

CHAPTER 36

THE REGISTRATION AND IDENTIFICATION OF PERSONS ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 36

THE REGISTRATION AND IDENTIFICATION OF PERSONS ACT

An Act to provide for the registration of persons in the United Republic, the issue to them of identity cards and for connected purposes.

[.....]

Act No. 11 of 1986

PART I

PRELIMINARY PROVISIONS (ss 1-4)

[PCh36s1]1. Short title

This Act may be cited as the Registration and Identification of Persons Act.

[PCh36s2]2. Commencement

This Act shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

[PCh36s3]3. Interpretation

In this Act, unless the context requires otherwise—

"alien" means any person who is not a citizen or a national of the United Republic.

"applicant" means a person required to apply for registration under section 7 of this Act;

"citizen" means a person who is a citizen of the United Republic in accordance with the law for the time being relating to citizenship;

"diplomatic person" means the consular or diplomatic employee and other members of the staff or families of the staff of a consular or diplomatic mission appointed to their positions by the government of the appropriate foreign power or an international organisation, and who would not otherwise be living in the United Republic;

"identity card" means a card indicating the identity of the holder issued by the Registrar under this Act;

"Minister" means the Minister for the time being responsible for matters relating to citizenship;

"Registrar" means the person appointed as such under section 5, and includes any person discharging the functions of the Assistant Registrar or any functions under this Act upon the directions of the Registrar;

"registration office" means an office established or set up in pursuance of subsection (4) of section 5;

"registration officer" means the Registrar, any registrar or an assistant registrar appointed under section 5 and performing any function pursuant to any provision of this Act.

[PCh36s4]4. Application

(1) This Act applies to Tanzania Zanzibar and to Mainland Tanzania.

(2) Subject to subsection (3), this Act shall apply to all persons resident in the United Republic.

(3) This Act shall not apply to such persons who are—

- (a) bona fide passengers in transit through the United Republic;
- (b) temporary visitors to the United Republic; or
- (c) residents entitled to exemption, as the Minister may, by order published in

the Gazette, determine.

PART II

REGISTRATION OF PERSONS (ss 5-9)

(i) Administration (ss 5-6)

[PCh36s5]5. Appointments, officers, etc.

(1) The Minister shall, appoint by name or office a public officer to be the Registrar for the purposes of this Act.

(2) There shall be such number and grades of registrars, assistant registrars and other public officers under the Registrar as the Minister may determine as necessary for the effective carrying out of the purposes and provisions of this Act.

(3) The powers and discretions vested in the Registrar and assistant registrar may be exercised by a registrar, assistant registrar, immigration officer or any by other public officer as the Minister may, by notice published in the Gazette, specify.

(4) The Minister may, establish or set up such offices as he may deem necessary for the purposes of this Act, and may appoint an officer to be known by such style as he may determine, to have charge of each of such office.

[PCh36s6]6. Terms of service of registration officers

(1) Subject to subsection (2), Registrar and every other registration officer shall hold office upon such terms and conditions in relation to his office as the Minister may determine.

(2) Where any registration officer is appointed to such office under this Act by reason of his holding any other office in the Civil Service, he shall hold such office for such term and upon the conditions under which he continues to hold the first office.

(ii) Registration (ss 7-9)

[PCh36s7]7. Registration of persons

(1) Subject to subsection (2) and to other provisions of this Act, every person of or above the age of eighteen years who, on or after the commencement of this Act, is or resides in the United Republic and to whom this Act applies may make an application for registration in pursuance of this Act.

(2) The Minister may, where he deems it necessary in the interests of administrative or other convenience, by order published in the Gazette, direct that the registration of persons be effected progressively according to such description or category of persons or residence in certain areas as he may determine.

(3) Where the Minister makes an order under subsection (2), every person described or belonging in a category or area of residence specified may apply for registration in accordance with this Act.

[PCh36s8]8. Applications for registration

(1) Every application for registration made pursuant to this section shall, subject to this section, be made in such manner and on such form as may be prescribed.

(2) An application for registration shall be made by the applicant.

(3) Every alien who is subject to this Act shall apply for registration.

[PCh36s9]9. Registration procedure

(1) Every applicant shall—

(a) submit to all such steps as may be reasonably necessary for the taking and recording of his left thumb-print or such other single fingerprint and, if so required by the registration officer at the time, his written signature;

(b) furnish in writing the following particulars to the registration officer in such form as he may require, namely—

(i) the full personal name and surname by which he elects to be registered and, if he is known by or uses different personal names or surnames, each of such names in full;

(ii) his business and residential addresses within the United Republic;

(iii) the nationality he claims;

(iv) his place of birth;

(v) his age and sex;

(vi) his marital status;

(vii) his profession, occupation, trade or employment; and

(viii) such other particulars as the Minister may, by order published in the Gazette, prescribe.

(2) Where the applicant is illiterate or, is otherwise unable to write, he shall dictate the relevant particulars to a registration officer or any other person authorised by the Registrar for that purpose and, upon completion, the applicant shall acknowledge the correctness of the particulars by affixing his signature, thumb-print, fingerprint or such other mark in the presence of the registration officer or the other person authorised, in such place and in such form as may be indicated.

(3) Every person who is the head of a family shall in addition to the requirements of subsection (1) in relation to himself, be responsible for ensuring compliance by members of his family with the provisions of subsection (1)(b).

(4) Notwithstanding the preceding provisions of this section, every applicant who is a diplomatic person may furnish, and the registration officer may accept, suitable passport size photographs of himself, his wife, his dependent children and the recording of their fingerprints shall not be required.

PART III

IDENTITY CARDS (ss 10-14)

[PCh36s10]10. Types and issue of identity cards

(1) There shall be two types of identity cards of such form as the Minister may prescribe in respect of—

(a) citizens of the United Republic;

(b) aliens resident in the United Republic; and an identity card shall contain such particulars to be prescribed as may be necessary for the purposes of identifying the holder.

(2) Upon the registration of a person in accordance with this Act and upon payment by him to the registration officer, of any fee payable in that behalf, the registration officer shall cause to be prepared and issued to that person an appropriate identity card.

[PCh36s11]11. Duty to use registered name and to submit number of identity card

Notwithstanding the provisions of any law to the contrary, every person who is registered under this Act shall, in all dealings with the Government or of a public nature—

(a) use the personal name and surname by which he elected to be or is registered;

(b) furnish the number of his identity card to the satisfaction of the public officer or other person lawfully requiring the number; and

(c) when he is required by law to furnish particulars of any other person, so far as he is able—

(i) submit the personal name and surname by which such other person elected to be registered; and

(ii) furnish the number of the identity card relating to such person to the satisfaction of the public officer or other person lawfully requiring the number.

[PCh36s12]12. Custody and safety of identity card

(1) A person to whom an identity card is issued under this Act shall keep the card in safe custody and may, subject to this Act, carry it on his person for self identification.

(2) Any person who finds or otherwise comes into possession of an identity card which was not issued to him shall, without undue delay, return it to the person to whom it was issued or forward it to the registration office nearest to him.

[PCh36s13]13. Replacement of identity cards

(1) Where an identity card is lost, destroyed or materially damaged, the person to whom it was issued shall, without undue delay, report the loss, destruction or damage to the registration officer nearest to him who, on payment of any prescribed fee and subject to any other conditions which may be prescribed, shall issue to that person a new identity card.

(2) Whenever an identity card issued to any person ceases in any material particular to accurately represent his true identity, that person shall, without undue delay, surrender his card to the registration officer and give him such particulars as shall be necessary for the issue of a new identity card by the registration officer who, on payment of any fee, and subject to any conditions which may be prescribed, shall issue to the applicant a new identity card.

[PCh36s14]14. Production and inspection of identity cards

(1) The Minister shall, after consultation with such authority as may appear to him to be appropriate, by regulations under this section, specify situations, services, facilities or any other thing the grant or the obtaining of which may be dependent upon or on condition that, a person identified himself in the manner specified in section 11 of this Act.

(2) Where any person required under subsection (1) to produce his identity card fails to do so or to satisfy the authority by other proof that he is registered under this Act,

the authority concerned may, notwithstanding any other written law to the contrary, defer consideration of the application of that person for the grant or for obtaining of any services, facilities or any other thing until he produces either his identity card or such other proof.

(3) The Registrar, an assistant registrar and any immigration officer may, in the small lawful discharge of the duties of his office under this Act, any person purporting to have been registered under this Act, to produce his identity card for inspection and, if such person fails or refuses to produce his identity card or otherwise prove that he is registered under this Act the person may be required to produce the identity card or other proof within such time, to such person and at such place as may be specified in writing by the registration officer.

PART IV

GENERAL PROVISIONS (ss 15-24)

[PCh36s15]15. Power to exempt

(1) Subject to this Act, the Minister may, by order published in the Gazette, exempt any person or category of persons from compliance with the provisions of section 7.

(2) Where in any proceedings any person claims that this Act does not apply to him or that he is exempted from complying with the provisions of section 7, the burden of proving claim shall lie upon that person.

[PCh36s16]16. Evidence

In any proceedings for an offence under this Act, any document purporting to be a certificate signed by the Registrar or other registration officer, certifying a copy or extract of any record kept by him under this Act, shall be prima facie evidence of the facts stated in the certificate and, unless the contrary is proved, shall be deemed to be signed by the registration officer mentioned in it.

[PCh36s17]17. No presumption of truth of contents of identity card

The burden of proving the truth of the contents of any application for registration under this Act or the contents of an identity card issued under this Act, shall be on the applicant or holder of the identity card or on any other person alleging the truth of those contents.

[PCh36s18]18. Power to certify and furnish certified copies

The Registrar, and any other registration officer authorised in writing by him in that behalf may, upon receipt of a written and signed request from the person to whom an identity card relates or from a public officer or authority, and upon payment of the appropriate prescribed fee—

- (a) certify to the correctness or otherwise of such matters relating to the person named in the written request which are within his knowledge; or
- (b) furnish a certified copy of the photograph of such person or relevant document in his custody.

[PCh36s19]19. Duty not to disclose photographs, fingerprints and particulars

Subject to section 18, the Registrar, a registration officer and an immigration officer performing the functions of his office under this Act shall not—

(a) produce for inspection or supply a copy of, the photograph of any person registered under this Act or his fingerprints; or

(b) disclose or supply a copy of the particulars furnished under section 7 or 9, except and unless with the written permission of the Minister which may—

(i) refer to a person or category of persons by name, office or description; or

(ii) contain such terms and conditions as the Minister may deem fit to impose.

[PCh36s20]20. Offences and penalties

(1) Notwithstanding the provisions of section 4, any person who—

(a) fails or refuses to comply with section 7 or 9;

(b) wilfully obstructs the Registrar immigration officer or any registration officer in the due execution of his duties;

(c) in furnishing any information for the purposes of this Act, knowingly or recklessly makes any statement which is untrue or false in a material particular;

(d) falsely denies that he has previously been registered or by any false representation or any act or omission attempts to deceive or deceives a registrar as to any circumstances concerning such previous registration or particulars given on such previous registration;

(e) wilfully destroys or mutilates any identity card;

(f) unlawfully issues any identity card or makes any entry, alteration or erasure on any such card or other registration document;

(g) unlawfully deprives any person of an identity card issued to him under this Act;

(h) is in unlawful possession of or makes use of an identity card issued to any other person under this Act;

(i) is knowingly in possession of an identity card on which any unlawful entry, alteration or erasure has been made or of a document so closely resembling an identity card as to be calculated to deceive;

(j) is in possession of more than one identity card purporting to show his identity; or

(k) hands over the identity card issued to him under this Act to any other person to be used by such other person,

is guilty of an offence and shall be liable on conviction, to a fine not exceeding thirty thousand shillings or to a term of imprisonment not exceeding three years or to both such fine and imprisonment.

(2) Any person who contravenes or fails or refuses to comply with any provision of this Act is guilty of an offence.

(3) Where a person commits an offence against this Act in respect of which no penalty is provided, he shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding thirty months or to both such fine and imprisonment.

[PCh36s21]21. Power of arrest

(1) The Registrar, any other registration officer or a police officer may without warrant arrest any person who he reasonably believes has committed an offence against this Act.

(2) The Director of Immigration Services and every immigration officer may exercise the powers of arrest vested in him under the law for time being relating to immigration in relation to persons committing offence under this Act to the same extent and in the same manner as if such offences were offenses under such law.

(3) Any person arrested in pursuance of the provisions of this section shall immediately or as soon as practicable be handed over by the person arresting into the custody of a police officer or taken to the nearest police station, to be dealt with in accordance with the provisions of the Criminal Procedure Act *.

[PCh36s22]22. Power to make regulations

(1) The Minister may make such regulations as may be necessary for the better and more effectual carrying out of the purposes and provisions of this Act.

(2) All regulations made under this section shall be published in the Gazette.

(3) Without prejudice to the generality of the power conferred by subsection (1), the regulations made by the Minister may provide for—

(a) the manner in which and places at which applications for registration shall be made;

(b) the information and documents to be furnished for the purposes of registration;

(c) the procedure for the taking and recording of photographs and facsimiles of all such fingerprints on the expiration or repeal of this Act or its ceasing to apply in relation to any person registered under it;

(d) the method and manner by which information and documents furnished by a person required to be registered are to be recorded and maintained;

(e) the photographing of fingerprints, information and documents furnished or made for the purpose of registration and the destruction of their originals;

(f) the keeping and maintenance of registers and the entry or insertion into or removal from the registers of particulars furnished under this Act;

(g) returns to be made by registration officers in relation to persons registered by them;

(h) the form and particulars to be entered on identity cards;

(i) the amendment or cancellation of identity cards and their replacement.

(j) the issue of reports and certificates;

(k) the procedure to be complied with where registered particulars undergo change or a registered person leaves the United Republic or dies;

(l) prescribing fees which may be charged for the issue, re-issue or replacement of identity cards, including different circumstances in which the fees may be charged;

(m) prescribing fees which may be charged for the provision of extracts from the registers;

(n) the destruction of documents and records;

(o) anything which is by this Act required or permitted to be prescribed or otherwise provided for.

[PCh36s23]23. Public officers' indemnity

No suit shall lie against any public officer in respect of anything done or omitted to be done by that officer in good faith in the exercise or purported exercise of any function conferred by this Act.

[PCh36s24]24. Transitional provisions

[Transitional provisions.]