



# **LAWS OF MALAYSIA**

**Act A1524**

**BIRTHS AND DEATHS REGISTRATION  
(AMENDMENT) ACT 2017**

Date of Royal Assent	...	...	20 January 2017
Date of publication in the <i>Gazette</i>	...	...	26 January 2017

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**LAWS OF MALAYSIA**

**Act A1524**

**BIRTHS AND DEATHS REGISTRATION  
(AMENDMENT) ACT 2017**

An Act to amend the Births and Deaths Registration Act 1957.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

**1.** (1) This Act may be cited as the Births and Deaths Registration (Amendment) Act 2017.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

**Amendment of section 2**

**2.** The Births and Deaths Registration Act 1957 [*Act 299*], which is referred to as the “principal Act” in this Act, is amended in section 2 by inserting after the definition of “Certificate of Death” the following definition:

‘ “Certificate of Presumed Death” means a certificate issued pursuant to section 24B or subsection 32(1);’.

**Amendment of section 4****3.** Section 4 of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection:

“(1) The Registrar-General shall keep and maintain a sufficient number of registers in a form to be determined by the Registrar-General for the recording of births, deaths and presumed deaths.”; and

(b) by deleting subsections (2) and (3).

**Amendment of section 4A**

**4.** Section 4A of the principal Act is amended by inserting after the word “birth” wherever appearing the words “or death”.

**Amendment of section 6****5.** Section 6 of the principal Act is amended—

(a) by substituting for the shoulder note the following shoulder note:

**“Inspection of registers, etc.”;**

(b) by renumbering the existing section as subsection (1); and

(c) by inserting after the renumbered subsection (1) the following subsection:

“(2) A public officer may, in the performance of his duties and with the authorization of the Registrar-General, inspect the registers and indices.”.

**Amendment of section 7**

6. Section 7 of the principal Act is amended—

(a) in subsection (1)—

(i) by substituting for the words “for the registration area in which the child was born” the words “in any registration area”; and

(ii) by deleting the words “in duplicate in manner prescribed”; and

(b) by deleting subsection (3).

**Amendment of section 8**

7. Section 8 of the principal Act is amended—

(a) in the shoulder note, by substituting for the word “fourteen” the word “sixty”; and

(b) by substituting for the word “fourteen” the word “sixty”.

**New section 10A**

8. The principal Act is amended by inserting after section 10 the following section:

**“Special provision as to registration of birth**

**10A.** Notwithstanding the provisions of this Part, the Registrar-General may, if he is satisfied from evidence adduced before him that a birth had occurred, cause such birth to be registered by entering in a register such particulars concerning the birth.”.

**Deletion of section 11**

9. The principal Act is amended by deleting section 11.

**Amendment of section 12**

**10.** Section 12 of the principal Act is amended—

(a) in subsection (1)—

(i) by substituting for the words “forty-two days from the date of the birth or any child or” the words “sixty days from the date of the birth of any child or fourteen days”; and

(ii) by substituting for the words “subject to such conditions” the words “subject to such fees and conditions”; and

(b) by inserting after subsection (1) the following subsection:

“(1A) The Registrar-General may waive, in whole or in part, the fees prescribed for late registration referred to in subsection (1) subject to such criteria and conditions as the Minister may determine.”.

**Amendment of section 18**

**11.** Section 18 of the principal Act is amended—

(a) by substituting for the words “for the registration area in which the death occurred” the words “in any registration area”; and

(b) by deleting the words “in duplicate in manner prescribed”.

**Amendment of section 19**

**12.** Subsection 19(2) of the principal Act is amended by substituting for the words “twelve hours (exclusive of the time necessary for the journey and of any intervening hours of darkness)” the words “seven days”.

**New section 19A**

**13.** The principal Act is amended by inserting after section 19 the following section:

**“Special provision as to registration of death**

**19A.** Notwithstanding the provisions of this Part, the Registrar-General may, if he is satisfied from evidence adduced before him that a death had occurred, cause such death to be registered by entering in a register such particulars concerning the death.”.

**Deletion of section 20**

**14.** The principal Act is amended by deleting section 20.

**Amendment of section 21**

**15.** Section 21 of the principal Act is amended—

(a) by renumbering the existing section as subsection (1);

(b) in the renumbered subsection (1)—

(i) by substituting for the word “three” the word “seven”;

(ii) by deleting the words “or the period specified in section 20 whichever be the longer”; and

(iii) by substituting for the words “subject to such conditions” the words “subject to such fees and conditions”; and

(c) by inserting after the renumbered subsection (1) the following subsection:

“(2) The Registrar-General may waive, in whole or in part, the fees prescribed for late registration referred to in subsection (1) subject to such criteria and conditions as the Minister may determine.”.

**Amendment of section 22**

16. Subsection 22(1) of the principal Act is amended by substituting for the words “twelve hours” the words “seven days”.

**Amendment of section 23**

17. Section 23 of the principal Act is amended by substituting for the words “twenty-four hours” the words “seven days”.

**Amendment of section 24**

18. Section 24 of the principal Act is amended—

(a) by substituting for the words “twenty-four hours” the words “seven days”; and

(b) by deleting the words “for the registration area within which the death took place or the body of such person was found”.

**New sections 24A and 24B**

19. The principal Act is amended by inserting after section 24 the following sections:

**“Registration of presumed death**

**24A.** (1) When an order from a Court has been granted pertaining to a missing person’s presumed death under any written law, the person who has been granted the order may forward the order to the Registrar for the purpose of registering the particulars of the missing person’s presumed death.

(2) On receipt of the order under subsection (1), the Registrar shall make an entry in a register containing the name of the missing person and such other information as may be necessary in relation to the missing person’s presumed death.

**Certificate of Presumed Death**

**24B.** The Registrar, upon registering a missing person's presumed death, shall issue a Certificate of Presumed Death to the person forwarding the Court order under section 24A."

**Amendment of section 26**

**20.** Section 26 of the principal Act is amended—

(a) in the shoulder note, by deleting the words "Superintendent-Registrar and";

(b) in subsection (1)—

(i) by inserting after the words "as may be appointed" the words ", and in such manner as may be determined,"; and

(ii) by substituting for the word "Superintendent-Registrar" the word "Registrar-General";

(c) by deleting subsection (2); and

(d) by renumbering the existing subsection (1) as section 26.

**Amendment of section 27**

**21.** Section 27 of the principal Act is amended—

(a) in subsection (3), by deleting the words "by entry (without any alteration of the original entry)";

(b) by inserting after subsection (3) the following subsection:

"(3A) Where the Registrar-General, the Superintendent-Registrar or the Registrar is satisfied that from an inquiry held under section 37B an error of fact or substance in any register exists, the error of fact or substance may be corrected by the Registrar-General.";

(c) in subsection (4)—

- (i) by deleting the words “(without any alteration of the original entry)”; and
- (ii) by deleting the words “, who shall place his initials opposite the entry in which such error occurs and shall add thereto the day and the month and the year when such correction is made”; and

(d) by deleting subsections (5) and (6).

### **Amendment of section 30**

**22.** Subsection 30(1) of the principal Act is amended—

- (a) by deleting the words “in duplicate”; and
- (b) by deleting the words “One copy of the indices shall be kept by the Registrar-General and the other copy shall be kept by the appropriate Superintendent-Registrar.”.

### **Amendment of section 32**

**23.** Section 32 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the words “Certificates of Birth and Certificates of Death” the words “Certificates of Birth, Certificates of Death and Certificates of Presumed Death”;
- (b) in subsection (1), by substituting for the words “a Certificate of Birth or a Certificate of Death” the words “a Certificate of Birth, Certificate of Death or Certificate of Presumed Death”;
- (c) in subsection (2), by substituting for the words “Certificate of Birth or Certificate of Death” the words “Certificate of Birth, Certificate of Death or Certificate of Presumed Death”;

(d) in subsection (4)—

(i) by substituting for the words “Certificate of Birth or a Certificate of Death” the words “Certificate of Birth, Certificate of Death or Certificate of Presumed Death”; and

(ii) in paragraph (b), by substituting for the words “birth or death” the words “birth, death or presumed death”; and

(e) in subsection (5), by substituting for the words “Certificate of Birth or the Certificate of Death” the words “Certificate of Birth, Certificate of Death or Certificate of Presumed Death”.

### **Amendment of section 33**

**24.** Section 33 of the principal Act is amended—

(a) in the shoulder note, by substituting for the words “or death” the words “, death or presumed death”;

(b) in subsection (1)—

(i) by substituting for the words “a Certificate of Birth or a Certificate of Death” the words “a Certificate of Birth, Certificate of Death or Certificate of Presumed Death”; and

(ii) by substituting for the words “such birth or death” the words “such birth, death or presumed death”;

(c) in subsection (2)—

(i) by substituting for the words “a Certificate of Birth or a Certificate of Death” the words “a Certificate of Birth, Certificate of Death or Certificate of Presumed Death”; and

- (ii) by inserting after paragraph (c) the following paragraph:

“(ca) the entry is an entry of presumed death which has been made upon receiving an order from a Court; or”; and

- (d) in subsection (3), by substituting for the words “a Certificate of Birth or a Certificate of Death” the words “a Certificate of Birth, Certificate of Death or Certificate of Presumed Death”.

#### **Amendment of section 34**

**25.** Section 34 of the principal Act is amended—

- (a) in paragraph (a)—

- (i) by inserting after the word “death” the words “or presumed death”; and
- (ii) by substituting for the words “qualified informant” the words “qualified person under section 7 or 19 or a person under section 24A”; and

- (b) by substituting for the words “of five hundred ringgit” the words “not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding three years or to both”.

#### **Amendment of section 35**

**26.** Section 35 of the principal Act is amended by substituting for the words “of two hundred and fifty ringgit for each offence” the words “not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding three years or to both”.

#### **Amendment of section 36**

**27.** Section 36 of the principal Act is amended—

- (a) by renumbering the existing section as subsection (1);

- (b) in paragraph (j), by substituting for the words “a Certificate of Birth or a Certificate of Death” the words “a Certificate of Birth, Certificate of Death or Certificate of Presumed Death”;
- (c) in paragraph (k), by substituting for the words “Certificate of Birth or Certificate of Death” the words “Certificate of Birth, Certificate of Death or Certificate of Presumed Death”;
- (d) in paragraph (l), by deleting the word “or” at the end of the paragraph;
- (e) in paragraph (m), by substituting for the comma at the end of the paragraph the words “; or”;
- (f) by inserting after paragraph (m) the following paragraph:
  - “(n) knowingly possesses or makes use of a fake Certificate of Birth, Certificate of Death or Certificate of Presumed Death.”;
- (g) by substituting for the words “of two thousand ringgit or to imprisonment for twelve months or to both such fine and imprisonment” the words “not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding three years or to both”; and
- (h) by inserting after the renumbered subsection (1) the following subsection:
  - “(2) Every offence under paragraph (1)(a), (b), (c), (h), (i), (j), (k), (m) or (n) shall be a seizable offence for the purpose of the law relating to criminal procedure.”.

#### **Deletion of section 37A**

**28.** The principal Act is amended by deleting section 37A.

**Amendment of section 37B**

**29.** Section 37B of the principal Act is amended—

(a) in subsection (1)—

- (i) by substituting for the words “Superintendent-Registrar or any other officer duly authorized in writing” the words “the Superintendent-Registrar or the Registrar”; and
- (ii) by substituting for the words “sections 12, 15, 21, 27, subsections 32(3) and (4)” the words “this Act”;

(b) in subsection (2)—

- (i) by substituting for the words “Superintendent-Registrar or such authorized officer” the words “the Superintendent-Registrar or the Registrar”;
- (ii) in paragraph (b), by substituting for the full stop at the end of the paragraph the words “; or”; and
- (iii) by inserting after paragraph (b) the following paragraph:

“(c) require any document to be produced which he may consider reasonably necessary.”;

(c) in subsection (3)—

- (i) by substituting for the words “The Superintendent-Registrar” the words “The Registrar-General, the Superintendent-Registrar or the Registrar”; and
- (ii) by inserting after the words “by him” the words “under paragraph (2)(c)”; and

(d) by inserting after subsection (3) the following subsection:

“(4) Any person who fails or refuses—

(a) to attend any inquiry;

(b) to produce any document; or

(c) to answer any question,

when required to do so under this section shall be liable to a fine not exceeding one thousand ringgit.”.

**New section 37c**

**30.** The principal Act is amended by inserting after section 37B the following section:

**“Power to investigate**

**37c.** (1) The Registrar-General, the Superintendent-Registrar and the Registrar may investigate the commission of any offence under this Act.

(2) For the avoidance of doubt, it is declared that for the purposes of this Act, the Registrar-General, the Superintendent-Registrar and the Registrar shall have all or any of the special powers of a police officer of whatever rank in relation to police investigations in seizable cases as provided for under the Criminal Procedure Code [*Act 593*], and such powers shall be in addition to the powers provided for under this Act and not in derogation thereof.”.

**Amendment of section 38**

**31.** The principal Act is amended by substituting for section 38 the following section:

**“Power to compound offences**

**38.** (1) The Minister may make rules prescribing—

(a) any offence under this Act and any rules made under this Act that may be compounded;

(b) criteria for compounding such offence; and

(c) method and procedure for compounding such offence.

(2) The Registrar-General or the Superintendent-Registrar may, with the consent in writing of the Public Prosecutor, compound any offence committed by any person under this Act or any rules made under this Act and prescribed to be a compoundable offence by making a written offer to the person suspected to have committed the offence to compound the offence upon payment to the Registrar-General or the Superintendent-Registrar of such amount of money not exceeding fifty per centum of the amount of maximum fine for that offence within such time as may be specified in his written offer.

(3) An offer under subsection (2) may be made at any time after the offence has been committed but before any prosecution for it has been instituted.

(4) If the amount specified in the offer is not paid within the time specified in the offer or such extended time as the Registrar-General or the Superintendent-Registrar may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(5) Where an offence has been compounded under subsection (2), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made, and any document or thing seized in connection with the offence may be released by the Registrar-General or the Superintendent-Registrar, subject to such terms as he thinks fit.”.