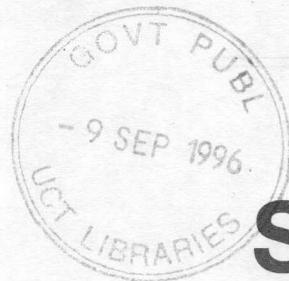


REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE



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PRESIDENT'S OFFICE

No. 1486.

5 September 1996

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

No. 40 of 1996: Births and Deaths Registration Amendment Act, 1996.

KANTOOR VAN DIE PRESIDENT

No. 1486.

5 September 1996

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

No. 40 van 1996: Wysigingswet op die Registrasie van Geboortes en Sterftes, 1996.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Births and Deaths Registration Act, 1992, so as to define the expression “child born out of wedlock”; and to make provision for the recognition of customary unions concluded according to indigenous law or custom and of marriages solemnised or concluded according to the tenets of any religion; and to provide for matters connected therewith.

*(English text signed by the President.)
(Assented to 29 August 1996.)*

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

Amendment of section 1 of Act 51 of 1992

1. Section 1 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), hereinafter referred to as the principal Act, is hereby amended—

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(a) by the insertion after the definition of “burial place” of the following definition:

“‘child born out of wedlock’ does not include a child whose parents were married to each other at the time of his or her conception or at any time thereafter before the completion of his or her birth;”; and

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(b) by the addition of the following subsection, the existing section becoming subsection (1):

“(2)(a) For the purposes of this Act ‘marriage’ includes a customary union concluded according to indigenous law or custom, and a marriage solemnised or concluded according to the tenets of any religion, which is recognised by the Minister in terms of paragraphs (b) and (c).

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(b) A union or marriage referred to in paragraph (a) shall be recognised by the Minister if he or she upon the submission of information in the prescribed form is satisfied that such a union or marriage was in fact concluded or solemnised.

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(c) The Minister may request that information be submitted to clarify or amplify any information submitted in terms of paragraph (b), or may call upon any person to appear before him or her and may require or allow such person to give such information orally and to give such other information as in the opinion of the Minister may help to decide upon the matter under consideration.”

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ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Registrasie van Geboortes en Sterftes, 1992, ten einde die uitdrukking "buite-egtelike kind" te omskryf; en voorsiening te maak vir die erkenning van gebruiklike verbintenisse wat ooreenkomsdig inheemse reg of gebruik aangegaan is en van huwelike wat voltrek of aangegaan is ooreenkomsdig die leerstellinge van enige godsdiens; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 29 Augustus 1996.)

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 51 van 1992

1. Artikel 1 van die Wet op die Registrasie van Geboortes en Sterfdes, 1992 (Wet No. 51 van 1992), hieronder die Hoofwet genoem, word hierby gewysig—

(a) deur na die omskrywing van “bevolkingsregister” die volgende omskrywing in te voeg:

“buite-egtelike kind’ nie ook ‘n kind wie se ouers met mekaar getroud was ten tyde van sy of haar verwekking of op enige tydstip daarna voor die voltooiing van sy of haar geboorte nie;”; en

(b) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

“(2)(a) By die toepassing van hierdie Wet omvat ‘huwelik’ ook ‘n gebruiklike verbintenis wat ooreenkomsdig inheemse reg of gebruik aangegaan is, en ‘n huwelik wat voltrek of aangegaan is ooreenkomsdig die leerstellinge van enige godsdienst, wat deur die Minister ingevolge paragrawe (b) en (c) erken is.

(b) ’n Verbintenis of huwelik in paragraaf (a) vermeld, word deur die Minister erken indien hy of sy by die voorlegging van inligting in die voorgeskrewe vorm oortuig is dat so ‘n verbintenis of huwelik inderdaad voltrek of aangegaan is.

(c) Die Minister kan vereis dat inligting voorgelê word om enige inligting ingevolge paragraaf (b) voorgelê, op te klaar of aan te vul, of kan enige persoon versoek om voor hom of haar te verskyn en kan van sodanige persoon vereis of hom of haar toelaat om sodanige inligting mondeling te verstrek en om sodanige ander inligting te verstrek wat na die oordeel van die Minister kan help om oor die aangeleentheid onder oorweging te besluit.”.

Substitution of section 10 of Act 51 of 1992

2. The following section is hereby substituted for section 10 of the principal Act:

"Notice of birth of child born out of wedlock"

- 10.** (1) Notice of birth of [an illegitimate child] a child born out of wedlock shall be given—
 (a) under the surname of the mother; or
 (b) at the joint request of the mother and of the person who in the presence of the person to whom the notice of birth was given acknowledges himself in writing to be the father of the child and enters the prescribed particulars regarding himself upon the notice of birth, under the surname of the person who has so acknowledged.
- (2) Notwithstanding the provisions of subsection (1), the notice of birth may be given under the surname of the mother if the person mentioned in subsection (1)(b), with the consent of the mother, acknowledges himself in writing to be the father of the child and enters particulars regarding himself upon the notice of birth.”.

Substitution of section 11 of Act 51 of 1992

3. The following section is hereby substituted for section 11 of the principal Act:

"Amendment of birth registration of child born out of wedlock"

- 11.** (1) Any parent or guardian of [an illegitimate child] a child born out of wedlock whose parents married each other after the registration of his or her birth, may, if such child is a minor, or such child himself or herself may, if he or she is of age, apply to the Director-General to amend the registration of his or her birth as if his or her parents were married to each other at the time of his or her birth, and thereupon the Director-General shall, if satisfied that the applicant is competent to make the application, that the alleged parents of the child are in fact his or her parents and that they legally married each other, amend the registration of birth in the prescribed manner as if such child's parents were legally married to each other at the time of his or her birth.
- (2) If [an illegitimate child's] the parents of a child born out of wedlock marry each other before notice of his or her birth is given, notice of such birth shall be given and the birth registered as if the parents were married to each other at the time of his or her birth.
- (3) Subsection (1) shall apply with the necessary changes in respect of a child born from parents married to each other by virtue of a union or marriage recognised by the Minister in terms of section 1(2), at any time after the registration of the birth of such child as a birth out of wedlock.”.

Short title

4. This Act shall be called the Births and Deaths Registration Amendment Act, 1996. 40

Vervanging van Engelse teks van artikel 10 van Wet 51 van 1992

2. Die Engelse teks van artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

"Notice of birth of child born out of wedlock

- 5 **10.** (1) Notice of birth of [an illegitimate child] a child born out of wedlock shall be given—
 (a) under the surname of the mother; or
 (b) at the joint request of the mother and of the person who in the presence of the person to whom the notice of birth was given acknowledges himself in writing to be the father of the child and enters the prescribed particulars regarding himself upon the notice of birth, under the surname of the person who has so acknowledged.
 10 (2) Notwithstanding the provisions of subsection (1), the notice of birth may be given under the surname of the mother if the person mentioned in subsection (1)(b), with the consent of the mother, acknowledges himself in writing to be the father of the child and enters particulars regarding himself upon the notice of birth.”.
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Vervanging van artikel 11 van Wet 51 van 1992

3. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

- 20 **"Wysiging van geboorteregistrasie van buite-egtelike kind**
- 25 **11.** (1) 'n Ouer of voog van 'n buite-egtelike kind wie se ouers na die registrasie van sy of haar geboorte met mekaar getrou het, kan, indien sodanige kind minderjarig is, of sodanige kind kan self, indien hy of sy meerderjarig is, by die Direkteur-generaal aansoek doen om die registrasie van sy of haar geboorte te wysig asof sy of haar ouers ten tyde van sy of haar geboorte met mekaar getroud was, en die Direkteur-generaal moet dan, indien hy of sy oortuig is dat die aansoeker bevoeg is om die aansoek te doen, dat die beweerde ouers van die kind inderdaad sy of haar ouers is en dat hulle wettig met mekaar getrou het, die registrasie van geboorte op die voorgeskrewe wyse wysig asof sodanige kind se ouers ten tyde van sy of haar geboorte wettig met mekaar getroud was.
- 30 (2) Indien 'n buite-egtelike kind se ouers voor die aangifte van sy of haar geboorte met mekaar trou, word sodanige geboorte aangegee en word die geboorte geregistreer asof die ouers ten tyde van sy of haar geboorte met mekaar getroud was.
- 35 (3) Subartikel (1) is met die nodige veranderinge van toepassing ten opsigte van 'n kind gebore uit ouers met mekaar getroud uit hoofde van 'n verbintenis of huwelik wat deur die Minister ingevolge artikel 1(2) erken word, te eniger tyd na die registrasie van die geboorte van sodanige kind as 'n buite-egtelike geboorte.”.
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Kort titel

4. Hierdie Wet heet die Wysigingswet op die Registrasie van Geboortes en Sterftes, 1996.