

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprijs • Selling price
(AVB uitgesluit/GST excluded)
Plaaslik **45c** Local
Buitelands 60c Other countries
Posvry • Post free

Vol. 250

KAAPSTAD, 23 APRIL 1986

No. 10211

CAPE TOWN, 23 APRIL 1986

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 772.

23 April 1986

No. 772.

23 April 1986

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 41 van 1986: Wysigingswet op Huwelike, Geboortes en Sterfgevälle, 1986.

No. 41 of 1986: Marriages, Births and Deaths Amendment Act, 1986.

MARRIAGES, BIRTHS AND DEATHS AMENDMENT ACT, 1986

Act No. 41, 1986

- thereof, police area, serving area of a regional representative of the Department of Home Affairs, area for which a Commissioner has been appointed in terms of section 2 (2) of the Black Administration Act, 1927 (Act No. 38 of 1927), country or territory in respect of which such registrar or assistant registrar has been designated or appointed or is acting as such;”;
- (b) by the insertion after the definition of “chief registrar” of the following definition:
 “‘Commissioner’ means a Commissioner appointed under the Black Administration Act, 1927 (Act No. 38 of 1927);”;
- (c) by the substitution for the definition of “Director-General” of the following definition:
 “‘Director-General’ means the Director-General: **[Internal] Home Affairs [or, for the purposes of the application of this Act in respect of a Black, the Director-General: Co-operation and Development];**”;
- (d) by the substitution for the definition of “Minister” of the following definition:
 “‘Minister’ means the Minister of **Home Affairs [the Interior or, for the purposes of the application of this Act in respect of a Black, the Minister of Plural Relations and Development];**”;
- (e) by the deletion of the definition of “Republic”; and
- (f) by the insertion after the definition of “prescribed” of the following definition:
 “‘regional representative’ means any person appointed as regional representative of the Department of Home Affairs for a specified area;”.
5. Section 3 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
 “(1) Subject to the provisions of **[subsection] subsections (1A) and (2)**, the Director-General, or any officer or the holder of any office in the public service authorized thereto by him, may, for the purposes of the application of this Act, designate officers or employees or the holders of offices in the public service, or other persons, as registrars and assistant registrars of births and deaths in respect of a magisterial district or part thereof.”; and
- (b) by the insertion after subsection (1) of the following subsection:
 “(1A) **A regional representative or a Commissioner is a registrar of births and deaths in respect of the area for which he has been appointed.**”.
6. Section 3A of the principal Act is hereby repealed.
7. Section 7A of the principal Act is hereby amended by the deletion of subsection (1A).

Amendment of section 3 of Act 81 of 1963, as substituted by section 3 of Act 58 of 1970 and amended by section 4 of Act 35 of 1982.

Repeal of section 3A of Act 81 of 1963, as inserted by section 4 of Act 58 of 1970 and amended by section 4 of Act 35 of 1982.

Amendment of section 7A of Act 81 of 1963, as inserted by section 2 of Act 18 of 1968, substituted by section 9 of Act 58 of 1970 and amended by section 4 of Act 35 of 1982.

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8. Section 8A of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:
 “(1A) A person under the age of 21 years who was born out of 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 Director-General for the alteration of his surname in the birth register to the surname of his father.”
- Amendment of section 8A of Act 81 of 1963, as inserted by section 3 of Act 18 of 1968, substituted by section 11 of Act 58 of 1970 and amended by section 3 of Act 35 of 1982.
9. Section 9 of the principal Act is hereby amended by the addition of the following subsection:
 “(3) For the purposes 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 9 of Act 81 of 1963, as substituted by section 12 of Act 58 of 1970 and amended by section 4 of Act 35 of 1982.
10. 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 wedlock shall be registered under the surname of—
 (a) his mother; or
 (b) his father, provided the latter has made the acknowledgement contemplated in subsection (2) and the mother has consented.”
- Amendment of section 10 of Act 81 of 1963, as substituted by section 13 of Act 58 of 1970.
11. 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 Director-General]** the registrar or assistant registrar concerned:”
- Amendment of section 13 of Act 81 of 1963, as substituted by section 16 of Act 58 of 1970 and amended by section 4 of Act 35 of 1982.
12. 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.”
- Amendment of section 16 of Act 81 of 1963, as substituted by section 18 of Act 58 of 1970.
13. The following section is hereby substituted for section 17A of the principal Act:
 “Registration of certain births and deaths taking place outside the 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 No. 44 of 1949), if his birth is registered in terms of the provisions of
- Substitution of section 17A of Act 81 of 1963, as inserted by section 20 of Act 58 of 1970.

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5 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.

10 (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.

15 (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.”

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

25 “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 or to the regional representative of the area in which that residential address is.”

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

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

35 (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 22 of Act 81 of 1963, as substituted by section 26 of Act 58 of 1970 and amended by section 4 of Act 35 of 1982.

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

50 (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 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 issue such order in 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.”

Amendment of section 29 of Act 81 of 1963, as substituted by section 32 of Act 58 of 1970.

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17. Section 36 of the principal Act is hereby repealed. Repeal of section 36 of Act 81 of 1963, as substituted by section 35 of Act 58 of 1970.
18. Section 40 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
 5 “(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 of the register of such marriage in the prescribed form before they leave the premises where the marriage took place.”. Amendment of section 40 of Act 81 of 1963, as substituted by section 40 of Act 58 of 1970 and amended by section 4 of Act 35 of 1982.
- 10 19. Section 41 of the principal Act is hereby repealed. Repeal of section 41 of Act 81 of 1963, as amended by section 41 of Act 58 of 1970 and section 4 of Act 35 of 1982.
20. Section 42 of the principal Act is hereby amended by the deletion of the proviso to subsection (1). 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 and section 4 of Act 35 of 1982.
- 15 21. Section 50 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:
 20 “(d) **[prescribing]** authorizing the Director-General 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 such 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;” Amendment of section 50 of Act 81 of 1963, as substituted by section 44 of Act 58 of 1970 and amended by section 4 of Act 35 of 1982.
- 25 22. 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, is deemed to have been done under the corresponding provision of this Act. Saving.
- 30 23. This Act is called the Marriages, Births and Deaths Amendment Act, 1986. Short title.