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No. 23243

THE PRESIDENCY

No. 333

19 March 2002

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

No. 1 of 2002: Births and Deaths Registration Amendment Act, 2002.

DIE PRESIDENSIE

No. 333

19 Maart 2002

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

No. 1 van 2002: Wysigingswet op die Registrasie van Geboortes en Sterftes, 2002.



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Act No. 1, 2002 BIRTHS AND DEATHS REGISTRATION AMENDMENT ACT, 2002**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.
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*(English text signed by the President.)
(Assented to 12 March 2002.)*

ACT

To amend the Births and Deaths Registration Act, 1992, so as to define an expression; to reduce the age of majority; to provide for the registration of a child in the surname of either or both parents; to further regulate the alteration of the surname of a minor; and to allow a widow to assume a previous surname; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 51 of 1992, as amended by section 3 of Act 41 of 1995 and section 1 of Act 40 of 1996

1. Section 1 of the Births and Deaths Registration Act, 1992 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion in subsection (1) after the definition of “child born out of wedlock” of the following definition:

“ ‘competent court’ includes a magistrates’ court, and a children’s court established as contemplated in the Child Care Act, 1983 (Act No. 74 of 1983);”; and

(b) by the substitution for the definition of “‘major’ or ‘person of age’” of the following definition:

“‘major’ or ‘person of age’ means any person who has attained the age of [21] 18 years or who has under the provisions of section 2 of the Age of Majority Act, 1972 (Act No. 57 of 1972), been declared to be a major, and includes a person under the age of [21] 18 years, who has contracted a legal marriage.”.

Amendment of section 9 of Act 51 of 1992, as amended by section 4 of Act 41 of 1995 and section 1 of Act 43 of 1998

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2. Section 9 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Subject to the provisions of section 10, the notice of birth referred to in subsection (1) of this section shall be given under the surname of either the father or the mother of the child concerned or the surnames of both the father and mother joined together as a double barrelled surname.”.

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ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
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- Woerde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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*(Engelse teks deur die President geteken.)
(Goedgekeur op 12 Maart 2002.)*

WET

Tot wysiging van die Wet op die Registrasie van Geboortes en Sterftes, 1992, ten einde 'n uitdrukking te omskryf; die meerderjarigheidsouderdom te verlaag; voorsiening te maak vir die registrasie van 'n kind onder die van een van die ouers of albei die ouers; die verandering van 'n minderjarige se van verder te reël; en 'n weduwee toe te laat om 'n vorige van aan te neem; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 1 van Wet 51 van 1992, soos gewysig deur artikel 3 van Wet 41 van 1995 en artikel 1 van Wet 40 van 1996

1. Artikel 1 van die Wet op die Registrasie van Geboortes en Sterftes, 1992 (hierna die Hoofwet genoem), word hierby gewysig— 5
- (a) deur in subartikel (1) na die omskrywing van "begrafnis" die volgende omskrywing in te voeg:
“‘bevoegde hof’ ook ‘n landdroshof, en ‘n kinderhof soos beoog in die Wet op Kindersorg, 1983 (Wet No. 74 van 1983);” en 10
- (b) deur die omskrywing van “‘meerderjarig’ of ‘meerderjarige persoon’” deur die volgende omskrywing te vervang:
“‘meerderjarig’ of ‘meerderjarige persoon’ ‘n persoon wat die ouderdom van [21] 18 jaar bereik het of wat ingevolge die bepalings van artikel 2 van die Wet op Meerderjarigheidsouderdom, 1972 (Wet No. 57 van 1972), meerderjarig verklaar is, en ook ‘n persoon wat ‘n wettige huwelik sluit terwyl hy of sy onder die ouderdom van [21] 18 jaar is;”. 15

Wysiging van artikel 9 van Wet 51 van 1992, soos gewysig deur artikel 4 van Wet 41 van 1995 en artikel 1 van Wet 43 van 1998

2. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
“(2) Behoudens die bepalings van artikel 10 moet die in subartikel (1) van hierdie artikel vermelde aangifte van geboorte onder die van van óf die vader óf die moeder van die betrokke kind gedoen word, óf onder die vanne van beide die vader en die moeder saamgevoeg as ‘n dubbelloop-van.”. 20 25

Act No. 1, 2002 BIRTHS AND DEATHS REGISTRATION AMENDMENT ACT, 2002**Amendment of section 25 of Act 51 of 1992, as substituted by section 2 of Act 67 of 1997 and amended by section 11 of Act 86 of 1997**

3. Section 25 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

“(1A) Notwithstanding subsection (1)(b) and (c), the natural father’s written consent is not required where the mother has sole guardianship of the child concerned.”.

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Amendment of section 26 of Act 51 of 1992, as substituted by section 3 of Act 67 of 1997

4. Section 26 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (c) of the following paragraph:

“(c) a woman, whether married or divorced, or a widow adds to the surname which she assumed after the marriage, any surname which she bore at any prior time.”.

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Short title

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5. This Act is called the Births and Deaths Registration Amendment Act, 2002.

Wysiging van artikel 25 van Wet 51 van 1992, soos vervang deur artikel 2 van Wet 67 van 1997 en gewysig deur artikel 11 van Wet 86 van 1997

3. Artikel 25 van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

“(1A) Ondanks subartikel (1)(b) en (c) is die natuurlike vader se skriftelike toestemming nie nodig nie waar die moeder die alleenvoogd van die betrokke kind het.”.

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Wysiging van artikel 26 van Wet 51 van 1992, soos vervang deur artikel 3 van Wet 67 van 1997

4. Artikel 26 van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang:

“(c) ’n vrou, hetsy getroud of geskei, of ’n weduwee tot die van wat sy na die huwelik aangeneem het, enige van byvoeg wat sy te eniger tyd voorheen gedra het.”.

Kort titel

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5. Hierdie Wet heet die Wysigingswet op die Registrasie van Geboortes en Sterftes, 2002.

