



# South Africa Act 1962

## 1962 CHAPTER 23 10 and 11 Eliz 2

An Act to make final provision as to the operation of the law in consequence of the Union of South Africa having become a republic outside the Commonwealth. [24th May 1962]

### Commencement Information

**II** Act wholly in force at 31. 5. 1962 see s. 4(2).

### 1 Nationality, etc.

- (1) ..... F1
- (2) ..... F2
- (3) Until the end of the year nineteen hundred and sixty-five, a citizen of the Republic shall not be subject, in respect of any office, place or employment held by him at the commencement of this Act, or any qualification to act in any capacity in which he was acting at the commencement of this Act, to any disability imposed in the case of aliens by or by virtue of any of the following enactments, that is to say—
- (a) section three of the <sup>M1</sup>Act of Settlement;
  - (b) sections four to six of the <sup>M2</sup>Aliens Restriction (Amendment) Act 1919;
  - (c) section eighty-eight of the <sup>M3</sup>Patents Act 1949 or any rules made for the purposes of that section; or
  - (d) any Act of the Parliament of Northern Ireland, or any regulations in force under any such Act.
- (4) For the purposes of subsection (3) of this section a person who at the commencement of this Act was on leave from or otherwise temporarily absent from employment in any capacity mentioned in subsection (1) of section five of the <sup>M4</sup>Aliens Restriction (Amendment) Act 1919 (master, etc., of British merchant ship) shall be treated as if he were employed in such employment at the commencement of this Act; and where the said subsection (3) applies to any person in respect of any office, place or employment held by him at the commencement of this Act, it shall apply to him also in respect

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of any office, place or employment to or in which he may be appointed or employed thereafter by way of re-engagement or transfer.

#### Textual Amendments

- F1** S. 1(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**  
**F2** S. 1(2) repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), **Sch. 9**

#### Marginal Citations

- M1** 1700 c. 2.  
**M2** 1919 c. 92.  
**M3** 1949 c. 87.  
**M4** 1919 c. 92.

## 2 Other provisions as to existing law.

- (1) The enactments mentioned in the Second Schedule to this Act shall continue to apply in relation to the Republic as provided by that Schedule.
- (2) The provisions of the Third Schedule to this Act (being transitional provisions and savings) shall have effect with respect to the enactments referred to in that Schedule.
- (3) The enactments described in the Fourth Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule; . . . <sup>F3</sup>
- (4) Without prejudice to subsection (2) of this section, the provisions of the <sup>M5</sup>Interpretation Act 1889 and any rule of law with respect to the effect of repeals shall apply in relation to any enactment which ceases to apply in relation to the Republic, or persons or things belonging thereto or connected therewith, otherwise than by virtue of the repeals effected by this section, as if it were repealed by this section to the extent that it ceases so to apply.

#### Textual Amendments

- F3** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**

#### Marginal Citations

- M5** 1889 c. 63.

## 3 Interpretation etc.

- (1) In this Act “the Republic” means the Republic of South Africa; and references to the Republic, in relation to any time before the thirty-first day of May, nineteen hundred and sixty-one, include references to the Union of South Africa.
- (2) Any reference in this Act to an enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment; and any such reference to any enactment which extends to the Isle of Man, any of the Channel Islands or any colony or other territory, includes a reference thereto as it so extends.

- (3) . . . . . <sup>F4</sup>

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**Textual Amendments**

**F4** [S. 3\(3\)](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)

**4 Short title and commencement.**

- (1) This Act may be cited as the South Africa Act 1962.
- (2) This Act shall come into operation on the thirty-first day of May, nineteen hundred and sixty-two.

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## SCHEDULES

### FIRST

SCHEDULE.....

F5

#### Textual Amendments

**F5** Sch. 1 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), **Sch. 9**

### SECOND SCHEDULE

#### PROVISIONS FOR CONTINUING OPERATION OF CERTAIN ENACTMENTS IN RELATION TO REPUBLIC

##### *Colonial probates*

- 1 The <sup>M6</sup>Colonial Probates Act 1892, shall apply in relation to the Republic as it applies in relation to a British possession; and any Order in Council in force under that Act in relation to the Republic immediately before the commencement of this Act shall continue in force accordingly.

#### Marginal Citations

**M6** 1892 c. 6.

##### *Maintenance orders*

- [<sup>F62</sup> (1) The <sup>M7</sup>Maintenance Orders (Facilities for Enforcement) Act 1920 shall apply in relation to the Republic as it applies in relation to a part of Her Majesty's dominions; and any Order in Council in force under that Act in relation to the Republic immediately before the commencement of this Act shall continue in force accordingly.
- (2) For the purposes of the application of the said Act in relation to the Republic in accordance with the foregoing sub-paragraph, references in that Act to the governor of a part of Her Majesty's dominions shall, in the case of the Republic, be construed as references to the Minister of Justice.]

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**Textual Amendments**

**F6** Para. 2 repealed (*prosp.*) by Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18), ss. 22(2), 49(2)

**Modifications etc. (not altering text)**

**C1** Sch. 2 para. 2 amended (1. 4. 1992) to transfer functions of the Secretary of State arising by virtue of Sch. 2 para. 2 to the Lord Chancellor by S.I. 1992/709 arts. 4(1)(b)(i) and 4(2).

**Marginal Citations**

**M7** 1920 c. 33.

3 In subsection (1) of section one of the <sup>M8</sup>Naval Forces (Enforcement of Maintenance Liabilities) Act 1947 (deductions from pay in respect of liabilities for maintenance, etc.) the reference to an order or decree of any court in Her Majesty's dominions shall be construed as including a reference to an order or decree (whenever made) of any court in the Republic; and any Order in Council made under section three of the <sup>M9</sup>Naval and Marine Pay and Pensions Act 1865 before the commencement of this Act shall be construed accordingly.

**Marginal Citations**

**M8** 1947 c. 24.

**M9** 1865 c. 73.

*Companies' registers*

[<sup>F74</sup> In their application to the Republic, Article 370 of, and Schedule 14 to, the Companies (Northern Ireland) Order 1986 should be construed as including any corresponding provisions in force at the commencement of this Act which are contained in any enactment, royal charter or other instrument constituting or regulating any body corporate incorporated in, and having its principal office or principal place of business in, Great Britain or Northern Ireland.]

**Textual Amendments**

**F7** Sch. 2 para. 4 substituted by S.I. 1986/1035 (N.I. 9), art. 23, Sch. 1 Pt. II

5 ..... **F8**

**Textual Amendments**

**F8** Sch. 2 para. 5 repealed by European Communities Act 1972 (c. 68), Sch. 3 Pt. II

*Commonwealth preference*

6 ..... **F9**

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**Textual Amendments**

**F9** Sch. 2 para. 6 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. VI**

THIRD SCHEDULE

TRANSITIONAL PROVISIONS AND SAVINGS

1 ..... **F10**

**Textual Amendments**

**F10** Sch. 3 para. 1 repealed by Statute Law (Repeals) Act 1976 (c. 19), **Sch. 1 Pt. XIV**

2 ..... **F11**

**Textual Amendments**

**F11** Sch. 3 para. 2 repealed by Veterinary Surgeons Act 1966 (c. 36), **Sch. 4**

*Solicitors*

- 5 (1) Where any person being an attorney of the Supreme Court of South Africa or of any local division thereof (within the meaning or the Order of 1919)—
- (a) has before the commencement of this Act complied with the requirements of clause (2) of that Order as to the leaving of documents; or
  - (b) is at the commencement of this Act serving bona fide as a clerk to a solicitor in England in pursuance of subsection (1) of section four of the <sup>M10</sup>Solicitors Act 1957

the provisions of the said subsection (1) or of section one of the <sup>M11</sup>Colonial Solicitors Act 1900 (as the case may require) and of the said Order shall continue to apply to him as if the Republic were a part of Her Majesty’s dominions.

- (2) In this paragraph “the Order of 1919” means the Order in Council made under the <sup>M12</sup>Colonial Solicitors Act 1900 and dated the 14th day of January, 1919 (S.R. & O. 1919 No. 67) as amended (in its application to England) by Orders in Council dated the 16th day of April, 1923 (S.R. & O. 1923 No. 480) and the 6th day of May, 1938 (S.R. & O. 1938 No. 495); and the power of Her Majesty to revoke or vary Orders in Council under the said Act and under section four of the <sup>M13</sup>Solicitors’ Act 1957 shall include power to revoke or vary the Order of 1919 so far as continued in force by this paragraph.

**Marginal Citations**

**M10** 1957 c. 27.

**M11** 1900 c. 14.

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**M12** 1900 c. 14.

**M13** 1957 c. 27.

*Merchant shipping—certificates of competency*

- 6 (1) A certificate of competency as—
- (a) master, first mate or second mate of a foreign-going ship within the meaning of the <sup>M14</sup>Merchant Shipping Act 1894; or
  - (b) first-class or second-class engineer; or
  - (c) first-class or second-class motor engineer,
- granted under the Merchant Shipping (Certificates of Competency) Act 1925 (an enactment of the legislature of the Republic) and any equivalent certificate of competency granted under the Merchant Shipping Act 1951 (an enactment of the said legislature), being a certificate granted by the appropriate authority on or after the first day of July, nineteen hundred and twenty-eight, but before the commencement of this Act, shall be of the same force as if it had been granted in the United Kingdom under the said Act of 1894.
- (2) The provisions of the said Act of 1894 which relate to certificates of competency granted under that Act (except those relating to certificates for a home-trade passenger ship, and section one hundred and one) shall apply to any such certificate as is described in the foregoing paragraph, and to any certificate certified by the Registrar-General of Shipping and Seamen to have been issued by the proper authority after the commencement of this Act in place of such a certificate.
- (3) In this paragraph “the proper authority” means the authority for the time being empowered by the legislature of the Republic to grant certificates of competency under the enactments of that legislature relating to merchant shipping.

**Marginal Citations**

**M14** 1894 c. 60.

FOURTH SCHEDULE

CONSEQUENTIAL AMENDMENTS

**Modifications etc. (not altering text)**

**C2** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Enactment**

The Imperial War Museum Act, 1920. 10 & 11 Geo. 5. c. 16.

**Amendment**

In the Schedule, in paragraph (1) for the words “twenty-five other members” there

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shall be substituted the words “twenty-four other members”, and, in the Table set out in that paragraph, the words “The Government of the Union of South Africa” and the corresponding figure “1” in the first column shall be omitted; but these amendments shall not affect the power to vary the said paragraph (1) conferred by section one of the Imperial War Museum Act, 1955.

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 F12

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 F12

**Textual Amendments**

**F12** Entry relating to the Prevention of Fraud (Investments) Act 1958 repealed by [Financial Services Act 1986](#) (c. 60, SIF 69), s. 212(3), **Sch. 17**

**F13**<sup>F13</sup> FIFTH SCHEDULE

**Textual Amendments**

**F13** [Sch. 5](#) repealed by [Statute Law \(Repeals\) Act 1974](#) (c. 22), **Sch. Pt. XI**

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 F13



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