Full text of the Act "To validate the Voluntary Registration of certain Asiatics who failed to Comply with the provisions of Act No. 2 of 1907 and to make further provision for the registration of Asiatics," recently passed by the Transvaal Parliament

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of the Transvaal as follows:

1. In this Act unless inconsistent with the context:
   "adult" shall mean of the age of sixteen years or over;
   "application for registration shall mean an application to be placed on the register of Asiatics made in the manner and form prescribed by regulation and accompanied by the particulars and means of identification required by regulation;
   "Asiatic" shall mean any male person belonging to one of the native races of Asia and shall include a coolie, an Arab and a Malay but shall not include –
   (a) a Malay born and resident in any British Colony or possession in South Africa, or
   (b) a person introduced into this Colony under the Labour Importation Ordinance 1904; or

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(c) an officer of any consular service;

“Certificate of registration" shall mean a certificate of registration under Act No. 2 of 1907, or a certificate under this Act in the form set forth in the Schedule to this Act or as prescribed by regulation;

“Commencement of this Act" shall mean the date on which Act came into operation;

"Governor" shall mean the officer for the time being administering the Government of this Colony acting by and with the advice and consent of the Executive Council thereof;

"guardian" shall mean the parent of a minor Asiatic or any other person under whose care such minor is living for the time being, or failing any such person the employer of such minor;

"lawful holder" as used in relation to any certificate of registration shall mean the person (other than a minor named therein) whose registration is thereby certified;

"minor" shall mean under the age of sixteen years; register of Asiatics" shall mean the register to be kept for purposes of this Act in manner prescribed by regulation;

“registrar" shall mean the officer appointed by the Governor to keep the register of Asiatics and any person lawfully acting in such capacity;

"regulation" shall mean any regulation made under Section seventeen of this Act;
"unregistered Asiatic" shall mean an adult Asiatic who is not the holder of a certificate of registration.

PART I

VALIDATION OF VOLUNTARY REGISTRATION

2. (1) Every person
   (a) who is an Asiatic as defined by Act No. 2 of 1907;
   and
   (b) by or in respect of whom an application for registration was on the tenth day of February 1908, or on any day subsequent thereto up till the tenth day of May 1908, made to the registrar or other duly authorized officer; and
   (c) to or in respect of whom a certificate in the form set forth in the Schedule to this Act was issued by the registrar;

shall, when in possession of such certificate, be deemed to be lawful holder of a certificate entitling him to enter and reside in the Colony.

(2) Every person who, having been the lawful holder of a certificate of registration under Act No. 2 of 1907, has been permitted to obtain a certificate in the form in the Schedule to this Act in substitution for such first mentioned certificate, shall also be deemed to be the lawful holder of a certificate entitling him to enter and reside in this Colony.
(3) Every Asiatic who holds any certificate mentioned in this section shall be subject in all respects to the provisions of this Act and not to the provisions of Act No. 2 of 1907.

PART II

REGISTRATION OF ASIATICS AFTER THE COMMENCEMENT OF THIS ACT

3. An Asiatic shall be entitled to registration under this Act if-

(a) he satisfies the conditions described in sub-sections (2) or (3) of Section four, whether he was or was not in this Colony at the commencement of this Act; or

(b) being the lawful holder of a certificate of registration issued tinder Act No. 2 of 1907, he desires to exchange such certificate for a certificate of registration under this Act; or

(c) having been a minor resident in this Colony at the commencement or this Act, he first entered the Colony with an adult Asiatic who was his guardian and who was registered under Law No. 3 of 1885 or any amendment thereof or is registered or entitled to registration under this Act; or

(d) he was born in any part of South Africa which was at the date of his birth within the boundaries of the Transvaal.
4. (1) Every unregistered adult Asiatic resident in this Colony at the commencement of this Act shall before such date or dates and at such place or places and to such person or persons as the Colonial Secretary may by notice in the Gazette prescribe for particular areas of this Colony, make application for registration, and the registrar shall, on being satisfied that such Asiatic is entitled to registration, issue to him a certificate of registration.

(2) Every unregistered adult Asiatic resident outside the Colony at the commencement of this Act, shall,

(a) if he was resident in the Transvaal for three years prior to the eleventh day of October 1899; and

(b) upon application for registration from a place in South Africa but outside the Colony within one year after the commencement of this Act; and

(c) upon satisfying the registrar of the facts mentioned in this sub-section; be entitled to obtain a certificate of registration.

(3) Every unregistered adult Asiatic resident outside this Colony at the commencement of this Act but who was

(a) duly authorised to enter and reside in this Colony by a permit issued under the Indemnity and Peace Preservation Ordinance 1902 or any amendment thereof or issued between the first day of September 1900 and the date of the passing of the said Ordinance (unless such permit shall have been fraudulently obtained); or

(b) was resident and actually in this Colony on the thirty-first day of May 1902;

shall be entitled, upon satisfying the registrar of the fact set forth in paragraph (a) or (b) of this sub-section and upon application for
registration from a place in South Africa but outside the Colony, to obtain a certificate of registration.

MINOR ASIATICS

5. In respect of every unregistered minor Asiatic born in this Colony, not being the child of a labourer introduced into this Colony under the Labour Importation Ordinance 1904, the following provisions shall apply:

(1) If his guardian is an Asiatic, the minor's name, his age, his residence and his relationship to his guardian shall be included in the certificate of registration of his guardian.

(2) Within one month after such minor attains the age of sixteen years, he shall make application to the registrar for a certificate of registration; provided that, if he be absent from the Colony on attaining that age or one month thereafter, he may, from a place in South Africa but outside the Colony, make application to the registrar for registration and upon satisfying the registrar that he is entitled to registration, the registrar shall issue to him a certificate of registration, and his name shall thereupon be expunged from the register of Asiatics as a minor and shall be deemed to be no longer included in his guardian's certificate of registration.

6. (1) Whenever the registrar is satisfied that any Asiatic claiming to be entitled to registration under Section three is not so entitled, he shall refuse to issue to him a certificate of registration, and notice of the
refusal shall be sent by post to such Asiatic at the address given upon his form of application.

(2) In every case of refusal by the registrar to issue a certificate of registration, an appeal may, within fourteen days of the date of the notice refusal, be noted by letter addressed to the Colonial Secretary, and such appeal shall be heard by a magistrate specially assigned by the Governor to hear such appeals, and such magistrate shall be deemed, when hearing any such appeal, to be an inferior court within the meaning of Section nineteen of the Administration of justice Proclamation 1902.

(3) In the case of an Asiatic who is in South Africa but outside this Colony, the officer in charge of the Immigration Department shall, as soon as the date has been fixed for the hearing of such appeal, send by post to the appellant at the address given upon his application for registration a temporary permit entitling him to enter and remain in the Colony until the appeal has been determined. If the appeal be dismissed, the said magistrate shall make an order in writing directing the appellant to be removed from the Colony, and every such order shall be deemed to be an order made under Section six of the Immigrants' Restriction Act 1907 or any amendment thereof.

(4) In the case of an adult Asiatic in the Colony who has not within a period prescribed by sub-section (2) of this section noted an appeal or whose appeal having been noted has not been proceeded with or has been dismissed, the said magistrate shall make an order in writing directing such Asiatic to be removed from the Colony, and every such order shall be deemed to be an order made under Section six of the Immigrants' Restriction Act 1907 or amendment thereof.
REMOVAL FROM THE COLONY

7. Any adult Asiatic who, after such date or dates as may be notified by the Colonial Secretary in the Gazette, is found within the Colony and fails, upon such demand as is mentioned in Section nine, to produce a certificate of registration of which he is the lawful holder, may be arrested without warrant and brought before a resident or assistant resident magistrate and if he fails to satisfy such magistrate that he is the lawful holder of a certificate of registration or that the time within which he is required to make application for such certificate has not expired the magistrate shall, save as in the next succeeding section is provided, make an order in writing directing him to be removed from this Colony and every such order shall be deemed to be an order under Section six of the Immigrants' Restriction Act 1907 or any amendment thereof.

8. If an adult Asiatic who has failed to make application for registration in accordance with the provisions of sub-sections (1) of Section four shall satisfy the magistrate before whom he is brought that such failure was due to some good and sufficient cause, the magistrate may, instead of making such order as aforesaid, direct such Asiatic forthwith to make application for registration within eight days, and if such Asiatic shall comply with such direction, his application shall be dealt with in all respects as if it had been made in accordance with the provisions of the said sub-section; and all the provisions of this Act which would have applied if the application had been so made shall apply accordingly, but, if he shall fail to comply with such direction, the magistrate shall make an order for removal as aforesaid in respect of
such Asiatic and any such order shall be deemed to be an order made under Section six of the Immigrants' Restriction Act 1907 or any amendment thereof.

PART III

GENERAL AND MISCELLANEOUS

9. Every Asiatic who enters or is within this Colony shall, upon demand made upon him by any European member of a police force lawfully established therein or by any other European person authorised thereto by the Colonial Secretary, produce the certificate of registration of which he is the lawful holder, and shall also on like demand supply such particulars and furnish such means of identification as may be prescribed by regulation. Any Asiatic who fails upon lawful demand to produce such certificate shall, unless he is the lawful holder of a certificate of registration, be liable to be dealt with in manner mentioned in Section eight.

10. (1) If at any time, any certificate of registration is lost or destroyed, the person to whom it was issued shall forthwith apply to the registrar to have renewed and the registrar shall, upon compliance by such person with person with such procedure as is prescribed by regulation and upon payment of a fee of five shillings, renew the certificate. Such fee shall be denoted by means of revenue stamps to be affixed to the application for renewal and shall be defaced by the said registrar.
(2) Any person into whose hands shall have come -any such certificate shall, unless he is the person to whom it was issued, forthwith deliver or transmit the same as soon as may be to the Registrar of Asiatics, Pretoria.

11. Every certificate of registration 'shall be accepted as conclusive evidence all places that the lawful holder thereof is entitled to enter and reside in this Colony, provided that this section shall not apply to persons who have, under Section five, or six of the Immigrants' Restriction Act 1907 or any amendment thereof, been removed from the Colony.

12. Whenever, in any prosecution or other proceeding under this Act the age of any Asiatic is in question such Asiatic shall unless and until the contrary be proved be taken to be of the age which the registrar shall in any certificate issued under his hand certify to be in his opinion the apparent age of such Asiatic.

13. Any affidavit or sworn declaration which is required by regulation to be made by any person who makes an application for registration shall be exempt from stamp duty.

TRADING LICENCES

14. (1) No Asiatic shall obtain any trading licence under the Revenue Licences Ordinance 1905 or any amendment thereof or under any bye-law or regulation in force within, the jurisdiction of a local authority, unless he produce to the person appointed to issue the licence a certificate of registration of which he is the lawful holder and either
give his signature in English or supply such other or additional particulars or furnish such means of identification as the Colonial Secretary may either generally or in particular cases prescribe.

(2) Any trading licences issued under such Ordinance or under any such bye-law or regulation between the tenth day of February 1908 and the commencement of this Act to an Asiatic who made such application as is prescribed in sub-section (1) (b) of Section two of this Act shall, notwithstanding anything in Section thirteen Act No. 2 of 1907 contained, be deemed to have been lawfully issued.

(3) Section thirteen of Act No. 2 of 1907 shall be and is hereby repealed.

THE PENALTIES

15. Any person who
(a) for the purpose of or in connection with an application for registration or for the purpose of obtaining a certificate of registration, commit, any fraudulent act, or makes any false statement or false pretence;
(b) forges or prior to the commencement of this Act has forged any document in the form set forth in the Schedule to this Act or forges any certificate of registration or utters any such document or certificate knowing the same to be forged; or
(c) uses or attempts to use as a certificate of registration any such forged document or any such certificate of which he is not the lawful holder; shall be guilty of an offence and liable to a fine not exceeding five hundred pounds in default of payment, to imprisonment with or
without hard labour for a period not exceeding two years or to both such fine and imprisonment, and any person who incites to, or aids or abets any other person in, the commission of any such offence shall be liable to the like penalty.

TEMPORARY PERMITS

16. Notwithstanding anything in the Immigrants' Restriction Act 1907 or this Act contained, the Governor may approve the issue of a permit, in the form prescribed by regulation, authorising an Asiatic to enter and remain in the Colony for any period named in such permit, and after the expiry of such period the person in respect of whom such permit was issued shall be deemed to be a person not duly authorised to be in this Colony, and if found may be arrested without warrant and the provisions of Section six of the Immigrants' Restriction Act or any amendment thereof shall apply to such person as if he were a person mentioned in paragraph (c) thereof.

THE GOVERNOR'S POWERS

17. The Governor may from time to time make, alter, or rescind regulations for any of the following purposes:

(1) Prescribing the form of the register to be kept for the purposes of this Act.

(2) Prescribing the manner and form in which application shall be made for registration the particulars to be supplied and the means
of identification to be finished by any applicant for the purpose of
or in connection with such application.

(3) Prescribing the form of certificates of registration.

(4) Prescribing the particulars to be supplied and the means of
identification to be furnished

   (a) by any Asiatic upon such demand as is mentioned in
       Section nine;

   (b) by any Asiatic applying for the renewal of any
       certificate of registration which has been lost or
       destroyed.

(5) Prescribing the procedure to be observed on or in
connection with appeals to the magistrate mentioned in Section
six.

6) Prescribing the form of permit to be issued under Section
sixteen.

(7) Generally for the better carrying out of the objects and
purposes of this Act.

18. Any Asiatic or the guardian of any Asiatic failing to comply
with any requirement of this Act or of the regulations shall, except
where otherwise specified, be liable on conviction to a fine not
exceeding one hundred pounds or in default of payment to imprisonment
with or without hard labour for a period not exceeding three months.

19. Notwithstanding anything to the contrary in sub-section (b) of
Law No. 3 of 1885 as amended by Volksmad Resolution Article 1419 of
the twelfth day of August 1886 the portion of Erf No. 373 Church
Street, Pretoria which was registered in the name of the late Aboobaker
Amod and which at the commencement of this Act was registered in the
The name of Henry Salomon Leon Polak may be transferred into the name of the heirs of the said Aboobaker Amod.

20. This Act may be cited for all purposes as the Asiatics Registration Amend Anent Act 1908 and shall not come into operation unless and until the Governor shall have declared by proclamation in the Gazette that it is His Majesty's pleasure not to disallow the Act and thereafter it shall come into operation on such date as the it shall be like proclamation declare.

**SCHEDULE**

**TRANSVAAL ASIATIC REGISTRATION CERTIFICATE**

Name in full........................................................................................................
Race...........................................Age...................Height ......................
Description .....................................................................................................

Right Thumb Impression

............................................
Registrar of Asiatics
Date of Issue ......................
Holder's Signature ..............

Name of Wife.........................Residence.................................
SONS AND MALE WARDS UNDER THE AGE OF 16 YEARS

<table>
<thead>
<tr>
<th>Names</th>
<th>Age</th>
<th>Residence</th>
<th>Relationship to Guardian</th>
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No alterations or endorsements are to be made on the face of this Certificate exec by the Registrar of Asiatics.

Indian Opinion, 5-9-1908

WARRANT FOR REMOVAL OF A PERSON UNDER SECTION 6 OF IMMIGRANTS' RESTRICTION ACT 1907

Whereas . . . . . having been ordered to leave the Transvaal under Section 8, sub-section 3 of Act No. 2 of 1907 has failed to comply with the terms of such order, you are hereby ordered in His Majesty's name immediately to arrest the said . . . . . . . . . . . . and remove him from the Colony and place him over Transvaal-Natal border at the point where the railway line between Volksrust and Charlestown crosses the said border.

(Sgd.) J. C. SMUTS

Indian Opinion, 5-9-1908