

CHAPTER 108

THE BIRTHS AND DEATHS REGISTRATION ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 108

THE BIRTHS AND DEATHS REGISTRATION ACT

An Act to make provision for the registration of births and deaths and for the issue by medical practitioners of certificates of the cause of death.

[15th December, 1920]

[s. 1(1)]

[1st April, 1921]

R.L. Cap. 108

Ords. Nos.

12 of 1920

29 of 1922

20 of 1926

19 of 1943

39 of 1949

30 of 1955

[R.L. Cap. 277]

Acts Nos.

11 of 1976

13 of 1988

19 of 1992

1 of 1993

G.N. No. 478 of 1962

[PCh108s1]1. Short title

This Act may be cited as the Births and Deaths Registration Act.

[PCh108s2]2. Interpretation

In this Act, unless the context otherwise requires—

"Minister" means the Minister responsible for legal affairs,

"prescribed particulars" means—

(a) as to any birth, the sex, name, date, and place of birth, the names, residence, occupations and nationality of the parents, and such other particulars as the Minister may by rules prescribe; and

(b) as to any death, the name, age, sex, residence, occupation and nationality of the deceased, and the date, place, and cause of death, and such other particulars as the Minister may by rules prescribe.

The Registrar-General (ss 3-5)

[PCh108s3]3. Appointment and duties of Registrar-General

(1) The Minister shall appoint a Registrar-General of Births and Deaths Minister hereinafter called "the Registrar-General".

(2) It shall be the duty of the Registrar-General to compile, after the close of each year, a summary of births and deaths of such year and a report on the increase or decrease of the population of the country, and on any special causes appearing to affect the same.

(3) The Registrar-General shall have the custody of all filed register books and of all quarterly returns made by the district registrar of a district.

(4) It shall be the duty of the Registrar-General to provide the district registrar of a district with such book and forms as may be required, and with such instructions as he may consider necessary for the registration of births and deaths in his district.

[PCh108s4]4. Indexes, searches, certified copies Ord. No. 29 of 1922 s. 9

(1) The Registrar-General shall cause to be prepared from the returns made to him alphabetical indexes of the births and deaths registered.

(2) Any register in the custody of a district registrar, and any register, copy of a register, return, or index in the custody of the Registrar-General shall, on payment of the prescribed fee and subject to the prescribed rules, be open to inspection.

[PCh108s5]5. Appointment, powers and duties of Assistant Registrars-General Ord. No. 19 of 1943 s. 2

(1) The Minister may appoint as many Assistant Registrars-General of Births and Deaths as he may consider necessary for the purposes of this Act.

(2) Subject to the directions of the Registrar-General, an Assistant Registrar General of Births and Deaths shall have all the powers and perform all the duties and be subject to all the obligations of the Registrar-General.

District Registrars (ss 6-8)

[PCh108s6]6. District registrars Ord. No. 20 of 1926 s. 2

The administrative officer in charge of a district or such other person as the Minister may appoint by notice in the Gazette shall be the district registrar of that district.

[PCh108s7]7. Substitution of other officers for district registrars Act No. 13 of 1988 Sch.

The Minister may direct that the duties of the district registrar of any district shall in that district be performed by any other public officer or by any person who is in charge of a hospital institution.

[PCh108s8]8. Registrar-General may give special directions to a district registrar Ord. No. 30 of 1955 s. 2

The Registrar-General may, from time to time give general or special directions to any district registrar as to the performance of his duties or functions and any district registrar shall comply with any general or special directions so given.

Registration of Births (ss 9-14)

[PCh108s9]9. Register to be kept in every district

The district registrar of a district shall keep a register, and shall enter therein every birth, whereof the prescribed particulars are reported to him, of a child born alive within his district.

[PCh108s10]10. Mode of registration

Every person registering the birth of a child shall, to the best of his knowledge and ability, give the prescribed particulars, and shall certify to their correctness either by signing, or, if he is illiterate, by affixing his mark to, the register, or if the registration is effected without personal attendance by signing, or affixing his mark to, the prescribed form on which the prescribed particulars are reported to the district registrar.

[PCh108s11]11. Duty to register births

In the case of every child born alive after the commencement of this Act, the registration of whose birth is compulsory, it shall be the duty of the father and mother, and, in default of the father and mother, of the occupier of the house in which to his knowledge such child is born, and of each person present at the birth, and of the person having charge of such child, to register the birth within three months of the birth.

[PCh108s12]12. Registration of child born out of wedlock

No person shall be bound as father to register the birth of a child born out of wedlock and no person shall be entered in the register of as the father of such child except at his own request and upon his acknowledging himself to be the father of the child and signing, or affixing his mark to, the register as such.

[PCh108s13]13. Registration of exposed child

If any living new-born child, the registration of whose birth is compulsory, is found exposed, it shall be the duty of any person finding such child, and of any person in whose charge such child may be placed, to give such information as the informant possesses for the purpose of registering such birth.

[PCh108s14]14. Change of name

Where the birth of any child has been registered before it has received a name, or the name by which it was registered is altered, the parent or guardian of such child may, within two years of the registration on payment of the prescribed fee and on providing such evidence as the district registrar may think necessary, register the name that has been given to the child.

Registration of Deaths (ss 15-17)

[PCh108s15]15. Register to be kept in every district

The district registrar of a district shall keep a register, and shall enter therein every death occurring within the district after the commencement of this Act whereof the prescribed particulars are reported to him.

[PCh108s16]16. Mode of registration

Every person registering a death shall, to the best of his knowledge and ability, give the prescribed particulars, and shall certify to their correctness either by signing or, if he is illiterate, by affixing his mark to, the register, or, if the registration is effected without personal attendance, by signing or affixing his mark to the prescribed form on which the prescribed particulars are reported to the district registrar.

[PCh108s17]17. Duty to register deaths

In the case of every person dying after the commencement of this Act, the registration of whose death is compulsory, it shall be the duty of the nearest relatives of such person who were present at his death or in attendance during his last illness, and in default of such relatives, of every other relative dwelling within the district, and in default

of such relatives, of each person present at the death, and of the occupier of the house in which to his knowledge such death took place; and in default of any of the persons hereinbefore mentioned, of any inmate of the house, or of any person finding or taking charge of the body of such person, or causing such person to be buried, to register the death within one month after the death or finding of the body or, where the district registrar is satisfied that from any cause registration could not be effected within the said period and that no undue delay has taken place, within three months after the death or finding of the body.

Certificates of the Cause of Death (s 18)

[PCh108s18]18. Provisions relating to medical certificates of cause of death Ord. No. 19 of 1943 s. 3

(1) The Registrar-General shall, from time to time, furnish to every district registrar printed forms of certificates of cause of death by licensed and registered medical practitioners, and every such registrar shall furnish such forms gratis to any such medical practitioner residing or practising in such registrar's district.

(2) In case of the death of any person who has been attended during his last illness by a licensed or registered medical practitioner, that practitioner shall sign and give to some person required by section 17 of this Act to register the death a certificate stating to the best of his knowledge and belief the cause of death and such person shall, upon registering the death, deliver that certificate to the district registrar and the cause of death as stated in that certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(3) Where an inquest is held on the body of any deceased person, a medical certificate of the cause of death need not be given to the district registrar, but the coroner's finding as certified by him in his inquisition shall be sufficient.

(4) If any person to whom a medical certificate is given by a medical practitioner in pursuance of this section fails to deliver that certificate to the district registrar, he shall be guilty of an offence and liable to a fine not exceeding forty shillings.

General (ss 19-31)

[PCh108s19]19. Late registration of birth or death Ord. No. 30 of 1955 s. 3; Act No. 1 of 1993 Sch.

A district registrar shall not enter in the register any birth after three months from the date of such birth or any death after one month from the date of such death unless—

(a) he is satisfied of the correctness of the particulars tendered for registration;
and

(b) payment is made of the prescribed fee:

Provided that the district registrar shall not, without the prior approval of the Registrar-General, register any birth ten or more years after its occurrence.

[PCh108s20]20. Power to hold inquiry Ord. No. 30 of 1955 s. 3; Act No. 11 of 1976 Sch.

(1) For the purpose of satisfying himself pursuant to section 19 of the correctness or otherwise of particulars tendered for entry in the register, a district registrar may make or cause to be made such inquiries as he may deem fit.

(2) For the purposes of any inquiry made under subsection (1), the district registrar may administer oaths and may issue a summons under his hand directing the person named therein to attend at the time and place therein mentioned to give evidence or to produce documents therein specified or to do both.

(3) If any person upon whom a summons issued under the provisions of subsection (2) has been served refuses or omits without sufficient cause to attend at the time and place mentioned in the summons, or refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the district registrar, or refuses or omits without sufficient cause to produce any documents in his possession or under his control which are mentioned in the summons, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings:

Provided that no person giving evidence before the district registrar may be required to answer any question the answer to which may tend to expose him to any criminal charge, penalty or forfeiture, and that every person shall, in respect of any evidence given by him or any document he is required to produce be entitled to all the privileges to which a witness in a trial before the High Court is entitled in respect of evidence given by him or a document he is required to produce before such court.

[PCh108s21]21. Repealed

[Repealed by Act No. 1 of 1993 Sch.]

[s. 22A]

[PCh108s22]22. Quarterly returns of births and deaths Ord. No. 29 of 1922 s. 6

(1) Every district registrar shall, in every January, April, July, and October, make and deliver to the Registrar-General on forms to be supplied for the purpose by the Registrar-General a true copy of all the entries of births and deaths in the registers in his custody made during the three months ending on the last day of the preceding December, March, June, or September, as the case may be, or, if no entry has been made during that period, then a certificate to that effect signed by him.

(2) There shall be attached to every such copy a certificate in the prescribed form signed by the district registrar.

[s. 21]

[PCh108s23]23. Disposal of filled up registers Ord. No. 29 of 1922 s. 7

Every register of births and deaths, when filled up, shall as soon as possible, be delivered to the Registrar-General and shall be preserved by him.

[s. 22]

[PCh108s24]24. Correction of errors Ord. No. 29 of 1922 s. 8

(1) Where it is shown to the satisfaction of any district registrar or the Registrar-General that any error has been made in any register, copy of a register, or index in his custody, he may correct the error.

(2) Every correction of an error shall be so made that the original entry remains legible, and shall be dated and signed by the officer making the correction.

(3) Before making any correction, the district registrar or Registrar-General may, if he considers it necessary, require the true facts to be proved by evidence on oath (which he is hereby authorised to administer) or by statutory declaration.

[s. 23]

[PCh108s25]25. Certified copies Ord. No. 29 of 1922 s. 10

(1) On payment of the prescribed fee—

(a) every district registrar and the Registrar-General shall give a certified copy of any entry in any register of births or deaths in his custody;

(b) the Registrar-General shall give a certified copy of any entry in any copy of a register delivered to him under the provisions of this Act or of any entry in any quarterly return of births or deaths made before the 1st January, 1923 (in pursuance of the provisions of section 13 of the Births and Deaths Registration Act, 1920, which section was repealed by the Births and Deaths Registration Act, 1922).

(2) Every certified copy given under the provisions of this section shall be certified in the prescribed manner.

(3) Every certified copy of an entry in a register of births or deaths or of an entry in a copy of such a register delivered to the Registrar-General under the provisions of this Act or of an entry in a quarterly return of births or deaths made as aforesaid shall, if it purports to be certified in the prescribed manner, be admissible in evidence without proof, and be prima facie evidence of the facts recorded therein.

[s. 24]

[PCh108s26]26. Compulsory registration of births

The registration of the birth of a child shall be compulsory if either one or both parents are of European or American origin or descent or, in the case of a child born out

of wedlock and not recognised by its father, if the mother is of European or American origin or descent.

[s. 25]

[PCh108s27]27. Compulsory registration of non-native deaths Ords. Nos. 29 of 1922 s. 3; 39 of 1949 s. 6

(1) The registration of the death, after the 1st January, 1923, of every non-native shall be compulsory.

(2) In this section the expression "non-native" means a person who is neither a member of an African race nor a Swahili and includes a Somali.

[s. 26]

[PCh108s28]28. Extension of compulsory registration G.N. No. 478 of 1962

The Minister may, by order published in the Gazette, extend, from a date to be named in the order, the provisions of this Act relating to the compulsory registration of births and deaths to all persons in Tanzania of any particular race, class, tribe, or other group, or to all or some of the inhabitants of any particular town, district, or other area, and from and after the said date the registration of births and deaths shall, in such cases, be compulsory instead of being optional.

[s. 27]

[PCh108s29]29. Offences and penalties Ord. No. 30 of 1955 s. 4

(1) Any person who, being under an obligation to register the birth or death of a person, fails to do so within the periods mentioned in section 11 or 17 hereof, as the case may be, shall be guilty of an offence and shall be liable on conviction to a fine not

exceeding five hundred shillings, and the court may after convicting any person under this subsection order that such person do register the birth or death, as the case may be, notwithstanding the fact that the said period shall have expired, and any person failing to obey such order of the court shall be guilty of an offence and shall be liable on conviction to the same penalties as are hereinafter set out for the offence of refusing to register.

(2) Any person who, being under an obligation to register the birth or death of any person, refuses to register or to state any of the prescribed particulars, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment, and the court may after convicting any person under this subsection order that such person do register the birth or death, as the case may be, or state the prescribed particulars, notwithstanding the fact that the period therefor shall have expired, and any person failing to obey such order of the court shall be guilty of an offence and shall be liable on conviction to the same penalties as are herein set out for refusing to register or to state any of the prescribed particulars.

(3) Any person who makes any statement or gives any information to or produces any document to any district registrar which is false in any material particular and which he either knows or believes to be false or does not believe to be true, with the intention of procuring any entry in any register of births or deaths or knowing or believing that the same may be produced in evidence by a person seeking to procure any such entry shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand

shillings or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

[s. 28]

[PCh108s30]30. Registers kept under Proclamation No. 15 of 1917 Ord. No. 29 of 1922 s. 11

The registers of births and deaths kept in pursuance of Proclamation No. 15 of 1917 (Civil Area), dated the twenty-eighth day of August, 1917 (which is hereby repealed), shall, as soon as conveniently may be, be delivered to the Registrar-General, and the provisions of this Act as to inspection and certified copies shall apply to every such register in like manner as they apply to registers kept under this Act.

[s. 29]

[PCh108s31]31. Rules

The Minister may make rules with regard to the following matters, and generally for carrying into effect the provisions of this Act—

- (a) the place in each district and the hours at which births and deaths may be registered;
- (b) the conditions under which and the mode in which registration may be effected without personal attendance;
- (c) the forms of all registers, returns, and other documents required for the purposes of this Act;
- (d) the amount of any fee where a fee is prescribed by this Act;

(e) the inspection of registers, returns, and indexes, and the provision of certified copies;

(f) the places at which births and deaths occurring on board ships while within the territorial waters of Tanzania shall be registered.

[s. 30]