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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 466. 24 Maart 1982.

No. 466. 24 March 1982.

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

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

No. 35 van 1982: Wysigingswet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1982.

No. 35 of 1982: Births, Marriages and Deaths Registration Amendment Act, 1982.

BIRTHS, MARRIAGES AND DEATHS REGISTRATION
AMENDMENT ACT, 1982

Act No. 35, 1982

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Births, Marriages and Deaths Registration Act, 1963, so as to replace a certain expression; and to further regulate the alteration of a person's name and surname in his birth register; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 26 February 1982.)*

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

1. Section 1 of the Births, Marriages and Deaths Registration Act, 1963 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the insertion after the definition of "chief registrar" of the following definition:
- "Director-General" means the Director-General : Internal Affairs or, for the purposes of the application of this Act in respect of a Black, the Director-General: Co-operation and Development:"; and
- (b) by the deletion of the definition of "Secretary".

Amendment of section 1 of Act 81 of 1963, as substituted by section 1 of Act 58 of 1970.

2. The following section is hereby substituted for section 8 of the principal Act:
- Substitution of section 8 of Act 81 of 1963, as substituted by section 10 of Act 58 of 1970.
8. (1) 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]** 18 years of age, or he himself, if he is **[twenty-one]** 18 years of age or over, may apply to the **[Secretary]** Director-General for the alteration of his name, and thereupon the **[Secretary]** Director-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 birth register of such person filed in his office, but without erasing the original name therefrom.
- (2) For the purposes of subsection (1) 'guardian' includes any person who has in law or in fact the custody or control of any person referred to in that subsection."

"Alteration of person's name in his birth register.

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Wet No. 35, 1982

WYSIGINGSWET OP DIE REGISTRASIE VAN GEBOORTES,
HUWELIKE EN STERFGEVALLE, 1982

Vervanging van artikel 8A van Wet 81 van 1963, soos ingevoeg deur artikel 3 van Wet 18 van 1968 en vervang deur artikel 11 van Wet 58 van 1970.

3. Artikel 8A van die Hoofwet word hierby deur die volgende artikel vervang:

„Verandering van persoon se van in sy geboorteregister.

8A. (1) Wanneer—

- (a) 'n persoon kragtens 'n wetsbepaling 'n ander van as dié waaronder sy geboorte geregistreer is, aangeneem het; 5
- (b) 'n persoon onder die ouderdom van 21 jaar 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]** 10
- (c) 'n persoon onder die ouderdom van 21 jaar bekend staan onder die van van 'n man met wie sy moeder na die oorlyde van sy vader of na die egskedding van sy moeder en vader getrou het en nie die van waaronder sy geboorte geregistreer is nie; 15
- (d) 'n persoon onder die ouderdom van 21 jaar bekend staan onder die van van sy moeder wat sy weer aangeneem het na die oorlyde van sy vader of na die egskedding van sy moeder en vader en nie die van waaronder sy geboorte geregistreer is nie; 20
- (e) 'n persoon onder die ouderdom van 21 jaar bekend staan onder die van van sy voog en nie die van waaronder sy geboorte geregistreer is nie; of 25
- (f) 'n persoon onder die ouderdom van 21 jaar wat buite-egtelik gebore is maar wie se geboorte ingevolge die bepalings van artikel 10 onder sy vader se van geregistreer is, bekend staan onder die van van sy moeder en nie die van waaronder sy geboorte aldus geregistreer is nie, 30

kan enigeen van sy ouers, of sy moeder, na gelang van die geval, of sy voog, indien sodanige persoon onder die ouderdom van 21 jaar is, of hyself, indien hy 21 jaar oud of ouer is, by die **[Sekretaris]** Direkteur-generaal aansoek doen om die verandering van sy van in die geboorteregister van so 'n persoon 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 die laaste sy voog was die aansoek kan doen indien die Sekretaris oortuig is dat dit in sodanige persoon se belang is dat die aansoek aldus gedoen word].** 45

(2) Indien die man onder wie se van 'n in paragraaf (b), **[of]** (c) of (e) van subartikel (1) bedoelde persoon bekend staan, nog in lewe is, moet die aansoek vergesel gaan van daardie man se skriftelike toestemming tot die verandering, tensy die Direkteur-generaal, indien daar na sy oordeel gegronde redes daarvoor bestaan, anders gelas. 55

(3) By ontvangs van so 'n aansoek kan die **[Sekretaris]** Direkteur-generaal, indien hy oortuig is dat die aansoeker bevdeg is om die aansoek te doen en, in die geval van 'n in paragraaf (b), **[of]** (c), (d), (e) of (f) 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 aldus aangeneem het of waaronder hy bekend staan, na gelang van die geval, in te skryf op die geboorteregister van so 'n persoon 65

BIRTHS, MARRIAGES AND DEATHS REGISTRATION
AMENDMENT ACT, 1982

Act No. 35, 1982

3. The following section is hereby substituted for section 8A of the principal Act:

Substitution of section 8A of Act 81 of 1963, as inserted by section 3 of Act 18 of 1968 and substituted by section 11 of Act 58 of 1970.

“Alteration of surname of person in his birth 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 under 21 years of age who was 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 under 21 years of age is known by the surname of a man whom his mother married after the death of his father or after the divorce of his mother and father and not the surname under which his birth is registered;
- (d) any person under 21 years of age is known by the surname of his mother which she resumed after the death of his father or after the divorce of his mother and father and not the surname under which his birth is registered;
- (e) any person under 21 years of age is known by the surname of his guardian and not the surname under which his birth is registered; or
- (f) any person under 21 years of age who was born out of lawful wedlock but whose birth is registered under the surname of his father in terms of the provisions of section 10, is known by the surname of his mother and not the surname under which his birth is so registered,

either of his parents or his mother, as the case may be, or his guardian, if such person is under 21 years of age, or he himself, if he is 21 years of age or over may apply to the **[Secretary] Director-General** for the alteration of his surname in the birth register of such person 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 Secretary is satisfied that it is in such person's interest that the application be so made].**

(2) If the man by whose surname a person referred to in paragraph (b), **[or] (c) or (e)** of subsection (1) is known is still alive, the application shall be accompanied by that man's written consent to the alteration, unless the Director-General, if in his opinion there exist sufficient reasons therefor, directs otherwise.

(3) Upon the receipt of any such application the **[Secretary] Director-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), (d), (e) or (f)** 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 birth register of such person filed in his

Wet No. 35, 1982

**WYSIGINGSWET OP DIE REGISTRASIE VAN GEBOORTES,
HUWELIKE EN STERFGEVALLE, 1982**

wat in sy kantoor geliasseer is, maar sonder om die
oorspronklike van daarop uit te wis.

(4) By die toepassing van subartikel (1) beteken
,voog' ook iemand wat die wetlike of feitelike
bewaring van of beheer oor die betrokke persoon in
daardie subartikel bedoel, het. 5

Wysiging van
artikels 2, 3, 3A, 7,
7A, 7B, 9, 11, 13,
17, 22, 40, 41, 42,
44, 44A, 48 en 50
van Wet 81 van
1963.

4. Artikels, 2, 3, 3A, 7, 7A, 7B, 9, 11, 13, 17, 22, 40, 41, 42,
44, 44A, 48 en 50 van die Hoofwet word hierby gewysig deur die
woord „Sekretaris”, oral waar dit in daardie artikels gebruik
word met verwysing na die Sekretaris soos omskryf in artikel 1 10
van die Hoofwet onmiddellik voor die wysiging van genoemde
artikel 1 deur artikel 1 van hierdie Wet, deur die woord
„Direkteur-generaal” te vervang.

Kort titel.

5. Hierdie Wet heet die Wysigingswet op die Registrasie van
Geboortes, Huwelike en Sterfgevallen, 1982. 15

BIRTHS, MARRIAGES AND DEATHS REGISTRATION
AMENDMENT ACT, 1982

Act No. 35, 1982

office, but without erasing the original surname therefrom.

5 (4) For the purposes of subsection (1) 'guardian' includes any person who has in law or in fact the custody or control of the person concerned who is referred to in that subsection."

4. Sections 2, 3, 3A, 7, 7A, 7B, 9, 11, 13, 17, 22, 40, 41, 42, 44, 44A, 48 and 50 of the principal Act are hereby amended by the substitution for the word "Secretary", wherever it is used in those sections with reference to the Secretary as defined in section 1 of the principal Act immediately prior to the amendment of the said section 1 by section 1 of this Act, of the word "Director-General".

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Amendment of sections 2, 3, 3A, 7, 7A, 7B, 9, 11, 13, 17, 22, 40, 41, 42, 44, 44A, 48 and 50 of Act 81 of 1963.

5. This Act shall be called the Births, Marriages and Deaths Registration Amendment Act, 1982. Short title.