

(1 March 2014 – to date)

BIRTHS AND DEATHS REGISTRATION ACT 51 OF 1992

(Gazette No. 13953, dated 6 May 1992. Commencement date: 1 October 1992 [Proclamation No. R.79, Gazette No. 14182, dated 9 September 1992])

REGULATIONS ON THE REGISTRATION OF BIRTHS AND DEATHS, 2014

Government Notice R128 in Government Gazette 37373 dated 26 February 2014. Commencement date: 1 March 2014.

The Minister of Home Affairs has, in terms of section 32 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), made the Regulations in the Schedule.

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1. Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates -

“**Children's Act**” means the Children's Act, 2005 (Act No. 38 of 2005);

“**informant**” means a person who gives notice of death under regulation 14;

“**funeral undertaker**” means a person who is designated as such in terms of section 22A of the Act;

“**identity document**” means an identity document or card issued in terms of the Identification Act;

“**Identification Act**” means the Identification Act, 1997 (Act No. 68 of 1997);

“**Immigration Act**” means the Immigration Act, 2002 (Act No. 13 of 2002);

“Inquests Act” means the Inquests Act, 1959 (Act No. 58 of 1959);

“inspectorate” means the inspectorate established in terms of section 33(1) of the Immigration Act;

“late registration of birth” means a notice of birth given after the expiry of the period of 30 days contemplated in section 9(3A) of the Act;

“medical practitioner” means a person registered as a medical practitioner under the Health Professions Act, 1974 (Act No. 56 of 1974) and who has a valid practice number issued by the relevant health professions council;

“national population register” means the population register contemplated in section 5 of the Identification Act;

“non-South African citizen” means a person who holds a valid temporary residence visa contemplated in sections 11 to 23 of the Immigration Act, and includes an asylum seeker or refugee issued with a permit in terms of section 22 or 24 of the Refugees Act;

“Refugees Act” means the Refugees Act, 1998 (Act No. 130 of 1998);

“South African Citizenship Act” means the South African Citizenship Act, 1995 (Act No. 88 of 1995);

“the Act” means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992); and

“valid passport” means a valid passport as contemplated in regulation 2 of the Regulations made under the Immigration Act.

2. Powers and duties of Director-General

- (1) Subject to the provisions of the Act, the Director-General shall -
 - (a) safeguard and take charge of, and subject to the provisions of section 6(1) of the Act, preserve all books, registers, forms, notices, records and any other document of which he or she is the custodian, or which is required to be furnished to him or her, in terms of the Act or these Regulations;
 - (b) keep supplies of forms, certificates, notices, registers and any other document required to be used with regard to the implementation of the provisions of the Act and these Regulations with a view to supply such forms, certificates, notices, registers or any other document to any person contemplated in section 4(1) of the Act; and

- (c) receive from informants and persons referred to in section 4(1) of the Act, the completed registers, forms, notices or any other documents accompanied by supporting declarations and certificates, where prescribed, and verify such documents.
- (2) If a birth has been registered twice in the national population register, the Director-General shall cancel one of the two registrations.
- (3) The Director-General must reject a notice of birth or death if he or she is satisfied that the notice -
 - (a) is not in compliance with the Act;
 - (b) contains information that is inaccurate or cannot be verified; or
 - (c) amounts to misrepresentation or fraud.
- (4) Where the notice of birth is rejected, the Director-General shall cause the rejected notice to be safely stored as part of the records of the Department.
- (5) Where it appears to the Director-General that any person has knowingly made any false statement relating to any notice in terms of the Act, he or she must lay a charge or cause a charge to be laid against such person as contemplated in section 31(1)(b) of the Act.

REGISTRATION OF BIRTHS

3. Notice of birth for children born of South African citizens

- (1) Any South African citizen must give notice of the birth of his or her child within 30 days of the birth as contemplated in subregulation (3).
- (2) Where both parents of a child whose birth is sought to be registered in terms of subregulation (1) are deceased, the notice of birth must be made by the next-of-kin or legal guardian of the child.
- (3) A notice of birth referred to in subregulation (1) must be given by, where possible, both parents to the Director-General on Form DHA-24 illustrated in Annexure 1A and be accompanied by -
 - (a) proof of birth on Form DHA-24/PB illustrated in Annexure 1D attested to by a medical practitioner who -
 - (i) attended to the birth; or
 - (ii) examined the mother or the child after the birth of the child;

- (b) an affidavit attested to by a South African citizen who witnessed the birth of the child where the birth occurred at a place other than a health institution on Form DHA-24/PBA illustrated in Annexure 1E;
 - (c) biometrics, in the form of a palm, foot or fingerprint of the child whose birth is sought to be registered in the appropriate space on Form DHA-24 illustrated in Annexure 1A;
 - (d) fingerprints of the parents, which shall be verified online against the national population register: Provided that where the fingerprints cannot be verified online, the full set of fingerprints of the parents shall be taken on Form DHA-24/A illustrated in Annexure 1C;
 - (e) a certified copy of the identity document of the biological or adoptive mother or father or both parents of the child whose birth is sought to be registered, as the case may be;
 - (f) a certified copy of a valid passport and visa or permit, where one parent is a non- South African citizen;
 - (g) where applicable, a certified copy of a death certificate of any deceased parent;
 - (h) where applicable, a certified copy of the marriage certificate of the parents of the child whose birth is sought to be registered;
 - (i) where applicable, a certified copy of the identity document or valid passport and visa or permit of the next-of-kin or legal guardian; and
 - (j) where applicable, Form DHA-288/B illustrated in Annexure 2C.
- (4) Where a woman gives birth to more than one child during a single confinement, a notice of birth referred to in subregulation (1) must, be given for each child on a separate Form DHA-24 illustrated in Annexure 1A with all the supporting documents contemplated in subregulation (3) and the exact time of each birth must be recorded on this Form.
- (5) A notice of birth which does not meet the requirements of subregulations (3) and (4), shall not be accepted.
- 4. Late registration of birth of children of South African citizens**
- (1) A notice of birth given later than 30 days after the birth but before the child is older than one year, shall be given in accordance with subregulation (3).

- (2) Where both parents of a child whose birth is sought to be registered in terms of subregulation (1) are deceased, the notice of birth must be given by the next-of-kin or legal guardian of the child.
- (3) A notice of birth referred to in subregulation (1) must be given by, where possible, both parents to the Director-General on Form DHA-24/LRB illustrated in Annexure 1B and be accompanied by -
 - (a) proof of birth on Form DHA-24/PB illustrated in Annexure 1D attested to by a medical practitioner who -
 - (i) attended to the birth; or
 - (ii) examined the mother or the child after the birth of the child;
 - (b) an affidavit attested to by a South African citizen who witnessed the birth of the child where the birth occurred at a place other than a health institution on Form of DHA-24/PBA illustrated in Annexure 1E;
 - (c) biometrics, in the form of a palm, foot or fingerprint, of the child whose birth is sought to be registered in the appropriate space on Form DHA-24 illustrated in Annexure 1A;
 - (d) fingerprints of the parents, which shall be verified online against the national population register: Provided that where the fingerprints cannot be verified online, the full set of fingerprints of the parents shall be taken on form DHA-24/A illustrated in Annexure 1C;
 - (e) a certified copy of the identity document of the biological or adoptive mother or father or both parents of the child whose birth is sought to be registered, as the case may be;
 - (f) a certified copy of a valid passport and visa or permit, where one parent is a non- South African citizen;
 - (g) where applicable, a certified copy of the death certificate of any deceased parent;
 - (h) where applicable, a certified copy of the marriage certificate of the parents of the child whose birth is sought to be registered;
 - (i) where applicable, a certified copy of the identity document or valid passport and visa or permit of the next-of-kin or legal guardian;
 - (j) Form DHA-288/A illustrated in Annexure 2A;
 - (k) where applicable, Form DHA-288/B illustrated in Annexure 2C; and

- (l) proof of payment of the applicable fee.
- (4) Where a woman gives birth to more than one child during a single confinement, the notice of birth contemplated in subregulation (1) must be given for each child separately on Form DHA-24 illustrated in Annexure 1A with all the supporting documents contemplated in subregulation (3) and the exact time of each birth must be recorded in that Form.
- (5) A notice of birth which does not meet the requirements of subregulations (3) and (4), shall not be accepted.

5. Late registration of birth of children older than one year born of South African citizens

- (1) A notice of birth for a child or a person who is older than one year must be made by the biological parents of the child or a person as contemplated in subregulation (3).
- (2) Where both parents of a child or person whose birth is sought to be registered in terms of subregulation (1) are deceased, the notice of birth must be given by the next-of-kin or legal guardian of the child or person: Provided that where the person whose birth is sought to be registered is 18 years or older, such a person may give notice of his or her own birth.
- (3) A notice of birth referred to in subregulation (1) must be given by, where possible, both parents to the Director-General on Form DHA-24/LRB illustrated in Annexure 1B and be accompanied by -
 - (a) proof of birth on Form DHA-24/PB illustrated in Annexure 1D attested to by a medical practitioner who -
 - (i) attended to the birth; or
 - (ii) examined the mother or the child after the birth of the child;
 - (b) an affidavit attested to by a South African citizen who witnessed the birth of the child or the person where the birth occurred at a place other than a health institution on Form DHA-24/PBA illustrated in Annexure 1E;
 - (c) biometrics, in the form of a palm, foot or fingerprint, of any child younger than 7 years whose birth is sought to be registered in the appropriate space on Form DHA-24 illustrated in Annexure 1A;
 - (d) fingerprints of the parents and the child or person who is 7 years or older, which shall be verified online against the national population register: Provided that where the parents, or the child or the person's fingerprints cannot be verified online, the full set of fingerprints of the parents, the child or the person shall be taken on Form DHA-24/A illustrated in Annexure 1C;

- (e) two recent identity size photographs of a child or person who is 7 years or older, affixed to the appropriate space on Form DHA-24/A illustrated in Annexure 1C;
 - (f) a certified copy of the identity document or passport and visa or permit of the parents of the child or person whose birth is sought to be registered, where one of the parents is a non-South African citizen;
 - (g) where applicable, a certified copy of the death certificate of any deceased parent of the child or person;
 - (h) where applicable, a certified copy of the marriage certificate of the parents of the child or person;
 - (i) where applicable, a certified copy of the identity document or passport and visa or permit of the next-of-kin or legal guardian of the child or person;
 - (j) Form DHA-288/A illustrated in Annexure 2A;
 - (k) Form DHA-288 illustrated in Annexure 2B;
 - (l) where applicable, Form DHA-288/B illustrated in Annexure 2C; and
 - (m) proof of payment of the applicable fee.
- (4) Where a woman gives birth to more than one child during a single confinement, the notice of birth contemplated in subregulation (1) must be given for each child separately on Form DHA-24 illustrated in Annexure 1A with all the supporting documents contemplated in subregulation (3) and the exact time of each birth must be recorded in that Form.
- (5) A notice of birth which does not meet the requirements of subregulations (3) and (4), shall not be accepted.

6. Verification, approval or rejection of notice of birth

- (1) Upon approval of a notice of birth given in accordance with regulations 3,4 and 5 the Director-General must issue to the parents -
- (a) a birth certificate on Form DHA-5 illustrated in Annexure 4; or
 - (b) an acknowledgement of receipt on Form DHA-25 illustrated in Annexure 3, if, for any reason, the birth certificate cannot be issued immediately.

- (2) Any person who is issued with a birth certificate must verify the information contained therein and if found to be incorrect must, within 7 days of receipt of the birth certificate, return such birth certificate to the Director-General for rectification as contemplated in section 7 of the Act.
- (3) The Director-General must, in respect of each notice of birth contemplated in regulations 3, 4 and 5, authenticate the veracity of the information furnished to him or her and either approve or reject the notice.
- (4) For the purposes of subregulation (3), the Director-General may prior to approval of notice of birth contemplated in regulation 3, 4 or 5 cause any person who gives the notice or supported such notice to be interviewed by a screening committee established by him or her.
- (5) The screening committee must, after interviewing all relevant persons relating to the information contained in the notice, make recommendations to the Director-General who shall consider and approve or reject the notice.
- (6) Where it is apparent from a notice of birth that the child or the person whose birth is sought to be registered is a non-South African citizen, the Director-General may deal with the notice as contemplated in regulation 8.
- (7) The date of birth or identity number allocated to a child or person whose notice of birth was approved as contemplated in subregulation (1) may not be rectified after the period contemplated in subregulation (2).
- (8) Where a notice of birth is rejected, the Director-General shall inform the parents, in writing, of the rejection of the notice.
- (9) If at any time after a birth certificate has been issued it becomes apparent that the birth certificate was issued erroneously to any person, the Director-General must cancel the birth registration, birth certificate and any other documents, including an identity document or passport issued to the holder of such birth certificate.

7. Notice of birth of children born of permanent residents and refugees

- (1) Regulations 3, 4, 5 and 6 shall apply with the necessary changes to persons who hold permanent residence status in terms of section 26 or 27 of the Immigration Act and to persons who hold refugee status in terms of section 24 of the Refugees Act.
- (2) Upon approval of a notice of birth, the Director-General must issue to the parents a birth certificate with an identity number for holders of a valid -

- (a) permanent residence permit issued in terms of the Immigration Act, on a Form DHA-19 illustrated in Annexure 24, as contemplated in terms of section 7(2)(b) of the Identification Act;
or
- (b) refugee permit issued in terms of section 24 of the Refugees Act, on Form DHA-19 illustrated in Annexure 24, as contemplated in terms of section 7(2)(b) of the Identification Act.

8. Notice of birth of children born of parents who are non-South African citizens

- (1) A notice of birth of a child born of parents who are non-South African citizens and who are not permanent residents or refugees must be given as contemplated in subregulation (3) by either parent of the child within 30 days of the birth of the child in the Republic.
- (2) Where the parents of the child whose birth is sought to be registered as contemplated in subregulation (1) are deceased, the notice of birth may be given by the next-of-kin or legal guardian of the child.
- (3) A notice of birth referred to in subregulation (1) must be given to the Director-General on Form DHA-24 illustrated in Annexure 1A and be accompanied by -
 - (a) proof of birth on Form DHA-24/PB illustrated in Annexure 1D attested to by a medical practitioner who -
 - (i) attended to the birth; or
 - (ii) examined the mother or the child after the birth of the child;
 - (b) an affidavit attested to by a person who witnessed the birth of the child where the birth occurred at a place other than a health institution on Form DHA-24/PBA illustrated in Annexure 1F;
 - (c) a certified copy of a valid passport and visa or permit of the mother or father, or both parents, of the child, as the case may be;
 - (d) where applicable, a certified copy of the valid identity document or passport and visa or permit of the next-of-kin or legal guardian;
 - (e) where applicable, a certified copy of an asylum seeker permit issued in terms of section 22 of the Refugees Act of the mother or father or both biological parents of the child;
 - (f) where applicable, a certified copy of the death certificate of any deceased parent of the child;
 - (g) where applicable, a certified copy, of the marriage certificate of the parents of the child whose birth is sought to be registered;

- (h) where applicable, Form DHA-288/B illustrated in Annexure 2C; and
 - (i) proof of payment of the applicable fee.
- (4) Where a woman gives birth to more than one child during a single confinement, the notice of birth contemplated in subregulation (1) must be given for each child separately on Form DHA-24 illustrated in Annexure 1A with all the supporting documents contemplated in subregulation (3) and the exact time of each birth must be recorded in that Form.
- (5) Upon approval of a notice of birth, the Director-General must issue to the parents a birth certificate without an identity number on Form DHA-19 illustrated in Annexure 24, in terms of section 5(3) of the Act.

9. Notice of birth of abandoned or orphaned children

- (1) A notice of birth of an abandoned or orphaned child in terms of section 12 of the Act must be given on Form DHA-24 illustrated in Annexure 1A by a social worker within 60 days of obtaining a court order in terms of section 156 of the Children's Act, and must be accompanied by -
- (a) a court order issued by the children's court;
 - (b) a certified copy of the identity document or valid passport and visa or permit of the social worker;
 - (c) where available, a certified copy of the identity document or passport and visa or permit of the parents of the child;
 - (d) where available, a certified copy of the death certificate of the parents of the child; and
 - (e) a social workers' report that was presented to the children's court.
- (2) Where it is apparent from a notice of birth that the child whose birth is sought to be registered in terms of the court order is a non-South African citizen, the Director-General may deal with the notice as contemplated in regulation 8 and inform the relevant children's court accordingly.
- (3) The social worker who submits a notice of birth of a child referred to in subregulation (1), must give a name or surname, or both name and surname, to that child if the name or surname or both name and surname have not been given to the child.
- (4) A birth certificate issued in terms of section 12 of the Act must contain the particulars of the parents of the child where such particulars are known.

10. Recording of adoption in birth register

- (1) An application for recording of adoption referred to in section 27B of the Act must be made by the adoptive parents, within 90 days of the registration of the adoption order by the adoption registrar, on Form DHA-1773 illustrated in Annexure 13.
- (2) The application contemplated in subregulation (1) must be supported by the documentation referred to in section 245 of the Children's Act, which are -
 - (a) a certified copy of the adoption order;
 - (b) a certified copy of the original birth certificate of the child; and
 - (c) where applicable, proof of payment of the applicable fee.
- (3) Upon approval of the application to record the adoption of the child on the birth register, the old identity number of the adopted child must be blocked and marked and a new identity number issued, together with a corresponding birth certificate recording the names of the adoptive parents.

11. Birth outside Republic

- (1) A notice of birth given for a child born of South African citizens outside the Republic as contemplated in section 13 of the Act shall be on Form DHA-24 illustrated in Annexure 1A and be accompanied by -
 - (a) Form DHA-529 illustrated in Annexure 5; and
 - (b) an unabridged birth certificate or other similar document issued by the relevant authority in the country where the birth occurred.
- (2) A notice of birth contemplated in subregulation (1) must comply with the requirements as set out in regulation 3, 4 or 5, as the case may be.
- (3) A notice of birth contemplated in subregulation (1) must be given to the Head of a South African diplomatic or consular mission or to any district or regional office of the Department in the Republic.
- (4) The Director-General must, in respect of each notice received in terms of this regulation, determine the citizenship of the parents in accordance with the provisions of the South African Citizenship Act, and if one of the parents is a South African citizen, register the birth in terms of section 5(2) of the Act and issue a birth certificate to the parents.

- (5) Any person who, in terms of section 6 of the South African Citizenship Act, has lost and subsequently applied for resumption of his or her South African citizenship and requires his or her child to be registered in terms of this regulation, must give such notice in the Republic.

CHILDREN BORN OUT OF WEDLOCK

12. Notice of birth of child born out of wedlock

- (1) A notice of birth of a child born out of wedlock shall be made by the mother of the child on Form DHA-24 illustrated in Annexure 1A or Form DHA-24/LRB illustrated in Annexure 1A, whichever applicable.
- (2) The person who acknowledges that he is the father of the child born out of wedlock must -
- (a) enter his particulars and sign on Part D of Form DHA-24 illustrated in Annexure 1A or on Part D of Form DHA-24/LRB illustrated in Annexure 1B, as the case may be, at the offices of the Department and in the presence of an official of the Department as contemplated in section 10(1)(b) of the Act;
 - (b) submit an affidavit on Form DHA-288/C illustrated in Annexure 2D in which he -
 - (i) states his relationship to the mother; and
 - (ii) acknowledges paternity of the child; and
 - (c) have his fingerprints verified online against the national population register: Provided that in the event of the father being a non-South African citizen, he must submit a certified copy of his valid passport and visa or permit, permanent residents identity document or refugee identity document.

13. Amendment of birth registration of child born out of wedlock

- (1) An application for an amendment of birth registration referred to in section 11(1) of the Act shall be made on Form DHA-59 illustrated in Annexure 7.
- (2) The Director-General must upon the approval of the application contemplated in subregulation (1), amend the registration of the birth and issue a new birth certificate in accordance with the said application.

14. Application for insertion of unmarried father's particulars in birth register of child born out of wedlock

- (1) An application for the insertion of the father's particulars in terms of section 11(4) of the Act shall be made on Form DHA-1682 illustrated in Annexure 6.
- (2) An application contemplated in subregulation (1) made by a person who is a non-South African citizen shall be accompanied by original paternity test results, not older than 3 months, from an institution designated by the Director-General confirming that such person is the biological father of the child.
- (3) The Director-General must authenticate the veracity of the information furnished to him or her in respect of the application contemplated in subregulation (1) before approving the application.
- (4) Upon approval of the application, the Director-General must record the particulars of the person as the father of the child on the birth register of the child and issue to such person -
 - (a) a birth certificate on Form DHA-5 illustrated in Annexure 4; or
 - (b) an acknowledgement of receipt on Form DHA-25 illustrated in Annexure 3, if, for any reason, the birth certificate cannot be issued immediately.

AMENDMENTS OR ALTERATIONS

15. Alteration of particulars of registered father of child born out of wedlock

- (1) Any person who requires to alter the particulars of a father whose particulars already appear in the birth register of a child as the father as contemplated in sections 10(1)(b) and 11(4) of the Act, shall submit an application on Form DHA-1682 illustrated in Annexure 6, supported by conclusive proof contemplated in subregulation (2).
- (2) The conclusive proof contemplated in subregulation (1) shall be in the form of original paternity test results not older than 3 months, obtained at the cost of the applicant from an institution designated by the Director-General.

16. Alteration of forename

- (1) An application for the alteration of a forename referred to in section 24 of the Act must be made on Form DHA-85 illustrated in Annexure 8.
- (2) A person of age who, in terms of section 24 of the Act, has previously applied for and was granted a change of a forename, may not thereafter apply for a subsequent change of his or her forename, unless -
 - (a) there are exceptional circumstances, which circumstances must be clearly stated and attested to in the Form of an affidavit; or

(b) his or her forename was initially changed whilst he or she was still a minor.

(3) The identity number of a person who has altered his or her forename in terms of section 24 of the Act may not be amended.

17. Alteration of surname of minor

(1) An application for the alteration of a surname of a minor referred to in section 25 of the Act must be made on Form DHA-193 illustrated in Annexure 9.

(2) Despite the alteration of a surname of a minor, the recorded particulars of the biological father must not be amended on the birth certificate of the minor except upon approval of the application made in terms of regulation 11, 12 or 13, or where the minor is the subject of an adoption order or a court order has been granted to that effect.

(3) The identity number of a minor whose surname has been altered in terms of section 25 of the Act may not be amended.

18. Assumption of another surname

(1) An application for assumption of another surname referred to in section 26 of the Act by a person of age must be made on Form DHA-462 or DHA-196 illustrated in Annexure 10 and Annexure 11, as the case may be.

(2) The reasons referred to in section 26(2) of the Act must relate to -

(a) a change in the marital status of a woman;

(b) assumption by a person of his or her biological father's surname, where the father has recently acknowledged paternity in terms of regulation 13 or 14; or

(c) protection of a person in terms of the Witness Protection Act, 1998 (Act No. 112 of 1998).

(3) An application contemplated in subregulation (1) must be accompanied by -

(a) a certified copy of the identity document or birth certificate of the applicant;

(b) a certified copy of the identity document or valid passport of the biological mother or father or both parents of the child, as the case may be;

(c) where applicable, a certified copy of the marriage certificate of the parents;

- (d) where applicable, a certified copy of the death certificate of any deceased parent;
 - (e) where applicable, a letter issued by the Director: Witness Protection; and
 - (f) proof of payment of the applicable fee.
- (4) Upon approval of an application contemplated in subregulation (1), any alteration of a forename, surname or assumption of another surname made in terms of section 24, 25 or 26 of the Act must be made -
- (a) by entering the altered forename or surname or assumed surname of the minor in the birth register; and
 - (b) if the particulars of the person have been included in the national population register, by including the altered forename, surname or assumed surname in the national population register,
- without erasing the previous forename, surname or assumed surname.
- (5) The assumption of another surname contemplated in subregulation (2)(a), (b) or (d) shall not have the effect of changing a person's identity number.

19. Alteration of sex description

An application for alteration of sex description contemplated in section 27A of the Act, must be made on Form DHA-526 illustrated in Annexure 12.

20. Publication of amplification of birth register, alterations of forenames and surnames

In the case of an alteration or amplification of a forename or surname referred to in section 27 of the Act, the full names of the person as they existed before the alteration or amplification, his or her identity number and his or her altered or amplified forename or surname, must be published in the *Government Gazette*.

REGISTRATION OF DEATHS

21. Notice of death for South African citizens

- (1) A notice of death must be given within 72 hours of the death by the informant -

- (a) on Form DHA-1663 illustrated in Annexure 14 to the Director-General, where the cause of death certificate contemplated in section 15(1) or (2) of the Act was issued by a medical practitioner; or
 - (b) on Form DHA-1680 illustrated in Annexure 15 where the cause of death certificate contemplated in section 15(1) or (2) of the Act was not issued by a medical practitioner; and
 - (c) be accompanied by the following supporting documents:
 - (i) the original identity document of the deceased;
 - (ii) in respect of a minor, the original birth certificate;
 - (iii) the biometrics of the deceased and the informant must be affixed in the appropriate space provided on Form DHA-1680 illustrated in Annexure 15 and, in the case where the biometrics cannot be affixed, an affidavit containing the reasons as to why such biometrics were not affixed must be attached; and
 - (iii) a certified copy of the identity document of the informant.
- (2) An official of the Department to whom a notice of death is given as contemplated in subregulation (1) must -
- (a) verify the particulars of the deceased against the national population register;
 - (b) verify the particulars of the informant or the authorised funeral undertaker online against the national population register and attach the online verification report to the death register: Provided that where the fingerprints cannot be verified online, the informant or the funeral undertaker must have his or her full set of fingerprints taken on Form DHA-24/A illustrated in Annexure 1C;
 - (c) record the cause of death as -
 - (i) “natural causes”, if satisfied that the death was due to natural causes;
 - (ii) “unnatural causes”, if satisfied that the death was due to unnatural causes; or
 - (iii) “under investigation” and the case number, if the death is still under investigation in terms of section 3 of the Inquests Act;
 - (d) take possession of, cancel and destroy the original identity document of the deceased in terms of section 20 of the Identification Act or mark the birth certificate as “deceased”;

- (e) issue to the informant a death certificate on Form DHA-5 illustrated in Annexure 4 or, if the death certificate cannot be issued immediately, proof of notice of death on Form DHA-1577 illustrated in Annexure 17; and
- (f) issue to the informant a burial order on Form DHA-14A illustrated in Annexure 16.

22. Notice of death for non-South African citizens

- (1) A notice of death must be given within 72 hours of the death by the informant -
 - (a) on Form DHA-1663 illustrated in Annexure 14 to the Director-General, where a cause of death certificate contemplated in section 15(1) or (2) of the Act was issued by a medical practitioner; or
 - (b) on Form DHA-1680 illustrated in Annexure 15 where a cause of death certificate contemplated in section 15(1) or (2) of the Act was not issued by a medical practitioner; and
 - (c) be accompanied by the following supporting documents:
 - (i) A certified copy of the identity document or valid passport of the informant;
 - (ii) the biometrics of the deceased and the informant must be affixed in the appropriate space provided on Form DHA-1680 illustrated in Annexure 15 and in the case where the biometrics cannot be affixed, an affidavit containing the reasons as to why such biometrics were not affixed must be attached; and
 - (iii) a certified copy of the identity document of the informant.
- (2) An official of the Department to whom a notice of death is given as contemplated in subregulation (1) must -
 - (a) verify the particulars of the deceased;
 - (b) verify the particulars of the informant or the funeral undertaker online against the national population register and attach the online verification report to the death register: Provided that where the informant or funeral undertaker's fingerprints cannot be verified online, the informant or the funeral undertaker must have his or her full set of fingerprints taken on Form DHA-24/A illustrated in Annexure 1C;
 - (c) record the cause of death as -

- (i) “natural causes”, if satisfied that the death was due to natural causes;
 - (ii) “unnatural causes”, if satisfied that the death was due to unnatural causes; or
 - (iii) “under investigation” and the case number, if the death is still under investigation in terms of section 3 of the Inquests Act;
- (d) issue to the informant a death certificate on Form DHA-18 illustrated in Annexure 25; and
- (e) issue to the informant a burial order on Form DHA-14A illustrated in Annexure 16.

23. Certificate by medical practitioner

- (1) A certificate in respect of a death due to causes referred to in sections 15(1) and (2) and 17(1) of the Act, must be issued on Form DHA-1663 illustrated in Parts A, B, C and G of Annexure 14.
- (2) The medical practitioner concerned must, on request and free of charge, issue to the informant or funeral undertaker the original Form DHA-1663 illustrated in Annexure 14, excluding Part G, and preserve a copy of the Annexure 14 for a period of at least five years.
- (3) The Director-General may at any time require the concerned medical practitioner to submit a copy of any cause of death certificate issued by him or her.

24. Notice of stillbirth

- (1) A notice of stillbirth must be given within 72 hours, in terms of section 18(1) of the Act, on Form DHA-1663 illustrated in Parts A, B, D, and F of Annexure 14.
- (2) The declaration referred to in section 18(2) of the Act must be on Form DHA-6 illustrated in Annexure 18.

25. Death outside Republic

- (1) A notice of death of a person who died outside the Republic as contemplated in section 19(1) of the Act may be given to the head of any South African diplomatic or consular mission or to any district or regional office of the Department in the Republic.
- (2) A notice of death contemplated in subregulation (1) shall be accompanied by -
 - (a) a death certificate or any other document issued by the authority of the country where the death occurred;

- (b) a copy of the identity document or passport of the deceased; and
 - (c) a copy of the identity document or passport and visa or permit of the informant;
- (3) On receipt of the notice contemplated in subregulation (1), the official at the mission must complete Form DHA-1663 illustrated in Annexure 14 and issue proof of notice of death to the informant on Form DHA-1577 illustrated in Annexure 17.
- (4) The head of a mission must, as soon as possible, forward to the Director-General each completed DHA-1663 illustrated in Annexure 14, together with all the supporting documents, and the Director-General shall record the death as contemplated in regulation 21(2).
- (5) A proof of notice of death must be issued upon registration of death, in addition to a burial order.
- (6) The granting of permission in terms of section 19(3) of the Act for the issuing of a burial order, must be made, in writing, on the strength of a death certificate or other similar document issued by the authority concerned in the country where the death occurred and the Director-General may, in his or her discretion, request any further information in respect of the deceased, or investigate or cause to be investigated the desirability or not of the burial in the Republic.

26. Burial order

A burial order referred to in sections 14(2), 17(2), 18(3), 19(2) and 20(1) of the Act must be on Form DHA-14B illustrated in Annexure 19.

27. Burial register

The particulars to be entered into the burial register as contemplated in section 21 of the Act are -

- (a) the names and surname of the deceased, as contained in the burial order;
- (b) the identity number or passport number of the deceased;
- (c) the date of death of the deceased;
- (d) the serial number on the burial order;
- (e) the details of the funeral undertaker;
- (f) the date of burial; and
- (g) where applicable, the grave number.

28. Death certificate

A death certificate referred to in section 22 of the Act must be issued on Form DHA-5 or DHA-20 illustrated in Annexure 4 and Annexure 20, as the case may be.

29. Designation of funeral undertakers

- (1) An application for designation as a funeral undertaker in terms of section 22A(1) of the Act must be made on Form DHA-1774 illustrated in Annexure 21 and be accompanied by -
 - (a) a certified copy of the identity document of the applicant;
 - (b) a certificate of competence issued by the relevant municipality or authority;
 - (c) where applicable, a business licence;
 - (d) a recent valid tax registration certificate for the business issued by the South African Revenue Service;
 - (e) proof of registration with any federation or association of funeral undertakers; and
 - (f) proof of payment of the applicable fee.
- (2) In order to qualify for designation as funeral undertaker, a person must -
 - (a) be a South African citizen of 18 years or older;
 - (b) not be an official employed by the Department; and
 - (c) demonstrate to the Director-General his or her knowledge of the Act by successfully completing a written examination conducted by the Department from time to time.
- (4) A designated funeral undertaker who acts as an informant on behalf of the family of the deceased must submit proof of appointment to confirm him or her as the representative of the family of the deceased whose notice of death is being given by such funeral undertaker.
- (5) The Director-General may withdraw the designation as a funeral undertaker if satisfied that the funeral undertaker has not complied with the provisions of the Act or has been convicted of a criminal offence without the option of a fine.

30. Issuing of certificates

Prepared by:

In partnership with:

- (1) An application for a certificate contemplated in section 28(1) of the Act must be made on Form DHA-132 or DHA-154 illustrated in Annexures 21 and 22, as the case may be.
- (2) A certificate issued as a duplicate must be clearly marked as a “duplicate”.
- (3) A certificate contemplated in subregulation (2) must be issued subject to the provisions of section 29 of the Act.

31. Surrender of documents and certificates containing incorrect information and rectification

- (1) The holder of a certificate or document referred to in section 7(3) of the Act, or his or her parent, next-of-kin or legal guardian must, if he or she or his or her parent, next-of-kin or legal guardian has been requested to do so, hand such certificate or document to the Director-General.
- (2) An application for amendment or rectification of particulars made in terms of section 7(4) of the Act must be on Form DHA-526 illustrated in Annexure 12.
- (3) The Director-General must, if satisfied that the particulars contained in the national population register are incorrect, amend or rectify such particulars by including the correct particulars in the national population register and link the new particulars to the previous particulars without erasing the previous particulars.

MISCELLANEOUS

32. Repeal of Regulations and savings

- (1) The Regulations on the Registration of Births and Deaths, 1992, published by Government Notice No. R.2139 of 9 September 1992, are hereby repealed.
- (2) Anything done under a provision of the Regulations repealed by subregulation (1) which could have been done under a provision of these Regulations, shall be regarded as having been done under the provision of these Regulations.

33. Short title

These Regulations shall be called the Regulations on the Registration of Births and Deaths, 2014 and shall come into operation on 1 March 2014.

LIST OF ANNEXURES

FORM	ANNEXURE	DESCRIPTION
DHA-24	Annexure 1A	APPLICATION FOR A BIRTH CERTIFICATE (WITHIN 30 DAYS)
DHA-24/LRB	Annexure 1B	APPLICATION FOR A BIRTH CERTIFICATE (AFTER 30 DAYS)
DHA-24/A	Annexure 1C	FINGERPRINTS FOR THE NOTICE OF BIRTH
DHA-24/PB	Annexure 1D	PROOF OF BIRTH
DHA-24/PBA	Annexure 1E	AFFIDAVIT RELATING TO PROOF OF BIRTH (For South African citizens)
DHA- 24/PBA	Annexure 1F	AFFIDAVIT RELATING TO PROOF OF BIRTH (For non South African citizens)
DHA-288/A	Annexure 2A	AFFIDAVIT FOR NOTICE OF BIRTH GIVEN AFTER 30 DAYS UP TO 1 YEAR
DHA-288	Annexure 2B	AFFIDAVIT BY PARENT IN SUPPORT OF NOTICE OF BIRTH GIVEN AFTER 1 YEAR
DHA-288/B	Annexure 2C	AFFIDAVIT GIVEN BY NEXT OF KIN / LEGAL GUARDIAN
DHA-288C	Annexure 2D	AFFIDAVIT FOR CONFIRMATION OF PATERNITY FOR CHILDREN BORN OUT OF WEDLOCK
DHA-25	Annexure 3	ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF BIRTH
DHA		UNABRIDGED BIRTH CERTIFICATE
DHA-529		DETERMINATION OF CITIZENSHIP STATUS
DHA-1682	Annexure 6	APPLICATION FOR INSERTION OF UNMARRIED NATURAL FATHER'S PARTICULARS IN THE BIRTH REGISTER OF A CHILD BORN OUT OF WEDLOCK
DHA-59	Annexure 7	APPLICATION FOR AMENDMENT OF MARITAL STATUS OF PARENTS OF A CHILD BORN OUT OF WEDLOCK
DHA-85	Annexure 8	APPLICATION FOR ALTERATION OF FORENAMES
DHA-193	Annexure 9	APPLICATION FOR ALTERATION OF SURNAME OF MINOR
DHA-462	Annexure 10	AFFIDAVIT FOR CHANGE OF SURNAME OF A CHILD BORN OUT OF WEDLOCK
DHA-196	Annexure 11	APPLICATION FOR AUTHORITY TO ASSUME ANOTHER SURNAME
DHA-526	Annexure 12	APPLICATION FOR VERIFICATION, SUPPLEMENTATION OR RECTIFICATION OF PERSONAL PARTICULARS
DHA-1773	Annexure 13	APPLICATION FOR RECORDING OF ADOPTION
DHA-1663 A		NOTICE OF DEATH / STILLBIRTH
DHA-1680	Annexure 15	DEATH REPORT BY AUTHORISED PERSON
DHA-14A	Annexure 16	BURIAL ORDER
DHA-1577	Annexure 17	PROOF OF NOTICE OF DEATH
DHA-6		DECLARATION RELATING TO A STILL BIRTH BY A PERSON

FORM	ANNEXURE	DESCRIPTION
		OTHER THAN A MEDICAL PRACTITIONER
DHA-14B	Annexure 19	REMOVAL ORDER
DHA-20		ABRIDGED DEATH CERTIFICATE
DHA-1774	Annexure 21	APPLICATION FOR DESIGNATION AS FUNERAL UNDERTAKER
DHA-154	Annexure 22	APPLICATION FOR COPY OF BIRTH CERTIFICATE
DHA-132		APPLICATION FOR DEATH CERTIFICATE
DHA-19		UNABRIDGED BIRTH CERTIFICATE (For non-South African citizens)

(Please note that copies of the above forms will be provided upon request. Kindly refer to our website for our contact details.)