

**BIRTHS AND DEATHS REGISTRATION
ACT NO.10 OF 2006**

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“adult” means a person of the age of eighteen years or upwards;

“birth” means the birth alive of any child or the issuing forth dead of any child from its mother after the expiration of the twenty- eighth week of pregnancy;

“disposal” in relation to dead body, means disposal by burial, cremation or any other means, and cognate expression shall be construed accordingly;

“father”, in relation to adopted child, means the child’s natural father;

“Government” means the Revolutionary Government of Zanzibar;

“house” includes a public institution;

“illegitimate child” means a child born outside wedlock;

“Minister” means the Minister for the time being responsible for the registration of births and deaths;

“mother”, in relation to an adopted child, means the child’s natural mother;

“occupier” in relation to public institution, includes the keeper, master, matron, superintendent or other person responsible for the institution, and in relation to house let in separate apartments or lodgings, includes any person residing in the house who is the person under whom the lodgings or

separate apartments are immediately held, or his/her agent;

"prescribed particulars" means:-

- (a) as to any birth, the name, sex, date and place of birth and the names, residence, citizenship, occupations and race, tribe or sect of the parents;
- (b) as to any death, the name, age, sex, residence, citizenship, occupation, race, tribe or sect of the deceased, and the date, place and cause of death;
- (c) such other particulars as may be prescribed by Rules made by the Minister;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"public institution" means a prison, police station or hospital, and such other public or charitable institution;

"relative" includes a relative by marriage;

"Registrar of Births and Deaths" means the Registrar of Births and Deaths appointed under the provisions of this Act and includes the Deputy Registrar of Births and Deaths so appointed;

"Registrar" means a registrar appointed to register births and deaths in any area by or under the provisions of this Act and where appropriate the term shall include

the hospital staff responsible to fill prescribed forms issued under this Act;

“Sheha” means an officer of the Government appointed in terms of section 15 of the Regional Administration Authority Act No. 1/1998 and the term “shehia” shall be construed accordingly;

“still-born child” means a child which has issued forth from its mother after the twenty-eight week 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 the expression “still birth” shall be construed accordingly.

PART II APPOINTMENT OF REGISTRAR OF BIRTHS AND DEATHS AND OTHER REGISTRARS

Appointment of Registrar of Births and Deaths.

3.(1) There shall be a Registrar of Births and Deaths who shall be appointed by the President and who shall be responsible to administer the provisions of this Act.

(2) Where no Registrar of Births and Deaths is appointed, the Registrar General shall be the Registrar of Births and Deaths.

(3) No person shall be appointed as the Registrar of Births and Deaths unless that person has requisite legal knowledge and an experience of not less than five years in the field of law.

Appointment of Deputy

4.(1) The President may appoint a fit and proper person to be a Deputy Registrar of Births and

Registrar of Births and Deaths.

Deaths.

(2) No person shall be appointed as the Deputy Registrar of Births and Deaths unless that person has requisite legal knowledge and an experience of not less than three years in the field of law.

(3) The Deputy Registrar of Births and Deaths shall have and exercise similar powers as the Registrar of Births and Deaths and shall be the principal assistant of the Registrar of Births and Deaths in day to day administration of this Act.

Appointment of Registrars.

5. The Minister may appoint fit and proper persons to be registrars of births and deaths and may prescribe the areas within which any such registrars shall register births and deaths in accordance with the provisions of this Act.

Ex-officio registrar

6.(1) Every District Commissioner and every District Administrative Officer shall, by virtue of their offices, be registrars of births and deaths for the area of which they exercise jurisdiction as such officers.

(2) Every Sheha shall, by virtue of his/her office, be a deputy registrar of births and deaths for the area within which the Sheha exercises jurisdiction as Sheha and as such shall act under and in accordance with the directions of the registrar for the area of which the Shehia forms part.

Powers and function of Registrar of Births and Deaths.

7. The Registrar of Births and Deaths shall have the following powers and functions:

- (a) to register births and deaths and to issue certificates therefore;

- (b) to have custody and keep records of all files, register books and returns made by the registrars;
- (c) to provide registrars, shehas, medical practitioners with such books and forms as may be required, and with such instructions and directions, as he may consider necessary for the registration of births and deaths in their areas;
- (d) to require any particulars relating to births and deaths be proved by oath or statutory declaration.

PART III REGISTRATION OF BIRTHS

Registration of births.

8(1) Every registrar shall keep a register of births in the prescribed form and, subject to the provisions of section 12 of this Act, shall enter therein the prescribed particulars of every birth occurring within his/her area and notified to the registrar.

(2) All entries and records required to be kept and all certificates required to be issued under this section, may from the first day of January 2006 be stored, processed and analyzed electronically and all existing records shall gradually be transferred to electronic data base.

(3) Until such time when all records have been stored and be capable of being electronically processed and analyzed, the present registry system and the electronic system shall run parallel.

Duty to notify Births.

9.(1) Upon the birth of every child, it shall be the duty of the following persons, that is –

- (a) father and mother of the child;
- (b) the occupier of the house in which the child was, to the knowledge of that occupier, born;
- (c) any person present at the birth;
- (d) any person having charge of the child; and
- (e) a found exposed child a person who find him/her,

to give to the registrar of the area within which such child is born, within forty-two days of the birth of the child, information of the prescribed particulars required to be registered concerning such birth and in the presence of the registrar or any person authorised by the registrar in that behalf to sign the register.

(2) Where a birth takes place in a prison, police, hospital, orphanage or quarantine station, the duty to give such information shall lie on the officer in charge of the establishment in which the birth takes place, and where a birth take place in a vessel in Zanzibar waters, the duty to give such information shall lie in the master of the vessel in which the birth took place, without prejudice, however, to the duty imposed on the other persons enumerated in this section and in the case of any such birth the duty to sign the register shall continue to lie on one of such other persons.

(3) No reference shall be made in the register to the fact that a child has been born in prison or police station and the place of birth of such

a child shall be the Shehia in which such prison or the police station is located.

(4) For the purposes of this section and of section 18 of this Act, Zanzibar waters is all that waters which was under the jurisdiction of Republic of Zanzibar prior to the 26th day of April 1964.

Registration of child obtained outside the wedlock

10.(1) No person shall be bound as father to register the birth of an illegitimate child, and no person shall be entered in the register as the father of such child except at his own request and upon his acknowledging himself to be the father of the child and signing the register as such.

(2) The registrar shall not enter in the register of birth the name of any person as father of the child except –

- (a) at the joint request of the mother and the person acknowledging himself to be the father of the child and in which case that person shall sign the register together with the mother; or
- (b) at the request of the mother on production of –
 - (i) a declaration in the prescribed form made by the mother stating that the said person is the father of the said child; and
 - (ii) a statutory declaration made by that person acknowledging himself to be the father of the child.

(3) For the purposes of this section, an illegitimate child is that child born outside the wedlock or out of a father whose religious or other beliefs does not give recognition to such a child.

(4) Any registration made under this section or section 11 of this Act does not validate inheritance of a child from such father nor does it give a right to such father to give his daughter in marriage. All these matters shall be dealt with in accordance with the religious beliefs of the parties.

Re-registration of births of a child obtained out of wedlock

11.(1) Where the birth of an illegitimate child has been registered under this Act but no person has been registered as the child's father, the registrar shall re-register the birth so as to show a person as the father –

(a) at the joint request of the mother and of that person; or

(b) at the request of the mother on production of –

(i) a declaration in the prescribed form made by the mother stating that the said person is the father of the said child; and

(ii) a statutory declaration made by that person acknowledging himself to be the father of the child:

(2) No birth shall be re-registered under this section except in the prescribed manner and with the authority of the Registrar of Births and deaths.

(3) On the re-registration of birth under this section –

(a) the registrar and the mother shall sign the register;

(b) in the case of a request under paragraph (a) of subsection (1) of this section, the other person making the request shall also sign the register; and

(c) if the re-registration takes place more than sixty days after the birth, the Registrar of Births and Deaths shall also sign the register.

Exposed child.

12. If 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 such information as the informant possesses for the purpose of registering the birth of such child.

Registration of name of child after registration of birth.

13. Where a name is given to a child at any time after the date of registration which the birth of such child has been registered, whether such name be given in substitution for a name already in the register or otherwise, the registrar in whose custody the register is, or, if the register is in the custody of the Registrar of Births and Deaths, the Registrar of Births and Deaths, may at the request of any person who produces such evidence as may be required by the registrar or the Registrar of Births and Deaths, as the case may be, that such name has been given and that such person is a proper person to require the registration thereof, and on payment of the prescribed fee, insert such name in the register and may, if so required, delete any name of such child which is already in the register and shall record in the register the date on which such name is inserted and the name and qualification of the person requiring such name to be inserted, and such person shall, in the presence of the registrar or some person authorised by the registrar in that behalf, sign the register.

Registration
after sixty days
from birth.

14.(1) A registrar shall not register any birth after sixty days from the date of the birth except upon payment of the prescribed fee and unless, after due inquiry, the registrar is satisfied of the correctness of the particulars tendered for registration.

(2) A registrar shall not register any birth after twelve months from the date of the birth except with the written authority of the Registrar of Births and Deaths for registering the birth and such authority shall state that the Registrar of Births and Deaths is satisfied of the correctness of the particulars tendered for registration and then only upon payment of the prescribed fee.

(3) An entry made by a registrar under the provisions of subsection (2) of this section shall state the fact that the authority of the Registrar of Births and Deaths has been given.

Certificate of
birth having
been registered.

15. A registrar or any authorized person in that behalf shall at the time of registering any birth issue free of charge to the person giving the information concerning the birth a certificate in the prescribed form.

Adopted
children.
Cap. 55.

16.(1) Where upon any application made to the High Court for an adoption order to be made under the provisions of Adoption of Children Decree in respect of an infant, any adoption order made in pursuance of the application shall contain a direction to the Registrar of Births and Deaths to cause the entry in the register of births to be marked with the word "Adopted".

(2) Where an appeal against any such adoption order is allowed, the court which made the order shall give directions to the Registrar of Births and Deaths to cancel any marking of an entry in the register of Births which was affected in pursuance of the order.

(3) Where the Registrar of Births and deaths is notified by the Registrar of Births and Deaths of any Commonwealth or other country of the world, that an adoption order has been made by a court in such country under the law with regard to the adoption of children in force in such country in respect of an infant to whom an entry in the Registers of Births relates, the Registrar shall cause such entry to be marked "Adopted (Kenya)", "Adopted (India)" or "Adopted (Canada) as the case may be, or, "Re-adopted (Kenya)", "Re-adopted (India)" or "Re-adopted Canada", as the case may be.

(4) Where, after an entry has been marked in pursuance of subsection (3), of this section the Registrar of Births and deaths is notified as aforesaid that the adoption order has been quashed, or that an appeal against an adoption order has been allowed, the Registrar of Births and Deaths shall cause the marking to be cancelled.

(5) A copy or an extract of an entry in any register, being an entry to the marking of which is cancelled under this section, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(6) In this section "infant" means a person under twenty-one years of age, but does not include a person who is or has been married.

**PART IV
REGISTRATION OF DEATHS**

Registration of deaths.

17. (1) Every registrar shall keep a register of deaths in the prescribed form and shall, subject to the provisions of section 19, enter therein the prescribed particulars of every death occurring within the respective area and notified to the registrar.

(2) All entries and records required to be kept and all certificates required to be issued under this section, may from the first day of January 2007 be stored, processed and analysed electronically and existing records shall gradually be transferred to electronic data base.

(3) Until such time when all records have been stored and be capable of being electronically processed and analysed, the present registry system and the electronic system shall run parallel.

Duty to notify deaths.

18.(1) Upon the death in a house of every person, it shall be the duty of the following persons

- (a) nearest adult relatives of the deceased present at the death or in attendance during the last illness of the deceased; and
- (b) every other adult relative of the deceased dwelling or being in the same area as the deceased; and
- (c) of each adult person present at the death and of the occupier of the house in which the death took place; and
- (d) in default of the persons hereinbefore in this section mentioned, of each adult living in such house; and

- (e) any adult 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 to the registrar of the area within which such person had died, seven days of the death of the person, information of the prescribed particulars required to be registered concerning such death and in the presence of the registrar or any person authorised by the registrar in that behalf to sign the register.

(2) Where a death takes place in a prison, police station, hospital, orphanage or quarantine station, the duty to give such information shall lie on the officer in charge of the establishment in which the death takes place and where a death takes place in a vessel in Zanzibar waters, the duty to give such information shall lie on the master of the vessel in which the death takes place.

(3) Without prejudice, however, to the duty imposed on the other persons enumerated in this section and in the case of any such death the duty to sign the register shall continue to be on one of such other persons.

(4) Where a person dies in a place which is not a house or a vessel in Zanzibar waters, or a dead body is found elsewhere than in a house or a vessel in Zanzibar waters, the duty to give such information or such information as the informant possesses shall lie on every adult relative of such deceased person having knowledge of any of the prescribed particulars required to be registered concerning the death, and in default of such relative, on every adult person present at the death,

and on any adult person finding, and on any person taking charge of the body and on the person causing the body to be buried or otherwise disposed of.

Registration
after sixty days
from death

19.(1) A registrar shall not register any death after sixty days from the date of the death except upon payment of the prescribed fee and unless, after due inquiry, the Registrar is satisfied of the correctness of the particulars tendered for registration.

(2) A registrar shall not register any death after twelve months from the date of the death except with the written authority of the Registrar of Births and Deaths for registering the same, the said authority shall state that the Registrar of Births and Deaths is satisfied of the correctness of the particulars tendered for registration and then only upon payment of the prescribed fee.

(3) An entry made by a registrar under the provisions of subsection (2) of this section shall state the fact that the authority of the Registrar of Births and Deaths has been given.

PART V CERTIFICATES OF CAUSE OF DEATH

Provisions
relating to
medical
certificates of
cause of death.

20.(1) The Registrar of Births and Deaths shall from time to time furnish to every registrar printed forms of certificates of cause of death by licensed and registered medical practitioners, and every registrar shall furnish such forms free of charge to any such medical practitioner residing or practising in such registrar's area.

(2) In case of the death of any person who has been attended during his/her last illness by a

licensed or registered medical practitioner, that practitioner shall sign and give to person required by this Act to give information concerning the death, a certificate stating to the best of that practitioner's knowledge and belief the cause of death and containing such further particulars of the last illness, treatment and death as may be prescribed, and such person shall, upon giving information concerning the death, deliver that certificate to the registrar who shall enter the name of the certifying medical practitioner in the register.

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

(4) If any person to whom a medical certificate is given by a medical practitioner in pursuance of this section fails to deliver that certificate to the registrar, that person shall be guilty of an offence and be liable to a fine not exceeding one hundred thousand shillings or term of imprisonment not exceeding one month or both such fine and a term of imprisonment.

(5) For the purposes of this section, a medical practitioner shall include a medical assistant ordinarily residing or practicing in such registrar's area.

PART VI OFFENCES

Offences relating to registers.

21. Any person who –
- (a) being a registrar, refuses or without reasonable cause omits to register any birth or death or particulars concerning

which information has been tendered to him/her by a qualified informant and which the registrar is required by or under this Act to register; or

- (b) being a person having the custody of any register of births or register of deaths, he/she carelessly loses or injures the register or allows the register to be injured,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one million shillings or imprisonment for a term not exceeding one year.

Penalty for failure to give information, etc.

22. Any person who –

- (a) being required by or under this Act to give information concerning any birth or death, willfully refuses to answer any question put to him/her by the registrar relating to the particulars required to be registered concerning the birth or death, or save as provided in this Act, fails to comply with any requirement of the registrar made thereunder;
- (b) refuses or fails without reasonable excuse to give, deliver or send any certificate which he/she is required by this Act to give, deliver or send;
- (c) being a parent and save as provided in this Act, fails to give information concerning the birth of his/her child as required by this Act;
- (d) being a person upon whom a duty to give information concerning a death is imposed

under section 17 of this Act,

shall be guilty of an offence and be liable on conviction to a fine not exceeding five hundred thousands shillings for each offence.

Penalty for forging certificate, etc

23. Any person who forges, reregister or falsifies any certificate, declaration or order under this Act, or knowingly uses, or gives or sends to any person, as genuine any false or forged certificate, declaration or order for the purposes of this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten millions shillings or imprisonment for a term not exceeding seven years or both such fine and imprisonment.

Penalty for making false declaration.

24. Any person who instigates or encourages another person to register births or deaths by making false declaration or who advises or encourages another person to obtain a false certificate shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five million shillings or imprisonment for a term not exceeding three years.

PART VII GENERAL PROVISIONS

Power to require evidence of birth or death.

25.(1) The Registrar of Births and Deaths may, in the performance of his/her duties under this Act, require the prescribed particulars relation to the birth or death of any person to be proved by evidence on oath which the Registrar of Births and Deaths is hereby authorized to administer or by statutory declaration.

(2) A registrar may, if considers it necessary, before registering any birth or death, requires the prescribed particulars relative to the birth or death

to be proved by evidence on oath which the registrar is hereby authorized to administer or by statutory declaration.

Registrars to make returns of births and deaths

26. (1) Subject to the provisions of section 7 and 16 of this Act relating to electronic storage and processing of data, every registrar shall, before the seventh day of every month, forward to the Registrar of Births and Deaths a true copy of all entries of births and deaths in the registers in his/her custody made during the preceding month.

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

Completed registers to be sent to Registrar of Births and Deaths

27. Every registrar shall, upon completion of any register in that registrar custody, send the same to the Registrar of Births and Deaths who shall preserve it.

Preparation of indexes

28. The Registrar of Births and Deaths shall cause to be prepared from the returns made to him/her alphabetical indexes of the births and deaths registered.

Correction of errors.

29.(1) Where it is shown to the satisfaction of the Registrar of Births and Deaths that any error has been made in any register, copy of a register or index, the Registrar of Births and Deaths may, on payment of the prescribed fee, correct the error or authorize the correction of such error in any register by the registrar in whose custody it is.

(2) No fee shall be chargeable for the correction of any error which is due to the default of a registrar or of a member of the staff.

(3) Every correction of an error shall be so made that the original entry remains legible and shall be dated and signed by the officer making the correction, and, when the correction is made by a registrar, shall state the fact that the authority of the Registrar of Births and Deaths has been given.

(4) Before making or authorising the making of any correction, the Registrar of Births and Deaths may, if considers it necessary, require the true facts to be proved by evidence on oath which the Registrar of Births and Deaths is hereby authorized to administer or by statutory declaration.

Inspection of records.

30. Subject to the provisions of any rules made under this Act, any register, return or index in the custody of the Registrar of Births and Deaths shall be open to inspection on payment of the prescribed fee.

Certified copies.

31.(1) The Registrar of Births and Deaths shall, on payment of the prescribed fee, furnish to any person requiring the same a certified copy of any entry in any register or in any return in the Registrar of Births and Deaths custody.

(2) No fee shall be chargeable for the issue of a certified copy of an entry in any register or return when the request is made by a Government Department.

Evidence

32. The copy of any entry in any register or return certified under the hand of the Registrar of Births and Deaths and any certificate furnished under the provisions of section 31 shall be *prima facie* evidence in all courts of the dates and facts therein contained.

Sending document by post.

33.(1) Any notice, information, application, declaration, certificate, return or other document required by or under this Act may be sent or received by post or approved electronic means of communication.

(2) An applicant shall bear the necessary cost involved in posting or sending of any of the documents requested.

Cooperation with other agencies

34. (1) The Registrar of Births and Deaths shall establish and maintain a system of collaboration, consultation and cooperation with other Governmental agencies.

(2) Without limiting the generality of the subsection (1) of this section the Registrar of Births and Deaths may share and exchange data and information relating to the registration of births and deaths with Immigration Department, the Office of Chief Government Statistician and Zanzibar Identity Cards Registration Office.

Rules.

35. The Minister may make Rules:-

- (a) prescribing the hours at which births and deaths may be notified;
- (b) prescribing the fees to be paid for issuing any copy of an entry in a register or for anything done under this Act;
- (c) providing for the inspection of registers, returns and indexes;
- (d) prescribing the forms of all registers, returns, indexes and other documents required for the purposes of this Act;

- (e) prescribing the forms of certificate to be issued under section 31, the particulars to be furnished by applicants for certificates thereunder, the manner in which those certificates are to be compiled and the particulars which are to be contained therein;
- (f) prescribing any matter which is by this Act required to be prescribed;
- (g) generally for carrying into effect the purposes and provisions of this Act.

Repeal of Cap.
90.

36. The Birth and Death Registration Decree, Chapter 90 of the Laws of Zanzibar is hereby repealed.

Savings.
Cap. 90.

37.(1) Subject to the provisions of section 7 and section 16 of this Act relating to electronic data storage and processing, the registers of births and deaths kept in pursuance of the Registration of Births and Death Decree, Chapter 90 of the Laws of Zanzibar 1953, shall continue to be preserved by the Registrar General, and the provisions of this Act, as to inspection and certified copies shall *mutatis mutandis* apply to every such register under this Act.

(2) Any form used and any requirement as to the particulars to be entered in any form used immediately before coming into force of this Act, shall continue as though prescribed under this Act until other forms or particulars are so prescribed by this Act.

(3) Any document referring to the repealed Decree shall, unless the contrary intention appears,

be construed as referring to the corresponding provision of this Act.

(4) All officers appointed under the provisions of the repealed law and whose appointments are in force immediately before the coming into force of this Act shall, unless appointment is terminated or their offices are abolished or new officers are appointed in their stead, shall be considered as appointed under this Act until such time when they are replaced.

PASSED in the House of Representative on the 17th day of October, 2006.

(KHAMIS JUMA CHANDE)
**CLERK OF THE HOUSE OF REPRESENTATIVE
ZANZIBAR.**