

# **BIRTHS, MARRIAGES AND DEATHS**

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## **General Law Amendment Ordinance 13 of 1962, section 7.**

**Summary:** Section 7 of this Ordinance makes concealment of the birth of a child a criminal offence.

***Births, Marriages and Deaths Registration Act 81 of 1963***, as amended in South Africa to March 1978.

**Summary:** This Act governs the registration of births, deaths and marriages.

**Applicability to SWA:** Section 1 defines “Republic” to include “the territory of South West Africa”. Section 51A states “This Act, except sections 7A and 42(4), and any amendment thereof, and any regulations made under this Act, shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel, and in such application the word ‘Bantu’ shall be construed as ‘native’ and any compound or derivative of ‘Bantu’ shall be construed as a corresponding compound or derivative of the word ‘native’.”

**Transfer of administration to SWA:** The administration of this Act was transferred to SWA by the Executive Powers (Interior) Transfer Proclamation (AG 17/1978), dated 30 March 1978.

Section 3(2)(c) of the transfer proclamation excluded the reference to the “Republic” throughout the Act from the operation of section 3(1) of the General Proclamation, meaning that “Republic” retained the meaning given to it in the definition section of the Act (South Africa and SWA).

There were two amendments to the Act in South Africa after the date of transfer and prior to Namibian independence -- the *Births, Marriages and Deaths Registration Amendment Act 35 of 1982*, and the *Marriages, Births and Deaths Amendment Act 41 of 1986* -- neither of which was made expressly applicable to SWA.

**Amendments:** Act 5/1987 makes substantial amendments to this Act.

**Regulations:** Regulations are contained in RSA GN 214 of 24 December 1987. These regulations are amended by GN 128/2001 (GG 2564). (There may also be pre-independence amendments which have not been recorded here.)

## **Burial Place Ordinance 27 of 1966.**

**Summary:** This Ordinance prohibits the desecration or disturbance of graves and regulates exhumation.

## **Crematorium Ordinance 6 of 1971.**

**Summary:** This Ordinance provides for the establishment, maintenance, management, use and control of crematoria.

See also **MARRIAGE AND DIVORCE.**

See also **NATIONAL HERITAGE.**