



# LAWS OF MALAYSIA

REPRINT

**Act 299**

## **BIRTHS AND DEATHS REGISTRATION ACT 1957**

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**BIRTHS AND DEATHS REGISTRATION  
ACT 1957**

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## Act 299

### BIRTHS AND DEATHS REGISTRATION ACT 1957

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# LAWS OF MALAYSIA

## Act 299

### BIRTHS AND DEATHS REGISTRATION ACT 1957

An Act relating to the registration of births and deaths.

[1 August 1958, L.N. 213/1958]

#### PART I

#### PRELIMINARY

#### **Short title and application**

1. (1) This Act may be cited as the Births and Deaths Registration Act 1957.

(2) This Act shall apply to Peninsular Malaysia only.

#### **Interpretation**

2. In this Act, unless the context otherwise requires—

“Certificate of Birth” means a certificate issued pursuant to section 14 or subsection 32(1);

“Certificate of Death” means a certificate issued pursuant to section 25 or subsection 32(1);

“house” includes a public institution;

“indices” means the indices of entries in the register;

“occupier” includes the keeper, master, matron, superintendent or other chief officer of a public institution, and, where a house is let in separate apartments or lodgings, includes any person residing in such house who is the person under whom such separate apartments or lodgings are immediately held or his agent;

“Peninsular Malaysia” has the meaning assigned thereto in section 3 of the Interpretation Acts 1948 and 1967 [*Act 388*], and includes the Federal Territory.

“public institution” includes prison, lock-up, mental hospital, hospital and any other public or charitable institution;

“register” means any register required to be kept under the provisions of this Act and includes—

- (a) any register of births and deaths kept or required to be preserved under any written law repealed by this Act;
- (b) all documents recording particulars of births and deaths and books of record compiled therefrom in existence upon the coming into force of this Act and in the custody of the Registrar-General or of any other public officer;
- (c) any new register reconstituted under subsection 4(3); and
- (d) any microfilm or computer tape made in pursuance to subsection 4(4).

“registered medical practitioner” has the same meaning as in the Medical Act 1971 [*Act 50*];

“registered midwife” means any person duly registered as a midwife under any law for the time being in force relating to the registration of midwives;

“the Registrar” means a Registrar of Births and Deaths appointed under this Act and when used in relation to any birth or death means the Registrar whose duty it is to register particulars of such birth or death;

“Registrar-General” means the Registrar-General of Births and Deaths appointed under the provisions of this Act;

“registration area” means the area for which a Registrar is appointed and when used with reference to a Superintendent- Registrar means the registration areas for which such Superintendent-Registrar is appointed;

“relative” includes a relative by marriage;

“stillborn” and “stillbirth” shall apply to any child which has issued forth from its mother after the twenty-eighth week of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other signs of life;

“the Superintendent-Registrar” means a Superintendent- Registrar of Births and Deaths appointed under this Act and when used in relation to any Registrar means the Superintendent- Registrar for the area wherein the registration area of such Registrar is situate;

### **Appointment of officers**

**3.** (1) The Yang di-Pertuan Agong may appoint a public officer to be Registrar-General of Births and Deaths for Malaysia, who shall be responsible for carrying out the provisions of this Act and shall have general charge and supervision of all registers and all indices and of all matters done or performed under this Act.

(1A) The Yang di-Pertuan Agong may appoint a public officer to be Deputy Registrar-General of Births and Deaths for Malaysia, who may, subject to any general or special directions of the Registrar-General, exercise any of the powers of the Registrar-General under this Act, and who shall, in the absence of the Registrar-General or if so directed by him, perform the duties and functions of the Registrar-General thereunder.

(1B) The Yang di-Pertuan Agong may appoint a public officer to be Assistant Registrar-General of Births and Deaths for Peninsular Malaysia who may, subject to any general or special directions of the Registrar-General, exercise any of the powers of the Registrar-General under subsection 4(3), sections 4A and 5, subsection 12(1), sections 15, 16, 17, 21, 27, subsections 32(3), 32(4), paragraph 33(2)(b), sections 37B and 38 of this Act and all the powers under this Act conferred on the Superintendent- Registrar or the Registrars.

(2) The Registrar-General may appoint—

- (a) one or more public officers as he may consider necessary by name or office to be Superintendent-Registrars of Births and Deaths for each registration area;
- (b) one or more persons, whether public officers or not, by name or office to be Registrars of Births and Deaths for each registration area; and

- (c) such other officers as he may consider necessary for the purpose of performing the several duties prescribed by this Act:

Provided that the power conferred under this subsection shall be deemed to have come into force on 1 August 1958.

(3) The Registrar-General may exercise the powers of any Superintendent-Registrar or any Registrar and a Superintendent-Registrar may exercise the powers of any Registrar within the registration area of such Superintendent-Registrar.

(4) The Registrar-General may delegate by writing under his hand any of his powers under this Act (except this power of delegation) to any Superintendent-Registrar or any officer appointed under paragraph (2)(c) subject to such conditions and limitations as he may specify in the instrument of delegation:

Provided that the Registrar-General may exercise any powers under this Act notwithstanding any delegation by him under this section.

### **Provision and maintenance of registers**

4. (1) The Registrar-General shall cause to be provided and maintained a sufficient number of registers in the prescribed form for the recording of births and deaths.

(2) Such registers shall be kept in duplicate. One copy shall be kept by the Registrar-General and the second copy shall be kept by the Superintendent-Registrar of the area to which the register relates.

(3) The Registrar-General may cause the entries of any register found to be damaged, mutilated or illegible to be transferred to a new register.

(4) The Register-General may—

- (a) cause any or all registers to be photographed on microfilms;  
or  
(b) cause particulars in any or all registers to be recorded on computer tapes,

subject to such precautions as he may deem necessary in the interests of its safety and privacy of the information contained therein.

**Where records missing, re-registration permitted**

**4A.** Where, in the case of any person whose birth has been registered in Peninsular Malaysia but records of such registration are for any reason whatsoever missing or destroyed and from the evidence adduced, the Registrar-General is satisfied of the occurrence of such birth and other particulars relating to it the Registrar-General may cause such birth to be re-registered.

**Annual reports**

**5.** The Registrar-General shall, within such period after the expiration of every year as may from time to time be prescribed, compile—

- (a) a summary of the births and deaths of the preceding year; and
- (b) a general report on the increase or decrease of the population and on any special causes appearing to affect such increase or decrease, so far as the same can be adduced from the registers.

**Registers not to be open to public inspection**

**6.** Registers and indices shall not be open to inspection by the public.

PART II

REGISTRATION OF BIRTHS

**Particulars of births to be registered**

**7.** (1) Subject to the provisions of this Part, the birth of every child born in Malaysia shall be registered by the Registrar for the registration area in which the child was born by entering in a register in duplicate in manner prescribed such particulars concerning the birth as may be prescribed; and different registers shall be used and different particulars may be prescribed for livebirths and stillbirths respectively:

Provided that, where a living child is found exposed and no information as to the place of birth is available, the birth shall be registered by the Registrar for the registration area in which the child is found.

(2) The following persons shall be qualified to give information concerning a birth, that is to say—

- (a) the father of the child;
- (b) the mother of the child;
- (c) the occupier of the house in which the child was to the knowledge of that occupier born;
- (d) any person present at the birth; and
- (e) any person having charge of the child.

(3) In the case of a child of the Chinese race the Registrar may, after entering in the register the prescribed particulars of such child, permit a qualified informant to insert in such manner as may be prescribed the name of such child and the name of the father and mother of such child in Chinese characters.

### **Information concerning birth to be given to Registrar within fourteen days**

8. It shall be the duty of every qualified informant to give to the Registrar, before the expiration of a period of fourteen days from the date of the birth, the prescribed information concerning the birth and in the presence of the Registrar to sign the register:

Provided that the giving of information and the signing of the register by any one qualified informant shall act as a discharge of any duty under this section of every other qualified informant.

### **Information concerning finding of new-born child to be given to Registrar within fourteen days**

9. Where any living new-born child is found exposed, it shall be the duty of the person finding the child, and of any person in whose charge the child may be placed, to give to the best of his

knowledge and belief to the Registrar, before the expiration of fourteen days from the date on which the child was found, such information of the particulars required to be registered concerning the birth of the child as the informant possesses, and in the presence of the Registrar to sign the register:

Provided that the giving of information and the signing of the register by any one of the said persons shall act as a discharge of any duty under this section of any other of them.

### **Special provision as to registration of stillbirth**

**10.** Any qualified informant giving information to the Registrar of the particulars required to be registered concerning a stillbirth shall upon giving that information either—

- (a) deliver to the Registrar a written certificate signed by a registered medical practitioner or a registered midwife who was in attendance at the birth or who has examined the body of the child that the child was not born alive; or
- (b) make a declaration in the prescribed form to the effect that no registered medical practitioner or registered midwife was present at the birth or has examined the body and that a certificate of a registered medical practitioner or a registered midwife cannot be obtained and that the child was not born alive.

### **Delayed registration**

**11.** (1) Where after the expiration of fourteen days and before the forty-third day from the date of birth or stillbirth of a child application is made to register the particulars of such birth the Registrar may on payment of the fee prescribed for delayed registration, register the particulars prescribed.

(2) Information concerning a living new-born child found exposed shall if supplied during the period mentioned in subsection (1) above be registered by the Registrar without fee.

**Authority of Registrar-General required for late registration**

**12.** (1) Where, after the expiration of forty-two days from the date of the birth or any child or from the date when any living newborn child is found exposed, the birth of the child has not been registered, the birth shall not be registered except with the written authority of the Registrar-General and in such manner and subject to such conditions as may be prescribed for late registration, and the fact that the authority of the Registrar-General has been obtained shall be entered in the register.

(2) This section shall not apply in the case of a stillbirth.

**Provisions as to father of illegitimate child**

**13.** Notwithstanding anything in the foregoing provisions of this Act, in the case of an illegitimate child, no person shall as father of the child be required to give information concerning the birth of the child, and the Registrar shall not enter in the register the name of any person as father of the child except at the joint request of the mother and the person acknowledging himself to be the father of the child, and that person shall in that case sign the register together with the mother.

**Surname of child**

**13A.** (1) The surname, if any, to be entered in respect of a legitimate child shall ordinarily be the surname, if any, of the father.

(2) The surname, if any, to be entered in respect of an illegitimate child may where the mother is the informant and volunteers the information, be the surname of the mother; provided that where the person acknowledging himself to be the father of the child in accordance with section 13 requests so, the surname may be the surname of that person.

**Certificate of birth**

**14.** At the time of registering the birth of any child, the Registrar shall give to the informant a Certificate of Birth in the prescribed form and certified as required by subsection 32(2).

**Registration of name of child or of alteration of name**

15. (1) Where before the expiration of one year from the date of the birth of any child the name by which it is registered is altered or where a child has been registered without a name, a name is given to such child before twelve months have elapsed since the date of birth, the Superintendent-Registrar having the custody of the register in which the birth was registered upon delivery to him of a certificate in the prescribed form specifying the name as altered or as given signed by the father or the mother or the guardian or the person for the time being having custody of the child and upon payment to him by the person procuring the name mentioned in the certificate to be entered of such fee as may be prescribed, shall enter forthwith in the register without any erasure of the original entry the name mentioned in the certificate as having been given to the child; and such Superintendent-Registrar shall after stating upon the certificate the fact that the entry has been made, send forthwith the certificate to the Registrar-General who shall then cause a corresponding entry to be made in his register.

(2) Where a child has been registered without a name, a name may be registered—

(a) in the case of a child who has attained the age of one year but not twenty-one years, by delivery to the Registrar-General of a certificate in the prescribed form specifying the name as given signed by the father or the mother or the guardian or the person for the time being having custody of the child; or

(b) in the case of a person who has attained the age of twenty-one years, by delivery to the Registrar-General of a certificate in the prescribed form giving the name by which he desires to be registered,

and by paying to the Registrar-General such fee as may be prescribed.

(3) The Registrar-General shall on receipt of the certificate direct the Superintendent-Registrar having the custody of the register in which the birth was registered to enter forthwith in the register without any erasure of the original entry the name mentioned in the certificate as having been given and such Superintendent-Registrar shall act accordingly and the Registrar-General shall at the same time cause a corresponding entry to be made in his register:

Provided that before giving a direction under this subsection, the Registrar-General shall require the person delivering the certificate to produce evidence which appears to the Registrar-General satisfactory that such person is a person who was registered without a name.

(4) Where any person procures the alteration of a name or the entry of a name in the register pursuant to the provisions of subsection (1) or (2) and the name as altered or as given is shown in the appropriate certificate delivered as in the said subsections mentioned in Chinese characters as well as in Roman characters, the Registrar-General may permit such person to insert in the register in such manner as may be prescribed the name as altered or as given in Chinese characters.

(5) The provisions of this section shall not apply with respect to a stillborn child or to a child which has died prior to the delivery of any certificate in this section mentioned.

### **Registration of objectionable or undesirable names**

**16.** Where it appears to the Registrar that the name of a child sought to be entered in a register of births is objectionable or undesirable he shall refer the matter to the Registrar-General and the Registrar-General may cause such name to be registered or not to be registered as he shall deem fit.

### **Re-registration of births of legitimated persons**

**17.** (1) Where, in the case of any person whose birth has been registered in Malaysia, evidence is produced to the Registrar-General which appears to him to be satisfactory that such person has become a legitimated person within the meaning of the Legitimacy Act 1961 [*Act 60*] the Registrar-General may authorize at any time the re-registration of that person's birth, and the re-registration shall be effected in such manner and at such place as may be prescribed:

Provided that, except where—

- (a) the name of a person acknowledging himself to be the father of the legitimated person has been entered in the register in pursuance of section 13 of this Act; or

- (b) the paternity of the legitimated person has been established by a maintenance order made under the Married Women and Children (Maintenance) Act 1950 [Act 263], or otherwise by a decree of a Court of competent jurisdiction,

the Registrar-General shall not authorize re-registration unless information with a view to obtaining the same is furnished by both parents.

(2) Where the Registrar-General believes any person to have become a legitimated person within the meaning of the Legitimacy Act 1961 on the marriage of his parents, and the parents or either of them fail to furnish within a period of three months from the date of the marriage such information, if any, as may be necessary to enable the Registrar-General to authorize the re-registration of that person's birth, the Registrar-General may at any time after the expiration of the said period by notice under his hand require the parents or either of them to give him such information concerning the matter as he may consider necessary, verified in such manner as he may direct, and for that purpose to attend personally either at a Registrar's office or at any other place appointed by him within such time, not being less than seven days after the receipt of the notice, as may be specified therein.

(3) No fee for re-registration under this section shall be charged if the necessary information for the purpose is furnished before the expiration of the said period of three months; but in any other case there shall be charged in respect of the re-registration such fees as may be prescribed.

(4) This section shall apply with such modifications as may be prescribed in relation to births at sea or on board an aircraft.

### PART III

#### REGISTRATION OF DEATHS

##### **Particulars of deaths to be registered**

**18.** Subject to the provisions of this Part, the death of every person dying in Malaysia and the cause thereof shall be registered by the Registrar for the registration area in which the death occurred

by entering in a register in duplicate in manner prescribed such particulars concerning the death as may be prescribed:

Provided that where a dead body is found and no information as to the place of death is available, the death shall be registered by the Registrar for the registration area in which the body is found.

### **Information concerning death**

**19.** (1) The following persons shall be qualified to give information concerning a death, that is to say—

- (a) any relative of the deceased person present at the death or in attendance during his last illness;
- (b) any other relative of the deceased residing or being in the registration area where the death occurred;
- (c) any person present at the death;
- (d) the occupier of the house if he knew of the happening of the death;
- (e) any inmate of the house who knew of the happening of the death;
- (f) any person finding or taking charge of the body; and
- (g) the person causing the disposal of the body.

(2) It shall be the duty—

- (a) of the relative such as is mentioned in paragraph (1)(a) of this section; and
- (b) if there is no such relative, of each such relative as is mentioned in paragraph (1)(b) of this section; and
- (c) if there are no such relatives, of each such person as is mentioned in paragraph (1)(c) or (d) of this section; and
- (d) if there are no such relatives or persons as aforesaid, of each such person as is mentioned in paragraph (1)(e), (f) or (g) of this section,

to give to the Registrar, before the expiration of twelve hours (exclusive of the time necessary for the journey and of any intervening hours of darkness) from the time of the death, information to the best of his knowledge and belief of the particulars required to be registered concerning the death, and in the presence of the Registrar to sign the register:

Provided that—

- (i) the giving of information and the signing of the register by any one qualified informant shall act as a discharge of any duty under this subsection of every other qualified informant; and
- (ii) this subsection shall not have effect if an inquest or inquiry of death is held on the body or touching the death of the deceased person.

### **Delayed registration**

**20.** Where no application for registration under this part has been received within the time specified in section 19 and application to register the death of a person is made within the three next succeeding days the Registrar may on payment of the fee prescribed for delayed registration register the said particulars.

### **Authority of Registrar-General required for late registration**

**21.** After the expiration of three days from the date of the death or finding of the dead body of any person or the period specified in section 20 whichever be the longer, the death of that person shall not be registered except with the written authority of the Registrar-General and in such manner and subject to such conditions as may be prescribed for late registration and the fact that the authority of the Registrar-General has been obtained shall be entered in the register.

### **Duty of medical practitioner as to certification**

**22.** (1) Every registered medical practitioner, upon the death of any person who has during his last illness been attended by such medical practitioner, shall sign and deliver within twelve hours of the death to one of the persons required by this Act to furnish particulars of the death or to the Registrar a certificate in the prescribed form.

(2) Such person shall, when furnishing particulars of the death, deliver such certificate to the Registrar and the cause of death as stated in the certificate shall be entered in the register together with the name of the certifying medical practitioner.

(3) In the case that any certificate under subsection (1) above certifies that the cause of death of any person has resulted from plague, cholera, small-pox or any disease that is required to be notified to foreign countries as a dangerous infectious disease under any Convention with regard to dangerous infectious diseases for the time being in force, which is not known at the time to be prevalent in the area where the deceased person died, the Registrar may, if he is not satisfied of the correctness of the diagnosis, refuse to act upon such certificate and refuse to register the cause of death until the circumstances of such death have been immediately reported to the Superintendent-Registrar and the Health Officer of the area where the deceased person died, and such further and other opinion as to the cause of death as such Registrar may require has been given.

#### **When *post-mortem* examination is held**

**23.** When a registered medical practitioner has made a *post-mortem* examination of the body of any person, such medical practitioner shall, unless he knows that a Coroner or Magistrate intends to hold an inquest or inquiry in respect of the death, within twenty-four hours after the conclusion of the examination, forward a certificate in the prescribed form to the Registrar, and the cause of death as stated in the certificate, together with the name of the certifying medical practitioner, shall be entered in the register.

#### **Duty of Coroner or Magistrate holding inquiry to forward copy of finding**

**24.** When an inquest or inquiry is held into the death of any person, the Coroner or Magistrate holding such inquest or inquiry shall, within twenty-four hours after the conclusion thereof, forward to the Superintendent-Registrar for the registration area within which the death took place or the body of such person was found a certificate setting forth the cause of death as ascertained at such inquiry, and such other particulars as are required for the purpose of registration, and the cause of death disclosed in such certificate shall be entered in the register.

**Certificate of death**

**25.** The Registrar, upon registering any death, shall forthwith give to the person giving information concerning the death a Certificate of Death.

PART IV

GENERAL

**Registers to be forwarded to Superintendent-Registrar and Registrar-General**

**26.** (1) Every Registrar shall at such times as may be appointed by the Registrar-General deliver to the Superintendent-Registrar all the completed entries made in the registers kept by him.

(2) Every Superintendent-Registrar shall at such times and in such manner as may be appointed by the Registrar-General deliver to the Registrar-General one of each of the completed entries delivered to him under subsection (1) above.

**Correction of errors and alteration in register**

**27.** (1) No alteration in any register shall be made except as authorized by this Act.

(2) Any clerical error which may from time to time be discovered in any register may be corrected by the Superintendent-Registrar, in such manner as the Registrar-General shall direct.

(3) Any error of fact or substance in any register may be corrected by entry (without any alteration of the original entry) by the Registrar-General upon payment of the prescribed fee and upon production by the person requiring such error to be corrected of a statutory declaration setting forth the nature of the error and the true facts of the case, and made by two persons required by this Act to give information concerning the birth, still-birth or death with reference to which the error has been made, or in default of such persons then by two credible persons having knowledge to the satisfaction of the Registrar-General of the truth of the case; and the Registrar-General may if he is satisfied of the facts stated in the statutory declaration cause such entry to be certified and the day and the month and the year when such correction is made to be added thereto.

(4) Where an error of fact or substance occurs in the information forwarded by a Coroner or Magistrate under section 24 the Coroner or Magistrate, if satisfied that such error exists, may certify under his hand to the appropriate Superintendent-Registrar the nature of the error and the true facts of the case as ascertained by him, and the error may thereupon be corrected (without any alteration of the original entry) by such Superintendent-Registrar, 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.

(5) Notwithstanding the foregoing provisions of this section, in any case—

(a) where any entry has been made in any register using a Japanese or Thai date or place name the Registrar-General or the Superintendent-Registrar having the custody of the register may correct such date or place name (without any alteration of the original entry) to accord with the British calendar or the place name used prior to the Japanese or Thai occupation and shall initial any such correction when made; and

(b) where any entry in a register is in any language other than the English language the Registrar-General or the Superintendent-Registrar having the custody of the register may add (without any alteration of the original entry) a translation of such entry in the English language or a transcription of such entry in Romanised script in such manner as the Registrar-General may direct.

(6) Where an officer having the custody of a register makes an entry therein pursuant to the provisions of this section he shall forthwith forward to the officer having the custody of the duplicate copy of the register a certificate in the prescribed form setting forth particulars of the entry and the officer having the custody of the said duplicate copy shall make a corresponding entry therein.

### **Duty of Superintendent-Registrar and Registrar to procure registration**

**28.** (1) Notwithstanding any omission to report or to furnish information as to any birth, stillbirth or death within the time required by the preceding provisions of this Act, it shall be the duty of the Superintendent-Registrar and the Registrar to procure

by all means in their power the best and most accurate information respecting any birth, stillbirth or death which may have occurred within their registration areas and to cause particulars of the same to be recorded (so far as is practicable) in the manner prescribed.

(2) It shall be the duty of every police officer, penguulu and headman to obtain information of every birth, stillbirth and death within his respective area and also information respecting the lawful father and the mother of every child born in his area and respecting the occupier of any house in his area in which any birth, stillbirth or death may have taken place and to give notice thereof to the Registrar.

(3) Any police officer, penguulu or headman who has in his possession any such information and wilfully neglects or omits to disclose the same to the Registrar shall be guilty of an offence and be liable on conviction to a fine not exceeding fifty ringgit.

**29.** *(Deleted by Ord. 6 of 1958).*

### *Searches and Certificates*

#### **Indices**

**30.** (1) There shall be prepared in duplicate in manner prescribed indices of every entry made in the register after the coming into force of this Act. One copy of the indices shall be kept by the Registrar-General and the other copy shall be kept by the appropriate Superintendent-Registrar.

(2) Indices of existing entries in the register shall so far as is practicable be prepared in such manner as may be prescribed or as the Registrar-General shall direct.

#### **Searches**

**31.** Subject to section 32 any person may apply in the prescribed form to have a search made in the indices or in the register upon payment of the fee prescribed and to have the result of such search certified in the prescribed form.

**Issue of Certificates of Birth and Certificates of Death**

**32.** (1) Any person may apply from the Superintendent-Registrar on the prescribed form a Certificate of Birth or a Certificate of Death pertaining to any entry in the register on payment of such fees as may be prescribed.

(2) Every Certificate of Birth or Certificate of Death shall be certified under the hand of the Registrar or the Registrar-General or the Superintendent-Registrar having the custody of the register.

(3) The provisions of section 31 and of this section shall not apply to Certificates of Birth relating to entries in the register of stillbirths but the Registrar-General may, if he sees fit in any particular case and on payment of the appropriate fees as aforesaid, cause a search to be made for and allow any person to have a Certificate of Birth pertaining to any entry in the register of stillbirths.

(4) When any application for a Certificate of Birth or a Certificate of Death is made in pursuance to subsection (1) the Superintendent-Registrar shall issue it unless—

- (a) the particulars given in the application form are incomplete or inadequate or in his opinion inaccurate; or
- (b) for any reason it appears to him that an entry found upon search cannot, with certainty, be connected with the person in respect of the registration of whose birth or death the certificate is applied for.

(5) When the Superintendent-Registrar has refused to furnish the Certificate of Birth or the Certificate of Death under this section, the applicant may in writing appeal to the Registrar-General, whose decision shall be final.

**Entry in register as evidence of birth or death**

**33.** (1) Subject to the provisions of this section an entry or a Certificate of Birth or a Certificate of Death relating thereto purporting to have been duly certified under subsection 32(2) shall be received without further or other proof as evidence of such facts and particulars relating to such birth or death as are or were at the time of the making of such entry required by law to be set forth in such entry or certificate.

(2) An entry in a register or a Certificate of Birth or a Certificate of Death relating thereto, shall not be received as evidence under this section unless—

- (a) the entry purports to be signed by some person professing to be the informant and to be such a person as might be required by law at the date of the entry to give to the Registrar information concerning that birth or death; or
- (b) the entry is an entry of a birth which is signed by a person professing to be a Superintendent-Registrar, or which purports to have been made with the authority of the Registrar-General; or
- (c) the entry is an entry of a death which purports to have been made upon a certificate from a Coroner or Magistrate; or
- (d) the entry purports to have been made in pursuance of any written law relating to the registration of births and deaths at sea or on board an aircraft, or
- (e) the entry is—
  - (i) an entry in any register, book of record or document recording particulars of births and deaths which has been kept or preserved under or in accordance with the provisions of any former written law relating to the registration of births and deaths; and
  - (ii) such entry or a certified copy of such entry would immediately before the coming into force of this Act have been received as evidence of the facts or particulars in respect of which such entry or certified copy is produced as evidence.

(3) For the purposes of this section a Certificate of Birth or a Certificate of Death shall be deemed to be a certified copy if it purports to have been certified in accordance with subsection 32(2) notwithstanding that it may be—

- (a) photographically reproduced; or
- (b) an extract of the information contained in the register in a form prescribed which form may be different from that in which the original entry was made.

*Offences***Offences relating to registers**

**34.** Any person who—

- (a) being a Registrar, refuses or without reasonable cause omits to register any birth or death or particulars concerning which information has been tendered to him by a qualified informant and which he is required by or under this Act to register; or
- (b) being a person having the custody of any register carelessly loses or injures the register or allows the register to be injured,

shall be liable to a fine of five hundred ringgit.

**Penalties for failure to give information, etc.**

**35.** Any person who—

- (a) being required by or under this Act to give information concerning any birth or death or any living new-born child or any dead body, wilfully refuses to answer any question put to him by the Registrar relating to the particulars required to be registered concerning the birth or death, or save as provided in this Act, fails to comply with any requirement of the Registrar made thereunder;
- (b) refuses or fails without reasonable excuse to give, deliver or send any certificate which he is required by this Act to give, deliver or send;
- (c) being a person upon whom a duty is imposed by section 8 to give information concerning a birth fails to give that information and that information is not given;
- (d) being a parent of a legitimated person within the meaning of the Legitimacy Act 1961, fails to comply with any requirement of the Registrar-General made under or by virtue of section 17 of this Act;
- (e) being a person upon whom a duty to give information concerning a death is imposed by section 19 of this Act, fails to give that information and that information is not given; or

- (f) being a person who is called upon by the Registrar-General or the Superintendent-Registrar to appear before him in pursuance to subsection 37B(2) fails without reasonable excuse to do so,

shall be liable to a fine of two hundred and fifty ringgit for each offence.

**Penalty for false information, false entry, or destruction of entry**

**36.** Any person who—

- (a) wilfully makes or permits to be made for the purposes of registration any false statement;
- (b) wilfully or knowingly furnishes or permits to be furnished any false information, touching any of the particulars required by the Act to be made known;
- (c) makes or permits to be made any false entry in any register, knowing the same to be false;
- (d) wilfully destroys or permits to be destroyed any entry in any register;
- (e) wilfully issues any Certificate of Birth or Certificate of Death containing false particulars;
- (f) without lawful authority makes any mark on or entry upon, or erases, cancels, tampers or alters any mark or entry contained in any register;
- (g) knowingly and wilfully registers or causes the registration of a birth or a death in respect of one person to be effected more than once;
- (h) makes use of a Certificate of Birth or a Certificate of Death knowing or believing that it contains any false particulars;
- (i) knowingly possesses or makes use of a Certificate of Birth or a Certificate of Death purporting the same to be his own or of any person other than the rightful owner's;

- (j) forges a Certificate of Birth or a Certificate of Death;
- (k) hands over any Certificate of Birth or Certificate of Death to any person knowing or believing it will be used for unlawful purposes;
- (l) without lawful authority or reasonable excuse wilfully retains any Certificate of Birth or Certificate of Death from the rightful owner; or
- (m) aids or abets the commission of any offence against this Act,

shall be liable to a fine of two thousand ringgit or to imprisonment for twelve months or to both such fine and imprisonment.

### **Public servants**

**36A.** All officers appointed under this Act shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

### **Authority for prosecution**

**37.** No prosecution for any offence under this Act shall be instituted except by the authority of the Public Prosecutor.

### **Prosecution**

**37A.** The Superintendent-Registrar and any other officer duly authorized in writing by the Registrar-General may conduct a prosecution in respect of any offence under this Act or any regulations made thereunder.

### **Power to hold inquiries**

**37B.** (1) The Registrar-General, Superintendent-Registrar or any other officer duly authorized in writing by the Registrar-General, may for the purpose of satisfying himself of any particulars required for the purpose of deciding under sections 12, 15, 21, 27, subsections 32(3) and (4) hold an inquiry.

(2) The Registrar-General, Superintendent-Registrar or such authorized officer may only for the purpose of carrying out the provisions of subsection (1)—

- (a) call upon any person to appear before him to answer any question on oath or otherwise which he may consider reasonably necessary to ask for such purpose;
- (b) administer any affirmation or statutory declaration and examine any person on affirmation.

(3) The Superintendent-Registrar may impound any document produced before him or otherwise received by him if he has reason to doubt its genuineness or correctness or the validity of its issue.

### **Power to compound offences**

**38.** The Registrar-General may in his discretion compound any offence punishable under section 35 by accepting from the person reasonably suspected of having committed such offence a sum of money not exceeding fifty ringgit.

### **Rules**

**39.** Subject to the provisions of this Act the Minister may make rules in respect of all or any of the following matters:

- (a) the form and contents of the registers, Certificates of Birth, Certificates of Death, forms, certificates, notices and other documents required and the information to be supplied for carrying out the purposes of this Act;
- (b) the fees to be imposed under this Act;
- (c) the custody of registers, forms, certificates, notices and other documents connected with the business of registration;
- (d) the making of searches and the issue of Certificates of Birth or Certificates of Death;
- (e) the preparation and custody of indices of matters contained in registers;
- (f) the making of corrections or alterations to the registers;

- (g) the returns to be rendered by masters of ships or captains of aircrafts registered in Malaysia in respect of births and deaths on board their ships or aircrafts; and
- (h) any other matters as to which it may be expedient to make rules for carrying into effect the objects of this Act.

### **Sending documents by post**

**40.** Any notice, declaration, certificate, requisition, return or other document required by or under this Act may be sent by post.

### **Savings, etc.**

**41.** (1) Any certificate issued or any notice or information given or any order, regulation or return made or any registration effected or other thing done under or in accordance with any former written law relating to the registration of births and deaths shall if in force at the commencement of this Act, continue in force, and shall have effect as if the same had been issued, given, made effected or done under the corresponding provision of this Act.

(2) Any form used, and any requirement as to the particulars to be entered in any form used, for the purposes of any written law repealed by this Act in force immediately before the commencement of this Act shall continue in force as though prescribed under this Act until other forms or particulars are so prescribed.

(3) Where a period of time specified in any Enactment or Ordinance repealed by this Act is current at the commencement of this Act this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

(4) Any document referring to the provision of any written law repealed by this Act shall unless the contrary intention appears be construed as referring to the corresponding provision of this Act.

(5) A copy of any entry made in the register prior to the commencement of this Act which would if made after such commencement have been entered as a late registration pursuant to section 12 or 21 shall—

- (a) if the truth of the facts therein entered has been found in the manner prescribed by any provision of the written

law under which the entry was made or, if not so found, has been established to the satisfaction of the Registrar-General; and

(b) if certified under the hand of the Registrar-General,

be admissible in evidence in the manner prescribed by section 33.

(6) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section 30 of the Interpretation Acts 1948 and 1967 (which relates to the effect of repeal).

### **Repeal**

**42.** The Enactments and Ordinances set out in the Schedule to this Act are repealed to the extent specified in the third column of such Schedule.

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SCHEDULE

[Section 42]

REPEAL

(1)	(2) <i>Short title</i>	(3) <i>Extent of Repeal</i>
F.M.S. Cap. 190	The Births and Deaths Registration Enactment	The whole
S.S. Ordinance No. 34 of 1937	The Registration of Births and Deaths Ordinance 1937 and 1938	The whole
Johore Enactment No. 8	The Registration of Births and Deaths Enactment	The whole
Johore Enactment No. 2 of 1938	The Registration of Births and Deaths Enactment 1938	The whole
Kelantan Enactment No. 6 of 1930	The Births and Deaths Registration Enactment 1930	The whole

(1)	(2) <i>Short title</i>	(3) <i>Extent of Repeal</i>
Kedah Enactment No. 95	Enactment No. 95 (Registration of Births and Deaths Enactment)	The whole
Trengganu Enactment No. 4 of 1344	The Registration of Births and Deaths Enactment 1344	The whole
Perlis Enactment No. 4 of 1352	The Registration of Births and Deaths Enactment 1352	The whole
F.M.S. Cap. 69	The Legitimacy Enactment	Paragraph 3(v) and the Schedule to the Enactment
S.S. Cap. 85	The Legitimacy Ordinance	Subsection 3(5) and the Schedule to the Ordinance
Johore Enactment No. 19 of 1936	The Legitimacy Enactment 1936	Paragraph 3(v) and the Schedule to the Ordinance

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**LAWS OF MALAYSIA****Act 299****BIRTHS AND DEATHS REGISTRATION ACT 1957**

## LIST OF AMENDMENTS

Amending law	Short title	In force from
Ord. 6/1958	The Births and Deaths Registration (Amendment) Ordinance 1958	01-08-1958
Act 60	Legitimacy Act 1961	23-03-1961 01-01-1971
L.N. 348/1965	Modification of Laws (Births and Deaths) (Borneo States) Order 1965	23-09-1965
Act 50	Medical Act 1971	01-10-1971
Act A296	Births and Deaths Registration (Amendment) Act 1975	30-05-1975
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975

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**LAWS OF MALAYSIA****Act 299****BIRTHS AND DEATHS REGISTRATION ACT 1957**

## LIST OF SECTIONS AMENDED

Section	Amended authority	In force from
2	Act A296	30-05-1975
3	Act A296	30-05-1975
4	Act A296	30-05-1975
4A	Act A296	30-05-1975
13A	Act A296	30-05-1975
15	Act A296	30-05-1975
17	Act A296	30-05-1975
27	Act A296	30-05-1975
29	Ord. 6/1958	01-08-1958
32	Act A296	30-05-1975
33	Act A296	30-05-1975
36	Act A296	30-05-1975
37A	Act A296	30-05-1975
37B	Act A296	30-05-1975
39	Act A296	30-05-1975

