



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 47 of 1962

An Act to amend the Births and Deaths Registration Act, 1936-1960.

[Assented to 15th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Births and Deaths Registration Act Amendment Act, 1962". Short titles.

(2) The Births and Deaths Registration Act, 1936-1960, as amended by this Act, may be cited as the "Births and Deaths Registration Act, 1936-1962".

(3) The Births and Deaths Registration Act, 1936-1960, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by the Governor by proclamation. Commencement.

3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

4. Section 37 of the principal Act is amended by inserting after the words "repealed Act" at the end of the definition of "legitimated person" therein the words "or by under or in pursuance of the Commonwealth Marriage Act, 1961, or any amendment thereof". Amendment of principal Act, s. 37.

Amendment of
principal Act,
s. 39.

5. Section 39 of the principal Act is amended—

- (a) by inserting after the word “Act” at the end of paragraph (a) of subsection (1) thereof the words “or of the Commonwealth Marriage Act, 1961, or any amendment thereof”;
- (b) by inserting after the word “Act” (second occurring) in subsection (3) thereof the words “or of the Commonwealth Marriage Act, 1961, or any amendment thereof”.

Amendment of
principal Act,
s. 45.

6. Section 45 of the principal Act is amended—

- (a) by inserting after the word “legitimation” (first occurring) in subsection (1) thereof the words “under the provisions of this Act and before the commencement of the Commonwealth Marriage Act, 1961”;
- (b) by inserting therein after subsection (1) thereof the following subsection :—
 - (1b) The Principal Registrar may, on the receipt by him pursuant to the provisions of regulations made under the Commonwealth Marriage Act, 1961, or any amendment thereof, of information with respect to the legitimation under the provisions of that Act of a person whose birth is already registered under this Act or any repealed Act indorse or cause to be indorsed on the register a note of the fact of legitimation and shall re-register or cause to be re-registered the birth according to the form in the second schedule with such modifications as the principal registrar thinks necessary;
- (c) by striking out the words “the mother” in paragraph (b) of subsection (2) thereof and inserting in lieu thereof the words “one of the said parents”;
- (d) by striking out the words “the mother” in paragraph (c) of the said subsection (2) thereof and inserting in lieu thereof the words “one of the said parents”;
- (e) by striking out the words “the application for indorsement and re-registration as aforesaid is made pursuant to subsection (2), but” and the words “where the application for indorsement and re-registration as aforesaid is made after three months after the date of the marriage, or in any case” in subsection (3) thereof;

(f) by striking out the words "in the form in the thirteenth schedule" at the end of subsection (4) thereof and inserting in lieu thereof the words "in the form 2 of the thirteenth schedule with respect to a person legitimated under the provisions of this Act or any repealed Act and in form 3 of the thirteenth schedule with respect to a person legitimated under the provisions of the Commonwealth Marriage Act, 1961, or any amendment thereof".

7. The following form is inserted at the end of the Thirteenth Schedule to the principal Act—

Amendment of
principal Act,
Thirteenth
Schedule.

FORM No. 3.

BIRTHS AND DEATHS REGISTRATION ACT, 1936-1961.

LEGITIMATION UNDER THE PROVISIONS OF THE
COMMONWEALTH MARRIAGE ACT, 1961.

Application of _____ and _____ for an
order for the indorsement of the legitimation of
I, _____ Esquire, Special Magistrate, being
satisfied on proof—

- (a) that _____ of _____
and _____ of _____
are the parents of a child _____ who
was born on the _____ day of _____ 19____
at _____
- (b) that the said _____ and the said _____
were married on the _____ day of _____
at _____
- (c) that at the date of the said marriage the said _____
was domiciled in Australia.
- (d) that the person referred to in the certificate of
birth produced to me is the said _____
and that the persons referred to in the said
certificate of marriage are the said _____
and the said _____

I therefore order that there be indorsed on the registration
of the birth of the said _____
a note of the fact of the legitimation of the
said _____ and that the birth of the
said _____ be re-registered in manner
provided by Part VI of the Births and Deaths Registration
Act, 1936-1962.

1962. Births and Deaths Registration Act No. 47.
Amendment Act, 1962.

Dated this day of 19 .

.....
Special Magistrate.

Amendment of
principal Act,
Fourteenth
Schedule.

8. The last line of the fourteenth schedule of the principal Act is amended—

- (a) by inserting after the words “three months” therein the words “from marriage”;
- (b) by striking out the figure “5” therein and inserting in lieu thereof the figure “10”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.