent photograph of himself, if he has attained the age of sixteen years;
- (e) the particulars as to his marriage contained in the marriage register concerned or any other documents relating to the contracting of his marriage, and such other particulars as to his married state as he desires such document to contain;

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- (f) besonderhede van sy verpligte immunisering teen poliomiëlitis en pokkies, en, indien hy dit verlang, besonderhede van verdere immunisering teen poliomiëlitis en pokkies, en besonderhede van immunisering teen difterie, tetanus, maagkoors, kinkhoes, geelkoors of cholera;
- (g) indien hy dit verlang, sy bloedgroep, 'n aantekening dat hy allergies is vir penisillien of enige serum, en 'n aantekening dat hy ly aan epilepsie, hemofilia, porfirie of suikersiekte;
- (h) sy bestuurderslisensie wat uitgereik of geldig is kragtens of uit hoofde van 'n ordonnansie van 'n provinsiale raad of die Wetgewende Vergadering van die gebied;
- (i) die besonderhede ingevolge artikel 42 (1) van die Wet op Wapens en Ammunisie, 1969 (Wet No. 75 van 1969), aangeteken in die register daarin vermeld;
- (j) sy gewone verblyfplek en sy posadres;
- (k) na 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, die kiesafdeling en stemdistrik vir die doeleindes van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No. 46 van 1946), of 'n ander Wet van die Parlement op die politieke verteenwoordiging van die een of ander bevolkingsgroep in 'n raad of liggaam, waarin sy gewone verblyfplek geleë is;
- (l) na 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, indien hy by 'n verkiesing ingevolge 'n wet bedoel in paragraaf (k) gestem het, 'n aantekening dat hy dit gedoen het;
- (m) na sy dood, die vereiste besonderhede verstrekk by die aangifte van sy dood, en by blywende vertrek uit die gebied, behalwe na die Republiek, die datum van sodanige vertrek.

(3) 'n Identiteitsdokument wat ingevolge subartikel (1) uitgereik is aan iemand wat nog nie die ouderdom van sestien jaar bereik het nie, verval wanneer so iemand daardie ouderdom bereik.

(4) 'n Identiteitsdokument wat ingevolge die Wet op Bevolkingsregistrasie, 1950 (Wet No. 30 van 1950), aan iemand uitgereik is, word, solank so iemand blywend in die gebied woonagtig is, geag ingevolge hierdie artikel aan hom uitgereik te wees.

Identiteits-
nommers.

3. (1) Die Sekretaris moet aan iedere persoon aan wie 'n identiteitsdokument ingevolge artikel 2 uitgereik word, 'n identiteitsnommer toewys.

(2) Die identiteitsnommer word op die voorgeskrewe wyse uit syfers saamgestel en bestaan, benewens 'n serie- en 'n kontrolemummer, uit 'n weergawe, in syferkodes, van die voorgeskrewe besonderhede, en geen ander besonderhede hoegenaamd nie, van die persoon aan wie dit toegewys is.

Verstreking van
besonderhede vir
die uitreiking van
identiteits-
dokumente.

4. (1) Indien aan iemand 'n identiteitsdokument ingevolge artikel 2 uitgereik moet word, moet so iemand of, indien hy nog nie die ouderdom van sestien jaar bereik het nie, sy voog, die besonderhede met betrekking tot homself of, na gelang van die geval, sy pupil onder die ouderdom van sestien jaar, wat nodig is vir die uitreiking van 'n identiteitsdokument aan hom of sy pupil, in die voorgeskrewe vorm aan die Sekretaris verstrekk.

(2) By die toepassing van subartikel (1) word, in die geval van iemand wat in die gebied gebore is na die inwerkingtreding van hierdie Wet, die verstreking van besonderhede vir die registrasie van 'n geboorte in die vorm wat ingevolge die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevallen, 1963 (Wet No. 81 van 1963), voorgeskryf is of geag word aldus voorgeskryf te wees, geag ook die verstreking van besonderhede vir die doeleindes van daardie subartikel, in die vorm daarin bedoel, te wees.

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- (f) particulars of his compulsory immunization against poliomyelitis and smallpox, and, if he so desires, particulars of further immunization against poliomyelitis and smallpox, and particulars of immunization against diphtheria, tetanus, gastric fever, whooping cough, yellow fever or cholera;
- (g) if he so desires, his blood group, a note that he is allergic to penicillin or any serum, and a note that he is suffering from epilepsy, haemophilia, porphyria or diabetes;
- (h) his driver's licence issued or valid under or by virtue of an ordinance of a provincial council or the Legislative Assembly of the territory;
- (i) the particulars recorded in terms of section 24 (1) of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), in the register mentioned therein;
- (j) his ordinary place of residence and his postal address;
- (k) after a date fixed by the State President by proclamation in the *Gazette*, the electoral division and polling district for the purposes of the Electoral Consolidation Act, 1946 (Act No. 46 of 1946), or any other Act of Parliament relating to the political representation of any population group in any council or body, in which his ordinary place of residence is situated;
- (l) after a date fixed by the State President by proclamation in the *Gazette*, if he has voted at an election in terms of any law referred to in paragraph (k), a note that he has done so;
- (m) after his death, the required particulars furnished when notice of his death was given, and on permanent departure from the territory, except for the Republic, the date of such departure.

(3) An identity document issued in terms of subsection (1) to a person who has not attained the age of sixteen years, shall lapse on such person's attaining that age.

(4) An identity document issued in terms of the Population Registration Act, 1950 (Act No. 30 of 1950), to any person, shall, so long as such person is permanently resident in the territory, be deemed to have been issued to him in terms of this section.

3. (1) The Secretary shall assign an identity number to every person to whom an identity document is issued in terms of section 2.

(2) The identity number shall be compiled in the prescribed manner out of figures and shall, in addition to a serial number and a control number, consist of a reproduction, in figure codes, of the prescribed particulars, and no other particulars whatsoever, of the person to whom it has been assigned.

4. (1) If an identity document is in terms of section 2 required to be issued to any person, such person or, if he has not attained the age of sixteen years, his guardian, shall furnish the Secretary in the prescribed form with such particulars in regard to himself or, as the case may be, his ward under the age of sixteen years, as may be necessary for the issue to him or his ward of an identity document.

Furnishing of particulars for the issuing of identity documents.

(2) In the application of subsection (1) the furnishing of particulars for the registration of a birth in the form prescribed in terms of the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963), or deemed in terms of the said Act to be so prescribed, shall, in the case of a person born in the territory after the commencement of this Act, be deemed to be also the furnishing of particulars for the purposes of that subsection in the form referred to therein.

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Voorsiening van foto deur iemand aan wie identiteitsdokument uitgereik moet word.

5. (1) Iedere persoon aan wie 'n identiteitsdokument ingevolge artikel 2 uitgereik moet word, behalwe iemand wat nog nie die ouderdom van sestien jaar bereik het nie, moet op sy eie koste en so dikwels dit nodig is of word om 'n identiteitsdokument aan hom uit te reik, die Sekretaris van twee eksemplare van 'n onlangse foto van homself voorsien, en wanneer 'n foto waarvan eksemplare aldus voorsien is, nie meer 'n herkenbare ewebeeld van die betrokke persoon is nie, moet hy weer die Sekretaris van twee eksemplare van 'n onlangse foto van homself aldus voorsien.

(2) Een eksemplaar van 'n foto bedoel in subartikel (1) kom in die identiteitsdokument van die betrokke persoon, en die ander eksemplaar word in die register weggelê, in die geval van eksemplare van 'n nuwe foto van die betrokke persoon, ter vervanging van die eksemplare van die ou foto van homself.

Teruggawe van identiteitsdokumente wat onjuiste besonderhede aangee.

6. Iemand aan wie ingevolge artikel 2 'n identiteitsdokument uitgereik is wat besonderhede bevat wat onjuis is of wat ten gevolge van 'n verandering van omstandighede onjuis geword het, of waarop die foto van so iemand nie meer 'n herkenbare ewebeeld van homself is nie, en die voog van so iemand wat nog nie die ouderdom van sestien jaar bereik het nie, moet op skriftelike versoek van die Sekretaris daardie identiteitsdokument aan die Sekretaris teruggee wat daarop 'n nuwe identiteitsdokument kosteloos, maar behoudens die bepalinge van artikel 5, aan so iemand uitreik.

Kennisgewing van verandering van verblyfplek en posadres.

7. (1) Iedere persoon aan wie 'n identiteitsdokument ingevolge artikel 2 uitgereik is, en die voog van iedere sodanige persoon wat nog nie die ouderdom van sestien jaar bereik het nie, moet binne veertien dae of, in 'n besondere geval, die langer tydperk wat die Sekretaris toelaat, na 'n blywende verandering in die gewone verblyfplek of posadres van daardie persoon of sy pupil onder die ouderdom van sestien jaar, na gelang van die geval, die Sekretaris van daardie verandering van verblyfplek of posadres op die voorgeskrewe wyse in kennis stel.

(2) Indien iemand aan wie 'n identiteitsdokument aldus uitgereik is, blywend intrek geneem het op 'n perseel wat aan iemand anders behoort, moet die persoon wat toestemming tot sodanige intrek verleen het, na verloop van veertien dae na sodanige neem van intrek, die voorgeskrewe stappe doen om vas te stel of die Sekretaris ingevolge subartikel (1) in kennis gestel is dat daardie perseel die verblyfplek van eersgenoemde persoon is.

(3) Indien iemand wat sodanige stappe doen, nie vasstel dat die Sekretaris aldus in kennis gestel is nie, moet hy die Sekretaris op die voorgeskrewe wyse en binne vyf-en-veertig dae na die neem van sodanige intrek in kennis stel dat die betrokke perseel die verblyfplek van die betrokke persoon is.

(4) Indien twee of meer persone stappe ingevolge subartikel (2) of (3) moet doen en een van hulle sodanige stappe gedoen het, word die ander geag ook daardie stappe te gedoen het.

(5) Die bepalinge van hierdie artikel en iedere wysiging daarvan is ook in die Republiek van toepassing.

Vertoning van identiteitsdokumente.

8. (1) Na 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal het en wat minstens drie maande na die datum van die proklamasie moet wees, kan 'n vredesbeampte (soos omskryf in artikel 1 van die Strafproseswet, 1955 (Wet No. 56 van 1955)), wanneer hy kragtens artikel 22 (3) van genoemde Wet geregtig is om van iemand te eis om aan genoemde vredesbeampte sy volle naam en adres op te gee, daardie persoon versoek, indien 'n identiteitsdokument ingevolge hierdie Wet aan hom uitgereik moet word en hy reeds die ouderdom van sestien jaar bereik het, om sy identiteitsdokument aan genoemde vredesbeampte te toon.

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5. (1) Every person to whom an identity document is in terms of section 2 required to be issued, except a person who has not attained the age of sixteen years, shall, at his own expense and as often as it is or becomes necessary to issue an identity document to him, furnish the Secretary with two copies of a recent photograph of himself, and whenever a photograph of which copies have been so furnished, is no longer a recognizable image of the person concerned, he shall again so furnish the Secretary with two copies of a recent photograph of himself.

Furnishing of photograph by person to whom identity document is to be issued.

(2) One copy of a photograph referred to in subsection (1) shall be placed in the identity document of the person concerned, and the other copy shall be filed in the register, in the case of copies of a new photograph of the person concerned, in substitution of the copies of the old photograph of himself.

6. Any person to whom an identity document has in terms of section 2 been issued which contains any particulars which are incorrect or which by reason of any change of circumstances have become incorrect, or on which the photograph of such person has ceased to be a recognizable image of himself, and the guardian of such person who has not attained the age of sixteen years, shall, on the written request of the Secretary, surrender that identity document to the Secretary who shall thereupon issue, free of charge, but subject to the provisions of section 5, a fresh identity document to such person.

Surrender of identity documents reflecting incorrect particulars.

7. (1) Every person to whom an identity document has in terms of section 2 been issued, and the guardian of any such person who has not attained the age of sixteen years, shall within fourteen days or, in a particular case, such longer period as the Secretary may allow, after any permanent change in the ordinary place of residence or postal address of that person or of his ward under the age of sixteen years, as the case may be, notify the Secretary in the prescribed manner of that change of residence or postal address.

Notification of change of residence and postal address.

(2) If any person to whom an identity document has been so issued takes up permanent residence on any premises belonging to any other person, the person who consented to such residence shall, after the expiry of fourteen days after the taking up of such residence, take the prescribed steps to ascertain whether the Secretary has in terms of subsection (1) been notified that such premises is the place of residence of the first-mentioned person.

(3) If any person taking such steps does not ascertain that the Secretary has been so notified, he shall, in the prescribed manner and within forty-five days after the taking up of such residence, notify the Secretary that the premises concerned is the place of residence of the person concerned.

(4) If two or more persons are in terms of subsection (2) or (3) required to take any steps and one of them has taken such steps, the other or others shall be deemed also to have taken such steps.

(5) The provisions of this section and any amendment thereof shall also apply in the Republic.

8. (1) After a date fixed by the State President by proclamation in the *Gazette*, being a date not less than three months after the date of the proclamation, any peace officer (as defined in section 1 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955)), may, whenever he is under section 22 (3) of the said Act entitled to call upon any person to furnish such peace officer with his full name and address, request that person, if an identity document is in terms of this Act required to be issued to him and he has attained the age of sixteen years, to produce to such peace officer his identity document.

Production of identity documents.

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(2) Iedere persoon wat ingevolge subartikel (1) deur 'n vredesbeampte versoek word om sy identiteitsdokument aan hom te toon, moet binne sewe dae vanaf die datum van sodanige versoek, sy identiteitsdokument toon aan genoemde vredesbeampte of by 'n polisiekantoor deur hom aangedui en deur die vredesbeampte aangeteken.

(3) Indien iemand in gebreke bly of weier om 'n polisiekantoor ingevolge subartikel (2) aan te dui, moet die betrokke vredesbeampte die polisiekantoor wat na sy oordeel die naaste is aan die gewone verblyfplek van genoemde persoon, vir die doel van daardie subartikel aandui en aanteken.

(4) Die Staatspresident kan by proklamasie in die *Staatskoerant* verklaar dat die bepalings van subartikels (1), (2) en (3) met betrekking tot vredesbeamptes *mutatis mutandis* ook van toepassing is met betrekking tot die persone of klasse persone in die proklamasie vermeld, en wel onder die omstandighede daarin vermeld.

Besonderhede in register en identiteitsdokumente word nie bekend gemaak of meegedeel nie behalwe in sekere gevalle.

9. (1) Niemand wat vir die doeleindes van hierdie Wet diens doen, niemand aan wie 'n identiteitsdokument ingevolge artikel 8 of die regulasies of 'n ander wet vertoon word, en niemand wat 'n aantekening ingevolge of uit hoofde van die bepalings van hierdie Wet of 'n ander wet in 'n identiteitsdokument maak, mag, behoudens die bepalings van subartikel (2), inligting wat hy daardeur bekom het, bekend maak of aan iemand anders meedeel nie, behalwe vir die doeleindes van hierdie Wet of strafregtelike stappe of die verrigting van sy werksaamhede ingevolge 'n ander wet, en niemand wat in besit van sodanige inligting gekom het wel wetende dat dit in stryd met die bepalings van hierdie artikel aan hom meegedeel is, mag daardie inligting bekend maak of aan iemand anders meedeel nie.

(2) Die Sekretaris kan, ondanks die bepalings van subartikel (1)—

- (a) aan 'n Staatsdepartement, plaaslike owerheid of statutêre liggaam, vir enige van die doeleindes van daardie departement, owerheid of liggaam, enige besonderhede in die register aangeteken met betrekking tot iemand wie se naam daarin opgeneem is, verskaf;
- (b) by betaling van die voorgeskrewe gelde, as daar is, aan iemand op skriftelike aansoek deur hom, enige besonderhede in die register aangeteken met betrekking tot iemand wie se naam daarin opgeneem is, verskaf, mits die Sekretaris oortuig is dat dit in belang van laasgenoemde persoon is dat sodanige besonderhede verskaf word.

(3) Die Sekretaris verskaf geen besonderhede aan iemand kragtens paragraaf (b) van subartikel (2) nie, tensy die doeleindes waarvoor die inligting nodig is, volledig uiteengesit is in die skriftelike aansoek in daardie paragraaf bedoel.

Regulasies.

10. (1) Die Staatspresident kan regulasies uitvaardig met betrekking tot—

- (a) die vorm en samestelling van identiteitsdokumente;
- (b) die wyse waarop 'n identiteitsdokument oorhandig moet word aan die persoon op wie dit betrekking het;
- (c) die uitreiking van duplikate van identiteitsdokumente, die omstandighede waaronder en die voorwaardes waarop hul uitgereik kan word en die gelde daarvoor betaalbaar;
- (d) die teruggawe van of beslaglegging op identiteitsdokumente;
- (e) die geldigheidsduur van identiteitsdokumente uitgereik aan alle persone in die algemeen of 'n besondere kategorie persone, en die uitreiking van nuwe identiteitsdokumente om identiteitsdokumente wat verval het, te vervang;
- (f) die grootte van 'n foto bedoel in artikel 5 en die vereistes waaraan dit moet voldoen;

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(2) Every person who is in terms of subsection (1) requested by a peace officer to produce to him his identity document shall, within seven days of the date of such request, produce his identity document to that peace officer or at a police station indicated by him and recorded by the peace officer.

(3) If any person fails or refuses to indicate a police station in terms of subsection (2) the peace officer concerned shall for the purposes of that subsection indicate and record the police station which he considers nearest to the ordinary place of residence of the said person.

(4) The State President may by proclamation in the *Gazette* declare that the provisions of subsections (1), (2) and (3) with reference to peace officers shall *mutatis mutandis* apply also with reference to the persons or classes of persons specified in the proclamation and under the circumstances specified therein.

9. (1) No person employed for the purposes of this Act, no person to whom an identity document is produced in terms of section 8 or the regulations or any other law, and no person making an entry in any identity document in terms or by virtue of the provisions of this Act or any other law shall, subject to the provisions of subsection (2), publish or communicate to any other person, otherwise than for the purposes of this Act or any criminal proceedings or the performance of his functions in terms of any other law, any information thereby acquired by him, and no person who has come into possession of any such information which to his knowledge has been communicated to him in contravention of the provisions of this section, shall publish or communicate to any other person that information.

Particulars in register and identity documents not to be published or communicated except in certain cases.

(2) The Secretary may, notwithstanding the provisions of subsection (1)—

- (a) furnish any department of State, any local authority or any statutory body, for any of the purposes of that department, authority or body, with any particulars recorded in the register in relation to any person whose name is included therein;
- (b) on payment of the prescribed fee, if any, furnish any person upon written application by him with any particulars recorded in the register in relation to any person whose name is included therein, provided the Secretary is satisfied that it is in the interests of the last-mentioned person that such particulars be furnished.

(3) The Secretary shall not furnish any person with any particulars under paragraph (b) of subsection (2) unless the purposes for which the information is required, are set out fully in the written application referred to in that paragraph.

10. The State President may make regulations as to—

Regulations.

- (a) the form and composition of identity documents;
- (b) the manner in which an identity document shall be delivered to the person to whom it relates;
- (c) the issue of duplicate identity documents, the circumstances under and the conditions subject to which they may be issued and the fees payable therefor;
- (d) the surrender or seizure of identity documents;
- (e) the period of validity of identity documents issued to all persons generally or to any particular class of persons, and the issue of fresh identity documents to replace identity documents which have lapsed;
- (f) the size of a photograph referred to in section 5 and the requirements with which it shall comply;

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- (g) die aantekening en verandering in identiteitsdokumente van die besonderhede bedoel in artikel 2, die beskikbaarstelling van identiteitsdokumente daarvoor, en die verkryging van sodanige besonderhede;
- (h) kennisgewing van verandering van gewone verblyfplek en posadres;
- (i) die uitreiking van sertifikate van besonderhede vervat in die register of in 'n identiteitsdokument, die doeleindes waarvoor sodanige sertifikate aangewend kan word, en die bewyskrag van sodanige sertifikate,

en, in die algemeen, met betrekking tot alle aangeleenthede wat volgens hierdie Wet voorgeskryf moet of kan word of wat hy nodig of dienstig ag om voor te skryf vir die bereiking van die doeleindes van hierdie Wet.

(2) Regulasies kragtens subartikel (1) uitgevaardig kan vir 'n oortreding daarvan of versuim om daaraan te voldoen, strawwe voorskryf van hoogstens 'n boete van honderd rand of gevangenisstraf vir 'n tydperk van ses maande.

(3) 'n Regulasie wat kragtens subartikel (1) uitgevaardig is moet in die Senaat en in die Volksraad ter Tafel gelê word binne veertien dae na die afkondiging daarvan, indien die Parlement in gewone sessie is of, indien die Parlement nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

(4) Indien die Senaat sowel as die Volksraad by besluit wat gedurende dieselfde sessie geneem word as dié waarin sodanige regulasie aldus ter Tafel gelê is, sodanige regulasie of 'n bepaling daarvan afkeur, verval sodanige regulasie of bepaling vir sover dit aldus afgekeur word, maar sonder afbreuk aan die geldigheid van iets wat reeds kragtens dié regulasie of bepaling gedoen is, of aan 'n reg of verpligting wat reeds ingevoelge dié regulasie of bepaling verkry of opgeloopt is.

Misdrywe en
strawwe.

11. (1) Iemand wat—

- (a) vir die doeleindes van hierdie Wet 'n verklaring doen of laat doen waarvan 'n wesentlike besonderheid vals is, terwyl hy weet dat dit vals is;
- (b) nadat hy in besit gekom het van 'n identiteitsdokument wat aan iemand anders behoort, voorgee dat dit aan hom behoort of versuim om dit so spoedig doenlik aan die persoon aan wie dit behoort, of aan die Sekretaris te versend of te oorhandig;
- (c) met die opset om te bedrieg, 'n identiteitsdokument namaak, verander, onleesbaar maak, vernietig of vermink;
- (d) toelaat dat iemand anders in besit kom van 'n identiteitsdokument wat aan hom behoort;
- (e) sonder gegronde rede in gebreke bly of weier om aan 'n bepaling van artikel 4, 5, 7 of 8 (2) te voldoen;
- (f) 'n bepaling van artikel 9 oortree;
- (g) sonder gegronde rede in gebreke bly of weier om aan 'n versoek van die Sekretaris ingevolge artikel 6 te voldoen;
- (h) voorgee dat onjuiste besonderhede in 'n identiteitsdokument juis is, terwyl hy weet dat dit onjuis is;
- (i) sonder gegronde rede in gebreke bly om die Sekretaris van onjuiste besonderhede in sy identiteitsdokument in kennis te stel,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met daardie boete sowel as daardie gevangenisstraf.

(2) Dit is geen verweer teen 'n aanklag kragtens subartikel (1) (e) weens 'n versuim om aan die bepalings van artikel 8 (2) te voldoen dat 'n identiteitsdokument nie aan die beskuldigde uitgereik was nie, tensy hy bewys dat dit nie aan sy versuim of nalatigheid toe te skryf is nie.

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- (g) the entry and alteration in identity documents of the particulars referred to in section 2, the making available of identity documents therefor, and the obtaining of such particulars;
- (h) notification of change of ordinary place of residence and postal address;
- (i) the issue of certificates of particulars contained in the register or in an identity document, the purposes for which such certificates may be used, and the evidential value of such certificates,

and, generally, as to all matters which by this Act are required or permitted to be prescribed or which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Any regulations made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of one hundred rand or imprisonment for a period of six months.

(3) Any regulation made under subsection (1) shall be laid on the Table in the Senate and the House of Assembly within fourteen days after promulgation thereof if Parliament is in ordinary session, or if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

(4) If both the Senate and the House of Assembly by resolution passed in the same session as that during which such regulation was so laid upon the said Tables, disapprove of such regulation or any provision thereof, such regulation or provision shall lapse to the extent to which it is so disapproved of, but without prejudice to the validity of anything done under such regulation or provision or to any right or obligation acquired or incurred in terms of such regulation or provision.

11. (1) Any person who—

Offences and
penalties.

- (a) for the purposes of this Act knowingly makes or causes to be made a statement which is false in a material particular;
 - (b) having come into possession of an identity document belonging to another person, represents it as his own or fails to dispatch it or hand it over as soon as practicable to the person to whom it belongs or the Secretary;
 - (c) with intent to deceive, imitates, alters, defaces, destroys or mutilates any identity document;
 - (d) allows any other person to come into possession of an identity document belonging to him;
 - (e) without lawful cause fails or refuses to comply with any provision of section 4, 5, 7 or 8 (2);
 - (f) contravenes any provision of section 9;
 - (g) without lawful cause fails or refuses to comply with a request of the Secretary in terms of section 6;
 - (h) knowingly pretends that any incorrect particulars in an identity document are correct;
 - (i) without lawful cause fails to notify the Secretary of any incorrect particulars in his identity document,
- shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(2) It shall be no defence to a charge under subsection (1) (e) for failing to comply with the provisions of section 8 (2) that an identity document was not issued to the accused, unless he proves that it was not due to any failure or neglect on his part.

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WET OP IDENTITEITSDOKUMENTE IN
SUIDWES-AFRIKA, 1970.

(3) Indien by 'n vervolging kragtens subartikel (1) (c) bewys word dat 'n identiteitsdokument nagmaak, verander, onleesbaar gemaak, vernietig of vermink is, word vermoed, totdat die teendeel bewys word, dat dit gedoen is met die opset om te bedrieg.

Vrystelling van sekere kategorieë persone van bepalings van Wet.

12. Die Staatspresident kan by proklamasie in die *Staatskoerant* enige kategorie persone van die bepalings van hierdie Wet vir 'n bepaalde of onbepaalde tydperk uitsluit, of van vermelde bepalings daarvan vir 'n bepaalde of onbepaalde tydperk, of onvoorwaardelik of op die voorwaardes in die proklamasie voorgeskryf, vrystel, en kan enige sodanige proklamasie op dergelike wyse wysig of intrek.

Toepassing van Wet op Oostelike Caprivi Zipfel.

13. Hierdie Wet is ook in die Oostelike Caprivi Zipfel van toepassing.

Kort titel en inwerkingtreding.

14. Hierdie Wet heet die Wet op Identiteitsdokumente in Suidwes-Afrika, 1970, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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(3) If in any prosecution under subsection (1) (c) it is proved that any identity document was imitated, altered, defaced, destroyed or mutilated, it shall be presumed, until the contrary is proved, that it was done with intent to deceive.

12. The State President may by proclamation in the *Gazette* exclude, for a specified or unspecified period, from the provisions of this Act, or exempt, for a specified or unspecified period and either unconditionally or subject to such conditions as may be prescribed in the proclamation, from any specified provisions thereof, any class of persons, and may in like manner amend or withdraw any such proclamation.

Exemption of certain classes of persons from provisions of Act.

13. This Act shall apply also in the Eastern Caprivi Zipfel.

Application of Act in Eastern Caprivi Zipfel.

14. This Act shall be called the Identity Documents in South-West Africa Act, 1970, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

