



REPUBLIC OF NAMIBIA

OFFICE OF THE ATTORNEY-GENERAL

Tel: +264-61 281 2243
Fax: +264-61 253845/246 769

Private Bag 13345
Windhoek
Namibia

11 July 2023

Mr. Immanuel Nehoya
Deputy Director
Table Office
National Assembly
WINDHOEK

Dear Mr. Nehoya

RE: CIVIL REGISTRATION AND IDENTIFICATION BILL, BILL NO. 3 OF 2023 – MINISTRY OF HOME AFFAIRS, IMMIGRATION, SAFETY AND SECURITY

With reference to the above Bill, I wish to hereby advise that I have scrutinised all the provisions of this Bill (page1 -23), I hereby certify that the Bill and the provisions herein are in compliance with the law and the Constitution.

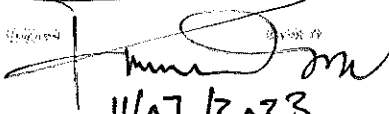
Yours sincerely ,

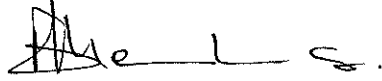

FESTUS K. MBANDEKA
ATTORNEY-GENERAL



CC: Dr. A. Kawana

Hon. Minister of Home Affairs, Immigration, Safety and Security

CERTIFIED:
ATTORNEY GENERAL

11/07/2023

Directorate Legislative Drafting,
Ministry of Justice, Namibia
Certified by: Robyn Kleinhans

Date: 11/07/2023

AMENDMENTS TO THE CIVIL REGISTRATION AND IDENTIFICATION BILL
BILL NO. 3 OF 2023

THAT:

- 1. In clause 1,** substitute the definition of “capture” for the following definition:

““capture” means the making of an entry in an information system maintained by the Ministry for recording information relating to civil events;”.

2. **In clause 1**, substitute the definition of “marriage” for the following definition:

““marriage” means a –

- (a) union between a man and a woman of full age and concluded or recognised in terms of the laws governing civil marriages in Namibia; and
- (b) union between a man and a woman of full age and concluded under any customary law of a Namibian traditional community,

but excludes same sex unions or any other union concluded outside Namibia which is not capable of being concluded in Namibia in terms of the laws of Namibia and a reference to “spouse” excludes a person in that same sex marriage or union;”.

R

3. **In clause 1**, substitute the definition of “name change” for the following definition:

““name change” means the change of one or more first names, or a surname, or both the first names and surname in terms of this Act;”.

4. **In clause 1**, substitute the definition of “recognised scientific test” for the following definition:

““recognised scientific test” means a scientific test carried out by a laboratory, approved by the Minister responsible for health and made known by notice in the *Gazette* in terms of section 80, for the purpose of carrying out scientific tests and issuing test results;”.

5. **In clause 2**, substitute paragraph (a) for the following paragraph:

“(a) provide for a national civil registration system for the notification, registration and certification of births, stillbirths, adoptions under the Child Care and Protection Act, and deaths, name changes, marriages and divorces and for the issuing of identity documents;”

6. In clause 4, add the following subclause (5):

“(5) The Committee must, after consultation with the Registrar-General, refer matters where they could not make a determination based on evidence presented in terms of this Act, to the Ministry responsible for health for a medical determination of age.”.

7. **In clause 4**, substitute subclause (3) for the following subclause:

“(3) The Committee must elect one of its members to preside at meetings of the Committee and may adopt its own rules of procedure and for the recording of its recommendations or decisions.”.



8. In clause 5, substitute subclause (1) for the following subclause:

“(1) The Minister must compile and maintain a Civil Register for Namibia consisting of -

- (a) the Birth Register, which contains details of all births, stillbirths, adoptions in terms of the Child Care and Protection Act and name changes that take place in Namibia and related civil events required to be registered under this Act or any other law of Namibia;
- (b) the Marriage Register, which contains details of all marriages and divorces concluded in Namibia and any other marriages and divorces required to be registered under this Act or any other law of Namibia;
- (c) the Death Register, which contains details of all deaths that take place in Namibia and any other deaths required to be registered under this Act or any other law of Namibia; and
- (d) the Identity Register, which contains details of persons to whom identification documents are issued under this Act.”.



9. **In clause 6**, substitute paragraph (m) for the following paragraph:

“(m) information on any name changes or other alterations to the Civil Register made under this Act;”.



10. In clause 8, substitute paragraph (b) of subclause (3) for the following paragraph:

“(b) if e-notice is not possible, must make a manual notification in the prescribed manner at the nearest civil registration point within seven days of the birth.”.



11. In clause 9, substitute paragraph (b) of subclause (1) for the following paragraph:

“(b) if e-notice is not possible, must make a manual notification in the prescribed manner to the nearest civil registration point within seven days of the stillbirth.”.

12. In clause 13, substitute –

(a) paragraph (b) of subclause (2) for the following paragraph:

“(b) the result of a recognised scientific test confirming parentage;”;

(b) paragraph (b) of subclause (3) for the following paragraph:

“(b) the result of a recognised scientific test confirming parentage;”; and

(c) paragraph (c) of subclause (5) for the following paragraph:

“(c) request the informant to provide the result of a recognised scientific test confirming parentage; or”

13. In clause 21, delete –

- (a) paragraph (g) of subclause (2); and
- (b) subclause (8).

14. In clause 22, substitute subclause (1) for the following subclause:

“(1) In this section, “spouse” means a man or a woman of full age in a civil marriage concluded under the laws governing civil marriages in Namibia and a man or a woman of full age in a customary marriage concluded under customary law in Namibia but does not include a person in a same sex marriage or union”.

15. In clause 23, substitute subclause (1) for the following subclause:

“(1) In this section, “spouse” means a man or a woman of full age in a civil marriage concluded under the laws governing civil marriages in Namibia and a man or a woman of full age in a customary marriage concluded under customary law in Namibia but does not include a person in a same sex marriage or union”.

16. In clause 24, substitute the definition of “spouse” for the following definition:

““spouse” means a man or a woman of full age in a civil marriage concluded under the laws governing civil marriages in Namibia and a man or a woman of full age in a customary marriage concluded under customary law in Namibia but does not include a person in a same sex marriage or union.”.

17. In clause 31, substitute subclause (1) for the following subclause:

“(1) “spouse” means a man or woman of full age in a civil marriage concluded under the laws governing civil marriages in Namibia and a man or woman of full age in a customary marriage concluded under customary law in Namibia, but does not include a person in a same sex marriage or union; and

“previous spouse” means a man or woman of full age to whom the deceased person was married either by civil marriage in terms of the law governing civil marriages in Namibia or customary marriage under customary law in Namibia, but such marriage ceased to exist on divorce in terms of the law governing civil marriages in Namibia or in terms of the applicable customary law in respect of customary marriages, but does not include a person in a same sex marriage or union.”.



18. In clause 33, substitute paragraph (b) of subclause (1) for following paragraph:

“(b) “spouse” means a man or woman of full age in a civil marriage concluded under the laws governing civil marriages in Namibia and a man or woman of full age in a customary marriage concluded under customary law in Namibia but does not include a person in a same sex marriage or union.”.

19. In clause 40, substitute subclause (1) for the following subclause:

“(1) In this section “spouse” means a man or woman of full age in a civil marriage concluded under the laws governing civil marriages in Namibia and a man or woman of full age in a customary marriage concluded under customary law in Namibia but does not include a person in a same sex marriage or union.”.

20. In clause 41, substitute subclause (1) for the following subclause:

“(1) In this section, “spouse” means a man or woman of full age in a civil marriage concluded under the laws governing civil marriages in Namibia and a man or woman of full age in a customary marriage concluded under customary law in Namibia but does not include a person in a same sex marriage or union.”.

21. In clause 69, delete paragraph (c).

22. In clause 80, substitute paragraphs (b) for the following paragraph:

“(b) positions in health facilities approved by the Minister responsible for health for the purpose of submission of e-notices of births, stillbirths and deaths, which includes capturing the submission on the system and making notations on physical documents;”.

R

23. In clause 80, substitute paragraph (e) for the following paragraph:

“(e) laboratories approved by the Minister responsible for health for the carrying out of scientific tests and issuing test results establishing parentage.”.

