

ACT

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THE NATIONAL CIVIL REGISTRATION ACT, 2016

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Passed in Parliament this *30th day of June 2016*, in the year of our Lord two thousand and Sixteen.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.

SIGNED this *26th day of July, 2016.*

DR. ERNEST BAI KOROMA,
President.



No. 14

2016

Sierra Leone

The National Civil Registration Act, 2016

Short title.

Being an Act to provide for the amendment and consolidation of the laws relating to the compulsory registration of citizens and non-citizens resident in Sierra Leone, to provide for the issuance of identity cards, to provide for the establishment of the National Civil Registration Authority responsible for the registration of births, adoptions, deaths, marriages, divorces and nullities throughout Sierra Leone and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires-

“Authority” means the National Civil Registration Authority established by section 2;

“birth” means live birth or still birth;

“Director-General” means the person appointed by the President to be Director-General under Section 16;

“child” means a person below the age of 18;

“civil register” means a Register of Adoptions, Register of Births, Register of Deaths, Register of Divorces, Register of Marriages or Register of nullities as the case may be, kept under this Act;

“Civil Registration System” means the Integrated National Civil Registration System established under subsection (1) of section 37 by which the government records the vital events of its citizens and residents;

“death” means the permanent disappearance of all evidence of life at any time after live-birth has taken place;

“district” means Western Rural, Western Urban or any of the administrative district of the provinces;

“house” means any building or a part of a building where such part is occupied separately from the rest and includes a correctional facility, hospital, lunatic asylum, public or charitable institution;

“informant” means a person under duty to give information concerning the happening of an event under this Act;

“live birth” means the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction breathes or shows any other evidence of life;

“National Identification Number” means the unique administrative identifier for individuals and a component of the Integrated National Civil Registration System, issued by the Authority, under paragraph (b) of section 14 to every citizen and resident in Sierra Leone;

“Minister” means the Minister responsible for internal affairs;

“Personal Registration File” means the Personal Registration File referred to in section 34;

“public institution” includes a correctional facility, hospital and such other public or charitable institution as may be prescribed;

“registration officer” means a registration officer appointed under this Act;

“registration” means registration by the Director-General or any Registration Officer.

“relative” includes a relative by marriage or adoption;

“still birth” means the birth of a child which has issued forth from its mother after twenty-eight weeks of pregnancy and which did not at any time after being completely expelled from its mother, breathe or show any other signs of life and “stillborn” shall be construed accordingly;

PART II – ESTABLISHMENT OF THE NATIONAL CIVIL REGISTRATION AUTHORITY

Establishment of National Civil Registration Authority.

2. (1) There is hereby established a body to be known as the National Civil Registration Authority.

(2) The Authority shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Authority shall have a common seal, the use of which shall be authenticated by the signature of-

- (a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf; and
- (b) the Director-General or other officer of the Authority authorised by the Board for that purpose.

(4) Every document purporting to be an instrument executed or issued by or on behalf of the Authority and to be sealed with the common seal of the Authority authenticated in the manner stated in subsection (3) shall be deemed to be so executed or issued without further proof, unless the contrary is proved.

Board of Authority.

3. (1) The governing body of the Authority shall be a Board in which shall be vested, subject to this Act, the control and supervision of the Authority.

(2) The Board shall consist of a Chairman and the following other members-

- (a) the Statistician-General, Statistics Sierra Leone;
- (b) Permanent Secretary, Ministry of Internal Affairs
- (c) the National Security Coordinator, Office of National Security;
- (d) the Financial Secretary, Ministry of Finance and Economic Development;
- (e) the Chief Medical Officer; and
- (f) five other members to be appointed by the President, of whom two shall be women, subject to the approval of Parliament;

(3) The Director-General of the Authority shall serve as Secretary to the Board.

(4) The President shall, on the advice of the Minister and subject to the approval of Parliament appoint a Chairman from among persons with proven knowledge of and practical experience in matters relevant to the objects and functions of the Authority.

4. (1) The Chairman shall hold office for a period of three years and shall be eligible for re-appointment for another term of three years only. ^{Tenure of members.}

(2) A person shall cease to be a member of the Board on any of the following grounds-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;

- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause; or
- (f) if he resigns his office by written notice to the Minister.

Meetings of Board.

5. (1) The Board shall meet for the dispatch of its business at least once every three months at the offices of the Authority and at such time as the Chairman may determine.

(2) The Chairman shall preside at every meeting of the Board, and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of three members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act on his behalf shall summon a special meeting within five days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be five.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

6. (1) A member of the Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter. Disclosure of interest.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be liable to be removed from the Board.

7. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act. Immunity of members of Board etc.

(2) No member of the Board shall be personally liable for any debt or obligation of the Authority.

8. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine. Committees of Board.

(2) A committee appointed under subsection (1), shall consist of members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the Director-General, and performing such functions as the Board may determine.

(4) A committee appointed under subsection (1), shall submit a report of its proceedings to the Board at such time as the Board may determine.

Functions of Board.

9. (1) The Board shall have the control and supervision of the Authority, including overseeing the sound and proper financial management of the Authority.

(2) The Board shall provide policy guidance and advice that will secure the efficient implementation of the functions of the Authority and enhance the overall performance of the Authority.

Remuneration of members.

10. The Chairman and the other members of the Board and any person co-opted by the Board under subsection (8) of section 5 shall be paid remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Authority for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine.

Filling of vacancies.

11. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office for a continuous period of three months—

- (a) the members of the Board shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) in the case of a member, the Chairman shall subject to this Act, have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

12. (1) All members of staff of the Authority, including members of the Board as well as consultants, advisers or subcontractors, shall sign a confidentiality agreement when in the service of the Authority. Confidentiality.

(2) No member of staff of the Authority, including members of the Board as well as consultants, advisers or subcontractors shall publish or disclose to any person, other than in the course of that person's duties, the contents of any document, communication or information which has come to his knowledge in the course of his duties under this Act, without written consent given by, or on behalf of the Board,

(3) Any person who contravenes this section commits an offence and shall be liable on conviction to a fine not less than twenty million leones and not exceeding One Hundred Million Leones (100,000,000.00) or to imprisonment for a term not less than 2 years and not exceeding 5 years or to both fine and imprisonment.

(4) A person who is convicted of an offence under this section shall be dismissed from the Authority.

13. The Authority shall, except as otherwise provided by this Act, not be subject to the direction, control or influence of any other entity or Authority. Independence of Authority.

PART III – OBJECTS AND FUNCTIONS OF AUTHORITY

Objects of Authority.

14. The objects for which the Authority is established shall be to-

- (a) develop and maintain an accurate electronic database of the population of Sierra Leone;
- (b) issue National Identification Numbers to every citizen and resident in Sierra Leone;
- (c) provide accurate information about civil status events such as births, adoptions, marriages, divorces, nullities and deaths;
- (d) provide accurate information about the demographic distribution throughout Sierra Leone, the rate of social change and civil status trends;
- (e) facilitate study and research for social and economic development;
- (f) provide easy access to the Civil Registration System other ministries, departments and agencies to enhance the standard of decision-making and public administration;
- (g) promote access to information and support the democratic process;
- (h) enhance national security; and
- (i) generate income for government.

Functions of Authority.

15. (1) The functions of the Authority shall be to-

- (a) implement the objectives of this Act;

- (b) ensure compliance with this Act;
- (c) assist the Government in the definition of strategic rules, general policies for civil registration and vital statistics;
- (d) maintain the national civil registration system for vital statistics at chiefdom, district, regional and national levels;
- (e) maintain a register of all citizens and non-citizens resident in Sierra Leone;
- (f) ensure the establishment of permanent and continuous registration centers as one stop shops throughout Sierra Leone;
- (g) provide technical support and represent the Government at international civil registration forums;
- (h) ensure compliance with obligations laid down by international agreements and treaties to which Sierra Leone is a party;
- (i) impose sanctions to enforce this Act;
- (j) issue multipurpose national identity cards, birth certificates, death certificates, marriage certificates, adoption certificates and other identity documents;
- (k) undertake the continuous process of civil education on civil registration; and
- (l) undertake all necessary measures to perform the functions of the Authority specified in this Act.

- (m) carry out such other functions as may be assigned by the Board or necessary for the purposes of the Authority

PART IV – ADMINISTRATIVE PROVISIONS

Director-General.

16. (1) The Authority shall have a Director-General who shall, subject to the approval of Parliament, be appointed by the President upon such terms and conditions as may be stated in his letter of appointment.

(2) No person shall be appointed as Director-General unless that person has proven extensive knowledge and experience in civil registration and related activities.

(3) The Director-General shall be responsible to the Board for the performance of the following functions-

- (a) provide overall leadership in the conduct and management of the day-to-day business or activities of the Authority;
- (b) initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the operations of the Authority;
- (c) monitor and supervise the preparation of the annual budget and report of the Authority for the review and approval of the Board;
- (d) oversee the work and discipline of other staff of the Authority;
- (e) formulate and implement operational policies, programmes and plans relating to the functions of the Authority as may be approved by the Board;

- (f) maintain, manage and control the Civil Registration System established by this Act;
- (g) modify and adapt the Civil Registration System so as to provide for changing needs and circumstances (including the use of electronic or other information technology) in relation to the Authority where appropriate;
- (h) maintain, adapt, modify and enlarge the registers, indexes and other records established and maintained under this Act where appropriate;
- (i) monitor the implementation of this Act,
- (j) publish guidelines for supervision and discipline of other staff of the Authority on the implementation of this Act;
- (k) ensure the enforcement of the provisions of this Act; and
- (l) ensure that rules and regulations are updated periodically.

17. (1) The Director-general shall be assisted by a Deputy Director-General who shall be appointed by the Board upon such terms and conditions as the Board shall, after consultation with the Minister, determine.

Deputy Director-General.

(2) No person shall be appointed as Deputy Director-General unless that person is a Sierra Leonean and has proven extensive knowledge and experience in civil registration and related activities.

(3) The Deputy Director-General shall perform the following functions:-

- (a) serve as the principal assistant to the Director-General, on all professional and technical matters;

- (b) have operational oversight to ensure that the functions and tasks of all departments and responsibilities of directors are carried out;
- (c) assist the Director-General, in the administration of the Authority; and
- (d) carry out such other responsibilities as shall be assigned by the Director-General

Other staff of Authority.

18. (1) The Authority shall have, in addition to the Director-General and Deputy Director-General, such other technical and administrative staff, as may be required for the efficient performance of the functions of the Authority.

(2) The other technical and administrative staff of the Authority shall be appointed by the Board subject to such terms and conditions as the Board shall determine.

(3) The Authority may delegate to the Director-General -

- (a) the power for the appointment of such grade or categories of staff as the Authority may require and;
- (b) the power to enter into an agreement with an independent body or agency for the purpose of carrying out the functions of the Authority.

Protection of officers.

19. No officer or employee of the Authority or any person acting on the directions of an officer or employee of the Authority shall be liable in respect of any matter or thing done by him in good faith under this Act.

Secondment of public officers.

20. Public officers may, at the instance of the Authority, be seconded or otherwise render assistance to the Authority but the Authority may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Authority.

PART V – FINANCIAL PROVISIONS

21. (1) The activities of the Authority shall be financed by Funds of Authority.
funds consisting of-

- (a) any moneys appropriated from time to time by Parliament for the purposes of the Authority;
- (b) moneys given to the Authority by way of gifts, endowments, bequests, grants or other contributions by persons and organisations for the purposes of the Authority and;
- (c) other moneys which may, from time to time, accrue to the Authority.

(2) The funds of the Authority shall be applied only for the purposes of the approved budget of the Authority.

(3) The Authority may charge fees in respect of publications, seminars, documents, and other services provided by the Authority.

22. (1) The Authority shall keep proper books of account and other records in relation to the activities, property and finances of the Authority in a form approved by the Accountant-General, and shall prepare in respect of each financial year of the Authority a financial statement which shall include-

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds;

(2) The accounts of the Authority kept under subsection (1) shall, not later than three months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanation thereon as he may think fit.

(4) The Authority shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Authority.

(5) The Auditor-General or the auditor appointed by him shall submit to the Authority a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to-

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Authority; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Authority.

Financial year
of Authority.

23. The financial year of the Authority shall be the same as the financial year of the Government.

Annual
report.

24. (1) The Authority shall, within three months after the end of the financial year, submit to the Minister an annual report on the performance of its functions during that year and on its policies and programmes.

(2) An annual report submitted by the Authority under subsection (1), shall include the accounts and annual financial statement prepared under section 22 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

(4) The Authority shall make copies of the report available to all stakeholders within thirty (30) days once it has been laid before Parliament.

(5) There shall be attached to the report referred to in subsection (2)-

- (a) an audited statement of the Authority's financial position;
- (b) an audited statement of income and expenditure; and
- (c) such other information as the Authority may consider appropriate.

PART VI- INFORMATION MANAGEMENT

25. Notwithstanding anything contained in any other law relating to data protection, the Director-General shall provide information in relation to births, adoptions, deaths, marriages, divorces or nullities registered under this Act to - Duty to provide information.

- (a) the Minister responsible for defence for the purpose of the administration of the defence of the Republic of Sierra Leone Armed Forces;
- (b) the National Electoral Commission for the purpose of getting an updated register of voters for the conduct of public elections and referanda;
- (c) the Minister responsible for Internal Affairs for the purpose of-
 - (i) determining entitlements to passports;

- (ii) verifying the identity of persons applying for or holding passports; and
- (iii) determining the immigration or citizenship status of persons;
- (d) the National Social Security and Insurance Trust for the purpose of determining entitlement to, or control of, benefits under the National Social Security and Insurance Trust Act, 2001;
- (e) the Minister responsible for Transport for the purpose of the grant of driving licences and permits to persons; and
- (f) the National Revenue Authority for the purpose of the administration and consolidation of taxes under the Income Tax Act, 2000.

Vital statistics.

26. (1) The Authority shall collect, compile, abstract and publish vital statistics.

(2) The Minister shall by Statutory Instrument make regulations to give effect to this section and the regulations shall, in particular, include-

- (a) in the case of any birth, death, marriage, divorce, nullity or adoption, provisions requiring that specified information relating to the birth, death, marriage, divorce, nullity or adoption be furnished to the Authority within a specified period;
- (b) in the case of any other matter relating to the subject of vital statistics, provision that specified information relating to the matter be furnished to a specified person within a specified period and;

- (c) provision for the recording of information received pursuant to the regulations and its transmission to the Minister or any other specified person.

(3) A person who receives information pursuant to regulations under this section or is engaged in the collection, compilation, abstraction or publication of vital statistics shall not disclose any such information in a form that identifies, or enables the identification of, a person to whom it relates unless the disclosure is to another person so engaged or is authorised under this Act.

PART VII – CIVIL REGISTRATION IN SIERRA LEONE

27. (1) The Authority shall, pursuant to this Act, be responsible for the continuous, permanent and compulsory recording of the occurrence and characteristics of vital events including births, deaths, marriages, divorces, nullities, adoptions, legitimisation and recognition of citizens and residents throughout Sierra Leone for the purpose of establishing and maintaining a Civil Register of events.

(2) The Civil registration shall, subject to this Act, include the collection, processing, keeping and provision of data which shall-

- (a) define personal identity;
- (b) define the relationships between persons related in the direct line in the first degree and in the collateral line in the second degree;
- (c) indicate the permanent and present address of individuals;
- (d) indicate the degree and type of education; and
- (e) keep record of imposed legal restrictions.

Civil Register. **28.** (1) The Civil Register, referred to in subsection (1) of section 27, shall contain vital statistics of citizens and residents throughout Sierra Leone.

(2) The Civil Register shall record in the Integrated National Civil Registration System vital statistics of-

- (a) all citizens; and
- (b) all residents who-
 - (i) have been granted permission to stay in Sierra Leone;
 - (ii) are without citizenship but have settled permanently and primarily in Sierra Leone; or
 - (iii) have been granted refugee or humanitarian status, or asylum in Sierra Leone.

(3) The Civil Register shall be maintained, kept and preserved at the chiefdom, district and national level and into which shall be properly entered the events in the Registers specified in section 42 and in accordance with this Act.

Civil registration data. **29.** (1) The basic civil registration data of a person shall include-

- (a) name;
- (b) day, month, year, and place of birth;
- (c) sex;
- (d) citizenship;

(e) National Identification Number; and

(f) any other data as may be required by law.

(2) The civil registration data of foreigners in Sierra Leone shall also include National Identification Numbers from country of origin.

30. (1) The name of a citizen, born in Sierra Leone, shall consist of- Names of citizens.

- (a) a given name;
- (b) other name (s); and
- (c) family name.

which shall be entered in the Register of Births.

(2) The given name of a person born in Sierra Leone shall be chosen by the parents thereof and shall be made known in writing to the Registration Officer at the time of registration of birth.

(3) A person's family name shall be the family name of the father, except when the parents' family, ethnic or religious traditions require otherwise.

(4) The family name of a child whose father is not known shall be derived from the mother's given name and the child's family name shall be that of the mother or the name of the mother's father.

31. (1) Upon adoption, the child's given name shall be determined by the court in accordance with the adopters' request and if the child has attained 14 years of age, the child's consent shall also be required when changing his name. Names given upon adoption

(2) When adoption is terminated by the court, the adopted person shall have his name restored as prior to his adoption.

(3) With the consent of the adopter or under compelling circumstances the court may allow the adopted person to retain the name given at adoption.

Restoration of names.

32. (1) A person who has acquired or restored his Sierra Leonean citizenship may be allowed to change his father's or family name so as to render his given name more Sierra Leonean.

(2) In the case of acquisition or restoration of Sierra Leonean citizenship, a person of Sierra Leonean origin may, at his own request, adopt his father's or family name.

Issuing birth certificates to foreign nationals.

33. (1) The names of a foreigner, shall be entered in the civil register in the way it is written in his national personal identity document.

(2) The names of a foreigner born in Sierra Leone shall be entered as declared by the parents.

Personal Registration File.

34. (1) All persons subject to civil registration shall have a Personal Registration File which shall be manual and an entry in the Integrated National Civil Registration System which shall be electronic.

(2) The Personal Registration File shall be made and kept at the region, district, or chiefdom of the person's permanent address.

(3) The Personal Registration File shall contain the following data-

- (a) name;
- (b) sex;
- (c) day, month and year of birth signature, thumb print, or other form of authentication;
- (d) National Identification Number, and for foreign nationals, National Identification Number of foreigner;

(e) citizenship;

(f) place of birth, region, district, chiefdom, and for persons born outside Sierra Leone, country of birth;

(g) permanent address- region, district, town, chiefdom, residential quarter, street, building number, floor number, apartment number, electronic address, where available;

(h) family status;

(i) spouse's National Identification Number or date of birth, name, sex, permanent address, citizenship;

(j) childrens' National Identification Number or date of birth, name, sex, permanent address, citizenship;

(k) mother's National Identification Number or date of birth, name, sex, permanent address, citizenship;

(l) father's National Identification Number or date of birth, name, sex, permanent address, citizenship;

(m) personal identity document type, number, date of issuance; and

(n) previous permanent address, peculiarities, date of issuance of the Personal Registration File, name and signature of the official.

(4) The Personal Registration File of citizens shall be created on the basis of one of the following documents-

- (a) birth notification or certificate;
- (b) application by the person settling at a permanent address in the locality and;
- (c) Sierra Leonean citizenship certificate with copies of civil status documents and an application for permanent address at the locality.

(5) The Personal Registration File of foreigners shall be created on the basis of one of the following documents-

- (a) permission for permanent stay;
- (b) temporary refugee certificate or birth notification for the child of parents with refugee or humanitarian status;
- (c) application by the person settling at a permanent address in the locality; and
- (d) certificate of a person without citizenship.

(6) The data in the Personal Registration File shall be entered, kept and maintained on the basis of the required documents as stated above.

(7) The Personal Registration File shall be stored for a period of 150 years from the date of creation and upon expiration of which it shall be transferred to the national archive.

(8) The Register of citizens shall comprise all Personal Registration Files of citizens with permanent address in Sierra Leone.

(9) The Register of foreign nationals shall comprise all Personal Registration Files of foreigners with permanent address in Sierra Leone.

(10) The Register of Deaths shall comprise all Personal Registration Files of citizens and of foreigners with recorded death related data.

(11) The Archive Register shall comprise the Personal Registration Files of persons with permanent address who are no longer in Sierra Leone, as well as of those persons whose citizenship has been withdrawn.

35. (1) The Director-General shall conduct or cause to be conducted such enquiries as he considers necessary to ascertain whether a birth, death, marriage, divorce, nullity or adoption required to be registered under this Act has occurred and if it has,

Enquiries by
Director-
General.

- (a) whether it has been so registered; and
- (b) whether the particulars in relation to it in the register are correct and complete.

(2) The Director-General shall, by notice in writing served on a person whom he has reason to believe may be able to provide him with information relevant to an inquiry under subsection (1), require that person to provide the information to him within such time, not being less than 28 days, from the date of the giving of the notice and in such manner as may be specified in the notice.

(3) Where the Director-General is satisfied that an event referred to in subsection (1) has occurred and that it has not been registered in the appropriate register referred to in that subsection or, if so registered, that the particulars entered in the register in relation to

it are incorrect or incomplete, he shall register the event, or cause it to be registered, in the appropriate register or, as the case may be, correct, complete, or cause the entry to be corrected or completed.

Evidence of births and deaths.

36. (1) An entry in the Register of Births or the Register of Deaths shall not be evidence of the birth or death unless—

- (a) the entry purports to be signed by the person who gave the required particulars in relation to the birth or death as the case may be, to the Registration Officer concerned;
- (b) that person was at the time of the making of the entry, required by this Act to give particulars in relation to the event to a Registration Officer; and
- (c) the entry was made in accordance with this Act.

(2) Paragraphs (a) and (b) of subsection (1) shall not apply to-

- (a) an entry in the Register of Births made pursuant to the Births and Deaths Registration Act, 1983; or
- (b) where a birth or death is registered more than 12 months from the date of its occurrence, the relevant entry in the Register of Births or the Register of Deaths, as the case may be, shall not be evidence of the occurrence unless it purports to have been made with the authority of the Director-General.

PART –VIII INTEGRATED NATIONAL CIVIL REGISTRATION SYSTEM

37. (1) The Authority shall, for the registration of individuals in Sierra Leone and as a source of personal data, establish and maintain an electronic registration system to be known as the Integrated National Civil Registration System.

(2) The Integrated National Civil Registration System shall have the following functions-

- (a) create and maintain civil status registers in electronic format;
- (b) create and maintain automated databases on the basis of civil status registers;
- (c) keep the unique administrative identifier for individuals specified in this Act including the National Identification Number and biometric details and;
- (d) create and maintain the national classification of permanent and residential addresses of persons in the Republic of Sierra Leone.

(3) The Integrated National Civil Registration System shall function at national, regional, district, chiefdom and ward levels.

38. (1) The Integrated National Civil Registration System shall have automated databases which shall contain-

- (a) personal data from the manual civil registers;
- (b) national data related to the maintenance of the information about the individuals; and
- (c) biometric data of individuals including face, fingerprint, blood group, eye colour, height, etc.

- (2) The automated databases shall be used to ensure-
- (a) the registration, maintenance and updating of the civil registration data;
 - (b) preservation and maintenance of the chronology of changed civil registration data; and
 - (c) accuracy, comprehensiveness and interrelatedness of the civil registration data.

(3) The data in the automated databases shall be entered at chiefdom, district, regional and national level.

(4) The data shall be entered once at the place of occurrence of the event or of the change and the data coming from other information systems shall be entered centrally with a note to inform the chiefdom, district and regional offices.

(5) The data from the local registration centers shall be sent regularly to the respective districts for transmission to a regional or national level.

Rules for Integrated National Civil Registration System data.

39. (1) The Integrated National Civil Registration System data shall be provided to-

- (a) citizens and foreign nationals;
- (b) persons without citizenship;
- (c) third persons, where the data is crucial for the creation, existence, change or termination of their lawful rights and interests;

- (d) state authorities and institutions, according to their legal powers and;
- (e) Sierra Leonean and foreign legal entities on the basis of any law relating to personal data protection or any other law.

(2) The Authority shall, subject to any law relating to personal data protection, through the Ministry of Foreign Affairs and International Cooperation, provide Integrated National Civil Registration System data to foreign representations based on bilateral and multilateral international agreements to which Sierra Leone is a party.

(3) The Authority shall, on the request of institutions, individuals and legal entities that have received the Integrated National Civil Registration System data, make a correction wherever there is established contradiction, incorrectness or incompleteness.

40. The Authority shall by way of special protective measures and in compliance with international law and any other law relating to personal data protection, protect data in the Personal Registration Files and data bases against accidental or unauthorised destruction, as well as against accidental loss and unauthorised access, change or disclosure.

Data protection.

41. (1) The Integrated National Civil Registration System shall be the basic information system in Sierra Leone in respect of registration of personal data of individuals.

Interaction between INCRS and other information systems.

(2) The Authority shall, on the basis of the Integrated National Civil Registration System provide personal data to other government information systems and also receive data from them.

(3) The personal registration data provided by the Integrated National Civil Registration System shall be the primary source of authoritative information as against other information systems providing administrative services to the population.

(4) Sierra Leonean identification documents issued by the Ministry of Internal Affairs shall be based on the Integrated National Civil Registration System.

Registers.

42. (1) The Authority shall establish and, where appropriate, maintain a register which shall comprise the following —

- (a) Register of Births which shall be the register of all births occurring in Sierra Leone;
- (b) Register of Adoptions which shall be the register of all adoptions including foreign adoptions;
- (c) Register of Deaths which shall be the register of all deaths occurring in Sierra Leone;
- (d) Register of Marriages which shall be the register of all marriages taking place in Sierra Leone;
- (e) Register of Divorces which shall be the register of all divorces taking place in Sierra Leone;
- (f) Register of Nullities which shall be the register of all nullities of marriages taking place in Sierra Leone; and
- (g) such other Registers as may be specified, from time to time by the Director-General.

(2) The Register shall be maintained in any legible form or in any other form that is capable of being converted into a legible form and of being used to make a legible copy or reproduction of an entry.

(3) Evidence of an entry in the Register and of the facts stated therein may be given by the production of a document purporting to be a legible copy of the entry and certified to be a true copy by the Director-General, or a person authorised in that behalf by the Authority.

43. (1) No alteration shall be made to the Register maintained by the Authority under section 42 otherwise than in accordance with this Act. Correction of errors.

(2) Any person who has an interest in the matter and is desirous of making an alteration to the Register for the purpose of correcting an error shall on application in writing to the Director-General, in the manner specified by the Authority and on the submission of such evidence as the Director-General considers adequate, request that a clerical error or an error of fact in the Register be corrected accordingly.

(3) The Registration Officer may, for the purpose of correcting any error in the Register under subsection (2), make appropriate alteration in such manner as may be prescribed by the Authority.

(4) Where an error of fact other than one relating to the cause of death occurs in the record signed by a coroner of a verdict returned at an inquest held by him, and the coroner or his successor is satisfied by evidence on oath given orally or by statutory declaration of the existence of the error-

- (a) he shall give a certificate to the Authority stating the nature of the error and the relevant facts; and
- (b) the registration officer shall, in such form as the Authority shall direct, correct the appropriate entry in the Register of Deaths and the original entry shall be retained.

Correction or
cancellation
of entries.

44. (1) Where a Registration Officer is satisfied that an entry made by him or another Registration Officer in the Register of births, deaths, marriages, adoptions, divorces or nullity contains an error of fact, he shall notify the Director-General of the error.

(2) Where the Director-General receives a notification under subsection (1), he shall by notice in writing given to a qualified informant in relation to the birth, death, marriage, adoptions, divorce or nullity require him-

- (a) to attend at the office of the Authority or at the office of the Registration Officer, or at any other convenient place specified in the notice, within such time (not being less than 7 days from the date of the giving of the notice); and
- (b) to give to the Authority evidence on oath orally or by statutory declaration specifying the error and, to the best of his knowledge and belief, the relevant facts, and such other information as the Director-General or the Registration Officer may reasonably require.

(3) Where a person complies with subsection (2), the Director-General shall, direct the Registration Officer concerned to correct the error in the Register.

(4) Where, pursuant to subsection (2), the Director-General or the Registration Officer is satisfied that, in relation to the error, neither a qualified informant referred to in subsection (2) nor two other credible persons having knowledge of the facts can be found, the Director-General shall, if he considers it appropriate to do so, direct a Registration Officer or an authorised officer to make in such manner as he shall specify, a correction of the error in the entry in the Register, and the direction shall be complied with and the original entry shall be retained in the Register.

(5) Where the Director-General is satisfied that two or more entries have been made in a Register in respect of the same event, he may direct a Registration Officer or an authorised officer to cancel the entries as he shall specify, and the direction shall be complied with and the cancelled entry or entries shall be retained in the Register.

(6) Where the Director-General is satisfied that an entry in the Register of marriages relates to-

- (a) a marriage, one or both of the parties to which was or were under the age of 18 years at the time of the solemnisation of the marriage; or
- (b) a marriage to which there was an impediment, he shall-
 - (i) direct a Registration Officer to cancel the entry and the direction shall be complied with and the cancelled entry shall be retained in the Register; and
 - (ii) notify the parties to the marriage and the person who solemnised the marriage, of the direction.

PART IX -REGISTRATION OF BIRTHS

45. (1) Subject to this Act, when a child is born in Sierra Leone, it is the duty of the parents or the surviving parent of the child, or if the parents are dead or incapable through ill health of complying with this subsection, a qualified informant not later than 3 months from the date of the birth to inform the Registration Officer, to the best of his knowledge and belief, the required particulars of the birth and to sign the Register of Births in the presence of the Registration Officer. ^{Registration of births.}

(2) Where, owing to non-compliance with subsection (1), a birth is not registered and the Authority is unable to contact either parent of a child, the Authority shall give a qualified informant notice in writing requiring the informant to -

- (a) attend before a Registration Officer at the office of the Authority or at such other convenient place as shall be specified by the Authority;
- (b) give to the Registration Officer, to the best of his knowledge and belief, the required particulars of the birth; and
- (c) sign the Register of Births in the presence of the Registration Officer.

(3) Where subsection (1) or, as the case may be, paragraphs (a) to (c) of subsection (2) have been complied with in relation to a birth, the Registration Officer shall register the birth in such manner as may be prescribed by the Authority.

(4) Where, in relation to the birth of a child-

- (a) the parents of the child are dead or incapable through ill health of complying with subsection (1);
or
- (b) neither the parents or qualified informant can be found after all reasonable efforts to do so have been made,

the Authority shall cause the birth to be registered on such evidence as the Director-General may consider adequate and which shall include, the place where the birth occurred if known and evidence that all reasonable efforts to find the parents or a qualified informant have been made.

46. (1) A Registration Officer shall not register a birth more than 12 months from the date of the birth without the consent in writing of the Director-General.

Births occurring more than twelve months before registration.

(2) The fact of the giving of consent by the Director-General in subsection (1) to a Registration Officer shall be recorded.

47. (1) Where a living new-born child is found abandoned, it is the duty of -

Abandoned newborn children.

- (a) the person who finds the child; and
- (b) any person in whose charge the child is placed, to give to a Registration Officer to the best of his knowledge and belief, not later than 3 months from the date of the finding, the required particulars of the birth and the Registration Officer shall register the birth in such form and manner as may be prescribed by the Authority.

(2) Where the date of the birth of a child whose birth is required to be registered under this section is not known and a registered medical practitioner certifies in writing that, in his opinion, the birth took place on or about a date specified in the certificate, the Registration Officer shall enter that date in the Register of Births as the date of the birth of the child.

48. (1) The mother of a child who was not married to the father of the child at the date of his birth or at any time during the period of 10 months before such birth shall be required to give information under this Act about the birth.

Registration of child where parents not married.

(2) Subject to subsection (3), a Registration Officer shall enter in the Register of Births the name of a person as the father of a child to whom subsection (1) applies-

- (a) if the mother of the child and the person jointly so request a Registration Officer and give to him a declaration of the person that he is the father of the child; or
- (b) if the mother so requests the Director-General in writing and makes a declaration on oath that the person is the father of the child.

(3) Where one of the persons to whom in any particular case paragraph (a) of subsection (2) applies makes a request to a Registration Officer, the Registration Officer shall notify the other person of the request.

(4) When a birth is being registered under this section, the Register of Births shall be signed by—

- (a) the mother of the child, if made, or joined in the making of the request under subsection (2); and
- (b) the person who declares that he is the father of the child, if he has made, or joined in the making of the request under subsection (2).

(5) This section shall apply with necessary modifications, to stillbirths.

Re-
Registration
of birth to
include name
of father.

49. (1) Where the birth of a child whose parents were not married to each other at the date of the birth or at any time during the period of 10 months ending immediately before that date has been registered under this Act but no person has been registered as the child's father, then, subject to subsection (2), a Registration Officer shall re-register the birth in such manner as the Authority may prescribe and shall enter in the Register of Births the name of a person as the father of the child.

(2) A birth shall not be re-registered under this section without the consent of the Director-General.

(3) Where, in a case in which the mother of a child to whom subsection (1) applies was married at the date of the birth of the child or at some time during the period of 10 months before such date and, but for this subsection, the birth would fail to be re-registered under that subsection, and a person would fail to be registered under that subsection as the father of the child, the birth shall not be so re-registered and the person shall not be so registered unless there is produced to the Registration Officer—

- (a) a statutory declaration of the person to whom the mother was married at that date and of the person or each person to whom she was married at some time during the period aforesaid, in a form approved by the Authority, that he is not the father of the child; or
- (b) a statutory declaration of the mother, in a form approved by the Authority, that she has been living apart from the person who is, or the person or each person who was formerly her husband during a period ending immediately before the date of the birth of the child of more than 10 months by virtue of a divorce, a divorce *a mensa et thoro*, a nullity or a deed of separation.

(4) Where a birth is re-registered under this section, the surname of the child entered in the Register shall be-

- (a) that which was previously registered; or
- (b) a surname determined in accordance with Section 48.

(5) Where a birth is being re-registered under this section, the Register of Births shall be signed by -

- (a) the mother of the child, if she has made, or joined in the making of the request under subsection (1); and
- (b) the person who declares that he is the father of the child, if he has made, or joined in the making of the request under subsection (1).

(6) Where a birth is re-registered under this section, the then existing entry relating to the birth shall be retained in the Birth Register.

(7) This section applies with any necessary modifications to stillbirths.

Registration, alteration of forename of child.

50. (1) Any Registration Officer shall, on application to him in writing by the parents, the surviving parent or the guardian of a child whose birth has been registered, on production to that Registration Officer of such evidence as appears to him to be satisfactory and on payment of the prescribed fee-

- (a) if the forename of the child has been registered, change or alter the forename in the entry in the register or add a forename or forenames to the entry; or
- (b) if the forename of the child has not been registered, register the forename of the child.

(2) Where a forename is changed, altered or registered or one or more forenames are added under subsection (1), the existing entry shall be retained in the Register of Births, the change, alteration, registration or addition shall be deemed for all purposes to be and always to have been part of the original entry and the forename or forenames in the birth register shall not be further changed, altered or added to.

51. (1) The Authority shall, on production to a Registration Officer of such evidence as appears to him to be satisfactory, cause the birth outside Sierra Leone of the child of a citizen domiciled in Sierra Leone to be registered in the Register of Births if -

Registration of births outside Sierra Leone of children of citizens domiciled in Sierra Leone.

- (a) there was not at the time of the birth a system of registration of births in the place where the birth occurred or a system that applied to such child; or
- (b) it is not possible to obtain copies of or extracts from civil records of the birth.

(2) This section applies, with any necessary modifications to stillbirths.

52. (1) It shall be the duty of the medical officer in charge of a hospital or other institution in which a child is born or stillborn, or a person authorised by the medical officer to perform his functions to give to the Authority as soon as is practicable after a birth or stillbirth in such manner as the Authority may prescribe, the required particulars relating to the birth or, as the case may be, the stillbirth.

Duty to notify Authority of births and still births.

(2) Where a child is born or stillborn other than in a hospital or other institution -

- (a) where a registered medical practitioner is present at the birth or stillbirth or examines the child, it shall be the duty of the practitioner; and
- (b) where a registered medical practitioner is not present, but a midwife is, it shall be the duty of the midwife to notify the Authority of the birth or stillbirth as soon as is practicable after the birth or stillbirth and to do so in the manner as may be prescribed by the Authority.

PART X – REGISTRATION OF ADOPTIONS

Registration
of adoptions.

53. (1) A Registration Officer shall enter in the Register of Adoptions in such manner as the Authority may prescribe, the required particulars relating to an adoption pursuant to an adoption order whether made before or after the commencement of this Act.

(2) Where the date of an adopted child's birth is not known, the Authority shall determine the probable date of the birth and that date shall be entered in the Register of Adoptions as the child's date of birth and, if the Authority subsequently ascertains the actual date of the child's birth, the determination shall be cancelled and the actual date shall be entered in the Register of Adoptions and the adoption order relating to the child shall be amended accordingly.

(3) The country of birth of an adopted child shall be entered in the Register of Adoptions provided the Authority is satisfied of the identity of the child.

(4) If an adoption order is amended, the entry in the Register of Adoptions relating to it shall be amended accordingly.

(5) If an adoption order is set aside, the entry in the Register of Adoptions shall be cancelled.

Registration
of foreign
adoptions.

54. (1) Where, on application to the Authority in that behalf in relation to an adoption effected outside Sierra Leone, being an application made by the person who was the subject of the adoption or a person by whom the person was adopted pursuant to the adoption or any other person having an interest in the matter and the Authority is satisfied that the adoption is a foreign adoption to which this Act applies, a Registration Officer authorised in that behalf by the Authority shall enter the required particulars relating to the adoption in the Register of Adoptions in such form and manner as may be prescribed by the Authority,

(2) A person making an application under this section shall furnish the Authority with such information as it may reasonably require and the information shall be in such form as may be specified by the Authority.

(3) An error in an entry in the Register of Adoptions may be corrected by a Registration Officer authorised in that behalf by the Director-General or by an order of a court of competent jurisdiction.

(4) A document purporting to be a copy certified by the Authority or an officer authorised in that behalf by the Authority to be a true copy of an entry in the Register of Adoptions shall be evidence of the fact that the adoption to which it relates is a foreign adoption and have been effected by a valid adoption order made on the date specified in the document.

(5) A document purporting to be a copy certified by the Authority or an officer authorised in that behalf by the Authority to be a true copy of an entry in the Register of Adoptions shall, on application by a person to the Authority in that behalf and on payment to the Authority of the prescribed fee, be furnished to the person by an officer authorised in that behalf by the Authority.

55. (1) No person other than the Director-General or a person authorised by the Authority shall be entitled to search the Register of Adoptions or an index relating to the Register of Adoptions which makes traceable an entry in the Register of Adoptions and no information from the Register of Adoptions or an index relating to a Register of Adoptions shall be given to any person except by order of the Authority or of a court of competent jurisdiction.

Privacy of
adoption
records.

(2) A court shall not make an order under subsection (1) or an order for the discovery, inspection, production or copying of any book, document or record of the Authority (or of any extract there from), or otherwise in relation to the giving or obtaining of information relating to the Register of Adoptions, unless it is satisfied that it is in the best interest of any child concerned to do so.

PART XI – REGISTRATION OF DEATHS

Registration
of deaths.

56. (1) Where a death occurs in Sierra Leone, it shall be the duty of-

- (a) a relative of the deceased who has knowledge of the required particulars in relation to the death; or
- (b) a qualified informant, if there is no such relative who can be found or where any such relative is incapable through ill health or otherwise of complying with this subsection,

to, within 3 months from the date of the death, give to any Registration Officer the required particulars of the death in such form as may be prescribed by the Authority.

(2) Subject to section 58, where, after the expiration of 3 months from the date of the death of a person in Sierra Leone, the death has not been registered the Authority shall serve a notice on any qualified informant requiring him -

- (a) to give to the Registration Officer, to the best of his knowledge and belief, in a form specified by the Authority the required particulars relating to the death and, if so requested by the registration officer, the relevant certificate under section 59, and
- (b) to sign the Register of Deaths relating to the death in the presence of the Registration Officer, and, unless the death is duly registered before the expiration of the time specified in the notice, the informant shall comply with the requirement and, thereupon, the Registration Officer shall register the death in such manner as the Authority shall direct.

57. A Registration Officer shall, on production to him of such evidence as appears to him to be satisfactory, cause the death outside Sierra Leone of a citizen domiciled in Sierra Leone to be registered in the Register of Deaths if-

Registration of deaths occurring outside Sierra Leone of citizens domiciled in Sierra Leone.

- (a) there was not at the time of the death a system of registration of deaths in the place where the death occurred or a system that applied to such death, or
- (b) it is not possible to obtain copies of or extracts from civil records of the death.

58. (1) A Registration Officer shall not register a death at a time more than 12 months from the date of the death or the finding of the body concerned without the consent in writing of the Director-General.

Registration after more than twelve months from death.

(2) The fact of the giving of consent under subsection (1) shall be recorded by the Registration Officer.

59. (1) On the death following an illness of a person who was attended during that illness by a registered medical practitioner, the practitioner shall sign and give to a qualified informant a certificate stating to the best of his knowledge and belief the cause of the death, and the informant shall give the certificate to any Registration Officer together with the form specified in subsection (1) of section 56 containing the required particulars in relation to the death.

Certification of cause of death.

(2) Where a Registration Officer is given a certificate under subsection (1), the Registration Officer shall enter in the Register of Deaths, together with the required particulars-

- (a) the cause of the death stated in the certificate, and
- (b) the name and address of the registered medical practitioner concerned.

Place of death.

60. (1) Where the body of a dead person is found on land and the place in which the death occurred is not known, the death shall be registered by a Registration Officer in the functional area of the Authority in which the body is found.

(2) Where the body of a dead person is found in a river, lake or waterway or in the sea or any other area of water, the death shall be registered by a Registration Officer as having occurred where the body is brought ashore.

PART XII – REGISTRATION OF MARRIAGES

Registration of marriages.

61. (1) After the solemnisation of a marriage, the marriage registration form relating to the marriage shall be signed by-

- (a) each of the parties to the marriage;
- (b) two witnesses to the solemnisation of the marriage; and
- (c) the person who solemnised the marriage.

(2) Either of the parties to a marriage shall give to a Registration Officer, within one month from the date of the marriage, the marriage registration form duly completed in accordance with subsection (1).

(3) A Registration Officer shall, as soon as practicable after he receives a marriage registration form under subsection (2), enter the particulars in relation to the marriage concerned specified in the form in the Register of Marriages in such manner as the Authority may direct.

(4) Subject to subsection (5), a Registration Officer shall not register a marriage if he has not received the relevant marriage registration form.

(5) Where a Registration Officer is satisfied that the marriage registration form relating to a duly solemnised marriage has been lost, destroyed or damaged, he may -

- (a) direct the appropriate officer to complete another marriage registration form and arrange, in so far as it is practicable to do so, for its signature by the persons referred to in subsection (1); and
- (b) on receipt of a completed marriage registration form under paragraph (a), enter the particulars in relation to the marriage specified in the form in the Register of Marriages in such manner as the Authority may direct.

(6) Where, in relation to a marriage solemnised in accordance with the Registration of Customary Marriage and Divorce Act, 2007 before the commencement of this Act, the marriage shall be deemed, for the purposes of this section, to be a marriage duly completed in accordance with subsection (1) and that section shall be deemed, for those purposes, to have been complied with.

(7) Where, in relation to a marriage to which the Registration of Customary Marriage and Divorce Act, 2009 applies and which was solemnised before the commencement of this Act-

- (a) the Registration of Customary Marriage and Divorce Act, 2009 was not complied with; and
- (b) a certificate referred to in the Registration of Customary Marriage and Divorce Act, 2009 is given to a Registration Officer by one of the parties to the marriage after such commencement,

the Registration of Customary Marriage and Divorce Act, 2007 shall be deemed to have been complied with in relation to the marriage and the Registration Officer may register the marriage in the Register of Marriages in such manner as the Authority may direct.

PART XIII – REGISTRATION OF DIVORCES AND NULLITIES

Registration of divorces and nullities.

62. (1) Where a court grants a divorce, the Director-General shall direct that a Registration Officer enter or cause to be entered in the Register of Divorces the particulars in relation to the matter specified in Part V of the First Schedule.

(2) When a court grants a nullity, the Director-General shall, or direct that a Registration Officer enter or cause to be entered in the register of decrees of nullity the particulars in relation to the matter specified in Part VI of the First Schedule.

(3) The Director-General or Registration Officer shall, as soon as practicable after he receives notice of an Order of a court granting a divorce or a nullity under subsection (1) or (2) as the case may be, enter the particulars in relation to the divorce or nullity specified in the order and register the divorce or nullity in such manner as the Authority may direct.

(4) Subject to subsection (3), a Registration Officer shall not register a divorce or nullity if he has not received the relevant order from a court.

PART XIV – MISCELLANEOUS PROVISIONS

Appeals.

63. (1) Where-

- (a) a Registration Officer fails or refuses to register in the appropriate register specified in section 42, a birth, adoption, death, marriage or divorce and nullity or to enter in such a register one or more of the particulars required by this Act to be so entered, and furnished to him by a person pursuant to this Act, or

- (b) a Registration Officer or an authorised officer fails or refuses to comply with a request of a person under section 43, the Registration Officer or the authorised officer, as the case may be, shall notify that person of the reasons for the failure or refusal.

(2) If a person affected by a failure or refusal by a Registration Officer or an authorised officer under subsection (1) is dissatisfied with the failure or refusal, he may appeal against it by lodging a notice of appeal in writing and in such form as the Authority may prescribe, not later than 28 days from the date of his receipt of the notification under subsection (1), and the appeal shall be referred by the Authority to an appeals officer (not being the person in relation to whom the appeal is brought) and the appeals officer shall determine the appeal.

(3) If an appellant is dissatisfied with the decision of an appeals officer under subsection (2), he may appeal against it by lodging a notice of appeal in writing and in such form as the Authority may direct, not more than 28 days after his receipt of the decision of the appeals officer and the Director-General shall determine the appeal, subject to subsections (6) to (8).

(4) In relation to an appeal under this section, the appeals officer or an officer as the case may be -

- (a) shall notify the parties concerned in writing of his decision in relation to the appeal and of the reasons thereof; and
- (b) shall give such directions in relation to the registration or correction to the Registration Officer or authorised officer as he considers appropriate, and any such direction shall be complied with.

(5) The Director-General shall revise a decision of an appeals officer if it appears to him that the decision was erroneous by reason of a mistake of law or fact.

(6) A person who is dissatisfied with a decision of the Director-General may appeal against it to the High Court.

(7) A decision or a revision under this section -

- (a) shall be in writing and be signed by the person by whom it is made; and
- (b) shall, subject to any appeal under this section, have effect in accordance with the terms stated therein.

(8) A document purporting to be a decision or a revision of the Director-General or an appeals officer shall be deemed to be such a decision or revision and to have been signed by the person purporting to have signed it unless the contrary is shown and shall be prima facie evidence of the decision or revision.

Searches.

64. (1) A person, following an application in writing to the Director-General or an authorised officer and on payment to him of the prescribed fee may—

- (a) subject to such conditions (if any) as may be determined by the Authority, search an index to a register maintained under section 42 and;
- (b) be issued a certified true copy.

(2) The Director-General or an authorised officer shall, on application by a person to him in that behalf in writing and on payment of the prescribed fee—

- (a) search the registers maintained under section 42, and the indexes thereto, as are specified in the application; and

(b) give the person a certified true copy.

65. (1) A Registration Officer appointed under section 18 or an officer of the court who, otherwise than in accordance with this Act-

- (a) knowingly deletes, alters, permits or procures the deletion or alteration of information contained in a register or an index to a register; or
- (b) keeps, permits or procures the keeping of any information (other than information contained in or relating to a register or an index to a register) on a computer on which a register or an index to a register is kept,

commits an offence and shall be liable on conviction to a fine not less than Ten Million Leones (10,000,000.00) and not exceeding Fifty Million Leones (50,000,000.00) or to imprisonment for a term not less than twelve months and not more than three years or to both such fine and imprisonment

(2) In relation to a computer on which a register or an index to a register is kept, a person (including a person entitled to access information kept on the computer but excluding the Director-General or an authorised officer) who, without the consent of the Director-General or an authorised officer-

- (a) deletes, alters, permits or procures the deletion or alteration of information kept on the computer; or
- (b) keeps, permits or procures the keeping of information (other than information contained in or relating to a register or an index to a register) on the computer whether the keeping is done directly or by adjusting or damaging the computer or its programming or another computer or its programming,

commits an offence and shall be liable on conviction to a fine not less than Ten Million Leones (10,000,000.00) and not exceeding Fifty Million Leones (50,000,000.00) or to imprisonment for a term not less than twelve months and not more than three years or to both such fine and imprisonment

(3) Any person who gives to a Registration Officer particulars or information which he knows to be false or misleading commits an offence and shall be liable on summary conviction to a fine not less than Five Million Leones (5,000,000.00) or to imprisonment for a term not less than twelve months or to both such fine and imprisonment

(4) A Registration Officer who, without reasonable cause, fails or refuses to register a birth, marriage, death, adoption, divorce or nullity to include in the relevant entry in the appropriate register any of the particulars required by this Act to be entered in the register in relation to the occurrence and given to him by a person required so to do by this Act, commits an offence and shall be liable on summary conviction to a fine not less than Five Million Leones (5,000,000.00) or to imprisonment for a term not less than twelve months or to both such fine and imprisonment

(5) Any person who is required by this Act to give to a Registration Officer the required particulars relating to a birth, a new born child found abandoned, or a death and who, without reasonable cause, fails or refuses to answer a question put to him by a Registration Officer in relation to those particulars commits an offence and shall be liable on summary conviction to a fine not less than Five Million Leones (5,000,000.00) or to imprisonment for a term not less than twelve months or to both such fine and imprisonment.

(6) Any person who is required by this Act to sign a register in the presence of a Registration Officer and who, without reasonable cause, fails or refuses to do so commits an offence and shall be liable on summary conviction to a fine not less than Five Million Leones (5,000,000.00) or to imprisonment for a term not less than twelve months or to both such fine and imprisonment.

(7) Any person who is required by this Act to give a certificate to a Registration Officer and who, without reasonable cause, fails or refuses to do so commits an offence and shall be liable on summary conviction to a fine not less than Five Million Leones (5,000,000.00) or to imprisonment for a term not less than twelve months or to both such fine and imprisonment.

(8) Any person who, without reasonable cause, fails or refuses to comply with a direction given to him under section 44 or a requirement in a notice given to or served on him under this Act commits an offence and shall be liable on summary conviction to a fine not less than Five Million Leones (5,000,000.00) or to imprisonment for a term not less than twelve months or to both such fine and imprisonment.

(9) A Registration Officer who, without reasonable cause, fails or refuses to give a marriage registration form to one of the parties to an intended marriage in respect of which he has received a notification commits an offence and shall be liable on summary conviction to a fine not less than Five Million Leones (5,000,000.00) or to imprisonment for a term not less than twelve months or to both such fine and imprisonment

(10) Any person who, without reasonable cause, contravenes sub section (1) of section 45, sub section (1) of section 52 and or sub section (1) of section 53 commits an offence and shall be liable on summary conviction to a fine not less than Five Million Leones (5,000,000.00) or to imprisonment for a term not less than twelve months or to both such fine and imprisonment

Service of documents.

66. (1) Where a notice, certificate or other document is authorised or required by or under this Act to be given or furnished to or served on a person or an application in writing is authorised by this Act to be made to a person, the giving, furnishing, serving or making shall be effected in any of the following ways-

- (a) where it is addressed to him by name, by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address; or
- (c) by sending it by ordinary prepaid post addressed to him at the address at which he ordinarily resides or, in a case in which an address for service has been furnished at that address.

Regulations.

67. (1) The Minister may, by statutory instrument, make regulations as he considers necessary or expedient for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations made thereunder may provide for the following matters-

- (a) the operation and management of the Authority;
- (b) the prohibition, restriction, control or regulation of civil registration;
- (c) the fees to be paid, if any, by persons registering;
- (d) prescribing the terms and conditions to be complied with when doing different forms of registrations;
- (e) notices of appeal and the procedure to be followed on appeals;
- (f) correction of errors in entries in the register, for the causing of corrected entries to be entered in the register and for the retention of the original entries in the register.

SCHEDULES

FIRST SCHEDULE

PARTICULARS TO BE ENTERED IN REGISTERS

PART I - REGISTER OF BIRTHS**(Section 45)**

Date and place of birth.

Time of birth.

Sex of child.

Forename(s) and surname of child.

Personal public service number of child.

Forename(s), surname, birth surname, address and occupation of mother.

Former surname(s) (if any) of mother.

Date of birth of mother.

Marital status of mother.

Personal public service number of mother.

Birth surname of mother's mother.

Forename(s), surname, birth surname, address and occupation of father.

Former surname(s) (if any) of father.

Date of birth of father.

Marital status of father.

Personal public service number of father.

Birth surname of father's mother.

Forename(s), surname, qualification, address and signature of informant.

Date of registration.

Signature of Registration Officer.

PART II - REGISTER OF ADOPTIONS**(Section 53)**

Personal public service number of child.

Date and country of birth of child.

Sex of child.

Forename(s) and surname of child.

Forename(s), surname(s), birth surname(s), address, occupation(s) and signature(s) of adopter or adopters.

Former surname(s) of adopter or adopters.

Personal public service number(s) of adopter or adopters.

Date of adoption order.

Date of registration.

Signature of Registration Officer.

PART III - REGISTER OF ADOPTIONS (FOREIGN)**(Section 54)**

Personal public service number of child.

Date and country of birth of child.

Sex of child.

Date of foreign adoption and country where effected.

Forename(s) and surname of child.

Forename(s), surname(s), birth surname(s), address, occupation(s) and signature(s) of adopter or adopters.

Former surname(s) of adopter or adopters.

Personal public service number(s) of adopter or adopters.

Date on which adoption order deemed to have been made.

Date of registration.

Signature of Registration Officer.

PART IV - REGISTER OF DEATHS (Section 56)

- Date and place of death.
- Place of birth of deceased.
- Sex of deceased.
- Forename(s), surname, birth surname and address of deceased.
- Personal public service number of deceased.
- Marital status of deceased.
- Date of birth or age last birthday of deceased.
- Profession or occupation of deceased.
- If deceased was married, the profession or occupation of spouse.
- If deceased was less than 18 years of age on date of death, occupation(s) of his or her parent(s) or guardian(s).
- Forename(s) and birth surname of father of deceased.
- Forename(s) and birth surname of mother of deceased.
- Certificated cause of death, duration of illness and date of certificate under section 59.
- Forename, surname, place of business, daytime telephone number and qualification of registered medical practitioner who signed certificate under section 59.
- Forename(s), surname, qualification, address and signature of informant.
- If an inquest in relation to the death or a post-mortem examination of the body of deceased was held, the forename, surname and place of business of coroner or pathologist concerned.
- Date of registration.
- Signature of Registration Officer.

PART V - REGISTER OF MARRIAGES (Section 61)

- Year record number of marriage certificate form.
- Forenames, surnames and birth surnames of the parties to the marriage.

- National Identification numbers of the parties to the marriage.
- Date and place of marriage.
- Date of registration.

PART VI - REGISTER OF DIVORCES (Section 62)

- Court by which the decree was granted.
- Year and record number of the proceedings.
- Forenames, surnames and birth surnames of the parties to the proceedings.
- Personal public service numbers of the parties to the proceedings.
- Date and place of marriage.
- Date of the decree.
- Date of registration.

PART VII - REGISTER OF NULLITIES (Section 62)

- Court by which the decree was granted.
- Year and record number of the proceedings.
- Forenames, surnames and birth surnames of the parties to the proceedings.
- Personal public service numbers of the parties to the proceedings.
- Date and place of marriage.
- Declaration of court.
- Date of the decree.
- Date of registration.

**SECONDSCHEDULE
Enactments repealed**

