

**EXPLANATORY MEMORANDUM TO THE
CIVIL REGISTRATION AND IDENTIFICATION BILL, 2024
(Updated on 26 June 2024)**

Namibia has a fully integrated civil registration and identity management system to register, process, and update civil registration and identity information. Centralized processing of registered vital events has enabled all relevant identity data to be compiled in a single unified database: the National Population Registration System (NPRS). In practice, the Civil Registration System and the Identity Management System are merged – a system for which Namibia has been acknowledged as a good example.¹ However, different pieces of legislation currently apply to this integrated system, namely: the Births, Marriages and Deaths Registration Act, 1963; the Aliens Act, 1937; the Identification Act 21 of 1996 and certain provisions of the Marriage Act, 1961.

The Civil Registration and Identification Bill brings the various pieces of legislation pertaining to civil registration and identity management under one comprehensive law.

Identification Act, 1996

The *Identification Act, 1996 (Act No. 21 of 1996)* provides for the compilation and maintenance of a population register in respect of the population of Namibia, for the issue of identity documents to persons whose names are included in the population register; and for matters connected therewith such as the duty to apply for an identification document and to present an identity document to an authorised officer on request within a reasonable time.

Section 14 of the Identification Act covers all information in the population register with a blanket of secrecy. Section 14(1) creates an exception and reposes the Minister with power to furnish any information in relation to a person whose name is included in the population register to any ministry, regional council, local authority, statutory institution or body established by or under any law for any purpose of that ministry, council, authority, institution or body. All data-sharing with private entities is excluded. It should be noted that

¹ https://crvssystems.ca/sites/default/files/assets/files/CRVS_Compendum_e_WEB.pdf

the quoted provision does not even make provision for giving information from the register to a person about his or her own entry – which is required to comply with international standards on access to information.

The Bill provides for a new framework of data sharing of the information contained in the Register and creates room for the private sector to be able to verify and authenticate identity in the Civil Register. The Bill will enable the sharing of data with private sector while safeguarding privacy and confidentiality. This move is key for Namibia to, among others, comply with UN Security Council Resolutions.

The Bill moves Namibia from a Population Register (which is currently limited to citizens and permanent residents alone) to a Civil Register (which will include all vital events happening in Namibia.)

Birth, Marriage and Death Registration Act, 1963

The *Birth, Marriage and Death Registration Act, 1963 (Act No. 81 of 1963)* sets out the framework for registration of births, deaths and civil marriages that is currently used in Namibia. The Act was inherited from South Africa at Independence, with South African amendments as well as amendments made in colonial “South West Africa.” As a result of the multiplicity of amendments, the Act has become confusing and ambiguous. It is also outdated and inadequate, particularly since it pre-dates important international conventions relevant to the topic.

Aliens Act, 1937

The only substantive provision remaining of this law is section 9, which sets forth the procedure for name changes and makes it a criminal offence to use assumed surnames. This section also addresses the surnames which may be used by married and divorced women. The United Nations Committee which oversees the International Covenant on Civil and Political Rights ruled in 2002 that providing a special rule for married women but not married men constitutes unfair sex discrimination in terms of the Covenant, and directed the

Namibian government to report on what it had done to rectify the problem within 90 days.² However, the relevant provision in the Aliens Act has not yet been amended. Given that this single provision is all that remains of the Aliens Act, which is thus confusingly titled, it makes sense to repeal the remainder of Aliens Act in its entirety and to include in the new law a provision on name changes consequent upon marriage which is consistent with the international ruling.

The purpose of the Bill is to provide for the compilation and maintenance of a Civil Register; to provide for the appointment of Registrar-General and Registrars; to determine the age of certain persons recorded in the Civil Register in accordance with this Act; to provide for name changes and other alterations to the Civil Register; to provide for the issue of identity documents to certain persons listed in the Civil Register; to provide for an Appeals Tribunal and incidental matters.

The Bill contains ninety-three clauses, organized in 12 Parts.

PART 1: DEFINITIONS AND OBJECTS OF ACT

Clause 1 Definitions

This clause defines terms used in the Bill. Among the key definitions is

“**civil marriage**” means a marriage concluded or recognised in terms of the laws governing civil marriages in Namibia;

“**civil event**” means a birth, stillbirth, adoption, marriage, divorce, other marital severance, death or name change;

² UN Human Rights Committee, Communication No. 919/2000, CCPR/C/74/D/919/2000, 28 June 2002. The Supreme Court had found that this differential treatment did not constitute unfair sex discrimination. *Müller v President of the Republic of Namibia and Another* 1999 NR 190 (SC).

“**customary marriage**” means a marriage concluded or recognised in terms of the laws governing customary marriages in Namibia;

“**laws governing customary laws in Namibia**” means customary law as defined in section 1 of the Traditional Authorities Act, 2002 (Act No. 25 of 2002);

“**marriage**” means a marriage –

- (a) concluded and registered in Namibia in terms of the Marriage Act;
- (b) recognised in terms of the Recognition of Certain Marriages Act, 1991 (Act No. 18 of 1991); or
- (c) concluded in a foreign jurisdiction and required to be registered in terms of this Act,

but excludes same sex marriage and a union concluded outside Namibia which is not capable of being concluded in Namibia in terms of the laws governing marriages in Namibia;

“**Minimum age**” means age of 14;

(This means the minimum age to obtain an ID will be being lowered from the current sixteen (16) to fourteen (14))

“**other marital severance**” means a court order of annulment of a marriage or a determination by a competent court that a marriage is void from the beginning;

“**spouse**” means a party to a civil marriage;

Clause 2 Objects of the Act

The comprehensive objects of the Act are as follows:

- (a) to provide for a national civil registration system for the notification, registration and certification of births, stillbirths, adoptions under the Child Care and Protection Act, deaths, name changes, marriages, divorces and other marital severances, the issuing of identity documents and related civil events required to be registered under this Act;

- (b) to provide for the keeping of registers for recording and preserving information relating to civil events;
- (c) to regulate the issuing of civil event certificates;
- (d) to provide for a system of e-notices relating to certain civil events;
- (e) to provide for a system to assist persons who lack national documentation; and
- (f) to provide for access to, authentication, verification and sharing of information contained in the Civil Register or other information kept by the Ministry.

PART 2:

REGISTRAR-GENERAL, REGISTRARS AND AGE DETERMINATION COMMITTEE

Clause 3 Registrar-General and Registrars

The Minister has power to designate / assign:

- the Registrar-General and Acting Registrar-General during the temporary absence or incapacity of the Registrar-General, and
- Registrars.

Likewise, the minister has power to remove any designations or withdraw any power or duty conferred upon, or assigned to, any of the officials designated or assigned.

All appointed officials must be furnished a certificate of appointment signed by the Executive Director.

All registrars will be commissioners of oaths for purposes of administering the Act. This will help smooth administration for documents to be certified and commissioned on the spot, shortening the time one spends at the Ministry to receive service.

Clause 4 Age Determination Committees

This clause establishes Age Determination Committees and empowers the Registrar General to designate staff members to the Committee.

A Committee shall choose one of its members to preside at meetings and may adopt its own rules of procedure.

Any recommendation or decision made by an Age Determination Committee must be recorded in writing with reasons, accompanied by a list of the membership of that Committee at the time of the recommendation or decision. If the committee cannot reach a recommendation on age change, then the matter must be referred to the Ministry responsible for health for a medical estimation or determination of age.

PART 3: CIVIL REGISTER

Clause 5 Civil Register

This clause mandates the Minister to compile and maintain a Civil Register.

Clause 6 Particulars to be recorded in Civil Register

The clause provides for the particulars to be recorded and kept in the Civil Register.

Clause 7 Assignment of unique identifier

The clause empowers the Minister to assign a unique identifying number to every person in the Civil Register.

PART 4: NOTIFICATION AND REGISTRATION OF BIRTHS

Clause 8 Submission of e-notice of birth

This provision formally legislates the electronic notification system that is currently in use. Every birth occurring in a health facility must be electronically notified and if there are mistakes therein, a procedure for corrections is provided for. Where there is no electronic system or the birth does not occur in a hospital facility, birth can still be notified at a later stage as prescribed.

Clause 9 E-notice and certificate of stillbirth

This provision clarifies how a stillbirth is to be notified and certified. It also permits the issue of a burial order if the parents desire it.

Clause 10 Application for birth registration of an infant

The clause sets timely birth registration to be within 1 year. However, after 60 days have lapsed after the birth of a child a registrar has a responsibility to follow-up on why the birth is not registered and can take action to register the birth. Registration is however not barred after the expiration of the 60 days. The registration is still regarded as timely if done within 12 months after a child's birth.

Registration must be done by:

- (a) both parents of such infant jointly; or
- (b) by either parent of the infant if the other is deceased, unknown or for any other reason does not or is unable to participate in the registration of birth, this whether the parents are married or not; or

- (c) if both parents are deceased, unknown or for any other reason do not or are unable to participate in the registration of birth, by any person having lawful physical custody or care of the infant or by a social worker.

The clause also permits a minor parent to register his / her infant without the assistance of a parent or guardian.

Clause 11 Application for late birth registration of child

Birth registration after the lapse of one year but before the child reaches the age prescribed for obtaining an Identity Document, e.g. between ages 1 – 14.

Clause 12 Application for registration of birth of mature person

This clause provides for the registration of a person who has passed the minimum age for receiving an ID, e.g. above age 14. The requirements for this type of registration are more stringent than timely birth registration and late birth registration.

Clauses 10 – 12

Timely Registration: from birth up to 12 months after birth of a child

Late Registration: 12 months up to the minimum age of obtaining an ID (i.e. 14 years)

Delayed Registration: from the minimum age (i.e. 14) and above

Clause 13 Particulars relating to parentage and age

This section applies to any birth registration under clauses 10, 11 and 12.

During birth registration, the particulars of an absent parent may be recorded if the Registrar-General is furnished with sufficient proof of such absent parent's parentage.

If one or both parents have died prior to the registration of the birth, the Registrar-General may record the required particulars of the deceased parent or parents in the birth register, upon request and with sufficient proof, if no other person is listed in the birth record in the place of the deceased. The clause lists documents and information that may be required for this purpose.

Where there is uncertainty concerning parentage, the Registrar-General may refer applicants to a children's court or the High Court or require them to undergo a recognised scientific test confirming parentage. The clause also specifically states that physical appearance may not be relied upon as evidence of parentage.

For age determination, the Registrar General can refer the matter to the Age Determination Committee.

- If the person involved appears to be a child, the Age Determination Committee may invoke the procedures prescribed under the Child Care and Protection Act for determining the age of such person.
- If the person is older, the Committee will advise the Registrar-General on the probable age of such person and, if appropriate, refer the case to a medical practitioner employed by the State for an estimation of that person's age, in which case the medical practitioner must complete the prescribed form.

Clause 14 Provisions relating to names and surnames for purposes of birth registration

There cannot be any nameless registrations. Every birth must be registered with a name and surname unless it's a child who died immediately after birth. The following are possibilities for surnames:

- If only one parent is listed in the birth record: the current or former surname of the parent listed in the birth record and one which is consistent with the established cultural traditions of that parent,
- If both parents are listed in the birth record: the current or former surname of either parent, a hyphenated surname consisting of both parents' surnames (limited to a total of two parts). Where parents do not agree, a hyphenated surname consisting of both parents' surnames will be given.

For the purpose of this clause, "former surname" means the surname which the parent in question bore at the time of his or her birth, or, where the parent in question can demonstrate

to the Registrar-General that it would be in the child's best interests, any other surname legally assumed by that parent at any time.

Clause 15 Registration of birth and issue of birth certificate

Upon birth registration, a birth record must be created and a birth certificate issued.

Clause 16 Birth certificates as evidence of citizenship

This provision contemplates three types of birth certificates to indicate that the holder is:

- a Namibian citizen (by birth), which will be the most common;
- a person who does not meet the conditions for Namibian citizenship (based on the constitutional exceptions); or
- a person whose entitlement to Namibian citizenship is undetermined (where there is insufficient information to make a positive and immediate determination of the right to Namibian citizenship and in this case the Ministry must investigate and finalise the investigations within six months.) It will be in line with the principles laid down in the Supreme Court judgment in the matter of *De Wilde v Minister of Home Affairs* (SA 48/2014) [2016] NASC 12 (23 June 2016. The Supreme Court ruled as follows (with writer's emphasis):

Conclusion on the proper interpretation of Art 4 (1)(d)

*[70] In determining whether or not a person is ordinarily resident as contemplated by Art 4(1)(d), each case must be considered on its facts. As Ramsbottom J observed in *Biro v Minister of the Interior 1957 (1) SA 234 (at 239)*, the phrase ordinarily resident is not a technical expression - it must be interpreted in the context in which it is used. Key considerations will include whether the person concerned normally lives in Namibia, and is therefore not merely visiting Namibia, and whether the person has no immediate intention of permanent departure. Moreover, proof of ordinary residence will require more than a person's mere say-so. The intention to make Namibia one's habitual home must be established by facts which are capable of objective proof. Evidence will thus need to be led to show that the person is indeed normally resident in*

Namibia. Such evidence will include the person's place of residence, the period of residence in Namibia, as well as his or her livelihood, and other relevant factors.

[71] In every case where a person relies on ordinary residence under Art 4 (1)(d), the responsible administrative officials must apply their minds to the facts to determine if the claim of ordinary residence has been established. If the facts and circumstances necessitate doing so, they would be well within their rights to ask the person seeking to invoke Art 4 (1)(d) to justify his or her claim and to provide proof of the facts on which they rely for their claim to ordinary residence under the Article. The one thing the administrative officials cannot do is to abdicate the responsibility to consider each case on its merits.

Clause 17 Registration of birth of children of refugees

Birth registration for children of refugees will be done in a like manner as other births occurring in Namibia. In case of children of refugees, the ordinary residence of the child's parents must be determined from case to case as laid down by the Supreme Court in the matter of *de Wilde*.

Children of refugees have been singled out because they are a vulnerable group that is likely to fall through the cracks. This provision serves to ensure that children of refugees are not forgotten in the quest to achieve UN Sustainable Development Goal 16.9 "legal identity for all."

Clause 18 Registration of birth of abandoned child

In line with the Child Care and Protection Act, a designated social worker will be assigned to deal with an abandoned child. If it is determined that such child's birth was not previously registered, then it must be registered within 14 days of that case being assigned to a social worker. If there is no proof to the contrary, or if the child would otherwise be stateless, such child must be registered as a Namibian citizen.

Clause 19 Registration of birth if pregnancy results from rape

Where a birth follows on a pregnancy resulting from a rape, the victim of rape must not be required to disclose information about the perpetrator. The perpetrator also has no right to insist on being listed as a parent or for the child to bear the perpetrator's surname. If the accused is eventually acquitted, the child's record may be altered accordingly.

For this clause, "rape" refers to a rape which has been proved in a court of law other than a traditional tribunal or community court. Where the case is still pending, for purpose of birth registration, the rape must be treated as having been proved. If at the conclusion of the trial the accused perpetrator is exonerated, then the birth record can be amended without the payment of a fee.

Clause 20 Alteration of birth record and birth certificate of adopted child

Upon an adoption being ordered in terms of the Child Care and Protection Act, the adoption must be noted in the birth record and a new birth certificate must be issued reflecting the altered parentage of the child.

Information pertaining to an adoption will be kept in a portion of the relevant personal profile to which only senior Ministry officials have access and must not be revealed to any other person inside or outside the Ministry. Information about an adoption may be accessed only from the Adoption Register, established in terms of section 183 of the Child Care and Protection Act in accordance with the provisions of section 184 of the Child Care and Protection Act.

Clause 21 Other alterations of birth record and birth certificates

The Registrar-General may, on his or her own accord or upon application from any interested person, alter the particulars recorded in the birth register and issue a new birth certificate.

One of the alterations permissible under this clause is the description of sex for persons born intersex. Similar to the existing provisions in the Births, Marriages and Deaths Registration Act, a person's description of sex can be altered in the birth register if the person has undergone

a medical procedure or treatment to change sex. This alteration is done upon a recommendation from the Executive Director of the Ministry responsible for health based on the medical evidence provided.

PART 5: NAME CHANGES

Clause 22 Change of surname of person who is or was married

A married person wishing to assume the surname of his or her spouse or a hyphenated surname of two parts combining the surnames of both spouses will be able to do so free of charge. A hyphenated surname must be composed of not more two surnames. After the dissolution of a marriage a spouse can revert to his or her birth surname or any other surname held by that person previously, at no fee. Likewise, a person can assume a name or surname attaching to a title to which he or she succeeded by inheritance at no charge.

A spouse who assumes a surname by virtue of a marriage is entitled to retain that surname after a divorce or an annulment of the marriage if he or she so wishes, regardless of any objection by the other spouse. This is an important clause to protect former spouses, especially women, from unreasonable demands to change their surnames by their former spouses or the families of their former spouses.

Clause 23 Name change of child below minimum age (14)

The first name or surname of a child below the minimum age for the issue of an identity document can be changed upon application by parent/s. If both parents signed the original application for registration of birth, then both must consent to the change, unless one:

- is deceased,
- is incapable of giving consent,
- cannot be found after the prescribed efforts have been made,
- unreasonably refuses consent to the proposed alteration,
- is the sole legal guardian.

For alterations under this clause, one may only assume:

- a surname which such child could have been given at birth;
- a surname which such child could have been given at birth, if any subsequent corrections, alterations or amplifications to the child's birth certificate had been in place at that time;
- the surname of the spouse of one of the child's parents, if this spouse has provided written consent; or
- a surname other than those provided for (in the three bullets above) if that surname would be in the child's best interest because of some exceptional circumstance.

Where an alteration under this clause pertains to a child who is ten years or older such child must be afforded an opportunity to be heard on the proposed alteration. This is to comply with the child's right to participation under the Convention on the Rights of the Child.

Clause 24 Name change in respect of person who has reached minimum age

Where name change pertains to a person who has reached the minimum age for the issue of an identity document, such person must submit the application him/herself. If such person is below the age of majority or is incapacitated for any reason he or she must be assisted by a parent or guardian. The minimum age to get an ID will be fourteen and the age of majority is now age 18.

The proposed name must be published in the prescribed manner. The publication must call for objections to the proposed name change. Publication can be dispensed with if it will endanger the personal security of such person (such as in the case of witness protection).

Unless a court otherwise directs otherwise, name change applications under this clause won't be approved if the applicant:

- is a party to a pending court case, whether civil or criminal;
- is involved in insolvency proceedings;
- is wanted for commission of any crime; or
- has criminal conviction for any crime involving an element of fraud or corruption.

Additionally, the Inspector-General of the Police will have to verify that there are no outstanding warrants of arrests for the applicant in Namibia or elsewhere and that there are no records of criminal convictions of the applicant for any crime involving an element of fraud or corruption.

All approved name changes must be published in the *Gazette* and in such other publication as the Registrar deems fit, unless such publication would in the opinion of the Registrar endanger the personal security of such person.

One can only make one alteration in a year and two alterations in a lifetime. The limitation excludes assumption of surnames under clauses 22 (change of surname for a person who is or was married) and 23 (name change for a child below minimum age for the issue of identity document). Exceptions can be made by the Registrar-General.

Clause 25 Name changes occurring outside Namibia

Any name change occurring outside Namibia for persons recorded in the Civil Register must be notified to the Registrar-General who must register such name change in the Civil Register. However, if the name change arises from a marriage which is not capable of being solemnised in Namibia then such change will not be considered under this provision.

Clause 26 General provisions applicable to name changes

This clause provides for general rules on name changes. All name changes must be captured in the Civil Register. The current confirmation letters will be replaced by certificates of name change.

The clause creates an obligation on the person whose name or surname has been changed to ensure alignment with all other national documents. Failing to align constitutes an offence.

PART 6: NOTIFICATION AND REGISTRATION OF DEATHS

Clause 27 E-notice of death

This provision formally legislates the electronic death notification system that is currently in use. Every death occurring in a health facility must be electronically notified and if there are mistakes therein, a procedure for corrections is provided for. Where there is no electronic system or the death does not occur in a hospital facility, death can still be notified at a later stage as prescribed. Where a death occurs outside a health facility, police have a duty to transport the body at State expense to the nearest police mortuary. A death must be notified before a body is transferred to private mortuaries.

Where the identity of a deceased person is not known, a unique identifier must be used to notify the death and a provisional death registration must be done with no link to a specific profile in the Civil Register; this can be changed later. For deceased persons apparently older than the minimum age for issue of an identity document, fingerprints must be taken for verification against biometrics recorded in the Civil Register for a possible match.

Where the cause of death appears to be by unnatural causes or the identity of the deceased is unknown or a body has been buried without any death notification and registration, the death must be referred to the Namibian Police in terms of the Inquest Act, 1959.

Clause 28 Application for registration of deaths

This clause allows any of the following persons to apply for the registration of a death:

- (a) a spouse of the deceased person;
- (b) a child of the deceased person;
- (c) a parent or guardian of the deceased person;
- (d) any other family member of the deceased person; (“family member” is defined to include a spouse, child, stepchild, grandchild, parent, stepparent, grandparent, aunt, uncle, niece, nephew, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother, sister, brother-in-law, or sister-in-law);
- (e) any friend of the family authorised by a spouse or family member of the deceased

- person to apply to register the death;
- (f) any person present at the death of the deceased person;
- (g) the occupier, at the time of death of the deceased person, of the premises where the death took place; or
- (h) if there is no such person as is mentioned in paragraphs (a) to (g), any other informant having knowledge of the particulars of the death to be registered.

The person applying for the death registration must provide their own ID and the ID of the deceased.

Clause 29 Reporting of certain deaths

Persons who are 18 years or older who become aware of any death where they are of the view that the cause is unnatural or where they do not know the identity of the death, regardless of where it occurs, have an obligation to report the death to the police in terms of the Inquests Act.

Clause 30 Registration of death

A registrar must register death upon receipt of an application for registration. Where the identity of the deceased is still unknown after taking fingerprints to verify the identity, the death must be registered as a provisional death, and it must not be linked to any profile in the civil register. The provisional death registration can be changed later after the identity of the deceased is ascertained.

Clause 31 Issuing of death certificates

A death certificate must be issued for free after the death is registered. Only duplicate death certificates are to be paid for.

The following people are entitled to receive a death certificate:

- (a) a spouse of the deceased person;
- (b) a child of the deceased person;

- (c) a parent or guardian of the deceased person;
- (d) any other family member of the deceased person;
- (e) a person who shows to the satisfaction of a Registrar that he or she was in a relationship with the deceased person similar to that of a spouse; or
- (f) a previous spouse of the deceased person who can show good cause for applying for the death certificate

An official copy of the death certificate of a deceased person can be issued to:

- a beneficiary of the deceased person in terms of a life policy, insurance policy or any other legal instrument;
- anyone who has a legal obligation or benefit which is affected by or contingent upon the death of the deceased;
- any other person or institution with a valid reason for requesting a certificate of death for the deceased.

It is important to note that being in possession of a death certificate does not confer such holder any rights. A death certificate is merely a document indicating details or particulars of a death. Therefore, it is permissible for multiple identical death certificates or official copies of death certificates to be issued in terms of this clause. A person requesting for a death certificate must provide proof of his or her identity (ID, passport or birth certificate) and the registrar must record such person's relationship with the deceased person.

For this provision, "spouse" means a partner in a civil marriage concluded under the laws governing civil marriages in Namibia and a partner in a customary marriage concluded under customary law in Namibia; and

"previous spouse" means a person to whom the deceased person was married either by civil marriage in terms of the law governing civil marriages in Namibia or customary marriage 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.

Clause 32 Death certificate in case of burial without e-notice or registration

If a body is buried without an e-notification or registration a registrar can only issue a death certificate after the police have investigated and identified the deceased.

Clause 33 Burial order

A burial order must be issued when a body is no longer required for examination or investigations. The burial order enables the family to remove the body from a mortuary for burial.

At times there are issues of where to bury. This clause therefore provides an order of priority of persons to whom a burial order must be issued:

- (a) a current spouse of the deceased person, provided that in the case of a polygamous marriage the spouse requesting the burial order must demonstrate to the satisfaction of a Registrar that she is the most senior of the current spouses;
- (b) a major child of the deceased person;
- (c) a parent or guardian of the deceased person;
- (d) a person who shows to the satisfaction of a Registrar that he or she was in a relationship with the deceased person similar to that of a spouse;
- (e) a family member of the deceased person, (“family member” is defined to include a spouse, child, stepchild, grandchild, parent, stepparent, grandparent, aunt, uncle, niece, nephew, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother, sister, brother-in-law, or sister-in-law; or
- (f) in the absence of any such immediate family members, such other person as the Registrar-General may deem appropriate.

Only one burial order may be issued in respect of a deceased person. A burial order may also authorise the removal of a body from Namibia for burial.

Clause 34 Burial without a burial order as emergency measure

A body can be buried without a burial order as an emergency measure but a headman, traditional leader, local or regional authority councilor or member of the police must be notified of this fact within 30 days from the burial date. The person so notified must in turn notify the Registrar-General.

Clause 35 Cause of death and medical certificate of cause of death

A cause of death must be recorded in the e-notice by the medical practitioner who attended to the patient or conducted the post-mortem examination or by the clerk of the magistrate's court, the Registrar of the High Court or the member of the police who dealt with an inquest.

To protect the privacy and dignity of the deceased and or his or her family members, the cause of death must not be recorded on the death certificate. An official medical certificate of cause of death ("MCCD") can, on request, be issued. The MCCD can only be issued to an immediate family member of the deceased or any other person or institution with a valid reason for needing to know the cause of death.

The MCCD is *prima facie* of the cause of death in the absence of any contrary evidence.

Clause 36 Presumption of death

A court order on presumption of death must be submitted to the Registrar-General within seven days of the issuance of such order for registration in the death register.

A person is entitled to legal aid for seeking such an order if the Legal Aid Board is of the opinion that he or she would have a reasonable chance of success in obtaining a presumption of death order and does not have means to do so at his or her own cost.

Clause 37 Special provision for death of persons in military, police or correctional service

This clause empowers the Minister to direct that if a person who is listed in the Civil Register or any other citizen of Namibia dies while he or she is performing military, police or correctional service at a place or in circumstances indicated by the Minister, the death of such person must be registered in a manner and by a person determined and indicated by the Minister.

Clause 38 Unauthorized receipt of bodies

Funeral homes, undertakers, persons in charge of burial places and those providing transportation services can only receive bodies from a hospital or police mortuary.

Clause 39 Burial register

A burial register must be maintained at a burial place and particulars in such register must be sufficient to match each entry in the burial register that clearly identifies the location of the relevant grave in case an exhumation is required.

PART 7:

REGISTRATION OF CIVIL MARRIAGES, DIVORCES AND OTHER MARITAL SEVERANCES

Clause 40 Registration of civil marriages solemnised in Namibia

All civil marriages solemnized in Namibia are to be entered in the Marriage Register with 21 days after receipt of the marriage record from the marriage officer. The clause also lists the information that must be recorded.

Clause 41 Late registration of civil marriage

The registration of a marriage 21 days from the date of solemnization is regarded as a late registration. This clause provides the requirements for delayed registration. The clause permits spouses, children of both spouses if parents are deceased, the next of kin of either deceased spouse and executors of the estate of either deceased spouse to apply for late registration of a marriage.

Late registration, where records need to be reconstructed, requires public notice in the *Government Gazette*, posting on the Ministry's online notice board by the Registrar, publication in a national newspaper or at the Ministry regional office. Publications must call for objections to be lodged.

Clause 42 Registration of marriages concluded under the Recognition of Certain Marriages Act

The Registrar must register the details of a marriage recognised under the Recognition of Certain Marriages Act, 1991 in the Marriage Register as if the marriage took place under this Act.

Clause 43 Registration of divorces and other marital severances which take place in Namibia

Divorce orders and orders of other marital severances must be transmitted to the Registrar-General for entry into the Marriage Register. If a divorce is recorded in the Marriage Register, a Registrar must, on request from either party to the former marriage, issue a certificate of divorce in the prescribed form.

Clause 44 Registration of foreign marriages, divorces and other marital severances of Namibian citizens and permanent residents

The marriage of a Namibian citizen or permanent resident of Namibia who marries or divorces abroad or whose marriage is severed in a way other than divorce must be registered in the marriage register.

Clause 45 Void marriages

After giving the spouses an opportunity to be heard, the Registrar-General may approach the High Court for an order that a marriage is void if he or she is satisfied that

- (a) the person who conducted the marriage was not actually a marriage officer and section 28 of the Marriage Act is not applicable;
- (b) key formalities were not observed during the solemnisation of the marriage and section 27 of the Marriage Act is not applicable;
- (c) the parties may not lawfully marry because they are related within the prohibited degrees of relationship for a civil marriage under section 10 of the Marriage Act;

- (d) one or both parties is married to someone else in a subsisting civil marriage;
- (e) one or both parties is below 18 years of age; or
- (f) one or both parties did not or could not give consent in terms of applicable laws relating to civil marriages in Namibia.

This provision does not however bar the spouses from approaching a competent court if they so desire.

The Registrar-General must alter the Marriage Register upon receipt of the order of court.

PART 8: CIVIL EVENT RECORDS AND CERTIFICATES

Clause 46 Correction of errors in civil event records and certificates

Both a false or erroneous report of a civil event and a clerical error in a civil event certificate must be reported timeously to the Registrar-General who must conduct any necessary investigation to determine the correct particulars with a view to correcting the errors. Both the Civil Register and the civil event certificate itself must be corrected to correspond.

Clause 47 Withdrawal of civil event certificates

The Registrar-General must withdraw a civil event certificate that is issued on the basis of fraudulent representations, has been obtained in a fraudulent manner or is deficient. The corresponding erroneous record in the Civil Register must also be invalidated. The holder of such certificate must be asked to surrender the certificate with 14 days failing which the Registrar-General may approach a competent court to obtain an appropriate order.

Before the withdrawal, the holder of the relevant civil event certificate must be afforded the opportunity to make written representations motivating why the relevant certificate should not be withdrawn.

Clause 48 Civil event certificate as proof of information contained in it

An original civil event certificate, replacement civil event certificate or official copy of a civil event certificate issued by the Registrar or Registrar-General constitutes *prima facie* proof of the information contained therein for any legal purposes.

PART 9: IDENTITY DOCUMENTS

Clause 49 Identity documents

An Identity Document (“ID”) with a unique number identifier must, upon application, be issued to a person above the minimum age (i.e. 14) who meets the requirements. Different IDs will be issued to different categories of people:

- (a) Namibian citizens;
- (b) permanent residents;
- (c) foreigners on a permit longer for one year or longer, including persons with multiple permits or other legal authorities which cumulatively have this effect;
- (d) refugees; or
- (e) members of any other category prescribed by the Minister for this purpose, which may include asylum-seekers and protected persons,

Clause 50 Proof of registration

A proof of registration must be issued to applicants for IDs or persons who have handed in their IDs for correction or other official purposes.

Clause 51 Photographs

An applicant for an ID must present him or herself to a registrar for the taking of a photograph.

Clause 52 Biometrics

An applicant for an ID must present him or herself to a registrar for the taking of fingerprints and other biometrics as may be prescribed.

Clause 53 Proof of identity

An authorized officer (i.e. peace officer, immigration officer, a person, or a member of a category of persons, designated by the Minister by notice in the *Gazette*, may request any person reasonably presumed to have attained the minimum age for being issued with an identification document to prove his or her identity within a reasonable time to that officer.

If it comes to the attention of a Ministry official that an eligible person who has attained the minimum age for being issued with an ID has failed to apply for an ID, that official must take necessary steps for that person to apply for an ID.

Clause 54 Correction of errors in identity documents

If an ID contains errors, the Registrar must take steps detailed in this clause to correct the errors.

Clause 55 Cancellation and delivery or seizure of identity document or proof of registration of deceased person

Upon registration of the death of a person who is listed in the Civil Register and has been issued with an identity document, the Registrar must without delay mark the identity number of the deceased as cancelled in the Civil Register.

Any uncancelled ID of a deceased person must be surrendered to the nearest Ministry Office (to be destroyed) within the times set out in this clause, failing which the Registrar-General must without delay obtain an order from a competent court and cause such ID or proof of registration to be confiscated by the police (pursuant to such court order).

The ID cannot be used after the death of a person. After someone has died, the death certificate must be used.

Clause 56 Evidence regarding identity documents

If in any criminal proceedings in relation to an offence in terms of this Bill the question arises as to whether an ID, issued to a particular person was issued to an accused, a statement under oath or affirmation by a person from the Ministry must upon the mere production thereof be *prima facie* proof of the conclusion mentioned therein.

PART 10:

VERIFICATION OF INFORMATION AND AUTHENTICATION FOR IDENTIFICATION PURPOSES AND ACCESS TO INFORMATION

The purpose of a country's civil registration system is to record and store information on the occurrence of vital events and their characteristics and to permit retrieval of the information when needed for legal, administrative, statistical and other uses.³ A civil registration system is characterised as being (1) compulsory; (2) universal; (3) continuous and permanent, and (4) confidential.⁴ Confidentiality is important because civil registration systems collect a variety of information about individuals, some of which may be highly personal and sensitive. In order to encourage members of the public to provide full and accurate data, the confidentiality of the information must be protected in the sense that the information provided is used only for the purposes prescribed by law, or in anonymized, aggregated forms such as for producing statistics.⁵

One of the concerns in civil registration and identity systems is how to balance the privacy of individuals and their information against the need to maintain a system that allows access to information relevant to civic obligations and duties such as law enforcement and verification of entitlement to benefits - to name just a few applications. Third parties have an interest in personal data for purposes ranging from prevention of bigamy to genealogical

³ *Principles and Recommendations for a Vital Statistics System, Rev 3*, New York: United Nations Department of Economic and Social Affairs, Statistics Division, Statistical Papers, Series M No. 19/Rev.3, 2014 at para 292.

⁴ *Id* at para 293.

⁵ *Id* at para 298.

research. However, personal data from civil registration systems could in some situations be used for prejudicial purposes.⁶

The UN Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management state:

Many countries have data protection laws that regulate the collection, storage and use of data by both government and private data collectors. Civil registration, vital statistics and identity management systems should be subject to these laws, while allowing data to be used for legitimate government purposes. It is recommended that countries develop a general data protection law. If such a law exists, lawmakers should consider including provisions in civil registration, vital statistics and identity management legislation or the general data protection law that state how the provisions of a general data protection law specifically apply to records in civil registration, vital statistics and identity management systems, including the population register. If a general data protection law does not exist, civil registration, vital statistics and identity management legislation should contain provisions that provide for the protection of personal information contained in civil registration, vital statistics and identity management records, including information transferred to the Population Register.

This Part of the Bill has been drafted having had regard to:

- (a) **key international standards**, including
 - o the **EU General Data Protection Regulation (GDPR)**, which is automatically binding on all members of the EU, and highly influential beyond the EU for purposes of cross- border data transfers; and
 - o the **African Union Convention on Cyber Security and Personal Data Protection**, which Namibia has joined but which is not yet in force regionally.
- (b) **existing Namibian legislation**; and
- (c) Namibia's **draft Data Protection Bill**.

⁶ *Guidelines on the Legislative Framework for Civil Registration, Vital Statistics and Identity Management*, UN Statistics Division / Vital Strategies, 2019 at para 497 (footnote omitted and acronyms spelt out). This is the second draft version of the document.

Verification and authentication are different. **Verification** is the process of confirming the information on a civil event certificate or ID – in other words, confirming that a document is not a forgery. **Authentication** refers to the process of using a biometric or other credential to confirm that the person presenting a civil event certificate such as an ID document is genuinely the person represented by that document. (These terms may be used with different meanings outside the Civil Registration and Identity Management context.)

Clause 57 Definitions for this Part

This clause defines authentications and verification which are key for access to information in the Civil Register.

“authentication” is the process of using biometric or other means to confirm that the person presenting an identity document is the person represented by that document;

“verification” is the process of confirming information on an identity document or a civil event certificate.

Clause 58 Verification and authentication of identity

The Bill authorizes the Registrar-General to verify or authenticate information in an ID that a data subject presents to another person, public or private entity. The person requiring verification or authentication must pay a prescribed fee for the service. Automated electronic systems may be established for this with specific requirements.

Clause 59 Access to own information in Civil Register

A person can own his or her own information recorded in the Civil Register, but this excludes information about the fact that the birth resulted from artificial insemination or an *in vitro* fertilization. Information about an adoption is also excluded unless procedures laid down in the Child Care and Protection Act are complied with.

Children below age 18 years need to be assisted by a parent, guardian or *curator ad litem* to access information in the Civil Register about themselves. Mentally incapacitated adults must be assisted by an adult family member or *curator*.

If any incorrect information is recorded in the Civil Register the data subject can, on written motivation to the Register-General, request to rectify it.

Clause 60 Access to official copies of civil event certificates and verification of information on such certificates by persons other than the data subject

A person who seeks a copy or verification of a third party's identity document or a civil event certificate, must satisfy the Registrar that –

- (a) there is a sufficient reason for requesting the information
- (b) he or she is unable to obtain the requested information directly from the data subject;
- (c) the request is not being made for a fraudulent, illegal or improper purpose; and
- (d) heeding to the request will not constitute an unwarranted invasion of the privacy of the data subject when balanced against the reason for requesting the information.

If the data subject is alive, the data subject must be invited to consent or object to the information-sharing request.

Clause 61 Access to information in files pertaining to the Civil Register

If a person seeks access to information about a data subject and such information is not contained on the identity document or a civil event certificate, but such information is in the records kept by the Ministry, the Registrar-General may disclose the information if the person shows that the request -

- a) is in the public interest;
- b) in the interest of the data subject; or
- c) reasonably necessary for the assertion of a legal claim by the individual making the request.
- d) is not being made for a fraudulent, illegal or improper purpose; and
- e) will not constitute an unwarranted invasion of the privacy of the data subject;

In doing so the Registrar-General must consider the following:

- (a) the relationship between the applicant and the person to whom the information relates,
- (b) the age of the entry in the Civil Register;
- (c) the reasons for the applicant's interest in the information;
- (d) the sensitivity of the information;
- (e) the balance between the applicant's needs for the information and the privacy interests of the person to whom the information relates; and
- (f) any other relevant factor, and
- (g) that individual requesting is not acting as a proxy for a public or private agency to circumvent provisions of the Bill (note: the Bill contains different provisions on how organs of State can access information in the Civil Register).

In line with the principle of data minimization, the Registrar-General shall provide the minimal amount of information which is necessary for the purposes of the request.

Clause 62 Disclosure of information from Civil Register or related files to organs of State

Disclosure of information in the Civil Register to an organ of State must be in accordance with an agreement signed between the Minister and that specific organ of state. The disclosure must be to enable such organ of State to comply with any statutory requirement, function of duty.

There is a duty on the Registrar-General to publish a notice in the *Government Gazette* listing:

- (a) the organ of state with which the Ministry has entered into an agreement;
- (b) the designation of the officials to whom the information will be disclosed;
- (c) the specific type of information which may be disclosed;
- (d) the purpose of the disclosure.

The clause also specifies the particulars that the agreement must cover.

Any information disclosed pursuant to such an agreement must be kept confidential to the organ of state and may be used only for the purpose for which it was disclosed.

Clause 63 Disclosure of information from Civil Register or related files to private entities

Disclosure of information in the Civil Register to a private entity must be in accordance with an agreement signed between the Minister and that private entity. The disclosure must be to enable such private entity to comply with any statutory requirement, contractual obligation in terms of an agreement entered into between private entity and data subject or for a benefit due to the affected data subjects.

Clause 64 Medical certificate of cause of death

Any registrar, health official or police officer who is authorised access on the electronic death notification system can issue a medical certificate of cause of death to a person or entity that can show that the information is reasonably necessary in connection with a legal claim or a contractual obligation relating to the data subject. A fee may be charged for this.

Clause 65 Historical or genealogical research

The Registrar-General may, for purposes of historical or genealogical research, provide any person with an official copy of any civil event certificate in respect of a data subject who has died at least 30 years prior to the date of the request.

Clause 66 Access to information by law enforcement or intelligence authorities

Law enforcement and intelligence authorities (i.e. the Namibian Police, the Financial Intelligence Centre and other law enforcement agencies created by law but excluding National Central Intelligence Service and the Anti-Corruption Commission) can access information from the Civil Register subject to compliance with the rules on searches and seizures in the Criminal Procedure Act, 1977, with the necessary changes.

The Namibia Central Intelligence Service can access information in the Civil Register only with judicial authorisation as contemplated under section 24(2) of the Namibia Central

Intelligence Service Act, 1997 while the Anti-Corruption Commission can only have such access with a warrant as contemplated under section 24(2) of the Anti-Corruption Act, 2003.

A search warrant is not required by a law enforcement agency to search fingerprints or other biometric data for the purpose of identifying the body of a deceased person.

The Ombudsman may access information in the Civil Register in terms of section 4(1) of the Ombudsman Act, 1990 without a search warrant.

Clause 67 Access to information in terms of court order

The Registrar-General must provide any information as required by a court order, subject to any conditions in such order.

Clause 68 Sharing of information with other countries

The Registrar-General may share information with another government of another country if that other country has comparable protection for the privacy of personal data as would apply to such data in Namibia. This can be done at the request of the other country's government, or at the request of the individual involved (who might want information to be shared for a study visa, entering into a marriage, acquiring residency permit or citizenship etc).

Clause 69 Exclusion of certain data from access by persons other than data subject

No third party is entitled to access the following information about another person in terms of this Part of the Bill unless access to such information is authorised by a warrant or a court order:

- (a) information about an adoption (this information must be accessed from the Adoption Register in terms of the Child Care and Protection Act);
- (b) information about the previous identities of persons who have received new identities for the purposes of witness protection in terms of the witness protection laws;
- (c) information in a birth record about the fact that the birth resulted from artificial insemination or an *in vitro* fertilisation.

Clause 70 General statistical information

Statistical data can be compiled by the Ministry from the Civil Register and related files and be made available to members of the public by any means provided that the data is anonymized.

Clause 71 General measures on privacy and security

Copies of any documents contemplated in this Act must be archived in any secure premises as practicalities require. Any person is entitled to reasonable information regarding the security of the Civil Register and the Ministry's records, but only to an extent that will not compromise that security.

Persons who are recorded in the Civil Register must be informed of the information-sharing permitted under this law, the right of a data subject to access and rectify his or her own personal data and the period that information collected in terms of the law will be retained.

Clause 72 Access register

The Registrar-General must maintain an access register to serve as a record of all applications made to access the civil register in terms of this Part. Law enforcement agencies or intelligence authorities may examine the access register pursuant to obtaining search warrants.

Clause 73 Prohibition of unauthorised disclosure of information

Unauthorised disclosure of information contained in the Civil Register is prohibited and criminalised. This prohibition extends to persons to whom the information has been disclosed.

PART 11: APPEALS AND REVIEWS

Clause 74 Appeals to Registrar-General

Any person who is aggrieved by an act or omission of an official of the Ministry in terms of this Act has recourse by way of appeal to the Registrar-General.

Clause 75 Appeals Tribunals

This clause provides for Appeal Tribunals that the Minister may appoint. The Minister must compile a list of potential Tribunal members every year, who must have the necessary skills. From the list, the Minister then constitutes specific tribunals.

The lists must be drawn from:

- (a) staff members of the Ministry;
- (b) legal practitioners employed by State; or
- (c) legal practitioners employed outside government who have indicated their willingness to serve in this capacity.

The Minister, after consultation with the minister responsible for justice, may prescribe rules and procedures for the operation of Appeals Tribunals.

Clause 76 Establishment of Appeals Tribunal

From the list compiled in terms of the previous clause, the Minister must from time to time compose an Appeals Tribunal, with three members, to hear and decide one or more appeals against decisions of the Registrar-General. The Tribunal must always include a legal practitioner with specific knowledge or experience of the law relating to civil registration or administrative law, who must be chair of the Tribunal.

Clause 77 Appeals to Appeals Tribunal

This clause lists the decisions of the Registrar-General in respect of which appeals may be heard by the Tribunal. The Tribunal may also consider such issues as may be referred to it by the Registrar-General for decision. Appeals must be submitted to the Executive Director for consideration by an Appeals Tribunal.

Clause 78 Administrative review and court orders

Remedies provided for in this law must be exhausted before judicial review can be sought and this must be done within one year of the date when the applicant was been notified of the decision or within 24 months from the date one which the requested for decision was made.

Nothing contained in this Bill should be construed as preventing the High Court or a magistrate's court from making an order. However, the new procedures provided may help to resolve issues promptly and efficiently, without the need for court cases.

PART 12: GENERAL PROVISIONS

Clause 79 Verification of particulars

The Registrar General can request a person providing information in terms of this Bill to provide proof that the information being provided is correct and can investigate, or case to be investigated, any matter pertaining to information to be recorded in the Civil Register.

Clause 80 Approvals by Minister for Health

This clause empowers the minister for health to, in het gazette, approve laboratories that can conduct scientific tests to establish parentage.

Clause 81 Replacement of civil event certificate or identity document

A duplicate civil event certificate or an ID pertaining to oneself can be issued if the original being lost, stolen, destroyed or damaged. An application for a duplicate must be done in person in the prescribed form under oath. Minors and incapacitated adults can be assisted. The Minister may limit the number of duplicates a person may get in a particular span of time and may also prescribe escalating fees for multiple duplicates.

Clause 82 Powers in relation to forged, falsified, withdrawn or cancelled civil event certificates or identity documents

The Registrar-General may, with regards to forged, falsified, withdrawn or cancelled identity document or civil event certificate -

- (a) register or re-register a civil event;
- (b) request the holder of such document or certificate to surrender it within a specified time period;
- (c) confiscate such document or certificate if it is presented to the Ministry and there is a reasonable belief that it has been forged, falsified or withdrawn; and
- (d) if applicable, issue a new identity document or civil event certificate.

Clause 83 Births or deaths occurring outside Namibia

Births and deaths of Namibians and permanent residents occurring outside Namibia must be reported as soon as possible, but in any event within three years to the nearest Namibian foreign mission or the head office of the Ministry in person or by registered post. For all other people whose records exist in the Civil Register, their deaths occurring outside Namibia must also be registered.

The Registrar-General must then note the event in the Civil Register.

However, the reporting of a birth outside Namibia to one or both parents who are Namibian citizens in terms of this section is not sufficient to complete the process of establishing citizenship by descent in accordance with the Namibian Citizenship Act, 1990 or any other law on Namibian citizenship.

Clause 84 Registration of births and deaths occurring on board ships or aircraft

Births or death occurs on board ships and aircrafts must be registered as follows:

- (a) if the ship or aircraft is Namibian-registered, the birth or death will be registered as if it occurred in Namibia; and

(b) if the ship or aircraft is not Namibian-registered, the birth or death will be registered as a foreign birth or death.

Clause 85 Proof of status as spouse

When any person seeks to assert rights as a spouse under the Act, he or she must provide evidence of marriage to the satisfaction of the official who is responsible for the matter in question. This excludes marriages where such marriages would not have been validly concluded in Namibia.

Clause 86 Finding official documents belonging to another person

Lost and found documents of non-family members must be handed over to a member of the police or a Ministry official. Failing to do so is an offence.

Clause 87 Increased fees relating to failure to collect documents requested under the Act

If a person has applied for any document in terms of this Act such document must be collected before its period of validity expires. If the document in question has no period of validity, after one year from the date when the applicant was notified that the document was ready for collection. Failure to do so without good cause, results in the prescribed fee for the next document being doubled.

The Registrar-General may make an exception to the increased fee required by subsection (1) in cases where imposing the increased fee would cause undue hardship.

Clause 87 Offences and penalties

This clause provides for offences and penalties for members of the public, Ministry staff and health professionals.

It is important to note that failure by a private health facility to fulfil its responsibilities under this Act satisfactorily shall be grounds for cancellation of that facility's registration under section 24(1)(g) of the Hospitals and Health Facilities Act, 1994.

Clause 89 Delegation of powers and assignment of functions

The Minister, Executive Director, Registrar-General can delegate their powers under this law. The making of Regulations cannot be delegated.

Delegation:

- (a) is subject to any limitations, conditions and directions imposed by the person delegating,
- (b) must be in writing;
- (c) may include the power to sub-delegate;
- (d) does not divest the Minister or Registrar-General, as the case may be, of the responsibility concerning the exercise of the power or the performance of the duty;
- (e) may be withdrawn at any time.

The person who has delegated can confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of this section, subject to any rights that may have accrued to a person as a result of the decision.

Clause 90 Regulations

The Minister may make regulations regarding any matter that is prescribed or any other ancillary or incidental administrative or procedural matter that is necessary to be prescribed for the proper implementation or administration of this law.

Clause 91 Repeal and amendment of laws

SCHEDULE LAWS REPEALED

Column 1	Column 2	Column 3
No. and Year of law	Title of Law	Extent of repeal

Act No. 1 of 1937	Aliens Act, 1937	The repeal of the whole
Act No. 1 of 1937	Merchant Shipping Act, 1951	The repeal of section 189
Act No. 59 of 1961	Aliens Amendment Act, 1961	The repeal of the whole
Act No. 7 of 1967	Aliens Amendment Act, 1967	The repeal of the whole
AG 15 of 1989	Aliens and Immigration Laws Amendment Proclamation, 1989	The repeal of the whole
Act No. 81 of 1963	Births, Marriages and Deaths Registration Act, 1963	The repeal of the whole
Act No. 17 of 1967	Births, Marriages and Deaths Registration Amendment, 1967	The repeal of the whole
Act No. 18 of 1968	Births, Marriages and Deaths Registration Amendment, 1968	The repeal of the whole
Act No. 58 of 1970	Births, Marriages and Deaths Registration Amendment, 1970	The repeal of the whole
Act No. 51 of 1974	Births, Marriages and Deaths Registration Amendment, 1974	The repeal of the whole
Act No. 5 of 1987	Marriages, Births and Deaths Amendment Act, 1987	The repeal of the whole
Act No. 21 of 1996	Identification Act, 1996	The repeal of the whole

The Commonwealth Relations Act, 1962 (Act No. 69 of 1962) is amended by the repeal of sections 6, 7, 8, 9, 10, 11 and 12.

The Child Care and Protection Act is amended.

Clause 92 Transitional provisions

This clause “saves” documents issued under the previous applicable laws pertaining to identification documents.

It also saves any directive or authority made or given under any provision of the Identification Act, 1996. In so far as it is not inconsistent with this Act, such directive or authority will be deemed to have been made or given under a corresponding provision of this Act.

Clause 93 Short title and commencement

The Bill is the **Civil Registration and Identification Bill, 2024** and commences on a date to be determined by the Minister by notice in the *Gazette*. Different dates may be determined under in respect of different provisions of this Act.
