



# Government Gazette

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## THE PRESIDENCY

No. 333 19 March 2002

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

**No. 1 of 2002: Births and Deaths Registration Amendment Act, 2001**



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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.

*(English text signed by the President.)*  
*(Assented to 12 March 2002.)*

**ACT**

To amend the Births and Deaths Registration Act, 1992, so as to define an expression; to reduce the age of majority; to provide for the registration of a child in the surname of either or both parents; to further regulate the alteration of the surname of a minor; and to allow a widow to assume a previous surname; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 51 of 1992, as amended by section 3 of Act 41 of 1995 and section 1 of Act 40 of 1996**

1. Section 1 of the Births and Deaths Registration Act, 1992 (hereinafter referred to as the principal Act), is hereby amended— 5
- (a) by the insertion in subsection (1) after the definition of “child born out of wedlock” of the following definition: 10
- “ ‘competent court’ includes a magistrates’ court, and a children’s court established as contemplated in the Child Care Act, 1983 (Act No. 74 of 1983);” and
- (b) by the substitution for the definition of “ ‘major’ or ‘person of age’ ” of the following definition: 15
- “ ‘major’ or ‘person of age’ means any person who has attained the age of [21] 18 years or who has under the provisions of section 2 of the Age of Majority Act, 1972 (Act No. 57 of 1972), been declared to be a major, and includes a person under the age of [21] 18 years, who has contracted a legal marriage;”.

**Amendment of section 9 of Act 51 of 1992, as amended by section 4 of Act 41 of 1995 and section 1 of Act 43 of 1998** 20

2. Section 9 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 25
- “(2) Subject to the provisions of section 10, the notice of birth referred to in subsection (1) of this section shall be given under the surname of either the father or the mother of the child concerned or the surnames of both the father and mother joined together as a double barrelled surname.”.

**Act No. 1, 2002 BIRTHS AND DEATHS REGISTRATION AMENDMENT ACT, 2002****Amendment of section 25 of Act 51 of 1992, as substituted by section 2 of Act 67 of 1997 and amended by section 11 of Act 86 of 1997**

3. Section 25 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

“(1A) Notwithstanding subsection (1)(b) and (c), the natural father’s written consent is not required where the mother has sole guardianship of the child concerned.” 5

**Amendment of section 26 of Act 51 of 1992, as substituted by section 3 of Act 67 of 1997**

4. Section 26 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (c) of the following paragraph: 10

“(c) a woman, whether married or divorced, or a widow adds to the surname which she assumed after the marriage, any surname which she bore at any prior time.”.

**Short title**

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5. This Act is called the Births and Deaths Registration Amendment Act, 2002.