

A BILL

i n t i t u l e d

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

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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 2016.

(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.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Births and Deaths Registration Act 1957 (“Act 299”).

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 2 of Act 299 to introduce the definition of “Certificate of Presumed Death” into Act 299.

4. *Clause 3* seeks to amend section 4 of Act 299 to enable registers of births, deaths and presumed deaths to be kept in a form to be determined by the Registrar-General.

Currently, the registers of births, deaths and presumed deaths are kept and maintained manually by the National Registration Department of Malaysia. At the same time, the National Registration Department of Malaysia also implements centralized registers relating to births, deaths and presumed deaths in the form of computer databases. However, the National Registration Department of Malaysia shall continue to keep and maintain manually the registers of births, deaths and presumed deaths administratively. Consequential to the implementation of centralized registers relating to births, deaths and presumed deaths in the form of computer databases, several provisions of Act 299 have to be amended, specifically subsections 4(2) and (3), subsection 7(1), subsection 18(1), section 26, subsections 27(3), (4) and (6) and section 30.

5. *Clause 4* seeks to amend section 4A of Act 299 to enable re-registration of the death of any person whose records are for any reason missing or destroyed.

6. *Clause 5* seeks to amend section 6 of Act 299 to allow any public officer to inspect the registers and indices in the performance of his duties with the authorization of the Registrar-General. The proposed amendment will facilitate the sharing of information between government agencies.

7. *Clause 6* seeks to amend section 7 of Act 299.

Subclause 6(a)(i) seeks to amend subsection 7(1) of Act 299 to enable the registration of the birth of every child born in Peninsular Malaysia in any registration area. Prior to the proposed amendment, each birth shall only be registered in the area in which the birth occurred as all registers and indices are kept manually at the Registrar's office for the area where the birth occurred. However, with the implementation of centralized registers in the form of computer databases, all new registers are no longer required to be kept manually by the Registrar. Consequently, the registration of birth of any child may be done at any Registrar's office in Peninsular Malaysia.

Subclause 6(b) seeks to delete subsection 7(3) of Act 299. The deletion of subsection (3) of Act 299 seeks to remove the provision that permits Chinese characters to be used in the registration of the birth of a Chinese child due to the implementation of centralized registers in the form of computer databases which only recognizes Roman characters.

8. *Clause 7* seeks to amend section 8 of Act 299 to extend the period for giving information concerning a birth to the Registrar from fourteen days to sixty days. From 2003 to 2014, the statistic shows that two hundred sixty nine thousand and seventy five cases for late registration of births have been recorded. Therefore, in order to reduce such number of cases and to give more time to a qualified person to register the birth of a child, the period for giving information concerning the birth is proposed to be extended to sixty days.

9. *Clause 8* seeks to introduce a new section 10A into Act 299 to deal with a special provision for registration of birth. Currently, there are instances where registration of birth are done administratively as it cannot be done in accordance with the existing provisions of Act 299, for example a birth aboard an aircraft or ship and where it involves the jurisdiction of a foreign state. Hence, the proposed amendment seeks to provide for an express provision relating to the powers of the Registrar-General to register any birth if he is satisfied from evidence adduced before him that such birth has occurred.

10. *Clause 9* seeks to delete section 11 of Act 299. The deletion of section 11 of Act 299 is consequential to the amendment of section 8 of Act 299 in *clause 7* which extends the period of giving information concerning a birth from fourteen days to sixty days.

11. *Clause 10* seeks to amend section 12 of Act 299.

Subclause 10(a)(i) seeks to amend subsection 12(1) of Act 299 to insert provision on the requirement of written authority of the Registrar-General for registration of a birth if the registration is made after the expiration of sixty days from the date of birth. The proposed amendment is consequential to the amendment of section 8 of Act 299 in *clause 7* which extends the period for giving information concerning a birth. The proposed amendment also seeks to insert provision on the requirement of written authority of the Registrar-General for registration of the birth of a living newborn child who is found exposed if the registration is made after expiration of fourteen days from the date when the child is found exposed, for the benefit and security of the child, instead of forty-two days as in the existing provision.

Subclause 10(a)(ii) seeks to amend subsection 12(1) of Act 299 to provide that late registration is subject to such fees and conditions prescribed by the Minister.

Subclause 10(b) seeks to introduce a new subsection 12(1A) into Act 299 to provide that the Registrar-General may waive the fees prescribed for late registration, in whole or in part, subject to the criteria and conditions to be determined by the Minister.

12. *Clause 11* seeks to amend section 18 of Act 299.

Subclause 11(a) seeks to amend section 18 of Act 299 to enable the death of every person who died in Peninsular Malaysia to be registered by the Registrar in any registration area. Prior to the proposed amendment, each death shall only be registered in the area in which the death occurred as all registers and indices are kept manually at the Registrar's office for the area where the death occurred. However, with the implementation of centralized registers in the form of computer databases, all new registers are no longer required to be kept manually by the Registrar. Consequently, the registration of death may be done at any Registrar's office in Peninsular Malaysia.

13. *Clause 12* seeks to amend section 19 of Act 299 to extend the period for giving information concerning a death to the Registrar from twelve hours to seven days. Due to the needs, circumstances, rituals, religious obligations

and customs with regard to the management of a death that may prevent a qualified person from informing the death to the Registrar in a period of twelve hours after the death, the period for giving information is extended to seven days. Furthermore, from 2003 to 2014, the statistic shows that seventy two thousand and nine hundred twenty nine cases for late registration of deaths have been recorded. Therefore, in order to reduce such number of cases and to give more time to a qualified person to register a death, the period for giving information concerning the death is proposed to be extended to seven days.

14. *Clause 13* seeks to introduce a new section 19A into Act 299 to deal with a special provision for registration of death in the wake of the MH17 incident where the deaths of its passengers cannot be registered in accordance with the existing provisions of Act 299. Hence, the proposed amendment seeks to provide for an express provision relating to the powers of the Registrar-General to register any death if he is satisfied from evidence adduced before him that such death has occurred.

15. *Clause 14* seeks to delete section 20 of Act 299. The deletion of section 20 of Act 299 is consequential to the amendment of section 19 of Act 299 in *clause 12* which extends the period of giving information concerning a death from twelve hours to seven days.

16. *Clause 15* seeks to amend section 21 of Act 299.

Subclause 15(b)(i) seeks to amend section 21 of Act 299 to provide on the requirement of written authority of the Registrar-General for registration of a death if the registration is made after the expiration of seven days from the date of the death or the date of finding the dead body. The proposed amendment is consequential to the amendment of section 19 of Act 299 in *clause 12* which extends the period of giving information concerning a death.

Subclause 15(b)(iii) seeks to amend section 21 of Act 299 to provide that the late registration is subject to such fees and conditions prescribed by the Minister.

Subclause 15(c) seeks to amend section 21 of Act 299 seeks to introduce a new subsection (2) into Act 299 to provide that the Registrar-General may waive the fees prescribed for late registration, in whole or in part, subject to the criteria and conditions to be determined by the Minister.

17. *Clause 16* seeks to amend section 22 of Act 299 to provide that, upon the death of any person who has been attended by a registered medical practitioner during his last illness, the period to deliver a certificate to a qualified person under section 19 of Act 299 or to the Registrar by the registered medical practitioner is extended from twelve hours of the death to seven days of the death. As the period for giving information concerning a death to the Registrar under section 19 is extended from twelve hours to seven days in *clause 12*, the period under section 22 of Act 299 is also similarly extended.

18. *Clause 17* seeks to amend section 23 of Act 299 to provide that, where a *post-mortem* examination of a body of any person is held, the period to forward a certificate to the Registrar by the registered medical practitioner is extended from twenty-four hours after the conclusion of the examination to seven days after the conclusion of the examination. As the period for giving information concerning a death to the Registrar under section 19 is extended from twelve hours to seven days in *clause 12*, the period under section 23 of Act 299 is also similarly extended.

19. *Clause 18* seeks to amend section 24 of Act 299 to provide that, where an inquest or inquiry into the death of any person is held, the period to forward a certificate to the Superintendent-Registrar by the Coroner or Magistrate is extended from twenty-four hours after the conclusion of the inquest or inquiry to seven days after the conclusion of the inquest or inquiry. As the period for giving information concerning a death to the Registrar under section 19 is extended from twelve hours to seven days in *clause 12*, the period under section 24 of Act 299 is also similarly extended.

20. *Clause 19* seeks to introduce new sections 24A and 24B into Act 299.

The proposed section 24A seeks to provide that a person who has been granted an order pertaining to a missing person's presumed death under any written law by a Court may forward the order to the Registrar for the purpose of registering the particulars of the missing person's presumed death. On receipt of the order, the Registrar shall make an entry in a register containing the name of the missing person and such other necessary information in relation to the missing person's presumed death. The proposed amendment seeks to encourage the registration of a missing person's presumed death upon receiving an order from a Court and to assist the family members in dealing with matters pertaining to the missing person with the issuance of a Certificate of Presumed Death under the proposed section 24B.

21. *Clause 21* seeks to amend section 27 of Act 299.

Subclause 21(b) seeks to insert a new subsection 27(3A) into Act 299 to provide that 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. The existing provision of section 27 of Act 299 only allows the correction of an error of fact or substance to be made in the registers upon an application from a person requiring such error to be corrected. The proposed amendment will allow the Registrar-General to correct any error of fact or substance in the registers after the inquiry without the need for an application to be made to that effect.

Subclause 21(d) seeks to delete subsections 27(5) and (6) of Act 299. The provision of subsection 27(5) of Act 299 which allows the Registrar-General or the Superintendent-Registrar to correct any date or name of the place that has been entered in Thai or Japanese to accord to the British calendar or the place name used prior to the Japanese or Thai occupation is deleted because it is no longer relevant and practised.

22. *Clause 23* seeks to amend section 32 of Act 299 to provide for the issuance of the Certificate of Presumed Death by the Registrar.

23. *Clause 24* seeks to amend section 33 of Act 299 to provide that the Certificate of Presumed Death shall be received without further or other proof as evidence of such facts and particulars relating to a presumed death.

24. *Clauses 25 and 26* seek to amend sections 34 and 35, respectively. The proposed amendments seek to increase the penalty imposed on offences relating to registers and failure to give information, *etc.*, under sections 34 and 35 of Act 299, respectively, considering that a higher penalty is imposed for like offences under the National Registration Act 1959 [Act 78].

25. *Clause 27* seeks to amend section 36 of Act 299, *inter alia*, to introduce a new offence of knowingly possess or make use of a fake Certificate of Birth, Certificate of Death or Certificate of Presumed Death. The proposed amendment also seeks to increase the punishment imposed for offences under that section and provide that every offence under paragraphs 36(1)(a), (b), (c), (h), (i), (j), (k), (m) and (n) are seizable offences.

26. *Clause 28* seeks to delete section 37A of Act 299 relating to the power of the Superintendent-Registrar or the officer authorized by the Registrar-General to conduct a prosecution as the power to conduct a prosecution is the power of the Public Prosecutor pursuant to Article 145 of the Federal Constitution.

27. *Clause 29* seeks to amend section 37B of Act 299 to empower the Registrar-General, the Superintendent-Registrar or the Registrar to require any document to be produced when necessary during an inquiry. The proposed amendment also provides for an offence of failure or refusal of any person to attend any inquiry, or to produce any document, or to answer any question, when required to do so.

28. *Clause 30* seeks to introduce a new section 37C into Act 299 to empower the Registrar-General, the Superintendent-Registrar and the Registrar to investigate the commission of any offence under Act 299.

29. *Clause 31* seeks to amend section 38 of Act 299 to provide for the power to compound offences.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U2)3020]