

EXTRAORDINARY

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GENERAL NOTICE.

DEPARTMENT OF THE INTERIOR.

[12th January, 1968.

**BILL TO AMEND THE MARRIAGE ACT, 1961
(ACT NO. 25 OF 1961).**

BILL TO AMEND THE BIRTHS, MARRIAGES AND DEATHS REGISTRATION ACT, 1963 (ACT NO. 81 OF 1963).

The following Bills, the provisions of which are subject to such deletions or alterations as may be decided upon, are published for general information.

Any representations in regard to the Bills may be addressed to the Secretary for the Interior, Private Bag 123, Pretoria.

ALGEMENE VERDUIDELIKENDE NOTA:

Woorde met 'n volstreep daaronder, dui aan invoegings deur Minister by indiening voorgestel.

WETSONTWERP

Tot wysiging van artikels 16, 19, 22 en 29 van die Huwelikswet, 1961 om te bepaal dat 'n kennisgewing van voorneme om te trou wat in 'n land buite die Republiek gepubliseer is of 'n spesiale huwelikslisensie wat in die gebied Suidwes-Afrika uitgereik is, beskou word as in die Republiek gepubliseer of uitgereik te gewees het; en om sekere huwelike te wettig.

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van artikel 16 van Wet 25 van 1961.

1. Artikel 16 van die Huwelikswet, 1961 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Gebooie en kennisgewing van voorneme om te trou buite die Unie afgekondig of gepubliseer.

16. (1) Huweliksgebooie wat in 'n land buite die Unie afgekondig is of 'n kennisgewing van voorneme om te trou wat in 'n land buite die Unie gepubliseer is, word by die toepassing van hierdie Wet beskou as gebooie wat in die Unie afgekondig is of as 'n kennisgewing wat in die Unie gepubliseer is, maar 'n huweliksbevestiger mag nie na aanleiding daarvan 'n huwelik voltrek nie tensy aan hom die voorgeskrewe bewys voorgelê word dat dié gebooie behoorlik afgekondig is of dié kennisgewing behoorlik gepubliseer is ooreenkomstig die reg van dié land.

(2) Die bepalings van artikel 21 is *mutatis mutandis* met betrekking tot sodanige gebooie of sodanige kennisgewing van toepassing.”.

Wysiging van artikel 19 van Wet 25 van 1961.

2. Artikel 19 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(7) 'n Spesiale huwelikslisensie wat in die gebied Suidwes-Afrika uitgereik is ooreenkomstig die reg van daardie Gebied, word by die toepassing van hierdie Wet beskou as 'n lisensie wat ingevolge hierdie Wet in die Republiek uitgereik is.”.

Vervanging van artikel 22 van Wet 25 van 1961

3. Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:

Onreëlmatighede by afkondiging van gebooie of publikasie van kennisgewing van voorneme om te trou of by uitreiking van spesiale huwelikslisensie.

„22. Indien in die geval van 'n huwelik voltrek vóór of ná die inwerkingtreding van hierdie Wet, die bepalings van hierdie Wet of, na gelang van die geval, 'n vorige wet met betrekking tot die afkondiging van gebooie of die publikasie van kennisgewing van voorneme om te trou of met betrekking tot die uitreiking van spesiale huwelikslisensies, of die toepaslike bepalings van 'n wet van 'n land buite die Unie met betrekking tot die afkondiging van gebooie of die publikasie van kennisgewing van voorneme om te trou, of die toepaslike bepalings van 'n wet van die gebied Suidwes-Afrika met betrekking tot die uitreiking van spesiale huwelikslisensies nie stiptelik nagekom is nie weens—

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions proposed by Minister on introduction.

BILL

To amend sections 16, 19, 22 and 29 of the Marriage Act, 1961 so as to provide that a notice of intention to marry published in a country outside the Republic or a special marriage licence issued in the territory of South-West Africa shall be regarded as having been published or issued in the Republic; and to validate certain marriages.

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The following section is hereby substituted for section 16 of the Marriage Act, 1961 (hereinafter referred to as the principal Act):

Substitution of section 16 of Act 25 of 1961.

"Banns and notice of intention to marry published outside the Union.

16. (1) Banns of marriage or a notice of intention to marry published in a country outside the Union shall for the purposes of this Act be regarded as having been published in the Union, but a marriage officer shall not solemnize any marriage in pursuance thereof unless there is produced to him the prescribed proof that such banns were or such notice of intention to marry was duly published according to the law of such country.

(2) The provisions of section 21 shall *mutatis mutandis* apply with reference to such banns or notice."

2. Section 19 of the principal Act is hereby amended by the addition of the following subsection:

Amendment of section 19 of Act 25 of 1961.

"(7) A special marriage licence issued in the territory of South-West Africa according to the law of such territory, shall for the purposes of this Act be regarded as a licence which has been issued in the Republic in terms of this Act."

3. The following section is hereby substituted for section 22 of the principal Act:

Substitution of section 22 of Act 25 of 1961.

"Irregularities in publication of banns or notice of intention to marry or in the issue of special marriage licence.

22. If in the case of any marriage solemnized before or after the commencement of this Act the provisions of this Act or, as the case may be, any prior law relating to the publication of banns or notice of intention to marry or to the issue of special marriage licences, or the applicable provisions of any law of a country outside the Union relating to the publication of banns or the publication of notice of intention to marry or the applicable provisions of any law of the territory of South-West Africa relating to the issue of special marriage licences, having not been strictly complied with owing to—

- (a) 'n fout wat deur een of ander van die partye by dié huwelik te goeder trou begaan is by dié uitleg van daardie bepalings; of
- (b) 'n fout, versuim of vergissing van iemand wat enige sodanige afkondiging of publikasie gedoen of 'n spesiale huwelikslisensie uitgereik het, maar dié huwelik in elke ander opsig voltrek is ooreenkomstig die bepalings van hierdie Wet of, na gelang van die geval, 'n vorige wet, is dié huwelik, mits daar regtens geen ander beletsel daarteen was nie, net so geldig en bindend as wat dit sou gewees het indien genoemde bepalings stiptelik nagekom is."

Vervanging van
artikel 29 van
Wet 25 van 1961.

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

„Tyd en
plek vir
en teen-
woordig-
heid van
partye en
getuies by
voltrekking
van huwelik
en geldig-
verklaring
van sekere
huwelike.

29. (1) 'n Huweliksbevestiger kan 'n huwelik te eniger tyd op enige dag van die week voltrek maar is nie verplig om 'n huwelik op enige ander tyd as tussen agtuur voormiddag en vieruur namiddag te voltrek nie.

(2) 'n Huweliksbevestiger moet 'n huwelik voltrek in 'n kerk of ander gebou wat vir godsdiensoefening gebruik word of in 'n openbare kantoor of privaat woonhuis, met oop deure en in die teenwoordigheid van die partye self en ten minste twee bevoegde getuies, maar die voorgaande bepalings van hierdie subartikel word nie so uitgelê nie dat dit 'n huweliksbevestiger verbied om 'n huwelik in 'n ander as 'n daarin genoemde plek te voltrek indien die huwelik weens die ernstige of langdurige siekte of die ernstige liggaamlike besering van een of albei van die partye in daardie ander plek voltrek moet word.

(3) Iedere huwelik—

(a) wat voor die inwerkingtreding van hierdie Wet in die Oranje Vrystaat of die Transvaal in 'n ander plek voltrek is as dié wat by 'n vorige wet bepaal is as 'n plek waar by die toepassing van daardie wet 'n huwelik voltrek moet word; of

(b) wat voor die inwerkingtreding van die Huwelikswysigingswet 1968 weens die ernstige of langdurige siekte of die ernstige liggaamlike besering van een of albei van die partye in 'n ander plek voltrek is as dié wat by subartikel (2) van hierdie artikel bepaal is as 'n plek waar by die toepassing van hierdie Wet 'n huwelik voltrek moet word,

is, mits dié huwelik nie deur 'n bevoegde hof ontbind of nietig verklaar is nie en mits voorts dat geen van die partye by dié huwelik na die huwelik en tydens die lewe van die ander party reeds 'n ander wettig getrou het nie, net so geldig en bindend as wat dit sou gewees het indien dit voltrek is in 'n plek daarvoor bepaal by die toepaslike bepalings van die vorige wet of, na gelang van die geval, van hierdie Wet.

(4) Niemand is bevoeg om kragtens die bepalings van hierdie Wet deur middel van iemand anders wat as sy verteenwoordiger optree, 'n geldige huwelik aan te gaan nie."

Kort titel.

5. Hierdie Wet heet die Huwelikswysigingswet, 1968.

- (a) an error committed in good faith by either of the parties to such marriage in interpreting those provisions; or
- (b) any error, omission or oversight of any person who made any such application or issued a special licence, but such marriage has in every other respect been solemnized in accordance with the provisions of this Act or, as the case may be, a former law, that marriage shall, provided there was no other lawful impediment thereto, be as valid and binding as it would have been if the said provisions had been strictly complied with."

4. The following section is hereby substituted for section 29 of the principal Act: Substitution of section 29 of Act 25 of 1961.

"Time and place for and presence of parties and witnesses at solemnization of marriage and validation of certain marriages.

29. (1) A marriage officer may solemnize a marriage at any time on any day of the week but shall not be obliged to solemnize a marriage at any other time than between the hours of eight in the morning and four in the afternoon.

(2) A marriage officer shall solemnize any marriage in a church or other building used for religious service, or in a public office or private dwelling-house, with open doors and in the presence of the parties themselves and at least two competent witnesses, but the foregoing provisions of this sub-section shall not be construed as prohibiting a marriage officer from solemnizing a marriage in any place other than a place mentioned therein if the marriage must be solemnized in such other place by reason of the serious or longstanding illness of, or serious bodily injury to, one or both of the parties.

(3) Every marriage—

- (a) which was solemnized in the Orange Free State or the Transvaal before the commencement of this Act in any place other than a place appointed by a prior law as a place wherefor the purposes of such law a marriage shall be solemnized; or
- (b) which by reason of the serious or longstanding illness of, or serious bodily injury to, one or both of the parties was solemnized before the commencement of the Marriage Amendment Act 1968, in a place other than a place appointed by subsection (2) of this section as a place where for the purposes of this Act a marriage shall be solemnized,

shall, provided such marriage has not been dissolved or declared invalid by a competent court and provided further that neither parties to such marriage has after such marriage and during the life of the other, already lawfully married another, be as valid and binding as it would have been if it had been solemnized in a place appointed therefor by the applicable provisions of the prior law or, as the case may be, of this Act.

(4) No persons shall under the provisions of this Act be capable of contracting a valid marriage through any other person acting as his representative."

5. This Act shall be called the Marriage Amendment Act, Short title. 1968.

ALGEMENE VERDUIDELIKENDE NOTA:

[Woorde in vet druk tussen vierkantige hake dui aan skrappings deur Minister by indiening voorgestel.

Woorde met 'n volstreep daaronder, dui aan invoegings deur Minister by indiening voorgestel.

WETSONTWERP

Tot wysiging van die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963, ten einde voorsiening te maak vir die aanwysing van distriksregistrateurs en assistent-distriksregistrateurs van geboortes en sterfgevalle deur die registrateur-generaal van geboortes, huwelike en sterfgevalle, streekverteenwoordigers van die Departement van Binne-landse Sake, landdroste en Bantoesakekommissarisse, die aanstel van assistent-distriksregistrateurs van geboortes en sterfgevalle deur die gemelde registrateur-generaal en die optrede *ex officio* van die gemelde registrateur-generaal en sodanige streekverteenwoordigers as distriksregistrateurs van geboortes en sterfgevalle; vir die inskryf in geboortesregisters van die klassifikasies ingevolge die Bevolkingsregistrasiewet, 1950, van persone wie se geboortes geregistreer is, alle persone wat op of na die eerste dag van Desember 1967 gebore is en die ouers van sodanige persone; vir die verandering van vanne in die geboortesregisters in sekere gevalle; vir die aangee van die klassifikasie ingevolge die Bevolkingsregistrasiewet, 1950, van 'n persoon wat op of na die eerste dag van Desember 1967 gebore is of wie se klassifikasie ingevolge daardie Wet in die geboortesregisters ingeskryf is, op enige sertifikaat wat ten opsigte van sy geboorte uitgereik word; en vir die inskrywing van vanne in en die toepassing van sekere bepalinge op sekere registers wat ten aansien van Indiërs gehou is; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van artikel 3 van Wet 81 van 1963.

1. (1) Artikel 3 van die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Aanwysing van distriks-registra-teurs en assistent-distriks-registra-teurs en uitleg van verwysings na sodanige registra-teurs.

3. (1) **[**Die Minister of enigiemand wat deur hom daartoe gemagtig is, kan van tyd tot tyd—

- (a) vir elkeen van die landdrosdistrikte van die Republiek of vir enige gebied daarin, beampes in die Staatsdiens as distriksregistrateurs van geboortes en sterfgevalle aanwys ten opsigte van persone van alle klasse of rasse of van bepaalde klasse of rasse of van alle klasse of rasse behalwe bepaalde klasse of rasse;
- (b) beampes in die Staatsdiens as assistent-distriks-registrateurs van geboortes en sterfgevalle aanwys of, waar sodanige beampes nie beskikbaar is nie, persone as assistent-distriksregistrateurs van geboortes en sterfgevalle aanstel.]

Distriksregistrateurs en assistent-distriksregistrateurs van geboortes en sterfgevalle kan vir 'n Landdros-distrik of 'n deel van 'n landdrosdistrik en ten opsigte van persone van alle klasse of rasse of van

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions proposed by Minister on introduction.
- Words underlined with solid line indicate insertions proposed by Minister on introduction.

BILL

To amend the Births, Marriages and Deaths Registration Act 1963, so as to provide for the designation of district registrars and assistant district registrars of births and deaths by the registrar-general of births, marriages and deaths, regional representatives of the Department of the Interior, magistrates and Bantu Affairs commissioners, the appointment of assistant district registrars of births and deaths by the said registrar-general and the acting of the said registrar-general and such regional representative *ex officio* as district registrars of births and deaths; for the inscription in births registers of the classification in terms of the Population Registration Act, 1950, of persons whose births are registered, all persons born on or after the first day of December, 1967, and the parents of such persons; for the alteration of surnames in the births registers in certain cases; for specifying the classification in terms of the Population Registration Act, 1950, of a person born on or after the first day of December, 1967, or whose classification in terms of that Act has been inscribed in the births registers, on any certificate issued in respect of his birth; and for the inscription of surnames in and the application of certain provisions to certain registers kept in respect of Indians; and to provide for matters incidental thereto.

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. (1) The following section is hereby substituted for section 3 of the Births, Marriages and Deaths Registration Act, 1963 (hereinafter referred to as the principal Act):

Substitution of section 3 of Act 81 of 1963.

“Designation of district registrars and assistant district registrars and construing of references to such registrars.

3. (1) **[The Minister or any person authorized thereto by him may from time to time—**

- (a) designate for each of the magisterial districts of the Republic or for any areas therein, officers in the public service as district registrars of births and deaths in respect of persons of all classes or races or of specified classes or races or of all classes or races other than specified classes or races;
- (b) designate officers in the public service as assistant district registrars of births and deaths or, where no such officers are available, appoint persons as assistant district registrars of births and deaths.]

District registrars and assistant district registrars of births and deaths may be designated for any magisterial district or any part of a magisterial district and in respect of persons of all classes or races or of

bepaalde klasse of rasse of van alle klasse of rasse behalwe bepaalde klasse of rasse aangewys word—

- (i) in die geval van die distrik Pretoria, deur die registrateur-generaal uit beamptes of werknemers van die Departement van Binnelandse Sake;
 - (ii) in die geval van 'n distrik waar 'n streekverteenvoerder van die gemelde Departement sy kantoor het, deur die betrokke streekverteenvoerder uit beamptes of werknemers van daardie Departement;
 - (iii) in die geval van enige ander distrik of enige deel van so 'n ander distrik, die landdros van die betrokke distrik of die landdros in beheer van 'n landdroskantoor wat die betrokke deel bedien, na gelang van die geval uit beamptes of werknemers van die Departement van Justisie:
- Met dien verstande dat as daar 'n Bantoesake-kommissaris vir enige distrik of deel van 'n distrik aangestel is, hy beamptes of werknemers van die Departement van Bantoe-administrasie en -ontwikkeling as distriksregistrateurs of assistent-distriksregistrateurs vir sodanige distrik of deel ten opsigte van Bantoes kan aanwys.

- (2) (a) Nieteenstaande die bepaling van subartikel (1), kan die registrateur-generaal of enigiemand deur hom daartoe gemagtig, vir enige distrik of deel van 'n distrik en ten opsigte van persone van 'n bepaalde klas of ras, beamptes of werknemers in die Staatsdiens (uitgesonderd beamptes of werknemers van die Departement van Justisie of die Departement van Bantoe-administrasie en -ontwikkeling) aanwys as distriksregistrateurs of assistent-distriksregistrateurs van geboortes en sterfgevalle of persone aanstel as assistent-distriksregistrateurs van geboortes en sterfgevalle.
- (b) Waar 'n distriksregistrateur of assistent-distriksregistrateur kragtens paragraaf (a) vir 'n distrik of deel van 'n distrik ten opsigte van persone van 'n bepaalde klas of ras aangewys of aangestel is, verval enige aanwysing van 'n distriksregistrateur of assistent-distriksregistrateur, na gelang van die geval, wat kragtens subartikel (1) vir sodanige distrik of deel gedoen is vir sover dit 'n aanwysing ten opsigte van persone van daardie klas of ras is.

[(2)] (3) Waar geen distriksregistrateur vir enige distrik of enige deel daarvan aangewys is nie, is—

- (a) in die geval van die distrik Pretoria, die registrateur-generaal;
- (b) in die geval van 'n distrik waar 'n streekverteenvoerder van die Departement van Binnelandse Sake sy kantoor het, sodanige streekverteenvoerder; en
- (c) in die geval van enige ander distrik, die landdros van sodanige distrik,

ex officio die distriksregistrateur: Met dien verstande dat as daar 'n Bantoesakekommissaris vir enige sodanige distrik of sodanige deel daarvan aangestel is, hy *ex officio* distriksregistrateur ten opsigte van Bantoes is en die registrateur-generaal, sodanige streekverteenvoerder of die landdros, na gelang van die geval, distriksregistrateur ten opsigte van persone van alle ander rasse is.

[(3)] (4) Die pligte van enige distriksregistrateur of assistent-distriksregistrateur is soos deur hierdie Wet of deur enige regulasie voorgeskryf en in die uitvoering van daardie pligte is 'n distriksregistrateur aan die toesig en beheer van die beampte wat hom

particular classes or races or of all classes or races other than particular classes or races—

- (i) in the case of the Pretoria district, by the registrar-general from officers or employees of the Department of the Interior;
- (ii) in the case of a district where a regional representative of the said Department has his office, by such regional representative from officers or employees of that Department;
- (iii) in the case of any other district or any part of any such other district, the magistrate of the district concerned or the magistrate in control of the magistrate's office serving the part concerned, as the case may be, from officers or employees of the Department of Justice;

Provided that if a Bantu Affairs commissioner has been appointed for any district or any part of a district, he may designate officers or employees of the Department of Bantu Administration and Development as district registrars or assistant district registrars for such district or part in respect of Bantu.

- (2) (a) Notwithstanding the provisions of subsection (1) the registrar-general or any person authorized thereto by him may designate officers or employees in the public service (except officers and employees of the Department of Justice or the Department of Bantu Administration and Development) as district registrars or assistant district registrars of births and deaths or appoint persons as assistant district registrars of births and deaths for any district or part of a district and in respect of persons of a particular class or race.
- (b) Where a district registrar or an assistant district registrar has been designated or appointed under paragraph (a) for a district or part of a district in respect of persons of a particular class or race, any designation of a district registrar or assistant district registrar, as the case may be, made under subsection (1) for such district or part shall lapse in so far as it is a designation in respect of persons of that class or race.

[(2)] (3) Where no district registrar has been designated for any district or any part thereof—

- (a) in the case of the Pretoria district, the registrar-general;
- (b) in the case of a district where a regional representative of the Department of the Interior has his office, such regional representative; and
- (c) in the case of any other district, the magistrate of such district,

shall *ex officio* be the district registrar: Provided that if a Bantu Affairs commissioner has been appointed for any such district or such part thereof, he will be *ex officio* district registrar in respect of Bantu and the registrar-general, such regional representative or the magistrate, as the case may be, shall be district registrar in respect of persons of all other races.

[(3)] (4) The duties of any district registrar or assistant district registrar shall be as prescribed by this Act or by any regulation and in the performance of those duties a district registrar shall be subject to the provision and control of the officer

aangewys het, en 'n assistent-distriksregistrator aan die toesig en beheer van die betrokke distriksregistrator onderhewig.

[(4)] (5) Wanneer twee of meer persone kragtens subartikel (1), [of] (2) of (3) aangewys of aangestel is of wettiglik optree as distriksregistrateurs of assistent-distriksregistrateurs vir 'n landdrosdistrik of 'n deel daarvan, word enige verwysing in hierdie Wet of in enige ander wet na die distriksregistrator of assistent-distriksregistrator van geboortes en sterfgevalle vir so 'n distrik of so 'n deel daarvan uitgelê as 'n verwysing na die gepaste persoon wat aldus aangewys of aangestel is of optree."

(2) 'n Aanwysing van 'n distriksregistrator of assistent-distriksregistrator van geboortes en sterfgevalle wat onmiddellik voor die inwerkingtreding van hierdie Wet van krag was, word, totdat dit vervang word deur 'n aanwysing kragtens artikel 3 van die Hoofwet soos deur subartikel (1) van hierdie artikel vervang, geag 'n aanwysing deur die bevoegde beamppte ingevolge subartikel (1) van daardie artikel soos aldus vervang te wees, en 'n aanstelling van 'n assistent-distriksregistrator wat aldus van krag was, word, totdat dit vervang word deur 'n aanwysing of aanstelling kragtens daardie artikel, geag 'n aanstelling deur die registrator-generaal kragtens subartikel (2) van daardie artikel soos aldus vervang te wees.

Invoeging van
artikel 7A in
Wet 81 van 1963.

2. (1) Die volgende artikel word hierby in die Hoofwet na artikel 7 ingevoeg:

„Verandering van
geboorte-
registrasie
om klassi-
fikasie inge-
volge Wet
30 van 1950
aan te toon.

7A. (1) Die registrator-generaal kan die registrasie van die geboorte van enige persoon verander deur enige inskrywing ten opsigte van die ras of ten opsigte van die klassifikasie ingevolge die Bevolkingsregistrasiewet, 1950, van sodanige persoon of 'n ouer van sodanige persoon op die oorspronklike geboortekennisgewingsvorm wat in sy kantoor geliasseer is in verband met sodanige geboorte, te vervang deur 'n inskrywing van die klassifikasie wat ingevolge daardie Wet aan sodanige persoon of ouer, na gelang van die geval, toegewys is en waar hy so 'n inskrywing doen moet hy die betrokke distriksregistrator gelas om 'n dergelike inskrywing in sy geboortesregister te doen.

(2) (a) Die registrator-generaal moet so gou doenlik na die ontvangs in sy kantoor van 'n geboortekennisgewingsvorm ten opsigte van die geboorte van 'n persoon wat op of na die eerste dag van Desember 1967 gebore is, vasstel watter klassifikasie ingevolge die Bevolkingsregistrasiewet, 1950, aan sodanige persoon en aan elke ouer van sodanige persoon wie se naam op die geboortekennisgewingsvorm aangegee moet word, onderskeidelik, toegewys is.

(b) Indien enige inskrywing op die geboortekennisgewingsvorm ten opsigte van die ras of ten opsigte van die klassifikasie ingevolge daardie Wet van sodanige persoon of so 'n ouer nie ooreenstem met die klassifikasie wat ingevolge daardie Wet aan sodanige persoon of ouer, na gelang van die geval, toegewys is nie, moet die registrator-generaal die geboortekennisgewingsvorm verander deur die toepaslike klassifikasie wat aldus toegewys is, in die plek van sodanige inskrywing daarop in te skryf.

(c) Daarna moet die registrator-generaal die betrokke distriksregistrator skriftelik in kennis stel van die klassifikasie wat ingevolge daardie Wet aan sodanige persoon en elke sodanige ouer, onderskeidelik, toegewys is en, indien die registrator-generaal enige inskrywing kragtens

who designated him and an assistant district registrar shall be subject to the supervision and control of the district registrar concerned.

[(4)] (5) Whenever under subsection (1), **[or]** (2) or (3) two or more persons have been designated or appointed or are lawfully acting as district registrars or assistant district registrars for any magisterial district or any part thereof, any reference in this Act or in any other law to the district registrar or assistant district registrar of births and deaths for such district or such part thereof shall be construed as a reference to the appropriate person so designated or appointed or acting.”.

(2) Any designation of a district registrar or assistant district registrar of births and deaths which was of force immediately prior to the commencement of this Act shall, until it is substituted by a designation under section 3 of the principal Act as substituted by subsection (1) of this section, be deemed to be a designation by the competent officer under subsection (1) of that section as so substituted, and any appointment of an assistant district registrar which was so of force shall, until it is substituted by a designation or appointment under that section, be deemed to be an appointment by the registrar-general under subsection (2) of that section as so substituted.

2. (1) The following section is hereby inserted in the principal Act after section 7:

Insertion of section 7A in Act 81 of 1963.

“Alteration of birth registration to indicate classification in terms of Act 30 of 1950.

7A. (1) The registrar-general may amend the registration of the birth of any person by substituting for any inscription in respect of the race or in respect of the classification under the Population Registration Act, 1950, of such person or a parent of such person on the original birth information form filed in his office in connection with the registration of such birth, an inscription of the classification assigned to such person or parent, as the case may be, in terms of that Act, and where he makes any such inscription he shall instruct the district registrar concerned to make a similar inscription in his births register.

(2) (a) The registrar-general shall as soon as practicable after the receipt in his office of a birth information form in respect of the birth of a person born on or after the first day of December, 1967, ascertain what classification has been assigned in terms of the Population Registration Act, 1950, to such person and to each parent of such person whose name must be shown on the birth information form, respectively.

(b) If any inscription on the birth information form in respect of the race or in respect of the classification in terms of that Act of such person or any such parent does not correspond with the classification assigned in terms of that Act to such person or parent, as the case may be, the registrar-general shall amend the birth information form by inscribing the appropriate classification so assigned thereon in the place of such inscription.

(c) Thereafter the registrar-general shall notify the district registrar concerned in writing of the classification assigned in terms of that Act to such person and each such parent, respectively, and, if the registrar-general has made any

paragraaf (b) op die geboortekennisgewingsvorm gedoen het, hom gelas om 'n dergelike inskrywing in sy geboortesregister te doen."

(2) Subartikel (1) word geag op die eerste dag van Desember 1967 in werking te getree het.

Invoeging van
artikel 8A in
Wet 81 van 1963.

3. Die volgende artikel word hierby in die Hoofwet na artikel 8 ingevoeg:

„Verandering van van in geboortesregister.

8A. (1) Wanneer—

- (a) enige persoon kragtens enige wet 'n ander van as dié waaronder sy geboorte geregistreer is, aangeneem het;
- (b) enige persoon 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) enige persoon bekend staan onder die van van 'n man met wie sy moeder na die oorlyde van sy vader getrou het en nie die van waaronder sy geboorte geregistreer is nie,

kan enigeen van sy ouers of sy moeder, na gelang van die geval, of sy voog, indien hy onder die ouderdom van een-en-twintig jaar is, of hyself, indien hy een-en-twintig jaar oud of ouer is, by die registrateur-generaal aansoek doen om die verandering van sy van in die betrokke geboortesregister 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 laaste sy voog was die aansoek kan doen indien die registrateur-generaal oortuig is dat dit in sy belang is dat die aansoek aldus gedoen word.

(2) Indien die man onder wie se van 'n in paragraaf (b) of (c) van subartikel (1) bedoelde persoon bekend staan nog in lewe is, moet die aansoek vergesel gaan van sy skriftelike toestemming tot die verandering.

(3) By ontvangs van so 'n aansoek kan die registrateur-generaal, indien hy oortuig is dat die aansoeker bevoeg is om die aansoek te doen en, in die geval van 'n in paragraaf (b) of (c) 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 aangeneem het of waaronder hy bekend staan, na gelang van die geval, in te skryf op die oorspronklike geboortekennisgewingsvorm wat in sy kantoor geliasseer is in verband met die registrasie van sodanige geboorte, maar sonder om die oorspronklike van daarop uit te wis, en hy moet die betrokke distriksregistrateur gelas om 'n dergelike inskrywing in sy geboortesregister te doen."

Wysiging van
artikel 42 van
Wet 81 van 1963.

4. Artikel 42 van die Hoofwet word hierby gewysig—

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

„(1) Dit is die plig van die registrateur-generaal of distriksregistrateur en van elke huweliksbeampte, Bantoesakekommissaris of landdros, om by ontvangs deur hom van 'n skriftelike aansoek van enige persoon en teen betaling van die voorgeskrewe gelde, enige geboortes-, sterfgevalle- of huweliksregister wat ingevolge hierdie Wet of 'n vroeëre wet in die bewaring van sodanige beampte is, te laat naspoor, en, behoudens die bepalinge van subartikel (4), om 'n sertifikaat in die voorgeskrewe vorm uit te reik van enige in-

inscription on the birth information form under paragraph (b), instruct him to make a similar inscription in his births register."

(2) Subsection (1) shall be deemed to have come into operation on the first day of December, 1967.

3. The following section is hereby inserted in the principal Act after section 8:

Insertion of section 8A in Act 81 of 1963.

"Alteration of surname in births 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 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 is known by the surname of a man whom his mother married after the death of his father and not the surname under which his birth is registered,

either of his parents or his mother, as the case may be, or his guardian, if he is under twenty-one years of age, or he himself, if he is twenty-one years of age or over, may apply to the registrar-general for the alteration of his surname in the relative births register 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 registrar-general is satisfied that it is in his interest that the application be so made.

(2) If the man by whose surname a person referred to in paragraph (b) or (c) of subsection (1) is known is still alive, the application shall be accompanied by his written consent to the alteration.

(3) Upon the receipt of any such application the registrar-general may, if he is satisfied that the applicant is competent to make the application and, in the case of a person referred to in paragraph (b) or (c) 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 original birth information form filed in his office in connection with the registration of such birth, but without erasing the original surname therefrom, and shall instruct the district registrar concerned to make a similar inscription in his births register."

4. Section 42 of the principal Act is hereby amended—

Amendment of section 42 of Act 81 of 1963.

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

"(1) It shall be the duty of the registrar-general or district registrar and of every marriage officer, Bantu Affairs commissioner or magistrate, upon receipt by him of a written application from any person and upon payment of the prescribed fee, to cause search to be made in any birth, death or marriage register which is in terms of this Act or a prior law in the custody of such officer, and, subject to the provisions of subsection (4), to issue a certificate in the prescribed form of any entry contained in such register or in any

skrywing wat in sodanige register of in enige dokument wat aan sodanige register geheg is, voorkom: Met dien verstande dat geen sodanige plig op die registrateur-generaal rus nie ten opsigte van 'n register betreffende die geboorte of oorlyde van 'n Bantoe wat na die een-en-dertigste dag van Desember 1959 plaasgevind het, of betreffende 'n huwelik wat na genoemde datum voltrek is tussen partye van wie die man 'n Bantoe is, tensy sodanige aansoek aan hom gestuur is deur 'n beamppte wat ingevolge hierdie Wet die bewaring van 'n register van sodanige geboorte, oorlyde of huwelik het."; en

(b) deur die volgende subartikel by te voeg:

„(4) (a) Behalwe volgens voorskrif van regulasies

wat die Staatspresident hiermee gemagtig word om uit te vaardig, word geen sertifikaat ten opsigte van die geboorte van 'n persoon wat op of na die eerste dag van Desember 1967 gebore is, uitgereik nie tensy die bepalings van artikel 7A (2) met betrekking tot die registrasie van daardie geboorte nagekom is.

(b) 'n Sertifikaat ten opsigte van die geboorte van sodanige persoon of 'n persoon wie se geboorte-registrasie kragtens artikel 7A (1) verander is, moet die klassifikasie aangee wat ingevolge die Bevolkingsregistrasiewet, 1950, aan die betrokke persoon toegewys is.”.

Invoeging van artikel 44A in Wet 81 van 1963.

5. Die volgende artikel word hierby in die Hoofwet na artikel 44 ingevoeg:

„Inskrywing van van in en toepassing van sekere bepalings op sekere registers ten aansien van Indiërs.

44A. Wanneer die bepalings van hierdie Wet

kragtens artikel 44 na Indiërs in daardie artikel bedoel, uitgebrei is—

(a) kan die registrateur-generaal of enige beamppte deur hom daartoe gemagtig, indien oortuig dat 'n Indiër wie se geboorte of huwelik ingevolge die 'Indian Immigration Law, 1891' (Wet No. 25 van 1891), van Natal geregistreer is sonder vermelding van 'n van, 'n van aangeneem het of onder 'n van bekend staan en indien die aanname van of bekend staan onder sodanige van nie strydig met die bepalings van enige ander wet is nie, sodanige van in die betrokke register wat ingevolge daardie Wet gehou is, inskryf of laat inskryf en daarna moet daardie van aangetoon word op enige sertifikaat wat ten opsigte van die geboorte of huwelik van sodanige Indiër uitgereik word;

(b) is enige bepaling van hierdie Wet of 'n regulasie wat betrekking het op of 'n bevoegdheid verleen of 'n plig opleë in verband met 'n geboortes-, sterfgevalle- of huweliksregister ingevolge hierdie Wet gehou, of enige inskrywing in so 'n register *mutatis mutandis* met betrekking tot enige register wat ingevolge die gemelde 'Indian Immigration Law, 1891', van Natal, van geboortes, sterfgevalle of huwelike gehou is en enige inskrywing daarin, van toepassing vir sover dit toegepas kan word.”.

Kort titel.

6. Hierdie Wet heet die Wysigingswet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1968.

documents attached to such register: Provided that no such duty shall rest on the registrar-general in respect of a register relating to the birth or death of a Bantu which occurred after the thirty-first day of December, 1959, or to a marriage solemnized after the said date between parties of whom the male is a Bantu, unless such application was transmitted to him by any officer who has, in terms of this Act, the custody of a register of such birth, death or marriage.”; and

(b) by the addition of the following subsection:

“(4) (a) Save as provided by regulations which the

State President is hereby authorized to make, no certificate shall be issued in respect of the birth of a person born on or after the first day of December, 1967, unless the provisions of section 7A have been complied with in relation to the registration of that birth.

(b) A certificate in respect of the birth of such person or a person whose registration of birth has been amended under section 7A (1), shall specify the classification assigned to the person concerned in terms of the Population Registration Act, 1950.”.

5. The following section is hereby inserted in the principal Act after section 44:

Insertion of section 44A in Act 81 of 1963.

“Inscribing of surname in and application of certain provisions to certain registers kept in respect of Indians.

44A. When the provisions of this Act have under

section 44 been extended to Indians referred to in that section—

- (a) the registrar-general or any officer authorized thereto by him may, if satisfied that an Indian whose birth or marriage was registered in terms of the Indian Immigration Law, 1891 (Law No. 25 of 1891), of Natal, without mention of a surname, has adopted a surname or is known by a surname, and if the adoption of or being known by such surname is not contrary to the provisions of any other law, inscribe such surname or cause it to be inscribed in the appropriate register kept in terms of that Act, and thereafter that surname shall be specified on any certificate issued in respect of the birth or marriage of such Indian;
- (b) any provision of this Act or a regulation relating to or conferring a power or imposing a duty in connection with a births, deaths or marriage register kept in terms of this Act or any inscription in any such register, shall *mutatis mutandis* apply, in so far as it can be applied, in relation to any register kept in terms of the said Indian Immigration Law, 1891, of Natal, and any inscription therein.”.

6. This Act shall be called the Births, Marriages and Deaths Registration Amendment Act, 1968. **Short title.**

INHOUD.

WETSONTWERPE.

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