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Government Notice

Goewermentskennisgewing

DEPARTMENT OF
GOVERNMENTAL AFFAIRS

DEPARTEMENT VAN OWERHEIDSAKE

No. 63

1987

No. 63

1987

PROMULGATION OF ACT OF
NATIONAL ASSEMBLY

AFKONDIGING VAN WET VAN
NASIONALE VERGADERING

The following Act, which has been adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985), is hereby published in terms of section 18 of that Proclamation: —

Die volgende Wet, wat ingevolge die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), deur die Nasionale Vergadering aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 18 van daardie Proklamasie: —

No. 5 of 1987: Marriages, Births and Deaths Amendment Act, 1987.

No. 5 van 1987: Wysigingswet op Huwelike, Geboortes en Sterfgevalle, 1987.

Act No. 5, 1987

**MARRIAGES, BIRTHS AND DEATHS
AMENDMENT ACT, 1987****EXPLANATORY NOTE:**

_____ Words underlined with solid line indicate insertions proposed.

[] Words in bold typing in square brackets indicate omissions proposed.

ACT

To amend the Marriage Act, 1961, so as to amend or delete certain definitions; to delete certain provisions relating to Blacks; to grant to the Cabinet and certain officers the power to direct that a person who acted as marriage officer in respect of the marriage of persons who believed that such person was in fact a marriage officer, shall for the purposes of the Act be deemed to have been duly designated as a marriage officer; to compel a marriage officer who solemnizes a marriage to complete a certificate on the prescribed form; to increase certain penalties; to further regulate the proof of identity of persons before solemnization of their marriage and to compel such persons to furnish the prescribed affidavit; to extend the power to grant permission to certain persons to contract marriages; to amend the Births, Marriages and Deaths Registration Act, 1963, so as to delete or amend certain definitions; to delete certain provisions relating to Blacks; to further regulate the alteration of a person's name and surname in his birth register; to provide that the natural father of an illegitimate child may grant consent that the child be registered under his surname; to define a "name" for the purpose of the registration of births; to provide for the registration of the death of a person who is ordinarily resident within the territory of South West Africa, while he is performing military or police service; to bring the provisions relating to the registration of births of South African citizens which took place abroad into line with the provisions of the South African Citizenship Act, 1949; to provide that births which took place in a magisterial district other than that in which the parents in question reside, may also be reported to the magistrate of the latter district; to further regulate the preservation of records of a marriage; to increase certain penalties; and to provide for incidental matters.

**WYSIGINGSWET OP HUWELIKE, GEBOORTES
EN STERFGEVALLE, 1987** Wet No. 5, 1987**VERDUIDELIKENDE NOTA:**

_____ Woorde met 'n volstreep daaronder dui aan in-voegings voorgestel.

[] Woorde in vet druk tussen vierkantige hake dui aan skappings voorgestel.

WET

Tot wysiging van die Huwelikswet, 1961, ten einde sekere woordskrywings te wysig of te skrap; sekere bepalings ten opsigte van Swartes te skrap; die Kabinet en sekere beampies die bevoegdheid te verleen om te gelas dat iemand wat as huweliksbevestiger opgetree het ten opsigte van die huwelik van persone wat gemeen het dat so iemand 'n huweliksbevestiger was, vir die doeleindes van die Wet geag word behoorlik as huweliksbevestiger benoem te gewees het; 'n huweliksbevestiger wat 'n huwelik voltrek, te verplig om 'n sertifikaat op die voorgeskrewe vorm te voltooi; sekere strawwe te verhoog; die identifikasiebewys van persone, voor hulle huweliksbevestiging, verder te reël en sodanige persone te verplig om die voorgeskrewe beëdigde verklaring te verstrek; die bevoegdheid om aan sekere persone verlof te verleen om huwelike aan te gaan, uit te brei; tot wysiging van die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevallen, 1963, ten einde sekere woordskrywings te skrap of te wysig; sekere bepalings ten opsigte van Swartes te skrap; die verandering van 'n persoon se naam en van in sy geboorteregister verder te reël; te bepaal dat die natuurlike vader van 'n buitewettige kind toestemming kan verleen dat die kind onder sy van geregistreer word; 'n "naam" vir die doel van die registrasie van geboortes te omskryf; voorsiening te maak vir die registrasie van 'n sterfgeval van 'n persoon wat gewoonlik in die gebied Suidwes-Afrika woonagtig is, terwyl hy militêre of polisie diens verrig; die bepalings ten opsigte van die registrasie van geboortes van Suid-Afrikaanse burgers wat in die buiteland plaasgevind het in ooreenstemming te bring met die bepalings van die Wet op Suid-Afrikaanse Burgerskap, 1949; te bepaal dat geboortes wat in 'n ander landdrosdistrik plaasgevind het, as dié waarin die betrokke ouers woon, ook by die registrateur van laasgenoemde distrik aangemeld kan word; die bewaring van huwelikstukke verder te reël; sekere strawwe te verhoog; en om vir bykomstige aangeleenthede voorsiening te maak.

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**MARRIAGES, BIRTHS AND DEATHS
AMENDMENT ACT, 1987**

*(English text signed by the Administrator-General on
3 April 1987)*

BE IT ENACTED by the National Assembly, as follows:-

Amendment of section 1 of Act 25 of 1961, as amended by section 1 of Act 51 of 1970, section 1 of Proclamation AG.3 of 1979 and section 1 of Act 10 of 1979.

1. Section 1 of the Marriage Act, 1961, is hereby amended -

(a) by the deletion of the definition of "Commissioner"; and

(b) by the deletion in the definition of "Minister" of the words "or, in relation to any person who is a Black as defined in the Population Registration Act, 1950 (Act 30 of 1950), or is a native (excluding a Nama) as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of South West Africa, the Minister of Co-operation and Development".

Amendment of section 2 of Act 25 of 1961, as amended by section 2 of Act 51 of 1970, section 1 of Proclamation AG. 8 of 1977 and section 1 of Proclamation AG. 3 of 1979.

2. Section 2 of the Marriage Act, 1961, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Every magistrate and every special justice of the peace **[and every Commissioner]** shall by virtue of his office and so long as he holds such office, be a marriage officer for the district or other area in respect of which he holds office."

Substitution of section 6 of Act 25 of 1961.

3. The following section is hereby substituted for section 6 of the Marriage Act, 1961:

"Certain persons may in certain circumstances be deemed to have been marriage officers.

6. (1) Whenever any person has acted as a marriage officer during any period or within any area in respect of which he was not a marriage officer under this Act or any prior law, and the **[Minister] Cabinet** or an officer in the **[public service] Government Service** authorized thereto by the **[Minister] Cabinet** is satisfied that such person did so under the *bona fide* belief that he was a marriage officer during that period or within that area, it or he may direct in writing that such person shall for all purposes be

**WYSIGINGSWET OP HUWELIKE, GEBOORTES
EN STERFGEVALLE, 1987**

Wet No. 5, 1987

*(Engelse teks deur die Administrateur-generaal onderteken
op 3 April 1987)*

DAAR WORD BEPAAL deur die Nasionale Vergadering, soos volg:-

1. Artikel 1 van die Huwelikswet, 1961, word hierby gewysig -

- (a) deur die omskrywing van "Kommissaris" te skrap; en
- (b) deur in die omskrywing van "Minister" die woorde "of, met betrekking tot 'n persoon wat 'n Swarte is soos omskryf in die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), of wat 'n naturel (uitgesonderd 'n Nama) is soos omskryf in artikel 25 van die Naturelle-administrasie Proklamasie, 1928 (Proklamasie No. 15 van 1928), van Suidwes-Afrika, die Minister van Samewerking en Ontwikkeling" te skrap.

Wysiging van artikel 1 van Wet 25 van 1961, soos gewysig deur artikel 1 van Wet 51 van 1970, artikel 1 van Proklamasie AG. 3 van 1979 en artikel 1 van Wet 10 van 1979.

2. Artikel 2 van die Huwelikswet, 1961, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Iedere landdroos en spesiale vrederegter [**en Kommissaris**] is uit hoofde van sy amp en so lank hy dié amp beklee, 'n huweliksbevestiger vir die distrik of ander gebied ten opsigte waarvan hy sy amp beklee."

Wysiging van artikel 2 van Wet 25 van 1961, soos gewysig deur artikel 2 van Wet 51 van 1970, artikel 1 van Proklamasie AG. 8 van 1977 en artikel 1 van Proklamasie AG. 3 van 1979.

3. Artikel 6 van die Huwelikswet, 1961, word hierby deur die volgende artikel vervang:

"Sekere persone word in sekere omstandighede geag huweliksbevestigers te gewees het.

6.(1) Wanneer iemand as huweliksbevestiger opgetree het gedurende 'n tydperk of in 'n gebied ten opsigte waarvan hy nie kragtens hierdie Wet of 'n vorige wet 'n huweliksbevestiger was nie, en die [**Minister**] **Kabinet** of 'n beampste in die [**Staatsdiens**] **Regeringsdiens** deur die [**Minister**] **Kabinet** daartoe gemagtig, oortuig is dat so iemand aldus opgetree het terwyl hy te goeder trou gemeen het dat hy 'n huweliksbevestiger gedurende dié tydperk of in dié gebied was, kan hy skriftelik gelas dat so iemand vir alle

Vervanging van artikel 6 van Wet 25 van 1961.

**MARRIAGES, BIRTHS AND DEATHS
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deemed to have been a marriage officer during such period or within such area, duly designated as such under this Act or such law, as the case may be.

(2) Whenever any person acted as a marriage officer in respect of any marriage while he was not a marriage officer and both parties to that marriage *bona fide* believed that such person was in fact a marriage officer, the Cabinet or any officer in the Government Service authorized thereto by the Cabinet may, after having conducted such inquiry as it or he may deem fit, in writing direct that such person shall for all purposes be deemed to have been duly designated as a marriage officer in respect of that marriage.

[(2)](3) Any marriage solemnized [during such period or within such area] by any person who is in terms of [subsection (1)] this section to be deemed to have been duly designated as a marriage officer [in respect thereof] shall, provided such marriage was in every other respect solemnized in accordance with the provisions of this Act or any prior law, as the case may be, and there was no lawful impediment thereto, be as valid and binding as it would have been if such person had been duly designated as a marriage officer [in respect of such period or such area].

[(3)](4) Nothing in [subsection (1)] this section contained shall be construed as relieving any person in respect of whom a direction has been issued thereunder, from the liability to prosecution for any offence committed by him.

(5) Any person who acts as a marriage officer in respect of any marriage, shall complete a certificate on the prescribed form in which he shall state that at the time of the solemnization of the marriage he was in terms of this Act or any prior law entitled to solemnize that marriage."

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doeleindes geag word 'n huweliksbevestiger gedurende dié tydperk of in dié gebied te gewees het en behoorlik as sulks kragtens hierdie Wet of so 'n vorige wet, na gelang van die geval, benoem te gewees het.

(2) Wanneer iemand ten opsigte van 'n huwelik as huweliksbevestiger opgetree het terwyl hy nie 'n huweliksbevestiger was nie, en altwee partye by daardie huwelik te goeder trou gemeen het dat so iemand inderdaad 'n huweliksbevestiger was, kan die Kabinet, of 'n beampite in die Regeringsdiens deur die Kabinet daartoe gemagtig, nadat hy die ondersoek wat hy goeuvind, ingestel het, skriftelik gelas dat so iemand vir alle doeleindes geag word behoorlik as huweliksbevestiger ten opsigte van daardie huwelik benoem te gewees het.

[(2)](3) 'n Huwelik wat [gedurende so 'n tydperk of in so 'n gebied] voltrek is deur iemand wat ingevolge [subartikel (1)] hierdie artikel geag moet word behoorlik as huweliksbevestiger [ten opsigte daarvan] benoem te gewees het is, mits die huwelik in elke ander opsig voltrek is ooreenkomstig die bepalinge van hierdie Wet of 'n vorige wet, na gelang van die geval, en daar regtens geen beletsel daarteen was nie, net so geldig en bindend as wat dit sou gewees het indien so iemand behoorlik as huweliksbevestiger [ten opsigte van dié tydperk of dié gebied] benoem was.

[(3)](4) Die bepalinge van [subartikel (1)] hierdie artikel word nie so uitgelê nie dat dit iemand ten opsigte van wie 'n bevel daarkragtens uitgereik is, vrywaar teen vervolging weens 'n misdryf deur hom gepleeg.

(5) Iemand wat as huweliksbevestiger ten opsigte van 'n huwelik optree, moet 'n sertifikaat op die voorgeskrewe vorm voltooi waarin hy verklaar dat hy ten tyde van die voltrekking van die huwelik uit hoofde van die bepalinge van hierdie Wet of 'n vorige wet bevoeg was om daardie huwelik te voltrek."

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Amendment of section
11 of Act 25 of 1961.

4. Section 11 of the Marriage Act, 1961, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any marriage officer who purports to solemnize a marriage which he is not authorized under this Act to solemnize or which to his knowledge is legally prohibited, and any person not being a marriage officer who purports to solemnize a marriage, shall be guilty of an offence and liable on conviction to a fine not exceeding **[four hundred rand] R1 000** or, in default of payment, to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment.”.

Substitution of section
12 of Act 25 of 1961, as
substituted by section 5
of Act 51 of 1970.

5. The following section is hereby substituted for section 12 of the Marriage Act, 1961:

“Prohibition of
solemnization of
marriage
without produc-
tion of identity
document and
prescribed decla-
ration.

12. No marriage officer shall solemnize any marriage unless -

- (a) each of the parties in question produces to the marriage officer his or her identity document issued under the provisions of the **[Population Registration Act, 1950 (Act No. 30 of 1950), or the Identity Documents in South West Africa Act, 1970] Identification of Persons Act, 1979 (Act 2 of 1979), or any other satisfactory proof of identity; [or] and**
- (b) each of such parties furnishes to the marriage officer the prescribed affidavit **[or**
- (c) **one of such parties produces his or her identity document referred to in paragraph (a) to the marriage officer and the other furnishes to the marriage officer the affidavit referred to in paragraph (b)].”.**

Substitution of section
26 of Act 25 of 1961, as
amended by section 9 of
Act 51 of 1970.

6. The following section is hereby substituted for section 26 of the Marriage Act, 1961:

“Prohibition of
marriage of per-
sons under cer-
tain ages.

26.(1) No boy under the age of 18 years and no girl under the age of 15 years shall be capable of contracting a valid marriage except with the written permission of the

**WYSIGINGSWET OP HUWELIKE, GEBOORTES
EN STERFGEVALLE, 1987**

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4. Artikel 11 van die Huwelikswet, 1961, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 11 van Wet 25 van 1961.

“(2) ’n Huweliksbevestiger wat ’n huwelik heet te voltrek wat hy nie kragtens hierdie Wet gemagtig is om te voltrek nie of wat sover hy weet regtens verbode is, en iemand wat nie ’n huweliksbevestiger is nie, wat ’n huwelik heet te voltrek, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens [vierhonderd rand] R1 000 of, by wanbetaling, met gevangenisstraf vir ’n tydperk van hoogstens 12 maande, of met dié boete sowel as dié gevangenisstraf.”.

5. Artikel 12 van die Huwelikswet, 1961, word hierby deur die volgende artikel vervang:

Vervanging van artikel 12 van Wet 25 van 1961, soos vervang deur artikel 5 van Wet 51 van 1970.

“Verbod op huweliksbevestiging sonder voorlegging van identiteitsdokument en voorgeskrewe verklaring.

12. Geen huweliksbevestiger mag ’n huwelik voltrek nie tensy -

- (a) elkeen van die betrokke partye sy of haar identiteitsdokument uitgereik kragtens die bepalings van die **[Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950) of die Wet op Identiteitsdokumente in Suidwes-Afrika, 1970] Wet op die Identifikasie van Persone, 1979 (Wet 2 van 1979)**, of enige ander bevestigende identifikasiebewys aan die huweliksbevestiger voorlê; **[of] en**
- (b) elkeen van dié partye die voorgeskrewe beëdigde verklaring aan die huweliksbevestiger verstrekk **[of**
- (c) een van dié partye sy of haar identiteitsdokument soos bedoel in paragraaf (a) aan die huweliksbevestiger voorlê en die ander ’n beëdigde verklaring soos bedoel in paragraaf (b) aan die huweliksbevestiger verstrekk].”.

6. Artikel 26 van die Huwelikswet, 1961, word hierby deur die volgende artikel vervang:

Vervanging van artikel 26 van Wet 25 van 1961, soos gewysig deur artikel 9 van Wet 51 van 1970.

“Verbod op huwelik van persone benede sekere leeftye.

26. (1) Geen seun benede die ouderdom van 18 jaar en geen meisie benede die ouderdom van 15 jaar is bevoeg om ’n geldige huwelik aan te gaan nie, behalwe met skrif-

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[Minister] Cabinet or any officer in the Government Service authorized thereto by the Cabinet, which it or he may grant in any particular case in which it or he considers such marriage desirable: Provided that such permission shall not relieve the parties to the proposed marriage from the obligation to comply with all other requirements prescribed by law: Provided further that such permission shall not be necessary if by reason of any such other requirement the consent of a judge or court having jurisdiction in the matter is necessary and has been granted.

(2) If any person referred to in subsection (1) who was not capable of contracting a valid marriage without the written permission of the [Minister] Cabinet or any officer in the Government Service authorized thereto by the Cabinet, in terms of his Act or a prior law, contracted a marriage without such permission and the [Minister] Cabinet or such officer, as the case may be, considers such marriage to be desirable and in the interests of the parties in question, it or he may, provided such marriage was in every other respect solemnized in accordance with the provisions of this Act, or, as the case may be, any prior law, and there was no other lawful impediment thereto, direct in writing that it shall for all purposes be a valid marriage.

(3) If the [Minister] Cabinet or any officer in the Government Service authorized thereto by the Cabinet so directs it shall be deemed that it or he granted written permission to such marriage prior to the solemnization thereof."

Repeal of section 38A of Act 25 of 1961, as inserted by section 12 of Act 51 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

7. Section 38A of the Marriage Act, 1961, is hereby repealed.

Amendment of section 39 of Act 25 of 1961, as amended by section 1 of Proclamation AG. 3 of 1979.

8. Section 39 of the Marriage Act, 1961, is hereby amended by the deletion of subsections (4) and (5).

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telike verlof van die [Minister] Kabinet, of 'n beampte in die Regeringsdiens deur die Kabinet daartoe gemagtig, wat hy kan verleen in 'n bepaalde geval waar hy so 'n huwelik as wenslik beskou: Met dien verstande dat sodanige verlof die partye by die voor-genome huwelik nie vrystel nie van die verpligting om aan alle ander regsvoorskrifte te voldoen: Met dien verstande voorts dat sodanige verlof nie nodig is nie indien weens sodanige ander voorskrif die toestemming van 'n regter of hof met regsbevoegdheid ten opsigte van die aangeleentheid nodig is en verleen is.

(2) Indien iemand in subartikel (1) bedoel wat nie bevoeg was om 'n geldige huwelik sonder die skriftelike verlof van die [Minister] Kabinet, of 'n beampte in die Regeringsdiens deur die Kabinet daartoe gemagtig, ingevolge hierdie Wet of 'n vorige wet aan te gaan nie, 'n huwelik sonder sodanige verlof aangegaan het, en die [Minister] Kabinet of bedoelde beampte, na gelang van die geval, die huwelik as wenslik en in belang van die betrokke partye beskou, kan hy, mits dié huwelik in elke ander opsig ooreenkomstig die bepalinge van hierdie Wet, of na gelang van die geval, 'n vorige wet voltrek is, en daar regtens geen beletsel daarteen is nie, skriftelik gelas dat dit vir alle doeleindes 'n geldige huwelik is.

(3) Indien die [Minister] Kabinet, of 'n beampte in die Regeringsdiens deur die Kabinet daartoe gemagtig, aldus gelas, word daar geag dat hy vóór die voltrekking van die huwelik skriftelik verlof daartoe verleen het.”

7. Artikel 38A van die Huwelikswet, 1961, word hierby herroep.

Herroeping van artikel 38A van Wet 25 van 1961, soos ingevoeg deur artikel 12 van Wet 51 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

8. Artikel 39 van die Huwelikswet, 1961, word hierby gewysig deur subartikels (4) en (5) te skrap.

Wysiging van artikel 39 van Wet 25 van 1961, soos gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

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AMENDMENT ACT, 1987**

Amendment of section 1 of Act 81 of 1963, as substituted by section 1 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979 and section 1 of Act 10 of 1979.

9. Section 1 of the Births, Marriages and Deaths Registration Act, 1963 (hereinafter referred to as the principal Act), is hereby amended -

- (a) by the deletion of the definition of "Black";
- (b) by the deletion in the definition of "Minister" of the words "or, for the purposes of the application of this Act in respect of a Black, the Minister of Co-operation and Development";
- (c) by the substitution for the definition of "occupier of a dwelling" of the following definition:

" 'occupier of a dwelling', in relation to any public or charitable institution or barracks, means any governor, deputy governor, superintendent or assistant superintendent, gaoler, or medical or other officer or person in charge thereof; and, in relation to any mine or a **[Black]** compound or **[location]** residential quarter in connection with a mine, means any manager or superintendent or person in charge thereof; and, in relation to any premises let in lodgings or separate apartments, means any person residing in such dwelling under whom such lodgings or separate apartments are immediately held; and, in relation to any tent, vehicle or other place of residence, or place in or upon which any person may be born or die, means any owner when in occupation or charge thereof, and, if the owner is not in occupation or charge thereof, any lessee or other person in occupation or having the charge, care or custody thereof;"

- (d) by the substitution for the definition of "Secretary" of the following definition:

" 'Secretary' means the Secretary for Civic Affairs and Manpower **[the Interior or, for the purposes of the application of this Act in respect of a Black, the Secretary for Co-operation and Development];** and

- (e) by the substitution for the definition of "urban area" of the following definition:

" 'urban area' means an area under the jurisdiction of **[a municipal council, borough council, town council or village council or a town board, village management board, local board or health committee]** -

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9. Artikel 1 van die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevallen, 1963 (hierna die Hoofwet genoem), word hierby gewysig –

Wysiging van artikel 1 van Wet 81 van 1963, soos vervang deur artikel 1 van Wet 58 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979 en artikel 1 van Wet 10 van 1979.

- (a) deur die omskrywing van “Swarte” te skrap;
- (b) deur die omskrywing van “bewoner van ’n woning” deur die volgende omskrywing te vervang:

“ ‘bewoner van ’n woning’, met betrekking tot ’n openbare of liefdadigheidsinrigting of barakke, enige goewerneur, vise-goewerneur, superintendent of assistent-superintendent, gevangenisbewaarder, of mediese of ander beampte of persoon belas met die bestuur daarvan; en, met betrekking tot ’n myn of ’n [Swart] kampong of [lokasie] woonbuurt verbonde aan ’n myn, enige bestuurder of superintendent of persoon belas met die bestuur daarvan; en, met betrekking tot geboue verhuur in woonkamers of aparte woonstelle, enigiemand wat in sodanige woning woon en onder wie sodanige woonkamers of aparte woonstelle direk gehou word; en, met betrekking tot ’n tent, voertuig of ander woonplek, of plek waarin of waarop enigiemand gebore kan word of kan sterf, enige eienaar wat dit bewoon of beheer daarvoor het, en, indien die eienaar dit nie bewoon of beheer daarvoor het nie, enige huurder of ander persoon wat dit bewoon, of die beheer, opsig of toesig daarvoor het;”;

- (c) deur in die omskrywing van “Minister” die woorde “of, vir die doeleindes van die toepassing van hierdie Wet ten opsigte van ’n Swarte die Minister van Samewerking en Ontwikkeling” te skrap;

- (d) deur die omskrywing van “Sekretaris” deur die volgende omskrywing te vervang:

“ ‘Sekretaris’ die Sekretaris van Burgersake en Mannekrag [Binnelandse Sake, of vir die doeleindes van die toepassing van hierdie Wet met betrekking tot ’n Swarte, die Sekretaris van Samewerking en Ontwikkeling;”;

- (e) deur die omskrywing van “stadsgebied” deur die volgende omskrywing te vervang:

“ ‘stadsgebied’ die gebied onder die jurisdiksie van [’n munisipale raad, stadsraad of dorpsraad, of ’n stadsbestuursraad of plaaslike bestuur, of gesondheidskomitee] -

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- (a) the council of any municipality established or constituted, or deemed to be established or constituted, under the Municipal Ordinance, 1963 (Ordinance 13 of 1963); or
- (b) any village management board constituted or deemed to be constituted, under the Village Management Boards Ordinance, 1963 (Ordinance 14 of 1963); or
- (c) the Peri-Urban Development Board established under the Peri-Urban Development Board Ordinance, 1970 (Ordinance 19 of 1970);”.

Amendment of section 3 of Act 81 of 1963, as substituted by section 3 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

10. Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The police officer in charge of a charge office, police station or police mortuary is *ex officio* registrar of deaths and stillbirths of persons **[who are not Black]** which occur in the police area in which such charge office, police station or police mortuary is situated.”.

Repeal of section 3A of Act 81 of 1963, as inserted by section 4 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

11. Section 3A of the principal Act is hereby repealed.

Substitution of section 8 of Act 81 of 1963, as substituted by section 10 of Act 58 of 1970.

12. The following section is hereby substituted for section 8 of the principal Act:

“Alteration of person’s name in his birth register.

8.(1) When the birth of any person has been registered and the name under which his birth was registered, is altered, either of his parents or his guardian, if he is under **[twenty-one] 18** years of age, or he himself, if he is **[twenty-one] 18** years of age or over, may apply to the Secretary for the alteration of his name and thereupon the Secretary may, if satisfied that the applicant is competent to make the application **[and upon payment by the applicant of the prescribed fee**

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- (a) die raad van enige munisipaliteit wat gestig of ingestel is, of geag word gestig of ingestel te wees kragtens die Munisipale Ordonnansie 1963 (Ordonnansie 13 van 1963); of
- (b) enige dorpsbestuur wat ingestel is, of geag word ingestel te wees kragtens die Ordonnansie op Dorpsbesture 1963 (Ordonnansie 14 van 1963); of
- (c) die Raad vir Buitestedelike Ontwikkeling ingestel kragtens die Ordonnansie op die Raad vir Buitestedelike Ontwikkeling, 1970 (Ordonnansie 19 van 1970);”.

10. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die polisie beampte in bevel van ’n aanklagkantoor, polisiekantoor of polisielykhuis is ampshalwe registrateur van die sterfgevalle en doodgeboortes van persone **[wat nie Swartes is nie]** wat plaasvind in die polisiewyk waarin sodanige aanklagkantoor, polisiekantoor of polisielykhuis geleë is”.

Wysiging van artikel 3 van Wet 81 van 1963, soos vervang deur artikel 3 van Wet 58 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

11. Artikel 3A van die Hoofwet word hierby herroep.

Herroeping van artikel 3A van Wet 81 van 1961, soos ingevoeg deur artikel 4 van Wet 58 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

12. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 8 van Wet 81 van 1963, soos vervang deur artikel 10 van Wet 58 van 1970.

“Verandering van persoon se naam in sy geboorteregister.

8.(1) Wanneer die geboorte van ’n persoon geregistreer is en die naam waaronder sy geboorte geregistreer is, verander word, kan enigeen van sy ouers of voog, indien hy onder die ouderdom van **[een-en-twintig] 18** jaar is, of hyself, indien hy **[een-en-twintig] 18** jaar oud of ouer is, by die Sekretaris aansoek doen om die verandering van sy naam en die Sekretaris kan dan, indien hy oortuig is dat die aansoeker bevoeg is om die aansoek te doen **[en na betaling deur die aan-**

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(if any)], amend the registration of the said person's birth by inscribing the altered name on the birth register of such person filed in his office, but without erasing the original name therefrom.

(2) For the purposes of subsection (1) 'guardian' includes any person who has in law or in fact the custody or control of any person referred to in that subsection."

Substitution of section 8A of Act 81 of 1963, as inserted by section 3 of Act 18 of 1968 and substituted by section 11 of Act 58 of 1970.

13. The following section is hereby substituted for section 8A of the principal Act:

"Alteration of surname of person in his birth register.

8A. (1) When -

- (a) any person has under any law adopted a surname different from that under which his birth is registered;
- (b) any person under 21 years of age who was born out of lawful wedlock is known by the surname of a man whom his mother married and not the surname under which his birth is registered; [or]
- (c) any person under 21 years of age is known by the surname of a man whom his mother married after the death of his father or after the divorce of his mother and father and not the surname under which his birth is registered;
- (d) any person under 21 years of age is known by the surname of his mother which she resumed after the death of his father or after the divorce of his mother and father and not the surname under which his birth is registered;
- (e) any person under 21 years of age is known by the surname of his guardian and not the surname under which his birth is registered; or

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soeker van die voorgeskrewe gelde (as daar is)] die registrasie van bedoelde persoon se geboorte verander deur die veranderde naam in te skryf op die geboorteregister van so 'n persoon wat in sy kantoor geliasseer is maar sonder om die oorspronklike naam daarop uit te wis.

(2) By die toepassing van subartikel (1) beteken 'voog' ook iemand wat die wetlike of feitelike bewaring van of beheer oor 'n persoon in daardie subartikel bedoel, het."

13. Artikel 8A van die Hoofwet word hierby deur die volgende artikel vervang:

"Verandering van persoon se van in sy geboorteregister.

8A. (1) Wanneer -

- (a) 'n persoon kragtens 'n wetsbepaling 'n ander van as dié waaronder sy geboorte geregistreer is, aangeneem het;
- (b) 'n persoon onder die ouderdom van 21 jaar wat buite-egtelik gebore is, bekend staan onder die van van 'n man met wie sy moeder getrou het en nie die van waaronder sy geboorte geregistreer is nie; **[of]**
- (c) 'n persoon onder die ouderdom van 21 jaar bekend staan onder die van van 'n man met wie sy moeder na die oorlyde van sy vader of na die egskeiding van sy moeder en vader getrou het en nie die van waaronder sy geboorte geregistreer is nie;
- (d) 'n persoon onder die ouderdom van 21 jaar bekend staan onder die van van sy moeder wat sy weer aangeneem het na die oorlyde van sy vader of na die egskeiding van sy moeder en vader en nie die van waaronder sy geboorte geregistreer is nie;
- (e) 'n persoon onder die ouderdom van 21 jaar bekend staan onder die van van sy voog en nie die van waaronder sy geboorte geregistreer is nie; of

Vervanging van artikel 8A van Wet 81 van 1963, soos ingevoeg deur artikel 3 van Wet 18 van 1968 en vervang deur artikel 11 van Wet 58 van 1970.

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(f) any person under 21 years of age who was born out of lawful wedlock but whose birth is registered under the surname of his father in terms of the provisions of section 10, is known by the surname of his mother and not the surname under which his birth is so registered,

either of his parents or his mother, as the case may be, or his guardian, if such person is under 21 years of age, or he himself, if he is 21 years of age or over, may apply to the Secretary for the alteration of his surname in the birth register of such person to the surname which he has thus adopted or by which he is thus known, as the case may be **[Provided that in the case of a person referred to in paragraph (b) or (c) who is twenty-one years of age or over, his mother or the person who was last his guardian may make the application if the Secretary is satisfied that the application be so made].**

(2) A person under the age of 21 years who was born out of lawful wedlock, and whose birth was registered under his mother's surname, may, if his father acknowledges in writing himself to be the father of that person and the mother of that person grants her consent, apply to the Secretary for the alteration of his surname in the birth register to the surname of his father.

[(2)](3) If the man by whose surname a person referred to in paragraph (b), **[or]** (c) or (e) of subsection (1) is known is still alive, the application shall be accompanied by that man's written consent to the alteration, unless the Secretary, if in his opinion there exist sufficient reasons therefor, directs otherwise.

[(3)](4) Upon the receipt of any such application the Secretary may, if he is satisfied that the applicant is competent to make

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- (f) 'n persoon onder die ouderdom van 21 jaar wat buite-egtelik gebore is maar wie se geboorte ingevolge die bepalings van artikel 10 onder sy vader se van geregistreer is, bekend staan onder die van van sy moeder en nie die van waaronder sy geboorte aldus geregistreer is nie,

kan enigeen van sy ouers, of sy moeder, na gelang van die geval, of sy voog, indien sodanige persoon onder die ouderdom van 21 jaar is, of hyself, indien hy 21 jaar oud of ouer is, by die Sekretaris aansoek doen om die verandering van sy van in die geboorteregister van so 'n persoon na die van wat hy aldus aangeneem het of waaronder hy aldus bekend staan, na gelang van die geval [**Met dien verstande dat in die geval van 'n in paragraaf (b) of (c) bedoelde persoon wat een-en-twintig jaar oud of ouer is, sy moeder of die persoon wat die laaste sy voog was die aansoek kan doen indien die Sekretaris oortuig is dat dit in sodanige persoon se belang is dat die aansoek aldus gedoen word**].

(2) 'n Persoon onder die ouderdom van 21 jaar wat buite-egtelik gebore is, en wie se geboorte onder sy moeder se van geregistreer is, kan, indien sy vader skriftelik erken dat hy die vader van daardie persoon is en daardie persoon se moeder haar toestemming verleen, by die Sekretaris aansoek doen om die verandering van sy van in die geboorteregister na die van van sy vader.

[(2)](3) Indien die man onder wie se van 'n in paragraaf (b), [of] (c) of (e) van subartikel (1) bedoelde persoon bekend staan, nog in lewe is, moet die aansoek vergesel gaan van daardie man se skriftelike toestemming tot die verandering, tensy die Sekretaris, indien daar na sy oordeel gegronde redes daarvoor bestaan, anders gelas.

[(3)](4) By ontvangs van so 'n aansoek kan die Sekretaris, indien hy oortuig is dat die aansoeker bevoeg is om die aansoek te

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the application and, in the case of a person referred to in paragraph (b), **[or] (c), (d), (e) or (f)** of subsection (1), that such person is known in the manner contemplated in the paragraph in question, **[and upon payment by the applicant of the prescribed fee (if any)]** amend the registration of the birth of the person concerned by inscribing the surname which he adopted or by which he is known, as the case may be, on the birth register of such person filed in his office, but without erasing the original surname therefrom.

(5) For the purposes of subsection (1) **'guardian'** includes any person who has in law or in fact the custody or control of the person concerned who is referred to in that subsection."

Amendment of section 9 of Act 81 of 1963, as substituted by section 12 of Act 58 of 1970.

14. Section 9 of the principal Act is hereby amended by the addition of the following subsection:

"(3) For the purpose of this section 'name' means the word or words by which a person is designated as an individual and which precedes or precede his surname."

Amendment of section 10 of Act 81 of 1963, as substituted by section 13 of Act 58 of 1970.

15. Section 10 of the principal Act is hereby amended by the addition of the following subsection:

"(3) The birth of a child born out of lawful wedlock shall be registered under the surname of -

(a) his mother; or

(b) his father, provided the latter has made the acknowledgement referred to in subsection (2) **and the mother has consented."**

Substitution of section 12 of Act 81 of 1963, as substituted by section 15 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

16. The following section is hereby substituted for section 12 of the principal Act:

"Information as to live new-born child or body of new-born child found abandoned.

12. If any live new-born child or the body of a new-born child is found abandoned, the person finding it shall, as soon as possible, give notice to a justice of the peace or police officer **[or to any Black chief or headman]** and any justice of the peace or police officer **[or Black chief or headman]** who knows or is informed of the discovery of such a child or body so abandoned, and,

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doen en, in die geval van 'n in paragraaf (b), **[of] (c), (d), (e) of (f)** van subartikel (1) bedoelde persoon, dat sodanige persoon bekend staan soos in die betrokke paragraaf bedoel, **[en na betaling deur die aansoeker van die voorgeskrewe gelde (as daar is)]** die registrasie van die betrokke persoon se geboorte verander deur die van wat hy aldus aangeneem het of waaronder hy bekend staan, na gelang van die geval, in te skryf op die geboorteregister van so 'n persoon wat in sy kantoor geliasseer is, maar sonder om die oorspronklike van daarop uit te wis.

(5) By die toepassing van subartikel (1) beteken 'voog' ook iemand wat die wetlike of feitelike bewaring van of beheer oor die betrokke persoon in daardie subartikel bedoel, het."

14. Artikel 9 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

Wysiging van artikel 9 van Wet 81 van 1963, soos vervang deur artikel 12 van Wet 58 van 1970.

"(3) By die toepassing van hierdie artikel beteken 'naam' die woord of woorde waarmee 'n persoon as 'n individu aangedui word en wat sy van voorafgaan."

15. Artikel 10 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

Wysiging van artikel 10 van Wet 81 van 1963, soos vervang deur artikel 13 van Wet 58 van 1970.

"(3) Die geboorte van 'n buite-egtelike kind word geregistreer onder die van van -

(a) sy moeder; of

(b) sy vader, mits laasgenoemde 'n erkenning bedoel in subartikel (2) gemaak het en die moeder toegestem het."

16. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 12 van Wet 81 van 1963, soos vervang deur artikel 15 van Wet 58 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

"Inligting aangaande lewende pasgebore kind of lyk van pasgebore kind wat verlate gevind word.

12. Indien 'n lewende pasgebore kind of die lyk van 'n pasgebore kind verlate gevind word, moet die persoon wat die kind of lyk vind, so spoedig moontlik kennis gee aan 'n vrederegter of polisiebeampte **[of aan enige Swart kaptein of hoofman,]** en 'n vrederegter of polisiebeampte **[of Swart kaptein of hoofman]** wat weet van of in kennis gestel word van die ontdekking van so 'n kind of

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in the case of a live new-born child, any person in whose charge such a child is placed and any person holding any official enquiry into or being aware of any circumstances relating to the abandonment, shall forthwith give to the registrar or assistant registrar of the area wherein the child or body was found the prescribed notice or information.”.

Amendment of section 13 of Act 81 of 1963, as substituted by section 16 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

17. Section 13 of the principal Act is hereby amended by the substitution for the words preceding the proviso of the following words:

“Any person holding in accordance with any law any inquest or other enquiry as to the death of any person shall forthwith on completion of such inquest or other enquiry furnish the prescribed particulars in respect of the death to

[(i) if the deceased person was a Black, the registrar or assistant registrar concerned; or

(ii) if the deceased person was not a Black, the Secretary the registrar or assistant registrar concerned.”.

Amendment of section 16 of Act 81 of 1963, as substituted by section 18 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

18. Section 16 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any police officer in charge of a police station or in charge or temporarily in charge of a police mortuary, or any police officer in charge of a charge office, may issue, on behalf of the registrar or assistant registrar concerned, to a person having the charge of the body of **[a Black] any person** who has died outside the Republic, a burial order authorizing the burial of such body, if the place where the body is to be buried is situated within the police area in which the police station, police mortuary or charge office concerned is situated, where such officer considers it necessary to issue such an order in order to avoid delay or inconvenience, and any such officer shall as soon as possible after the issue by him of such an order advise the registrar or assistant registrar concerned in writing of the issue thereof.”.

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lyk wat aldus verlaat is, en, in die geval van 'n lewende pasgebore kind, 'n persoon in wie se sorg so 'n kind geplaas word en 'n persoon wat 'n amptelike ondersoek hou aangaande of kennis dra van enige omstandighede betreffende die verlating, moet onverwyld aan die registrateur of assistent-registrateur van die gebied waarin die kind of lyk gevind is die voorgeskrewe kennis of inligting gee.”.

17. Artikel 13 van die Hoofwet word hierby gewysig deur die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“Iemand wat ooreenkomstig 'n bepaling van 'n wet 'n geregtelike doodsondersoek of ander ondersoek na die dood van 'n persoon hou, moet onverwyld na afhandeling van sodanige doodsondersoek of ander ondersoek die voorgeskrewe besonderhede ten opsigte van die dood verstrek aan

[(i) indien die oorledene 'n Swarte was, die betrokke registrateur of assistent-registrateur; of

(ii) indien die oorledene nie 'n Swarte was nie, die Sekretaris] die betrokke registrateur of assistent-registrateur:”.

18. Artikel 16 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) 'n Polisiebeampte in bevel van 'n polisiekantoor of in bevel of tydelik in bevel van 'n polisielykhuis, of 'n polisiebeampte in bevel van 'n aanklagkantoor, kan aan 'n persoon wat **[die] 'n lyk [van 'n Swarte]** onder sy sorg het van iemand wat buite die Republiek te sterwe gekom het, namens die betrokke registrateur of assistent-registrateur 'n begrafnisorder uitreik wat die begrafnis van sodanige lyk magtig indien die plek waar die lyk begrawe gaan word, geleë is binne die polisievyk waarin die betrokke polisiekantoor, polisielykhuis of aanklagkantoor geleë is, waar sodanige beampte dit nodig ag om sodanige begrafnisorder uit te reik ten einde opont-houd of ongerief te vermy, en enige sodanige beampte moet so spoedig moontlik nadat hy so 'n order uitgereik het die betrokke registrateur of assistent-registrateur skriftelik van die uitreiking daarvan in kennis stel.”.

Wysiging van artikel 13 van Wet 81 van 1963, soos vervang deur artikel 16 van Wet 58 van 1970 en gewysig deur die artikel 1 van Proklamasie AG. 3 van 1979.

Wysiging van artikel 16 van Wet 81 van van 1963, soos vervang deur artikel 18 van Wet 58 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

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Amendment of section 17 of Act 81 of 1963, as substituted by section 19 of Act 58 of 1970.

19. Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Secretary may, notwithstanding anything to the contrary contained in this Act or in the Executive Powers (Interior) Transfer Proclamation, 1978 (Proclamation AG. 17 of 1978), after consultation with the military or police authorities, direct that if a person, who is ordinarily resident within the **[Republic]** territory of South West Africa dies while he is performing military or police service at a place or in circumstances indicated by the Secretary, the death of such person shall be registered in a manner and by a person determined and indicated by the Secretary, if such particulars concerning such death as may be determined by the Secretary, are furnished.”.

Substitution of section 17A of Act 81 of 1963, as inserted by section 20 of Act 58 of 1970.

20. The following section is hereby substituted for section 17A of the principal Act:

“Registration of certain births and deaths taking place outside Republic.

17A. (1) If a person is born outside the Republic, and that person is a South African citizen by virtue of the provisions of section 6(1)(a) of the South African Citizenship Act, 1949 (Act 44 of 1949), if his birth is registered in terms of the provisions of this section, his birth may, subject to the provisions of section 7, be registered by the registrar or assistant registrar concerned contemplated in section 3(3) or (4) provided that the prescribed particulars are furnished to that official and the applicant complies with all other provisions of this Act and the regulations made thereunder.

(2) If a South African citizen dies outside the Republic, or a person who is usually resident in the Republic dies outside the Republic and the registrar or assistant registrar concerned contemplated in section 3(3) or (4) is furnished with the prescribed particulars relating to the death, he shall register the death.

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19. Artikel 17 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 17 van Wet 81 van 1963, soos vervang deur artikel 19 van Wet 58 van 1970.

“(1) Die Sekretaris kan, ondanks andersluidende bepalings van hierdie Wet of die Proklamasie op die Oordrag van Uitvoerende Gesag (Binnelandse Sake), 1978 (Proklamasie AG. 17 van 1978), na oorlegpleging met die militêre of polisie-owerheid, gelas dat indien ’n persoon wat gewoonlik in die **[Republiek]** gebied Suidwes-Afrika woonagtig is, te sterwe kom terwyl hy militêre of polisie-diens verrig op ’n plek of in omstandighede deur die Sekretaris aangedui, die dood van sodanige persoon geregistreer word op ’n wyse en deur ’n persoon deur die Sekretaris bepaal en aangewys, indien dié besonderhede aangaande sodanige sterfgeval wat deur die Sekretaris bepaal word, verstrek word.”

20. Artikel 17A van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 17A van Wet 81 van 1963, soos ingevoeg deur artikel 20 van Wet 58 van 1970.

“Registrasie van sekere geboortes en sterfgevalle wat buite die Republiek plaasvind.

17A. (1) Indien iemand buite die Republiek gebore word, en daardie persoon uit hoofde van die bepalings van artikel 6(1)(a) van die Wet op Suid-Afrikaanse Burgerkap, 1949 (Wet 44 van 1949), ’n Suid-Afrikaanse burger is indien sy geboorte ooreenkomstig die bepalings van hierdie artikel geregistreer word, kan sy geboorte, behoudens die bepalings van artikel 7, deur die betrokke registrateur of assistent-registrateur bedoel in artikel 3(3) of (4) geregistreer word mits die voorgeskrewe besonderhede aan daardie beampte verstrek word en die aansoeker voldoen aan alle ander bepalings van hierdie Wet en die regulasies daarkragtens uitgevaardig.

(2) Indien ’n Suid-Afrikaanse burger buite die Republiek sterf, of ’n persoon wat gewoonlik in die Republiek woonagtig is, buite die Republiek sterf en die voorgeskrewe besonderhede aangaande die sterfgeval aan die betrokke registrateur of assistent-registrateur bedoel in artikel 3(3) of (4) verstrek word, moet hy die sterfgeval registreer.

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(3) A registrar or assistant registrar contemplated in subsection (1) or (2) shall, upon payment of the prescribed fees (if any), issue a certificate in the prescribed form in respect of a birth or death registered in terms of those subsections."

Amendment of section 19 of Act 81 of 1963, as substituted by section 23 of Act 58 of 1970.

21. Section 19 of the principal Act is hereby amended by the addition to subsection (1) of the following proviso:

"Provided that if the father or mother of the child is resident in an area other than that in which the birth occurred, that father or mother may give the prescribed notice or information to the registrar in whose area his or her residential address is."

Amendment of section 22 of Act 81 of 1963, as substituted by section 26 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

22. Section 22 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) **[In the case of the death of a Black a]** A notice in terms of subsection (1) may be received, and an order under subsection (2) may be issued, on behalf of the registrar or assistant registrar concerned by any police officer in charge of a police station or in charge or temporarily in charge of a police mortuary, or any police officer in charge of a charge office, in the district or area in which the death occurred, where such officer considers it necessary to receive such notice and to issue such order in order to avoid delay or inconvenience, and any such officer who receives such a notice and issues such an order shall as soon as possible thereafter advise the registrar or assistant registrar concerned in writing accordingly, and at the same time transmit to him the notice and any medical certificate in respect of the cause of death, or any certificate referred to in section 13A(2) or 26, so received by him."

Amendment of section 29 of Act 81 of 1963, as substituted by section 32 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

23. Section 29 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) A removal order required in terms of subsection (1) may **[in the case of the death of a Black]** be issued by any police officer in charge of a police station or in charge or temporarily in charge of a police mortu-

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(3) 'n In subartikel (1) of (2) bedoelde registrateur of assistent-registrateur moet, teen die betaling van die voorgeskrewe gelde (as daar is), 'n sertifikaat in die voorgeskrewe vorm uitreik ten opsigte van 'n geboorte of sterfgeval wat ingevolge daardie subartikels geregistreer is.”.

21. Artikel 19 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

“Met dien verstande dat indien die vader of moeder van die kind in 'n ander gebied woonagtig is as dié waarin die geboorte plaasgevind het, daardie vader of moeder die voorgeskrewe kennis of inligting kan gee aan die registrateur in wie se gebied sy of haar woonadres is.”.

Wysiging van artikel 19 van Wet 81 van 1963, soos vervang deur artikel 23 van Wet 58 van 1970.

22. Artikel 22 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

“(4) **[In die geval van die oorlyde van 'n Swarte kan die] 'n Kennisgewing kan** ingevolge subartikel (1) ontvang en 'n order kragtens subartikel (2) uitgereik word namens die betrokke registrateur of assistent-registrateur deur 'n polisiebeampte in bevel van 'n polisielykhuis, of 'n polisiebeampte in bevel van 'n aanklagkantoor, in die distrik of gebied waarin die oorlyde plaasgevind het, waar sodanige beampte dit nodig ag om sodanige kennisgewing te ontvang en so 'n order uit te reik ten einde oponthoud of ongerief te vermy en enige sodanige beampte wat so 'n kennisgewing ontvang en so 'n order uitreik, moet so spoedig moontlik daarna die betrokke registrateur of assistent-registrateur skriftelik dienooreenkomstig in kennis stel, en terselfdertyd aan hom die kennisgewing en enige mediese sertifikaat ten opsigte van die oorsake van dood, of enige sertifikaat in artikel 13A(2) of 26 bedoel, stuur wat hy aldus ontvang het.”.

Wysiging van artikel 22 van Wet 81 van 1963, soos vervang deur artikel 26 van Wet 58 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

23. Artikel 29 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) 'n Ingevolge subartikel (1) vereiste verwyderingsorder kan **[in die geval van die oorlyde van 'n Swarte]** uitgereik word deur 'n polisiebeampte in bevel van 'n polisiekantoor of in bevel of tydelik in

Wysiging van artikel 29 van Wet 81 van 1963, soos vervang deur artikel 32 van Wet 58 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

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ary, or any police officer in charge of a charge office, in the district or area in which the death occurred, where such officer considers it necessary to issue such order to avoid delay or inconvenience, and any such officer who issues such an order shall as soon as possible thereafter advise the registrar or assistant registrar concerned in writing of the issue thereof.”.

Repeal of section 36 of Act 81 of 1963, as substituted by section 35 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

24. Section 36 of the principal Act is hereby repealed.

Substitution of section 40 of Act 81 of 1963, as substituted by section 40 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

25. The following section is hereby substituted for section 40 of the principal Act:

“Preservation of records of a marriage.

40.(1) The marriage officer solemnizing any marriage **[between parties of whom the male is not a Black]**, the parties thereto and at least two competent witnesses shall sign a register and **[two copies]** a copy of the register of such marriage in the prescribed form before they leave the premises where the marriage took place.

(2) The said marriage officer shall keep **[one duplicate]** the copy of the register with his records and shall, within three days from the date of the marriage, transmit the original register **[and the other duplicate of the register]** to the Secretary for record.”.

Repeal of section 41 of Act 81 of 1963, as amended by section 41 of Act 58 of 1970 and section 1 of Proclamation AG. 3 of 1979.

26. Section 41 of the principal Act is hereby repealed.

Amendment of section 42 of Act 81 of 1963, as amended by section 4 of Act 18 of 1968, section 42 of Act 58 of 1970, section 1 of Proclamation AG. 3 of 1979 and section 1 of Act 10 of 1979.

27. (1) Section 42 of the principal Act is hereby amended -

(a) by the substitution for subsection (1) of the following subsection:

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bevel van 'n polisielykhuis, of 'n polisiebeampte in bevel van 'n aanklagkantoor, in die distrik of gebied waarin die oorlyde plaasgevind het, waar sodanige beampte dit nodig ag om sodanige order uit te reik ten einde oponthoud of ongerief te vermy, en enige sodanige beampte wat so 'n order uitreik, moet so spoedig moontlik daarna die betrokke registrateur of assistent-registrateur skriftelik van die uitreiking daarvan in kennis stel.”.

24. Artikel 36 van die Hoofwet word hierby herroep.

Herroeping van artikel 36 van Wet 81 van 1963, soos vervang deur artikel 35 van Wet 58 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

25. Artikel 40 van die Hoofwet word hierby deur die volgende artikel vervang:

“Bewaring van
huwelikstukke.

40.(1) Die huweliksbeampte wat 'n huwelik voltrek **[tussen partye van wie die man nie 'n Swarte is nie]**, die partye daarby en ten minste twee bevoegde getuies moet 'n register en **[twee duplikate] 'n duplikaat** van die register van sodanige huwelik in die voorgeskrewe vorm onderteken voordat hulle die perseel waar die huwelik plaasgevind het, verlaat.

(2) Genoemde huweliksbeampte moet **[een] die duplikaat** van die register by sy stukke bewaar en moet, binne drie dae vanaf die datum van die huwelik, die **oorspronklike register [en die ander duplikaat van die register]** aan die Sekretaris vir bewaring stuur.”.

Vervanging van artikel 40 van Wet 81 van 1963, soos vervang deur artikel 40 van Wet 58 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

26. Artikel 41 van die Hoofwet word hierby herroep.

Herroeping van artikel 41 van Wet 81 van 1963, soos gewysig deur artikel 41 van Wet 58 van 1970 en artikel 1 van Proklamasie AG. 3 van 1979.

27. (1) Artikel 42 van die Hoofwet word hierby gewysig -

(a) deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 42 van Wet 81 van 1963, soos gewysig deur artikel 4 van Wet 18 van 1968, artikel 42 van Wet 58 van 1970, artikel 1 van Proklamasie AG. 3 van 1979 en artikel 1 van Wet 10 van 1979.

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“(1) It shall be the duty of the Secretary, registrar and of every marriage officer [**Commissioner**] or magistrate upon receipt by him of a written application from any person and upon payment of the prescribed fee, (if any) to cause search to be made in any births, deaths or marriage register which is in terms of this Act or a law relating to the registration of births, marriages or deaths which was in force in the Republic in the custody of such officer, and, subject to the provisions of subsection (4), and of any regulation, to issue a certified copy in the prescribed form of any entry contained in such register [**: Provided that no such duty shall rest on the Secretary for Co-operation and Development in respect of a register relating to the birth or death of a Black which occurred before the thirty-first day of December, 1959, or to a marriage solemnized before the said date between parties of whom the male was a Black, unless the notice, return or register in respect of the birth, marriage or death concerned has under section 3A(2) been transferred to the custody of the said Secretary.**];” and

(b) by the substitution for subsection (3) of the following subsection:

“(3) Every such certificate signed by the Secretary, registrar, or marriage officer, [**Commissioner**] or magistrate, as the case may be, shall in all courts of law and public offices be *prima facie* evidence of the particulars set forth therein.”.

(2) A certificate referred to in subsection (3) of section 42 of the principal Act, and signed by a Commissioner prior to the commencement of this Act, shall, notwithstanding the amendment of the said subsection (3) of section 42, still be deemed to be *prima facie* evidence of the particulars set forth therein, in all courts of law and public offices.

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“(1) Dit is die plig van die Sekretaris, die registrateur en van elke huweliksbeampte [**Kommissaris**] of landdros, om by ontvangs deur hom van ’n skriftelike aansoek van enige persoon en teen betaling van die voorgeskrewe gelde (as daar is) enige geboorte-, sterfgevalle- of huweliksregister wat ingevolge hierdie Wet of ’n wet met betrekking tot die registrasie van geboortes, huwelike of sterfgevalle wat in die Republiek van krag was, in die bewaring van sodanige beampte is, te laat naspoor, en, behoudens die bepalings van subartikel (4), en van enige regulasie, om ’n gesertifiseerde uittreksel in die voorgeskrewe vorm uit te reik van enige inskrywing wat in sodanige register of in enige dokument wat aan sodanige register geheg is, voorkom [**: Met dien verstande dat geen sodanige plig op die Sekretaris van Samewerking en Ontwikkeling rus nie ten opsigte van ’n register betreffende die geboorte of oorlyde van ’n Swarte wat voor die een-en-dertigste dag van Desember 1959 plaasgevind het, of betreffende ’n huwelik wat voor genoemde datum voltrek is tussen partye van wie die man ’n Swarte is, tensy die kennisgewing, opgawe of register ten opsigte van die betrokke geboorte, huwelik of sterfgeval ingevolge artikel 3A(2) na die bewaring van gemelde Sekretaris oorgeplaas is**];”;

en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Elke sodanige sertifikaat wat deur die Sekretaris, registrateur of huweliksbeampte [**Kommissaris**] of landdros, na gelang van die geval, onderteken is, is in alle geregshoue en openbare kantore *prima facie* getuienis van die besonderhede daarin vermeld.”.

(2) ’n Sertifikaat bedoel in subartikel (3) van artikel 42 van die Hoofwet, en wat onderteken is deur ’n Kommissaris voor die inwerkingtreding van hierdie Wet, word, ondanks die wysiging van bedoelde subartikel (3) van artikel 42 steeds geag *prima facie* getuienis van die besonderhede daarin vermeld, in alle geregshoue en openbare kantore, te wees.

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Amendment of section 48 of Act 81 of 1963, as substituted by section 43 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

28. (1) Section 48 of the principal Act is hereby amended by the substitution for paragraph (g) of the following paragraph:

“(g) forges or counterfeits the signature, seal, impression or stamp of the Secretary, chief registrar, any **[Commissioner]** magistrate, registrar, assistant registrar or any marriage officer; or”.

(2) In the application of the provisions of paragraph (g) of section 48 of the principal Act, as substituted by this section, the said paragraph (g) shall, in so far as the said application relates to any signature, seal, impression or stamp of any Commissioner, effected prior to the commencement of this Act, be deemed not to have been so substituted.

Substitution of section 49 of Act 81 of 1963.

29. The following section is hereby substituted for section 49 of the principal Act:

“Penalty for contravention where no penalty specially provided.

49. Any person who contravenes or fails to comply with any provision of this Act or of any regulation for the contravention whereof or for the failure to comply where-with no penalty is specially provided shall be liable on conviction to a fine not exceeding **[fifty rand] R250.**”.

Amendment of section 50 of Act 81 of 1963, as substituted by section 44 of Act 58 of 1970.

30. Section 50 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) **[prescribing]** authorizing the Secretary to issue directions and to prescribe any forms, certificates, certified extracts, notices or registers to be used in connection with the registration of births, marriages and deaths and as to the purposes for which they may be used; as to the correction or alteration of and addition to any forms, certificates, notices or registers or any forms, certificates, certified extracts, notices or registers deemed to have been prescribed under this Act; and for the disposal, safe custody and preservation thereof;”.

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28. (1) Artikel 48 van die Hoofwet word hierby gewysig deur paragraaf (g) deur die volgende paragraaf te vervang:

Wysiging van artikel 48 van Wet 81 van 1963, soos vervang deur artikel 43 van Wet 58 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

“(g) die handtekening, seël, stempel of tjap van die Sekretaris, hoofregistrator, **[Kommissaris]** landdros, registrator of van ’n huweliksbeampte, vervals of namaak; of”.

(2) By die toepassing van die bepalings van paragraaf (g) van artikel 48 van die Hoofwet, soos deur hierdie artikel vervang, word bedoelde paragraaf (g), vir sover bedoelde toepassing betrekking het op ’n handtekening, seël, stempel of tjap van ’n Kommissaris, voor die inwerkingtrede van hierdie Wet aangebring, geag nie aldus vervang te gewees het nie.

29. Artikel 49 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 49 van Wet 81 van 1963.

“Straf vir oortreding waar daar nie spesiaal voorsiening vir ’n straf gemaak is nie.

49. Iemand wat ’n bepaling van hierdie Wet of van ’n regulasie oortree of versuim om daaraan te voldoen, is, waar daar geen spesiale voorsiening vir ’n straf vir die oortreding daarvan of vir die versuim om daaraan te voldoen, gemaak is nie, by veroordeling strafbaar met ’n boete van hoogstens **[vyftig rand] R250.**”.

30. Artikel 50 van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 50 van Wet 81 van 1963, soos vervang deur artikel 44 van Wet 58 van 1970.

“(d) **[waarby] wat die Sekretaris magtig om voorskrifte uit te vaardig en** enige vorms, sertifikate, gesertifiseerde uittreksels, kennisgewings of registers wat in verband met die registrasie van geboortes, huwelike en sterfgevalle gebruik moet word, **[voorgeskryf word en] voor te skryf** aangaande die doeleindes waarvoor hulle gebruik kan word; aangaande verbeterings of veranderings in en byvoegings by sodanige vorms, sertifikate, kennisgewings of registers of enige vorms, sertifikate, gesertifiseerde uittreksels, kennisgewings of registers wat kragtens hierdie Wet geag word voorgeskryf te wees, en die beskikking daarvoor of die veilige bewaring of in goeie toestand hou daarvan;”.

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Amendment of section 51A of Act 81 of 1963, as inserted by section 46 of Act 58 of 1970 and amended by section 1 of Proclamation AG. 3 of 1979.

31. Section 51A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) This Act, except sections 7A and 42(4), and any amendment thereof, and any regulations made under this Act, shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel **[and in such application the word ‘Black’ shall be construed as ‘native’ and any compound or derivative of ‘Black’ shall be construed as a corresponding compound or derivative of the word ‘native’].**”.

Saving.

32. Anything done under a provision of the Marriage Act, 1961, or under a provision of the Births, Marriages and Deaths Registration Act, 1963, prior to the amendment of that provision by this Act, shall be deemed to have been done under the corresponding provision of this Act.

Short title.

33. This Act shall be called the Marriages, Births and Deaths Amendment Act, 1987.

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31. Artikel 51A van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 51A van Wet 81 van 1963, soos ingevoeg deur artikel 46 van Wet 58 van 1970 en gewysig deur artikel 1 van Proklamasie AG. 3 van 1979.

“(1) Hierdie Wet, behalwe artikels 7A en 42(4) en enige wysiging daarvan, en enige regulasie kragtens hierdie Wet uitgevaardig, is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing [en by sodanige toepassing word die woord ‘Swarte’ as ‘naturel’ uitgelê en word ’n samestelling of afleiding van die woord ‘Swarte’ uitgelê as ’n ooreenstemmende samestelling of afleiding van die woord ‘naturel’].”.

32. Iets wat gedoen is kragtens ’n bepaling van die Huwelikswet, 1961, of kragtens ’n bepaling van die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevallen, 1963, voordat daardie bepaling deur hierdie Wet gewysig is, word geag kragtens die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

Voorbehoud.

33. Hierdie Wet heet die Wysigingswet op Huwelike, Geboortes en Sterfgevallen, 1987.

Kort titel.