

REPUBLIC OF SOUTH AFRICA

No More Race

Laws Bill

(As introduced to the PEOPLE OF SOUTH AFRICA)

(By the South African Institute of Race Relations (IRR))

[#WhatSACanBe—3-2025]

To repeal or amend any and all laws, statutes, legislative clauses, sections, regulations, by-laws, or other legal instruments of the Republic of South Africa that use, rely on, or in any way relate to race or race-based discrimination, classification, or unequal treatment; to reaffirm the constitutional principle of non-racialism and equality before the law, as contained in the Founding Provisions of the Constitution; to provide clarity on the meaning of unfair racial discrimination as contemplated in Section 9 of the Constitution; to provide for mechanisms ensuring uniform, merit-based economic empowerment; to establish transparent oversight and enforcement measures that promote dignity, equality, and freedom in accordance with Chapter 1 of the Constitution; to confirm that no statutory instrument exists or can constitutionally exist to systematise racial classification or the submission of people to such; and to provide for matters connected therewith.

PREAMBLE

WHEREAS section 1 of the Constitution of the Republic of South Africa, 1996, declares the Republic to be one, sovereign, democratic state founded on the values of—

- (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms;
- (b) Non-racialism and non-sexism;
- (c) Supremacy of the Constitution and the rule of law; and
- (d) Universal adult suffrage, a national common voters' roll, regular elections, and a multi-party system of democratic government to ensure accountability, responsiveness, and openness;

AND WHEREAS historic racial injustices and divisions have been cynically maintained through the continuation of apartheid-era racial classifications by the South African state – an affront to human dignity, in direct violation of non-racialism, and as a barrier to a truly free and prosperous South Africa;

AND WHEREAS the Population Registration Act, Act No. 30 of 1950, which codified racial classification, was repealed to eliminate formal, compulsory state-driven racial categorisation in South Africa;

AND WHEREAS no statutory instrument or legislative provision may be enacted, enforced, or revived that would subject any person to the indignity of racial classification, in light of the Constitution’s founding value of non-racialism;

AND WHEREAS sections 2 and 3 of the Constitution affirm the supremacy of the Constitution, the rule of law, and a common South African citizenship in which all citizens are equally entitled to its benefits and subject to its duties;

AND WHEREAS section 9 of the Constitution holds that—

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.
- (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair;

AND WHEREAS organs of state must be held accountable for any unfair or malicious racial discrimination, in line with the Constitution's commitments to dignity, equality, and non-racialism;

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows: —

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CHAPTER 1

DEFINITIONS AND OBJECT OF ACT

1. Definitions

In this Act, unless the context indicates otherwise—

“**demographic representivity**” means the practice of attempting to align employment, education, procurement, or service allocations with racial proportions of the population, and is not a constitutional requirement for equality or fairness;

“**Department**” means the Department designated by the President to administer this Act;

“**existing law**” includes any Act of Parliament, provincial enactment, regulation, municipal by-law, policy, or other legal instrument in force before the commencement of this Act;

“**merit-based**” refers to any criteria, process, or system for determining eligibility or entitlement that relies on demonstrable skills, qualifications, experience, or socio-economic need, and does not rely on a person’s race;

“Minister” means the Cabinet member responsible for the administration of this Act, as designated by the President;

“non-racialism” has the meaning ascribed to it in section 1(b) of the Constitution, read with section 9(3), ensuring that no person or group is unfairly discriminated against on the basis of race;

“organ of state” bears the meaning assigned to it in section 239 of the Constitution, and includes any department of state or administration in the national, provincial, or local sphere of government, or any other functionary or institution exercising a public power or performing a public function in terms of any legislation;

“preferential treatment” means any advantage, benefit, or priority conferred upon a person or category of persons, whether by law, regulation, policy, or practice, which is not equally available to others who do not share a particular innate characteristic that serves as the primary qualifier for such advantage, benefit, or priority;

“private entity” means any natural or juristic person, other than an organ of state, that engages in any activity, business, or function regulated by this Act;

“public official” means any person who is employed by or acts on behalf of an organ of state, including an employee, officer, agent, contractor, or any other functionary exercising a public power or performing a public function in terms of any legislation;

“race-based law or provision” means any law, regulation, policy, or administrative framework that classifies, distinguishes, or accords preferential or detrimental treatment to any person wholly or partly on the basis of race;

“racial quota” means any fixed, automatic, or numerically predetermined racial allocation in employment, education, procurement, or government services, and is presumed unconstitutional unless it satisfies strict constitutional scrutiny;

“socio-economic disadvantage” means a significant lack of economic resources, educational opportunities, or other material conditions affecting an individual or community, which can be addressed by objective and race-neutral state interventions aligned with the Constitution’s founding values;

“unfair racial discrimination”, to substantiate in parliamentary law section 9 of the Constitution insofar as it pertains to racial discrimination, and on the grounds that no parliamentary legislative instrument exists or can constitutionally exist that creates an objective system of racial classification, means any act, policy, decision, rule, regulation, criterion, or omission by an organ of state, public official, or juristic person that—

- (a) relies on or applies any form of racial classification that is not voluntary, self-determined, and explicitly consented to by the individual concerned;
- (b) imposes, mandates, or incentivises racial self-classification in any official process, where failure to classify oneself has adverse legal or economic consequences;
- (c) applies racial differentiation without full transparency, meaning—
 - (i) the consequences of self-classification are not made explicitly clear to the individual at the time of classification;
 - (ii) self-classification results in unexpected or arbitrary advantages, penalties, or disadvantages; or
 - (iii) an individual is excluded from opportunities or services based on their choice not to classify themselves by race;
- (d) creates, maintains, or enforces racial differentiation in employment, procurement, education, public services, or access to legal or economic benefits where such differentiation—
 - (i) is not based on a voluntary, informed self-classification by the individual;

- (ii) uses race as a decisive factor in determining eligibility, rather than merit, socio-economic need, or lawful, objective criteria; or
 - (iii) automatically grants or denies opportunities, contracts, employment, public sector positions, or services based on a racial classification;
- (e) results in any person being penalised, denied an opportunity, or placed at a disadvantage due to—
- (i) their refusal to classify themselves by race;
 - (ii) their decision to self-classify in a particular manner; or
 - (iii) any change or amendment to their racial classification at a later stage;
- (f) mandates, compels, or encourages racial classification by any state institution, employer, or juristic person in a manner that—
- (i) effectively forces individuals to adopt a racial identity to access employment, education, business opportunities, or services;
 - (ii) assumes or assigns racial classification based on surname, appearance, language, family background, or historical data; or
 - (iii) leads to race being used as a proxy for socio-economic status, need, competence, or any other factor;
- (g) creates, perpetuates, or enforces any form of racial quota, demographic target, or representivity requirement where—
- (i) individuals are expected or required to self-classify to meet racial demographic objectives;
 - (ii) automatic preferences, exclusions, or penalties arise based on self-classified race rather than individual merit or need; or

- (iii) demographic representivity is prioritised over fair, neutral, and non-racial selection criteria; or
- (h) results in the collection, recording, or analysis of racial demographic data by any organ of state or private entity for purposes other than purely statistical research, where such data is—
 - (i) used to impose obligations, restrictions, penalties, or entitlements on the basis of race;
 - (ii) retained in a manner that allows individuals to be personally identified by race beyond anonymised aggregate reporting; or
 - (iii) made a compulsory field in any public or private database, registry, or application process;

“voluntary racial self-classification” means the act of an individual choosing to classify themselves in racial terms, without coercion, requirement, or external pressure, and with full knowledge of all consequences that may result from such classification.

2. Interpretation

In the interpretation of this Act, the Founding Provisions contained in Chapter 1 of the Constitution must be applied to give effect to—

- (a) the sovereignty of the Republic as a democratic state founded on human dignity, non-racialism, and non-sexism;
- (b) the supremacy of the Constitution and the rule of law; and
- (c) equality of all citizens under a common South African citizenship.

3. Object of Act

The object of this Act is to—

- (a) repeal or amend all race-based laws or provisions to give full effect to the Republic's founding value of non-racialism, as envisaged in section 1 of the Constitution;
- (b) prevent and prohibit the enforcement, enactment, or implementation of any legislation, regulation, policy, or administrative measure that discriminates on the basis of race, including any form of statutory, mandatory, or involuntary racial classification;
- (c) affirm that no statutory instrument exists or can validly be enacted to subject any person in South Africa to official racial classification, nor can any organ of state define criteria for racial identity or apply such criteria in law, policy, or administration;
- (d) promote equality and human dignity by ensuring socio-economic development measures are merit-based, addressing need or disadvantage without recourse to racial classification;
- (e) ensure all spheres of government, public institutions, and private entities comply with the Constitution's Founding Provisions, refrain from unfair discrimination based on race, and uphold the principle that participating in racial self-classification, including the decision to not racially self-classify, is entirely voluntary, with full transparency regarding any consequences of such classification; and
- (f) ensure all spheres of government, public institutions, and private entities comply with the Constitution's Founding Provisions and refrain from unfair discrimination based on race.

CHAPTER 2

REPEAL OR AMENDMENT OF RACE-BASED LAWS

4. Repeal or amendment of race-based laws

- (1) All existing laws or provisions that rely on, refer to, or include unfair racial discrimination for differentiation or preferential treatment are hereby repealed to the extent of that reliance, reference, or inclusion.
- (2) Without limiting the generality of subsection (1), such repeal includes—
 - (a) any Act of Parliament or regulation compelling race-based quotas, targets, or demographic representivity in employment, procurement, education, or housing;
 - (b) any statutory instrument that mandates or encourages the use of race as a criterion for state support, funding, or licensing; and
 - (c) any reporting requirement obliging individuals or entities to submit racial demographic data for preferential or punitive measures.
- (3) For the avoidance of doubt, the Population Registration Act, 1950 (Act No. 30 of 1950), having been repealed, cannot be re-enacted or revived in any form, nor may any legislation with a similar effect of classifying persons by race be enacted.
- (4) The Schedule to this Act contains an indicative list of specific race-based provisions explicitly repealed or amended. The omission of any law or provision from such list does not limit the effect of subsection (1).

5. Effect of repeal on ongoing legal or administrative processes

- (1) Any ongoing legal or administrative process premised on unfair racial discrimination must, from the date of commencement of this Act, be re-evaluated in totality under a process that complies with this Act's prohibition of unfair racial discrimination and the constitutional value of non-racialism.

- (2) Where a dispute arises regarding the continued application of a race-based provision in a pending matter, any court, tribunal, or relevant administrative body must—
- (a) apply this Act; and
 - (b) disregard as void of substance and consequence any race-based criteria or provision that might be the product of unfair racial discrimination.

CHAPTER 3

RELATIONSHIP WITH OTHER LEGISLATION

6. Relationship with other legislation

- (1) In the event of any conflict between this Act and any other law, this Act prevails to the extent of the inconsistency.
- (2) Nothing in this Act may be interpreted to permit unfair discrimination on any ground listed in section 9(3) of the Constitution or to derogate from the rights of any person in terms of the Bill of Rights.

CHAPTER 4

PRINCIPLES OF NON-RACIAL AND MERIT-BASED

IMPLEMENTATION

7. Non-racial, merit-based implementation

- (1) All organs of state and public entities must conduct their affairs so as to—
- (a) give effect to non-racialism, human dignity, and equality;
 - (b) refrain from an practice of unfair racial discrimination in terms of this Act;
 - (c) refrain from promulgating or enforcing policies or directives that differentiate on the basis of race; and

- (d) prioritise individual rights, skills development, free market exchange, and innovation as core vehicles for empowerment and redress.
- (2) Any measure aimed at socio-economic upliftment must—
- (a) without reference or consideration of race, address actual need or disadvantage, whether socio-economic, educational, geographic, or otherwise;
 - (b) use transparent and objective criteria unconnected to race; and
 - (c) promote sustainable development across all communities in line with the Founding Provisions of the Constitution.

8. National framework for empowerment and development

- (1) The Minister must, after consultation with relevant stakeholders, publish guidelines in the Gazette establishing uniform, merit-based measures for empowerment and development.
- (2) These guidelines must—
- (a) promote education, skills training, and participation in free market exchange;
 - (b) incentivise private sector partnerships that expand opportunities without employing race-based considerations;
 - (c) include monitoring and evaluation mechanisms to assess the effectiveness of any empowerment measures; and
 - (d) ensure transparency and accountability in the administration of public resources.

CHAPTER 5

MONITORING COMPLIANCE AND OVERSIGHT

9. Monitoring compliance and oversight

- (1) The Department must establish or designate a Non-Racial Compliance Unit (NRCU) to—
 - (a) monitor compliance with this Act across all spheres of government, including verifying that no organ of state compels, enforces, or incentivises involuntary racial classification;
 - (b) investigate complaints relating to alleged contraventions of this Act, including instances where public officials, private entities, or state institutions are alleged to apply race-based criteria or coerce individuals to classify themselves racially; and
 - (c) report annually to Parliament on overall compliance, challenges encountered, recommended corrective measures, and any systemic issues related to race-based practices.
- (2) Where the NRCU, after due process, finds that any organ of state or private entity is implementing race-based criteria in violation of this Act, imposing involuntary racial classification, or penalising individuals for refusing to classify themselves—
 - (a) the NRCU must recommend disciplinary or corrective measures against those responsible; and
 - (b) such recommendations may include administrative penalties, suspension of funding or accreditation, or referral for prosecution if the actions constitute an offence under this Act.

CHAPTER 6

TRANSPARENCY, ANTI-CORRUPTION, AND OFFENCES

10. Transparency, anti-corruption, and offences

- (1) Any attempt to circumvent this Act by falsifying documents, colluding to maintain race-based preferences, or hiding racially classified data constitutes an offence.

- (2) A person who—
- (a) knowingly enforces a provision based on unfair racial discrimination after its repeal;
 - (b) colludes to perpetuate unfair racial discriminatory practices;
 - (c) misrepresents or falsifies data to disguise unfair racial discriminatory practices; or
 - (d) compels, coerces, or penalises any individual to classify themselves racially, or denies them any opportunity realistically expected were it not for unfair racial discrimination, if they refuse such classification,
- is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years, or both.
- (3) Any officer, official, or personnel of an organ of state who, in the course and scope of their public duties, commits unfair racial discrimination against any person—
- (a) is guilty of a criminal offence; and
 - (b) on conviction, is liable to a fine or to imprisonment for a period not exceeding five years, or both.

CHAPTER 7

DISPUTE RESOLUTION

11. Dispute resolution

- (1) A person aggrieved by a decision taken under this Act may, within 30 days of becoming aware of that decision, lodge an internal appeal with the Department.
- (2) If the dispute remains unresolved after internal appeal, the parties may refer the matter to mediation, facilitated by a mediator appointed by the Minister or by mutual agreement.

- (3) A party dissatisfied with the outcome of mediation may apply for judicial review in accordance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

CHAPTER 8

TRANSITIONAL ARRANGEMENTS

12. Transitional arrangements

- (1) Any programme, contract, or arrangement that relies wholly or partly on race-based criteria must be reviewed within six months of this Act's commencement and be brought into compliance with this Act.
- (2) The Minister may grant a temporary exemption of no more than 12 months to allow administrative bodies to reorganise existing race-based programmes, provided—
- (a) such exemption is strictly necessary to ensure an orderly transition; and
 - (b) the exemption is tabled in Parliament within 30 days of its approval, together with reasons.
- (3) Where an existing right, permit, or licence was granted wholly or partly on the basis of race, the relevant authority must re-evaluate it under non-racial criteria within 12 months of this Act's commencement.

CHAPTER 9

REGULATIONS

13. Regulations

- (1) The Minister may, in consultation with other relevant Cabinet members, make regulations regarding—

- (a) procedures for the termination or transition of existing race-based programmes;
 - (b) uniform reporting and compliance requirements under this Act;
and
 - (c) powers, functions, and operations of the Non-Racial Compliance Unit established under section 9.
- (2) The Minister must table any proposed regulations in Parliament at least 30 days before they come into effect, to allow for scrutiny and public comment.

CHAPTER 10

SHORT TITLE AND COMMENCEMENT

14. Short title and commencement

- (1) This Act is called the No More Race Laws Act, 2025, and comes into operation six months after its publication in the Government Gazette or on a date fixed by the President by proclamation in the Gazette, whichever is earlier.
- (2) The President may, by proclamation in the Gazette, bring different provisions of this Act into operation on different dates, provided that full commencement occurs within six months of such publication.

SCHEDULE: LAWS REPEALED OR AMENDED TO THE EXTENT THAT THEY ARE IN CONTRAVENTION OF THIS ACT as per Section 4(4):

- | | |
|--|--|
| 1. Act No. 34 of 1921: Bethelsdorp Settlement Act | 20. Act No. 120 of 1977: Petroleum Products Act |
| 2. Act No. 24 of 1936: Insolvency Act | 21. Act No. 125 of 1977: Community Councils Act |
| 3. Act No. 47 of 1937: Deeds Registries Act | 22. Act No. 29 of 1979: General Pensions Act |
| 4. Act No. 22 of 1940: Industrial Development Corporation Act | 23. Act No. 90 of 1979: Education and Training Act |
| 5. Act No. 17 of 1941: Merchandise Marks Act | 24. Act No. 88 of 1980: Black Labour (Transfer of Functions) Act |
| 6. Act No. 57 of 1951: Merchant Shipping Act | 25. Act No. 68 of 1981: Alienation of Land Act |
| 7. Act No. 27 of 1956: Mines and Works Act | 26. Act No. 91 of 1983: Promotion of Local Government Affairs Act |
| 8. Act No. 23 of 1957: Immorality Act (Sexual Offences Act) | 27. Act No. 108 of 1983: Referendums Act |
| 9. Act No. 56 of 1959: Stock Theft Act | 28. Act No. 69 of 1984: Close Corporations Act |
| 10. Act No. 25 of 1961: Marriage Act | 29. Act No. 112 of 1984: Members of Parliament and Political Office-Bearers Pension Scheme Act |
| 11. Act No. 31 of 1963: Fencing Act | 30. Act No. 45 of 1988: Law of Evidence Amendment Act |
| 12. Act No. 47 of 1963: Coloured Persons' Education Act | 31. Act No. 70 of 1988: Education Affairs Act (House of Assembly) |
| 13. Act No. 68 of 1963: Indians Laws Amendment Act | 32. Act No. 0 of 1994: Public Service Act |
| 14. Act No. 61 of 1965: Indians Education Act | 33. Act No. 66 of 1995: Labour Relations Act |
| 15. Act No. 49 of 1974: Members of the Coloured Persons' Representative Council Pensions Act | 34. Act No. 84 of 1996: South African Schools Act |
| 16. Act No. 85 of 1974: Income Tax Act | 35. Act No. 102 of 1996: National Small Enterprise Act |
| 17. Act No. 86 of 1974: Members of the South African Indian Council Pensions Act | 36. Act No. 14 of 1997: South African Institute for Drug-Free Sport Act |
| 18. Act No. 57 of 1976: National Parks Act | 37. Act No. 54 of 1997: Legal Deposit Act |
| 19. Act No. 74 of 1977: Road Transportation Act | |

38. Act No. 56 of 1997: National Arts Council Act
39. Act No. 57 of 1997: Lotteries Act
40. Act No. 73 of 1997: National Film and Video Foundation Act
41. Act No. 101 of 1997: Higher Education Act
42. Act No. 107 of 1997: Housing Act
43. Act No. 4 of 1998: Cross-Border Road Transport Act
44. Act No. 18 of 1998: Marine Living Resources Act
45. Act No. 27 of 1998: Local Government: Municipal Demarcation Act
46. Act No. 32 of 1998: National Prosecuting Authority Act
47. Act No. 36 of 1998: National Water Act
48. Act No. 55 of 1998: Employment Equity Act
49. Act No. 76 of 1998: Employment of Educators Act
50. Act No. 84 of 1998: National Forests Act
51. Act No. 88 of 1998: State Information Technology Agency Act
52. Act No. 89 of 1998: Competition Act
53. Act No. 91 of 1998: South African Library for the Blind Act
54. Act No. 92 of 1998: National Library of South Africa Act
55. Act No. 95 of 1998: Housing Consumers Protection Measures Act
56. Act No. 97 of 1998: Skills Development Act
57. Act No. 105 of 1998: National Empowerment Fund Act
58. Act No. 110 of 1998: National Sport and Recreation Act
59. Act No. 111 of 1998: Correctional Services Act
60. Act No. 118 of 1998: South African Geographical Names Council Act
61. Act No. 119 of 1998: Cultural Institutions Act
62. Act No. 124 of 1998: Postal Services Act
63. Act No. 4 of 1999: Broadcasting Act
64. Act No. 11 of 1999: National Heritage Council Act
65. Act No. 25 of 1999: National Heritage Resources Act
66. Act No. 49 of 1999: World Heritage Convention Act
67. Act No. 56 of 1999: National Student Financial Aid Scheme Act
68. Act No. 4 of 2000: Promotion of Equality and Prevention of Unfair Discrimination Act
69. Act No. 13 of 2000: Independent Communications Authority of South Africa Act
70. Act No. 28 of 2000: Construction Industry Development Board Act
71. Act No. 31 of 2000: South African Council for Educators Act
72. Act No. 32 of 2000: Local Government: Municipal Systems Act
73. Act No. 37 of 2000: National Health Laboratory Service Act
74. Act No. 43 of 2000: Council for the Built Environment Act
75. Act No. 44 of 2000: Architectural Profession Act
76. Act No. 45 of 2000: Landscape Architectural Profession Act

77. Act No. 46 of 2000: Engineering Profession Act
78. Act No. 47 of 2000: Property Valuers Profession Act
79. Act No. 48 of 2000: Project and Construction Management Professions Act
80. Act No. 49 of 2000: Quantity Surveying Profession Act
81. Act No. 60 of 2000: Firearms Control Act
82. Act No. 3 of 2001: Advisory Board on Social Development Act
83. Act No. 6 of 2001: National Council for Library and Information Services Act
84. Act No. 8 of 2001: South African Weather Service Act
85. Act No. 11 of 2001: South African Boxing Act
86. Act No. 48 of 2001: Gas Act
87. Act No. 56 of 2001: Private Security Industry Regulation Act
88. Act No. 58 of 2001: General and Further Education and Training Quality Assurance Act
89. Act No. 15 of 2002: Land and Agricultural Development Bank Act
90. Act No. 14 of 2002: Media Development and Diversity Agency Act
91. Act No. 28 of 2002: Mineral and Petroleum Resources Development Act
92. Act No. 36 of 2002: Planning Profession Act
93. Act No. 42 of 2002: Defence Act
94. Act No. 65 of 2002: Intelligence Services Act
95. Act No. 68 of 2002: Electronic Communications Security (Pty) Ltd Act
96. Act No. 27 of 2003: Natural Scientific Professions Act
97. Act No. 53 of 2003: Broad-Based Black Economic Empowerment Act
98. Act No. 57 of 2003: National Environmental Management: Protected Areas Act
99. Act No. 59 of 2003: Liquor Act
100. Act No. 60 of 2003: Petroleum Pipelines Act
101. Act No. 61 of 2003: National Health Act
102. Act No. 6 of 2004: Local Government: Municipal Property Rates Act
103. Act No. 7 of 2004: National Gambling Act
104. Act No. 40 of 2004: National Energy Regulator Act
105. Act No. 12 of 2005: National Ports Act
106. Act No. 14 of 2005: Cooperatives Act
107. Act No. 25 of 2005: Electronic Communications and Transactions Act
108. Act No. 26 of 2005: Auditing Profession Act
109. Act No. 34 of 2005: National Credit Act
110. Act No. 36 of 2005: Electronic Communications Act
111. Act No. 16 of 2006: Continuing Education and Training Act
112. Act No. 18 of 2006: Measurement Units and Measurement Standards Act

113. Act No. 19 of 2006: Accreditation for Conformity Assessment, Calibration, and Good Laboratory Practice Act
114. Act No. 19 of 2007: Government Immovable Asset Management Act
115. Act No. 40 of 2007: Cooperative Banks Act
116. Act No. 8 of 2008: Standards Act
117. Act No. 14 of 2008: South African Judicial Education Institute Act
118. Act No. 23 of 2008: Housing Development Agency Act
119. Act No. 24 of 2008: National Environmental Management: Integrated Coastal Management Act
120. Act No. 51 of 2008: Intellectual Property Rights from Publicly Financed Research and Development Act
121. Act No. 59 of 2008: National Environmental Management: Waste Act
122. Act No. 67 of 2008: National Qualifications Framework Act
123. Act No. 5 of 2009: National Land Transport Act
124. Act No. 10 of 2009: Financial Management of Parliament and Provincial Legislatures Act
125. Act No. 9 of 2010: South African Postbank Limited Act
126. Act No. 9 of 2011: Community Schemes Ombud Service Act
127. Act No. 22 of 2011: South African Post Office SOC Ltd Act
128. Act No. 4 of 2013: Protection of Personal Information Act
129. Act No. 10 of 2013: Superior Courts Act
130. Act No. 16 of 2013: Spatial Planning and Land Use Management Act
131. Act No. 19 of 2013: Geomatics Profession Act
132. Act No. 4 of 2014: Employment Services Act
133. Act No. 11 of 2014: Public Administration Management Act
134. Act No. 23 of 2014: Infrastructure Development Act
135. Act No. 28 of 2014: Legal Practice Act
136. Act No. 39 of 2014: Legal Aid South Africa Act
137. Act No. 22 of 2015: Protection of Investment Act
138. Act No. 9 of 2017: Financial Sector Regulation Act
139. Act No. 18 of 2017: Insurance Act
140. Act No. 22 of 2019: Property Practitioners Act
141. Act No. 26 of 2019: Foreign Service Act
142. Act No. 28 of 2024: Public Procurement Act

MEMORANDUM ON THE OBJECTS OF THE NO MORE RACE LAWS BILL, 2025

1. Background and Rationale

This Bill seeks to give full effect to the founding principles of non-racialism and equality as enshrined in Chapter 1 of the Constitution. By repealing or amending legislation that relies on race-based classification or preferential treatment, the Bill promotes unity, social cohesion, and individual dignity. It ensures that no statutory instrument can subject individuals to official racial classification, thus reinforcing the Republic's commitment to the eradication of all forms of racial discrimination.

2. Summary of the Bill

Repeal of Race-Based Laws: Eliminates any provisions in existing statutes that classify or differentiate people according to race, thereby invalidating statutory racial quotas or preferences.

Criminalising Malicious Racial Discrimination by Organs of State: Makes unfair or malicious racial discrimination by public officials a criminal offence, thereby increasing accountability in the public sector.

Non-Racial, Merit-Based Implementation: Establishes a framework whereby socio-economic development measures focus on genuine need and merit, eschewing racial criteria.

Compliance Regime: Empowers a Non-Racial Compliance Unit to monitor, investigate, and report on adherence to the Bill's requirements, ensuring consistent enforcement across all spheres of government.

Dispute Resolution & Transitional Measures: Provides for internal appeals, mediation, and judicial review, alongside transitional timelines for converting existing race-based programmes.

Prohibition on Mandatory or Involuntary Racial Classification: Confirms that repealed instruments such as the Population Registration Act, 1950, cannot be revived or replaced by any similar legislation mandating racial classification.

3. Financial Implications

The Bill's implementation may involve moderate costs associated with establishing or designating the Non-Racial Compliance Unit, as well as revising administrative processes to remove race-based criteria. However, these costs are expected to be outweighed by a reduced regulatory burden, greater legal certainty, higher economic competitiveness, more investment, faster economic growth, lower

unemployment, higher tax revenue resulting in improved social stability, enhanced fairness in public policy, and more efficient allocation of state resources.

4. Constitutional Implications

Aligns with sections 1, 2, and 9(3) of the Constitution by reinforcing the supreme values of non-racialism, equality, and human dignity. The Bill removes any statutory basis for racial discrimination, thereby advancing the Constitution's aim to build a society founded on non-racialism and the achievement of equality for all.

5. Consultation

The Department must consult the National Treasury, relevant provincial and local authorities, civil society organisations, and private stakeholders. Such consultation ensures that regulatory changes, funding mechanisms, and administrative transitions are well-coordinated and balanced, with due regard for diverse perspectives and affected interests.

6. Parliamentary Procedure

This Bill must be dealt with in accordance with the procedure prescribed by the Constitution of the Republic of South Africa and the Joint Rules of Parliament. Given its wide-reaching implications, it may be subjected to extensive public participation and debate to reflect the nation's commitment to ending all race-based distinctions in law.

7. Socio-Economic Impact Assessment (SEIA)

Within 12 months of commencement, a SEIA is mandated to evaluate the Bill's effect on social cohesion, administrative efficiency, and the eradication of unfair discrimination. The assessment will offer insights into the Bill's success at promoting genuine merit-based empowerment and highlight any necessary refinements to ensure the reforms remain equitable and effective.