

AN ORDINANCE

No. 2 OF 1928.

Assented to in His Majesty's name this ninth day of
June, 1928.

EDWARD GRIGG,
Governor.

[9th June, 1928.] *Date of Assent.*

**An Ordinance to Provide for the Notification and
Registration of Births and Deaths and Other
Matters Incidental Thereto.**

9th June, 1928.

Date of commencement.

ENACTED by the Governor of the Colony of Kenya,
with the advice and consent of the Legislative Council thereof,
as follows:—

1. This Ordinance may be cited as "the Births and Deaths Registration Ordinance, 1928." *Short title.*

2. In this Ordinance, unless the context otherwise requires:— *Interpretation.*

"Birth" means the issuing forth of any child from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead;

"Police officer" means a police officer in charge of a police station;

"Prescribed particulars" means—

(i) as to any birth, the name, sex, date and place of birth, and the names, residence, occupations and nationality of the parents;

(ii) as to any death, the name, age, sex, residence, occupation and nationality of the deceased, and the date, place and cause of death;

(iii) such other particulars as may be prescribed by the Rules;

"Registrar General" means the Registrar General of Births and Deaths for the Colony;

"Registrar" means a registrar appointed to register births and deaths in any area;

"The Rules" means Rules made under section 27 of this Ordinance;

"The Statistician" means the Statistician appointed by the Governor for the purposes of this Ordinance.

ADMINISTRATION.

Registrar General. 3. The Governor shall appoint a Registrar General of Births and Deaths for the Colony.

Appointment of "registration areas" and Registrars. 4. The Governor may from time to time, by notice in the Gazette, appoint any area in the Colony to be a "registration area" for the purposes of this Ordinance, and may appoint fit and proper persons to be the Registrars for each registration area.

Register books to be supplied to Registrars. 5. (1) The Registrar General shall provide each Registrar with such register books and forms as may be required, and with such instructions as he may consider necessary, for the registration of births and deaths in his registration area.

(2) Every Registrar shall keep safely each of the said register books until it shall be filled, and shall then deliver it to the Registrar General to be kept by him with the records of his office.

REGISTRATION.

Register of births and deaths. 6. It shall be the duty of every Registrar to keep a register of births and a register of deaths and to enter therein, respectively, the prescribed particulars of every birth and death notified to him.

Period for registration. 7. A Registrar shall not register a birth or death after the expiration of six months from the date of such birth or death, except upon receiving the written authority of the Registrar General, and upon payment of the prescribed fee.

Compulsory registration of births. 8. (1) The registration of the birth of a child shall be compulsory if either one or both parents are of European or American or Asiatic origin or descent, or, in the case of an illegitimate child, not recognised by its father, if the mother is of European or American or Asiatic origin or descent.

(2) The Governor may, by notice in the Gazette, declare that from a date to be named in the notice the registration of births of all persons in the Colony of any particular race, class, tribe, or group, or of all or some of the inhabitants of any particular town, district or area, shall be compulsory.

Manner of registration of births. 9. Every person notifying the birth of a child shall, to the best of his knowledge and ability, give the prescribed particulars, which shall be entered forthwith by the Registrar in the register, and the person notifying the birth shall certify to the correctness of the entry by signing or, if he be illiterate, by fixing his mark to the register.

Time to notify births where registration is compulsory. 10. Upon the birth of any child, the registration of whose birth is compulsory, it shall be the duty of the father and mother of the child, and, in default of the father and mother, of the occupier of the house in which to his knowledge the child is born, and of every person present at the birth, and of the person having charge of the child, to give notice of the birth, within such time as may be from time to time prescribed by the Rules, to the Registrar of the registration area in which the birth occurs:

Provided that in the case of births in prisons, hospitals, orphanages, barracks or quarantine stations, the duty to give such notice shall lie on the officer in charge of the establishment in which the birth took place.

11. No person shall be entered in the Register as the father of any child except either at the joint request of the father and mother or upon the production to the Registrar of such evidence as he may require that the father and mother were married according to law or, in the case of natives, in accordance with some recognised custom.

Entry of father in the register.

12. Where any living new-born child 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 to the Registrar of the registration area in which such child is found, within seven days of the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant may possess.

Duty to notify finding of exposed new-born child.

13. Where the birth of any child has been registered before it has received a name, or where 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 Registrar may think necessary, register the name that has been given to the child.

Change of name of child after registration.

14. (1) The registration of the death of every person of whatsoever race, origin or descent dying within a township shall be compulsory, and the registration of the death of every person of European, American, or Asiatic descent dying elsewhere within the Colony shall be compulsory.

Compulsory registration of deaths.

(2) The Governor may, by notice in the Gazette, declare that from a date to be named in the notice the registration of deaths of all persons in the Colony of any particular race, class, tribe, or group, or of all or some of the inhabitants of any particular district or area, shall be compulsory.

Power to extend compulsory provisions.

15. Every person notifying a death shall, to the best of his knowledge and ability, give the prescribed particulars, which shall be entered forthwith by the Registrar in the register, and the person notifying the death shall certify to the correctness of the entry by signing or, if he be illiterate, by fixing his mark to the register.

Made of registration of death.

16. Upon the death of any person, the registration of whose death is compulsory, it shall be the duty of the nearest relatives of the deceased present at the death or in attendance during the last illness of the deceased, and, in default of such relatives, of every other relative of the deceased dwelling or being in the same registration area as the deceased, and, in default of such other relatives, of each person present at the death and of the occupier of the house in which to his knowledge the death took place, and, in default of the persons herebefore in this section mentioned, of each inmate of such house, or of any person finding or taking charge of the body of such person or causing the body of such person to be buried or otherwise disposed of, to give notice within such time as may from time to time be prescribed by the Rules to the Registrar of the registration area in which the death took place.

Duty to notify death where registration is compulsory.

Registrars to issue burial permits.

17. (1) A Registrar shall, upon production to him at the time of registering the death of a medical certificate on such form as may from time to time be prescribed by the Rules as to the cause of death, issue a written permit for the interment or other disposal of the body of the deceased.

(2) Where no certificate as to the cause of death is produced the Registrar shall forthwith notify the nearest magistrate or police officer, forwarding with the notification such of the prescribed particulars as he may have received.

Enquiries as to cause of death.

18. (1) On the receipt of a notice from a Registrar under sub-section (2) of the last preceding section, the magistrate or police officer, or any person specially empowered by the Governor in that behalf, shall cause such enquiries to be made as to the cause of the death as he may think fit or as may be prescribed by the Rules.

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(2) If the case does not appear from such enquiries to be one to which section 141 or section 143 of the Criminal Procedure Ordinance applies, the magistrate or police officer or other person as aforesaid shall issue a permit for the interment or other disposal of the body of the deceased and shall send a copy thereof to the Registrar.

Issue of burial permits to be subject to the last two preceding sections.

19. No person shall bury, cremate or otherwise dispose of the body of any deceased person the registration of whose death is compulsory without a permit issued in accordance with the provisions of the two last preceding sections.

Penalties.

20. Any person who fails to give notice of a birth or death, the registration of which is compulsory, or who refuses to furnish any of the prescribed particulars or who contravenes the provisions of the last preceding section, and any person who wilfully gives any false information or particulars for the purpose of registration, shall be liable to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

MISCELLANEOUS PROVISIONS.

Duty of Registrars to forward annual returns to Registrar General.

21. It shall be the duty of every Registrar, on or before such date as the Registrar General may appoint, to forward to the Registrar General a return in the form prescribed showing the births and deaths registered in his registration area during the preceding year.

Duty of Registrars to forward weekly statements to medical officers.

22. It shall be the duty of every Registrar, at the close of each week, to forward to the medical officer in charge of every district included within his registration area, and to the Statistician, a statement of the births and deaths registered by him during such week.

Preparation of indexes.

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

Inspection of registers, etc.

(2) Any register, return or index in the custody of the Registrar General shall, subject to the Rules, be open to inspection on payment of the prescribed fee.

Certified copies.

(3) The Registrar General shall, on payment of the prescribed fee, furnish a certified copy of any entry in any register or in any return in his custody.

(4) The copy of any entry in any register or return certified under the hand of the Registrar General shall be *prima facie* evidence in all courts of the dates and facts therein contained. *Evidence*

24. It shall be the duty of the Registrar General to compile, after the close of each year, a summary of the births and deaths of each year, and a report on the increase or decrease of the population of the Colony and on any special causes appearing to affect the same. *Duty of Registrar General to compile annual summary and report.*

25. (1) The Registrar General may, subject to the Rules, correct any error in any register or index. *Correction of errors in registers.*

(2) Corrections shall be made without erasing the original entry, and shall be authenticated by the signature of the Registrar General.

26. The Statistician shall have access at all reasonable times to all documents kept by a Registrar for the purposes of this Ordinance, and may require a Registrar to prepare such statements of births and deaths and provide such information as may be required for the preparation of statistical abstracts of births and deaths. *Access to documents by Statistician.*

27. The Governor in Council may make Rules with regard to all or any of the following matters, namely:— *Rules.*

- (1) The time within which births and deaths may be notified and registered;
- (2) The place in each registration area and the hours at which births and deaths may be notified and registered;
- (3) The conditions under which and the mode in which registration may be effected without personal attendance;
- (4) The forms of all registers, returns, and other documents required for the purposes of this Ordinance;
- (5) The inspection of registers, returns and indexes and the provision of certified copies;
- (6) The places at which births and deaths occurring on ships within the territorial waters of the Colony shall be registered;
- (7) The exemption from all or any of the provisions of this Ordinance of persons of any particular class or race within an area in which the registration of births or deaths has been declared to be compulsory;
- (8) The exemption from all or any of the provisions of this Ordinance of any district or township within an area in which the registration of births and deaths has been declared to be compulsory;
- (9) Any matter which is by this Ordinance required to be prescribed;
- (10) Generally, for carrying into effect the provisions of this Ordinance.

28. The Births and Deaths Registration Ordinance (Chapter 29 of the Revised Edition) is hereby repealed.