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of 1963.

(b) as to any matter which may in terms of this Act be prescribed.

Repeal of laws.

10. (1) Subject to the provisions of sub-section (2), the laws specified in the Schedule are hereby repealed to the extent indicated in the third column thereof.

(2) Any order registered or confirmed or anything done under any provision of any law repealed by sub-section (1), shall be deemed to have been registered or confirmed or done under the corresponding provision of this Act.

(3) Any country or territory in respect of which the provisions of the Maintenance Orders Act, 1923 (Act No. 15 of 1923), applied immediately prior to the commencement of this Act, shall be deemed to be a proclaimed country.

Short title and commencement.

11. This Act shall be called the Reciprocal Enforcement of Maintenance Orders Act, 1963, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Schedule.

No. and year of law.	Short title.	Extent of repeal.
Act No. 15 of 1923.	Maintenance Orders Act, 1923.	The whole.
Act No. 68 of 1957.	General Law Amendment Act, 1957.	Sections <i>twenty-six</i> and <i>twenty-seven</i> .

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ACT

To consolidate the laws relating to the registration of births, marriages and deaths.

*(Afrikaans text signed by the State President.)
(Assented to 28th June, 1963.)*

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

PRELIMINARY.

Definitions.

1. In this Act, unless the context otherwise indicates—

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- (i) "adult" means any person of the age of sixteen years or upwards or any married person; (xxi)
- (ii) "assistant registrar" means an officer appointed as an assistant registrar of births, marriages and deaths under paragraph (b) of sub-section (2) of section two; (i)
- (iii) "birth" means the birth of any viable child whether such child is living or dead at the time of birth; (viii)
- (iv) "body" means any human dead body, including the body of any still-born child; (xii)
- (v) "burial" means burial in earth, interment or any other form of sepulture or the cremation or any other mode of disposal of a body; (iii)
- (vi) "burial order" means an order given under any provision of this Act, authorizing the burial of a body; (iv)
- (vii) "burial place" means any burial ground, whether public or private, or any place whatsoever wherein is buried, interred, cremated or otherwise disposed of or intended to be buried, interred, cremated or otherwise disposed of one or more bodies; (ii)
- (viii) "child" means a person under the age of twenty-one years; (ix)
- (ix) "district registrar" and "assistant district registrar" mean respectively a person designated or lawfully acting as such for any district or portion of a district under this Act; and, when used in relation to any district or portion thereof, means respectively the district registrar or assistant district registrar of that district or portion; and, when used in relation to an event occurring in any district or portion thereof, means respectively the district registrar or assistant district registrar of the district or portion in which the event occurred; (vi)
- (x) "magistrate" includes an additional and an assistant magistrate; (x)
- (xi) "Minister" means the Minister of the Interior; (xiii)
- (xii) "name" includes a surname, except in sections eight and nine where it does not include a surname; (xiv)
- (xiii) "occupier of a dwelling", in relation to any public or charitable institution or barracks, means any governor, deputy governor, superintendent or assistant superintendent, gaoler, or medical or other officer or person in charge thereof; and, in relation to any mine or a Bantu compound or location in connection with a mine, means any manager or superintendent or person in charge thereof; and, in relation to any premises let in lodgings or separate apartments, means any person residing in such dwelling under whom such lodgings or separate apartments are immediately

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held; and, in relation to any tent, vehicle or other place of residence, or place in or upon which any person may be born or die, means any owner when in occupation or charge thereof, and, if the owner is not in occupation or charge thereof, any lessee or other person in occupation or having the charge, care or custody thereof; (v)

(xiv) "police officer" means a member—

(a) of a police force established under any law who exercises, performs or carries out police powers, duties and functions; or

(b) of any body who exercises, performs or carries out such powers, duties and functions under any law; (xv)

(xv) "prescribed" means prescribed under this Act or any regulation; (xxii)

(xvi) "register", for the purposes of sections *forty-six*, *forty-seven* and *forty-eight*, includes in addition to any births register, marriage register or deaths register kept under this Act any books, registers or records which were records of any births, marriages or deaths registration office prior to the commencement of this Act; (xvi)

(xvii) "registrar" means the officer appointed as registrar of births, marriages and deaths under paragraph (a) of sub-section (2) of section *two*; (xvii)

(xviii) "registrar-general" means the officer appointed as registrar-general of births, marriages and deaths under sub-section (1) of section *two*; (xviii)

(xix) "regulation" means a regulation made and in force under this Act; (xix)

(xx) "still-born", in relation to a child, means that it was viable but showed no sign of life after complete birth; (vii)

(xxi) "urban area" means an area under the jurisdiction of a municipal council, borough council, town council or village council or a town board, village management board, local board or health committee, or any other area from time to time defined by the Minister by notice in the *Gazette* to be an urban area for the purposes of this Act; (xx)

(xxii) "viable", in relation to a child, means that it has had at least six months of intra-uterine existence. (xi)

CHAPTER I.

ADMINISTRATION.

Appointment of registrar-general, registrar and assistant registrars.

2. (1) The State President may, for the administration of this Act, from time to time appoint, subject to the laws governing the public service, an officer to be styled the registrar-general of births, marriages and deaths, who shall be the custodian of all

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notices of births and deaths, of all such returns as are required by any regulation to be rendered to him by district registrars, of all registers, returns and other documents required to be rendered by marriage officers, magistrates and Bantu Affairs commissioners under this Act or any marriage law, and of all records of any births, marriages or deaths registration office in existence prior to the commencement of this Act.

(2) The Minister may from time to time, subject to the laws governing the public service, appoint—

- (a) an officer to be styled the registrar of births, marriages and deaths, to whom the registrar-general may delegate any function assigned to him under this Act or any other law;
- (b) one or more officers to be styled assistant registrars of births, marriages and deaths who may, subject to the directions and control of the registrar and subject to any regulations, do anything which may lawfully be done by the registrar.

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.

(2) Where no district registrar has been designated for any district or any part thereof, 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 shall be *ex officio* district registrar in respect of Bantu and the magistrate shall be district registrar in respect of persons of all other races.

(3) The duties of any district registrar or assistant district registrar shall be as prescribed by this Act or by any regulation.

(4) Whenever under sub-section (1) or (2) 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.

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CHAPTER II.

GENERAL.

General duties of district registrar and assistant district registrar.

4. (1) It shall be the duty of every district registrar and assistant district registrar to inform himself as far as possible of every birth or death which occurs within his district.

(2) If after the expiry of the time allowed under this Act for giving any notice or information of any such birth or death, the notice or information has not been given, the district registrar or assistant district registrar may, by notice in writing under his hand, require any person whose duty it is under this Act to give any such notice or information to attend within such time as is specified in the notice at the office of the district registrar or assistant district registrar or any other place mentioned in the notice, there to give to the district registrar or assistant district registrar or to any other person named in the notice such information as may be necessary concerning the birth or death, as the case may be: Provided that when an inquest or enquiry is being held or has been held concerning the death of any person no such requirement as is in this section mentioned, shall be made by any district registrar or assistant district registrar for information as to such death.

Duty of district registrar or assistant district registrar on receipt of notice of birth or death.

5. (1) On receipt by the district registrar or assistant district registrar of any notice, information, memorandum, return or certificate in respect of a birth or death given or transmitted under this Act, he shall examine it and cause any omission, defect or inaccuracy therein to be supplied or corrected as far as may be possible, and for the purposes of this section he may require any person whose duty it is to give information under this Act to attend and give information in the manner prescribed by section *four*.

(2) It shall be the duty of every district registrar and assistant district registrar to ensure that every birth or death which comes to his notice is recorded on the form prescribed therefor and that such form is duly completed.

(3) The completion of such form shall constitute the registration of the birth or death recorded thereon and such form, when so completed, shall be deemed to form part of the relevant births register or deaths register, as the case may be.

Births and deaths registration books to be kept.

6. Books shall be kept by each district registrar to be called the "births register" and "deaths register", respectively; and there shall be respectively transcribed therein such information as to births and deaths as is prescribed.

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Registration of
birth or death
after one year.

Alteration of
name in births
register.

Amplification of
nameless birth
registration.

Registration of
birth of illegitimate
child.

7. No birth or death shall be registered after the expiry of one year from the date of such birth or death except upon the written authority of the registrar-general and the payment of the prescribed fee (if any).

8. When the birth of any person has been registered and the name under which his birth was registered, is altered, either of his parents 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 name in the relative births register, and thereupon the registrar-general may, if satisfied that the applicant is competent to make the application and upon payment by the applicant of the prescribed fee (if any), amend the registration of the said person's birth by inscribing the altered name on the original birth information form filed in his office in connection with the registration of such birth, but without erasing the original name therefrom, and shall instruct the district registrar concerned to make a similar inscription in his births register.

9. When the birth of any person has been registered without the assignment of any name to him, either of his parents 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, or has no parent or guardian, may apply to the registrar-general for the amplification of the registration of his birth by the inscription of his name in connection therewith and thereupon the registrar-general shall, if satisfied that the applicant is competent to make the application and upon payment by the applicant of the prescribed fee (if any), amplify the registration of the said person's birth by inscribing his name on the original birth information form filed in his office in connection with the registration of such birth and shall instruct the district registrar concerned to make a similar inscription in his births register.

10. (1) In the case of an illegitimate child, no person shall be required to give information under this Act, as its father concerning its birth, and the district registrar or assistant district registrar shall not enter in any register or other book the name of any person as the father of the child except at the joint request of the mother and of the person who in the presence of the district registrar or assistant district registrar acknowledges himself in writing to be the father of the child.

(2) Such an acknowledgment, if made, shall be embodied in the certificate or register and the person so acknowledging himself to be the father of the child shall, together with the mother, sign in the presence of the district registrar or assistant

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Amendment of birth registration of illegitimate child after legitimation.

11. (1) Any parent or guardian of a person born of parents who were not married to each other at the time of his birth, but who married each other after the registration of his birth (whether they could or could not have legally married each other at the time of his birth) may, if such person is under twenty-one years of age, or such person himself may, if he is twenty-one years of age or over, or has no parent or guardian, apply to the registrar-general for the registration of his birth as if his parents had been married to each other at the time of his birth and thereupon the registrar-general shall, if satisfied that the applicant is competent to make the application, that the alleged parents of such person are in fact his parents and that they legally married each other, instruct the district registrar concerned to register the birth in the prescribed manner as if such person's parents had been legally married to each other at the time of his birth.

(2) If a person's parents who were not married to each other at the time of his birth, have married each other before the registration of his birth, such birth shall be registered as if they had been married to each other at the time of his birth.

Information as to live new-born child or body of new-born child found abandoned.

12. If any live new-born child or the body of a new-born child is found abandoned, the person finding it shall, as soon as possible, give notice to a justice of the peace or police officer or to any Bantu chief or headman, and any justice of the peace or police officer or Bantu chief or headman who knows or is informed of the discovery of such a child or body so abandoned, and, in the case of a live new-born child, any person in whose charge such a child is placed and any person holding any official enquiry into or being aware of any circumstances relating to the abandonment, shall forthwith give to the district registrar or assistant district registrar of the district wherein the child or body was found the prescribed notice or information.

Duty of person holding inquest to give information to district registrar.

13. Any person holding in accordance with any law any inquest or enquiry as to the death of any person shall forthwith furnish to the district registrar the prescribed particulars in respect of the death.

Burial register to be kept.

14. (1) The custodian or person having the charge or control of any burial place shall keep a book to be called the "burial register" in which he shall enter the prescribed particulars regarding every burial in such burial place.

(2) The custodian or person aforesaid shall produce such book for inspection whenever so required by the district registrar.

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undertaker.

15. Any undertaker or person having charge of any funeral shall obtain, as far as possible, and supply to the custodian or person having charge or control of a burial place, whenever it has been arranged that a burial shall take place therein, such information as may be necessary to enable the custodian or person aforesaid to make the required entries in the burial register referred to in section *fourteen*.

Burial order in
case of person
dying outside a
district in which
it is desired to
bury such person.

16. (1) Any district registrar or assistant district registrar may issue, to any person having the charge of the body of a deceased person who has died outside his district or area (whether within or outside the Republic) and whose relatives or friends desire that such body be buried within the district or area under the jurisdiction of such district registrar or assistant district registrar, an order authorizing the burial of such body within such district or area.

(2) An order referred to in sub-section (1) may 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 body in question is to be buried, 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 district registrar or assistant district registrar concerned in writing of the issue thereof.

(3) The production of any such order shall, notwithstanding anything in this Act contained, be sufficient authority to any person to bury such body or allow such body to be buried or to conduct any funeral or religious service in connection with its burial.

Information as to
persons enrolled for
military service
and as to deaths
therein.

17. (1) Whenever a person ordinarily resident in the Republic is enrolled for military service either within or outside the Republic, such particulars shall be obtained by the military authorities as will enable them in the event of his death while upon such service to furnish to the registrar-general particulars thereof on the prescribed form.

(2) The death information form shall be duly signed by the officer commanding the unit to which the deceased belonged or some other officer designated thereto by the military authorities.

CHAPTER III.**INFORMATION AS TO BIRTHS AND DEATHS IN URBAN AREAS.**Application of
this Chapter.

18. The provisions of this Chapter shall apply only within urban areas.

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Duty of father or occupier of dwelling to notify birth of child.

19. In the case of any child born alive in any urban area it shall be the duty of the father of the child, and, in the event of the death or absence or other inability of the father, then of any person, other than the mother, present at the birth, or of the occupier of the dwelling in which the child is born, and, in the event of the death or absence or other inability of such occupier, then of the person having charge of the child, within seven days after the birth, to give the prescribed notice or information thereof to the district registrar or assistant district registrar.

Duty of medical practitioner or midwife in case of still-born child.

20. (1) In the case of any still-born child, any medical practitioner or registered midwife who was in attendance at the birth, or any medical practitioner who has examined the body of the child shall forthwith sign and give, without fee or reward, to one or other of the persons required by this Act to give information concerning a birth, a certificate stating that the child was still-born.

(2) Any person who would, if the child had not been still-born, have been required by this Act to give information concerning the birth, shall forthwith deliver such certificate to the district registrar or assistant district registrar.

(3) If no medical practitioner or registered midwife was present at the still-birth and no medical practitioner has examined the body of the child, the person referred to in subsection (2) shall make a solemn declaration that the child was not born alive and deliver such declaration within twenty-four hours of the still-birth to the district registrar or assistant district registrar.

(4) Whenever a person not registered as a midwife assisted at the birth, the information to be furnished shall include the name and address of such person.

Issue of burial order in case of still-born child.

21. (1) Any district registrar or assistant district registrar shall, upon receiving such information as is referred to in section *twenty* accompanied by such a certificate or solemn declaration as is mentioned therein, forthwith, or as soon as he is required to do so, give, without fee or reward, either to the person giving the information concerning the birth or to the undertaker or other person having charge of the burial of a still-born child, an order under his hand authorizing burial: Provided that no such order shall be given if the district registrar or assistant district registrar is not satisfied that the child was still-born.

(2) If the district registrar or assistant district registrar is not satisfied that the child was still-born he shall report to the magistrate such facts concerning the alleged still-birth as are known to him.

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Notification of
death and issue of
burial order.

22. (1) It shall be the duty of every adult relative of a deceased person present at his death or in attendance during his last illness or at his dwelling with him and, if there are no such relatives, of every adult person present at the death of any person, and, if there was no such adult person present, then of the occupier of the dwelling in which the death occurred, and, in the event of the death or absence or other inability of such occupier, then of every adult inmate of the dwelling or of any person causing the body to be buried, to give to the district registrar or assistant district registrar notice in the prescribed manner of the death within twenty-four hours thereafter.

(2) The district registrar or assistant district registrar shall register and deal with such notice in the prescribed manner and, if he is satisfied that the death was due to natural causes, he shall give, without fee or reward, to the person giving the notice an order under his hand authorizing burial.

(3) A notice in terms of sub-section (1) may be received and an order under sub-section (2) may be issued on behalf of the district registrar or assistant district 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 district registrar or assistant district registrar concerned in writing accordingly and at the same time transmit to him the notice so received.

When deceased not
attended by
medical
practitioner.

23. In the case of the death of any person who has not been attended during his last illness by a medical practitioner, if no inquest or other proceeding has been or is being instituted, or if no certificate by a registered medical practitioner is produced stating that to the best of his knowledge and belief the death was due to natural causes, or if though such a certificate is produced the district registrar or assistant district registrar to whom notice of death is given in terms of section *twenty-two* is not satisfied that the death was due to natural causes, the district registrar or assistant district registrar shall forthwith report to the magistrate such facts concerning the death as are known to him.

Certificate by
medical
practitioner and
issue of burial
order.

24. (1) In the case of the death of any person who has been attended during his last illness by a medical practitioner such practitioner shall, if satisfied that such death was due to natural causes, forthwith sign and give, without fee or reward, to one or other of the persons required by this Act to give notice concerning the death, a certificate stating to the best of his knowledge and belief the cause of death, and such person shall,

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within twenty-four hours from the receipt thereof, deliver such certificate to the district registrar or assistant district registrar.

(2) Whenever a medical practitioner is unable to give such certificate of death, he shall forthwith report his inability to the magistrate.

(3) Any district registrar or assistant district registrar shall, upon receiving such notice accompanied by such certificate, forthwith, or as soon as he is required to do so, give, without fee or reward, either to the person giving the notice or to the undertaker or other person having charge of the burial, an order under his hand authorizing burial.

Magistrate's duty on receiving medical practitioner's or registrar's report as to still-birth or death.

25. The magistrate shall, on receipt of any such report as is referred to in section *twenty-one, twenty-three or twenty-four*, instruct the district surgeon or other medical practitioner to investigate the cause of death, and if, in the opinion of the district surgeon or other medical practitioner death occurred from natural causes, the magistrate shall give an order authorizing burial and shall communicate the opinion of the district surgeon or other medical practitioner to the district registrar or assistant district registrar.

Issue of burial order in other cases.

26. In any case not provided for in any of the preceding sections the magistrate shall give an order authorizing burial as soon as he is satisfied that the body in question is no longer required for the purposes of an inquest or other proceeding.

Production of burial order to person who buries the body.

27. A burial order shall be produced by the person obtaining it or by some person on his behalf to the person who buries the body or conducts any funeral or religious service in connection with the burial.

No burial to take place without a burial order except in cases of urgent necessity.

28. (1) Except in a case where—

- (a) the immediate burial of the body of a person who has died from infectious disease is ordered by any local authority under any law or bye-law or regulation relating to public health; or
- (b) in the opinion of a health officer or local authority the body of a deceased person is in such a condition as to be a danger to public health if kept during the time necessary for obtaining the usual burial order; or
- (c) unforeseen circumstances arise which would prevent or have prevented the obtaining of a burial order,

no burial shall take place without a burial order.

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(2) Any person who under the circumstances described in paragraph (a), (b) or (c) of sub-section (1) buries any body or conducts any funeral or religious service in connection with the burial of any body, and any person in charge of a burial place shall, within twenty-four hours after the burial, give notice thereof in writing to the district registrar or assistant district registrar of the district from which such body has been brought for burial or within which such burial has taken place or such funeral or religious service has been conducted.

Removal orders.

29. (1) If the burial of any deceased person does not take place within the urban area where the death occurred, a removal order shall be obtained from the district registrar or assistant district registrar.

(2) A removal order required in terms of sub-section (1) may 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 district registrar or assistant district registrar concerned in writing of the issue thereof.

CHAPTER IV.**INFORMATION AS TO BIRTHS AND DEATHS IN AREAS OTHER THAN
URBAN AREAS.****Application of
Chapter IV.**

30. The provisions of Chapter IV shall apply to any part of the Republic to which Chapter III does not apply.

**Duty of person
in case of birth
of child.**

31. (1) In the case of any child born alive it shall be the duty of the father of the child, and, in the event of the death or absence or other inability of the father, then of any person, other than the mother, present at the birth, or of the occupier of the dwelling in which the child is born, and, in the event of the death or absence or other inability of such occupier, then of the person having charge of the child, within thirty days after the birth, to give the prescribed notice thereof to the district registrar or assistant district registrar or to a justice of the peace or to a police officer.

(2) Any such justice of the peace or police officer shall, on receipt of such notice, forthwith give written information of the birth to the district registrar or assistant district registrar.

**Notification of
death.**

32. (1) It shall be the duty of every adult relative of a deceased person present at his death or in attendance during his last illness or at his dwelling with him and, if there are no such relatives, of every adult person present at the death of any

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person, and, if there was no such adult person present, then of the occupier of the dwelling in which the death occurred, and, in the event of the death or absence or other inability of such occupier, then of every adult inmate of the dwelling or of any person causing the body to be buried, to give to the district registrar, assistant district registrar, justice of the peace or police officer notice in the prescribed manner of the death within thirty days thereafter.

(2) Any such justice of the peace or police officer shall, on receipt of such notice, forthwith give written information of the death to the district registrar or assistant district registrar.

**Application of
section 20 in
non-urban areas.**

33. The provisions of section *twenty* shall apply for the purpose of notifying information as to the delivery of still-born children in areas to which this Chapter applies: Provided that in any such area the certificate or declaration required by the said section shall be delivered to the district registrar, assistant district registrar, justice of the peace or police officer within thirty days after the delivery of the still-born child.

**Duties of medical
practitioner in
attendance at last
illness.**

34. Whenever any medical practitioner has attended during the last illness of any person outside the boundary of any urban area, it shall be the duty of such medical practitioner, on application by the district registrar or by the assistant district registrar or by the person giving notice of the death, forthwith to send to the district registrar or assistant district registrar without fee or reward a certificate of the cause of death or a notice of inability to sign such a certificate.

CHAPTER V.**INFORMATION AS TO AND REGISTRATION OF BIRTHS AND DEATHS
OF BANTU.****Non-applicability
of Act to notifica-
tion of births and
deaths of Bantu
in rural areas.**

35. Nothing in this Act contained shall be construed as applying to the notification or registration of the births and deaths of Bantu in areas to which Chapter IV applies until the State President has, by proclamation in the *Gazette*, applied this Act to the notification and registration of births and deaths of Bantu in such areas: Provided that any Bantu who so desires shall be entitled to avail himself of the facilities for registration offered.

**Special provisions
for registration of
Bantu births and
deaths.**

36. (1) The State President may make regulations prescribing special provisions, either in addition to or in substitution of the provisions of this Act, to be in force in any district of the Republic or portion of a district or in Bantu locations, for the notification and registration of the births and deaths of Bantu, and may by such regulations prescribe penalties for a contra-

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vention thereof or failure to comply therewith, not exceeding the penalties mentioned in section *forty-nine*.

(2) Any regulation made under this section shall be laid on the Table of the Senate and of the House of Assembly within fourteen days after promulgation thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session and shall, if both the Senate and the House of Assembly pass resolutions disapproving thereof or of any provision thereof during the session in which it is so laid upon the said Tables, cease to have effect to the extent to which it is so disapproved of, on the day on which the last of such resolutions is passed.

**Definition of
Bantu.**

37. The expression "Bantu" in this Chapter means a person both of whose parents belong or belonged to an aboriginal race or tribe of Africa and includes any person of mixed race living as a member of any Bantu community, tribe, kraal or location.

CHAPTER VI.**REGISTRATION OF BIRTHS AND DEATHS OCCURRING ON BOARD SHIP.****Registration of
births and deaths
occurring on
board ship.**

38. The receipt by a district registrar or an assistant district registrar of any return transmitted in terms of sub-section (2) of section *one hundred and eighty-nine* of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), shall constitute the registration of the birth or death therein recorded, and the provisions of this Act shall thereupon apply as if such birth or death had occurred within the district of such district registrar or assistant district registrar.

CHAPTER VII.**REGISTRATION OF MARRIAGES.****Manner of dealing
with special
marriage licences
and certain other
documents.**

39. If any officer is in terms of this Act required to transmit any duplicate original register of a marriage to any other officer he shall transmit with such register to such officer every special marriage licence and every prescribed document relating to such marriage.

**The preservation
of records of a
marriage.**

40. (1) The marriage officer solemnizing any marriage between parties of whom the male is not a Bantu, the parties thereto and at least two competent witnesses shall sign an original and a duplicate original register of such marriage in the prescribed form before they leave the premises where the marriage took place.

(2) The said marriage officer shall keep the original register with his records and shall, within one week from the date of the marriage, transmit the duplicate original register, to which

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The preservation of records of marriages between Bantu.

41. (1) The marriage officer solemnizing any marriage between parties of whom the male is a Bantu, the parties thereto and at least two competent witnesses shall sign an original register and the prescribed number of duplicate original registers of such marriage in the prescribed form before they leave the premises where the marriage took place.

(2) The said marriage officer shall keep the original register with his records and shall, if he is not in terms of sub-section (3) required to transmit the duplicate original registers so signed to a Bantu Affairs commissioner or magistrate, transmit them to the registrar-general within one week after the date of the marriage.

(3) If the marriage took place—

(a) in an area under the jurisdiction of a Bantu Affairs commissioner and the said marriage officer is not the Bantu Affairs commissioner for that area or an officer attached to the office of such Bantu Affairs commissioner; or

(b) in an area not under the jurisdiction of a Bantu Affairs commissioner and the said marriage officer is not the magistrate of the district in which the marriage took place, or an officer attached to the office of such magistrate,

the said marriage officer shall within one week after the date of the marriage transmit, in the event contemplated in paragraph (a), to that Bantu Affairs commissioner, or, in the event contemplated in paragraph (b), to the magistrate of that district, the prescribed number of duplicate original registers so signed.

(4) The Bantu Affairs commissioner or magistrate receiving such registers shall keep one thereof with his records and shall within one week after the date of such receipt transmit the others to the registrar-general.

CHAPTER VIII.

MISCELLANEOUS.

Searches and issue of certificates.

42. (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 to issue a certificate in the prescribed form of an entry contained in such register or in any documents

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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.

(2) Such officer shall so transmit any such application received by him if by reason of his having transmitted in terms of this Act any document relating to such register to the said registrar-general, he is unable to issue the certificate applied for.

(3) Every such certificate signed by the registrar-general, district registrar or marriage officer, Bantu Affairs commissioner or magistrate, as the case may be, shall in all courts of law and public offices be *prima facie* evidence of the particulars set forth therein.

Solemn
declaration under
this Act to be
exempt from stamp
duties.

43. Notwithstanding anything contained in the Stamp Duties Act, 1962 (Act No. 59 of 1962), no affidavit or solemn declaration made by any person for the purposes of complying with any provision of this Act or the regulations relating to the registration of births and deaths shall be liable to stamp duty.

Saving as to
registration in
respect of Indian
immigrants.

44. (1) (a) Nothing in this Act contained shall apply to the registration of the births, marriages and deaths of Indians in the Province of Natal until a date which the State President is hereby authorized to fix by proclamation in the *Gazette* as a date from which the provisions of this Act shall be extended to such Indians.

(b) Until such date such registration shall in all respects be made in like manner as if this Act had not been passed.

(2) From the date of such extension the Minister or any magistrate or other officer of the public service shall procure and forward to the registrar-general a duplicate original register of any marriage solemnized by him under the provisions of the Indian Immigration Law, 1891 (Law No. 25 of 1891), of Natal.

(3) Within six months from the date of such extension the Minister shall furnish the registrar-general or cause him to be furnished by an officer of the public service with the registers of all marriages entered into prior to the date of such extension by Indians after their arrival in the Province of Natal.

Penalty for failure
to give notice or
information.

45. Any person who, without reasonable cause or excuse fails to give or transmit any notice, information, memorandum, return or certificate required by this Act or by any regulation, to be given or transmitted, shall be guilty of an offence:

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Provided that no person shall be liable to be convicted under this section if it appears that any other person has duly given or transmitted the required notice, information, memorandum, return or certificate.

Penalty for false statement made for insertion in information.

46. Any person who wilfully makes or causes to be made, for the purpose of being inserted in any notice or information or in any births register, deaths register or marriage register, any false statement relating to any of the particulars required by this Act or by any regulation to be made known and registered, shall be guilty of an offence and liable on conviction to the penalties which by law may be imposed for the crime of perjury.

Penalty for negligently losing or injuring register.

47. Any person, having the custody of any register or certified copy thereof or of any part thereof, who negligently loses it or injures it or negligently, while it is in his custody, allows it to be injured, shall be guilty of an offence.

Penalty for wilfully destroying or falsifying register or wilfully giving false certificate.

48. Any person who wilfully destroys or injures or renders illegible or causes to be destroyed or injured or rendered illegible any register or certified copy thereof or any part thereof or falsely makes or counterfeits or causes to be falsely made or counterfeited any part of a register or certified copy thereof, or wilfully inserts or causes to be inserted in any register or certified copy or part thereof any false entry or wilfully gives or utters any false certificate or certifies any writing to be a copy of or extract from a register knowing such copy or extract to be false in any part or who forges or counterfeits the signature, seal, impression, or stamp of the registrar-general or the registrar or any assistant registrar or any district registrar or assistant district registrar or of any marriage officer, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years, and any person, having the custody or care of any register, who knowingly permits any such act to be committed shall also be guilty of an offence and liable on conviction to the same penalty.

Penalty for contravention where no penalty specially provided.

49. Any person who contravenes or fails to comply with any provision of this Act or of any regulation for the contravention whereof or for the failure to comply wherewith no penalty is specially provided shall be liable on conviction to a fine not exceeding fifty rand.

Regulations.

50. (1) The State President may make regulations, not inconsistent with this Act—

(a) as to the management of the registrar-general's or registrar's office or of any district registration office;

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of 1963.**

- (b) prescribing the duties and powers of the registrar-general, of the registrar, of any assistant registrar and of the district registrars and assistant district registrars;
- (c) as to the obtaining of particular information respecting all births, marriages and deaths occurring in the Republic and prescribing the nature and extent of such information;
- (d) prescribing any forms, certificates, notices or registers to be used in connection with the registration of births, marriages and deaths and as to the use thereof; as to the correction or alteration in and addition to any such forms, certificates, notices or registers and for the disposal, safe custody and preservation thereof;
- (e) prescribing the fees payable for searches made or allowed or certificates given or for any act performed under the provisions of this Act or any regulation, and the persons by whom and to whom such fees are payable,

and generally for the better carrying out of the objects and purposes of this Act.

(2) Different fees may be prescribed under paragraph (e) of sub-section (1) in respect of different kinds of searches, certificates or acts and in respect of searches, certificates or acts relating to events that occurred at different times.

(3) The regulations may prescribe penalties for the contravention thereof or failure to comply therewith, not exceeding in any case a fine of twenty rand.

Repeal of laws.

51. (1) Subject to the provisions of sub-section (2), the laws specified in the Schedule are hereby repealed.

(2) Any proclamation issued or regulation made or action taken or thing done or deemed to have been issued, made, taken or done under any provision of any law repealed by sub-section (1), shall be deemed to have been issued, made, taken or done under the corresponding provision of this Act.

Short title.

52. This Act shall be called the Births, Marriages and Deaths Registration Act, 1963.

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Schedule.

LAWS REPEALED.

No. and year.	Short title.
Act No. 17 of 1923 ..	Births, Marriages and Deaths Registration Act, 1923.
Act No. 7 of 1934 ..	Births, Marriages and Deaths Registration Amendment Act, 1934.
Act No. 5 of 1943 ..	Births, Marriages and Deaths Registration Amendment Act, 1943.
Act No. 35 of 1951 ..	Births and Deaths Registration Amendment Act, 1951.
Act No. 46 of 1955 ..	Births, Marriages and Deaths Registration Amendment Act, 1955.
Act No. 26 of 1959 ..	Births, Marriages and Deaths Registration Amendment Act, 1959.
Act No. 5 of 1960 ..	Births, Marriages and Deaths Registration Amendment Act, 1960.
Act No. 3 of 1962 ..	Births, Marriages and Deaths Registration Amendment Act, 1962.

**Act No. 82
of 1963.**

ACT

To provide for the transfer to the University of the Orange Free State by the Public Debt Commissioners of an amount of two hundred and twenty thousand rand from the local loans fund established under the Local Loans Act, 1926; for the establishment by the Council of the said University of an Orange Free State Study Bursaries Fund; for the administration of the said Fund and the application of the income derived from the investment of the moneys therein; to amend the Local Loans Act, 1926; to provide for the repeal of certain laws; and to provide for other incidental matters.

*(English text signed by the State President.)
(Assented to 28th June, 1963.)*

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