

REPUBLIC OF SOUTH AFRICA

**BIRTHS AND DEATHS
REGISTRATION AMENDMENT
BILL**

(As introduced in the National Assembly)

(MINISTER OF HOME AFFAIRS)

[B 42—98]

REPUBLIEK VAN SUID-AFRIKA

**WYSIGINGSWETSONTWERP OP
DIE REGISTRASIE VAN
GEOORTES EN STERFTES**

(Soos ingedien in die Nasionale Vergadering)

(MINISTER VAN BINNELANDSE SAKE)

[W 42—98]

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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.

BILL

To amend the Births and Deaths Registration Act, 1992, so as to further regulate the registration of births; to regulate the registration of deaths where a medical practitioner is not available to certify the cause of death; to further regulate the publishing of the alteration of forenames or surnames; and to provide for matters connected therewith.

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

Amendment of section 9 of Act 51 of 1992, as amended by section 4 of Act 41 of 1995

1. Section 9 of the Births and Deaths Registration Act, 1992 (hereinafter referred to as the principal Act), is hereby amended by the insertion of the following subsection after subsection (3): 5

“(3A) Where the notice of a birth is given after the expiration of one year from the date of birth, the birth shall not be registered unless the notice of the birth complies with the prescribed requirements for a late registration of birth.”.

Amendment of section 14 of Act 51 of 1992 10

2. Section 14 of the principal Act is hereby amended by the addition of the following paragraph to subsection (1), the existing subsection becoming paragraph (a) thereof:

“(b) Where notice of a person’s death cannot be given by means of a certificate mentioned in section 15(1) or (2) because a medical practitioner did not attend him or her before his or her death, or was not available to examine the corpse, any person who was present at the death, or who became aware thereof, must give notice of the death in the prescribed manner, and the person contemplated in section 4 must deal with such notice in accordance with the prescribed procedure.”. 15

Amendment of section 27 of Act 51 of 1992

3. Section 27 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1): 20

“(2) Subsection (1) shall not apply where the alteration was authorized in the prescribed manner under a witness protection plan.”.

Short title

4. This Act shall be called the Births and Deaths Registration Amendment Act, 1998.

**MEMORANDUM ON THE OBJECTS OF THE BIRTHS AND DEATHS
REGISTRATION AMENDMENT BILL, 1998**

1. The objects of the Births and Deaths Registration Amendment Bill, 1998, are as follows:

- 1.1 Although section 9 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), requires that the notice of a birth be given within 30 days of the birth (previously the period was as short as seven days), late registration of births is at present being effected of adults — sometimes at fairly advanced ages. As this system is being abused by aliens in order to evade the provisions of the Aliens Control Act, 1991, stricter control over late registration of births is necessary. The amendment proposed in clause 1 is aimed at the achievement of such control.
- 1.2 During 1995 the Births and Deaths Registration Act, 1992, was amended with the view to defining “medical practitioner” in order to cater for areas where medical practitioners are not readily available. It now appears, however, that despite the new arrangements, many deaths occur in rural areas where no qualified persons with medical knowledge and experience are available. It also happens that deaths are reported years after the death with the result that a medical certificate of cause of death cannot always be obtained. In clause 2 an amendment is proposed to empower the Minister of Home Affairs to prescribe procedures to deal with such death registrations.
- 1.3 As in other countries, a witness protection plan to protect the identity of witnesses of serious crimes in the Republic is being administered by the Department of Justice. An important feature of this plan is to allow a witness to assume a new identity. In clause 3 an amendment is being proposed that will allow a person to assume another identity without the need to have the assumption of the other forename and surname published in the *Government Gazette* as required by the Act.

2. Other Departments consulted:

- (i) The Department of Health;
- (ii) The Department of Justice; and
- (iii) The South African Police Service.

3. The Department and the State Law Advisers are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.