

CHAPTER 51 BIRTHS AND DEATHS REGISTRATION ACT

Arrangement of Sections

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AN ACT

to provide for a uniform law for the registration of all births and deaths in Zambia, without distinction of origin or descent; and to provide for matters incidental thereto.

[23rd March, 1973]

Act 21 of 1973,

Act 13 of 1994.

1. Short title

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

2. Interpretation

In this Act, unless the context otherwise requires—

“**child**” includes an illegitimate child;

“**district**” means any one of the districts into which Zambia shall be divided pursuant to the provisions of this Act;

“**Registrar**” means the person appointed to be Registrar of Births and Deaths for a district and shall include an Acting Registrar;

“**Registrar-General**” means the person appointed to be Registrar-General of Births and Deaths for Zambia and shall include an Acting Registrar-General;

“**still-born**” shall apply to any child which has issued forth from its mother after the twenty- eighth 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.

3. Districts

The Minister may from time to time by statutory instrument divide Zambia into districts for the purposes of this Act or alter such districts.

4. Appointment of Registrar-General and Registrars, etc.

There shall be appointed a Registrar-General of Births and Deaths for Zambia, and a Registrar of Births and Deaths for each district, and, if the Minister so considers necessary, a Deputy Registrar-General of Births and Deaths and an Assistant Registrar-General of Births and Deaths, who shall all be public officers:

Provided that, in any district in which there is for the time being no Registrar, the Minister may by statutory instrument confer the powers and duties of a Registrar of Births and Deaths under this Act on any person, whether he is a public officer or not.

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5. Registration of births and deaths

The birth of every child born and the death of every person dying in Zambia after the commencement of this Act shall be registered in accordance with the provisions of this Act.

6. Prescribed forms

Every person giving notice of the birth of a child born or of the death of a person dying, as the case may be, after the commencement of this Act shall, to the best of his knowledge and ability, give such notice in the prescribed form or forms furnishing therein the prescribed particulars and shall certify to its or their correctness either by signing, or, if he be illiterate, by affixing his mark to the prescribed form or forms upon which notice shall be given.

7. Registrars to forward notices to Registrar-General

A Registrar shall sign and forward forthwith by registered post to the Registrar-General all notices of birth or death and all medical certificates of the cause of death received by him.

8. Registers of births and deaths

The Registrar-General shall keep alphabetical registers in the prescribed form—

- (a) of the birth of every child, whether born alive or still-born;
- (b) of the death of every person dying;

after the commencement of this Act, of which birth or death he shall receive notice in the prescribed form.

9. Penalty for failing to give notice

Any person who, being under obligation to give notice of the birth of any child or the death of any person, fails to do so within the period herein provided or refuses or neglects to state any of the particulars in the form prescribed by rules made under the provisions of this Act, or who willfully gives any false information or particulars for the purpose of registration, shall be guilty of an offence and shall be liable to a fine not exceeding two hundred penalty units or to imprisonment not exceeding one month with or without hard labour, or to both:

Provided that, no person shall be charged with an offence under this section—

- (i) for having failed to give notice of the birth of any child or the death of any person, if, having regard to all the circumstances of the case, it was not reasonably practicable for him to have given such notice or where such notice could not be given without causing unnecessary hardship or expense to such person;

(ii) where, having regard to the education, knowledge and understanding of the person and to the social environment of the locality in which he resides, he could not reasonably be expected to have sufficient knowledge of his obligations under this Act.

[S 9 am by Act 13 of 1994.]

10. Registers may be inspected

Any register in the custody of the Registrar-General shall, upon payment of such fee as may be prescribed, be open to inspection.

11. Certified copies of entries

The Registrar-General shall, upon payment of such fee as may be prescribed, furnish a certified copy of any entry in any register in his custody.

12. Evidence of certified copies

The copy of any entry in any register certified under the hand of the Registrar-General, Deputy Registrar-General or Assistant Registrar-General to be a correct copy shall be *prima facie* evidence in all courts of the dates and facts therein stated.

13. Clerical errors in registers may be corrected

The Registrar-General may, subject to any rules made under this Act, correct any error in any register, but corrections shall be made without erasing the original entry and shall be authenticated by the signature of the Registrar-General.

14. Responsibility for giving notice

(1) In the case of every child, whether born alive or still-born, it shall be the duty of the father and the mother, and in default of the father or the mother the duty of—

(a) the occupier of the house in which, to his knowledge, such child is born or the person in charge of any hospital or other institution in which such child is born; and

(b) each person present at the birth; and

(c) in the case of a child born alive, the person having charge of the child;

to give notice in the prescribed form containing the prescribed particulars of the birth within one month thereof to the Registrar of the district in which such child is born.

(2) Any person giving notice under the provisions of sub-section (1) of the birth of a still-born child shall, upon giving such notice, either—

(a) deliver to the Registrar to whom the said notice is given a written certificate that the child was not born alive, signed by a registered medical practitioner or certified midwife who was in attendance at the birth or who has examined the body of such child; or

(b) make a declaration in the prescribed form to the effect that no registered medical practitioner or certified midwife was present at the birth, that it has not been possible for such practitioner or midwife to examine the body of the child, and that the child was not born alive.

15. Notice of birth of illegitimate child

No person shall be bound as father to give notice of the birth of an illegitimate child, and no person shall be registered as the father of such child except on the joint request of the mother and himself and upon his acknowledging himself in writing to be the father of the child in the presence of the Registrar.

16. Notice of birth of abandoned child

If any new-born living child is found exposed after the commencement of this Act, it shall be the duty of the person finding such child and of any person in whose charge it may be placed to give notice of the birth in the prescribed form, furnishing as many of the prescribed particulars as possible to the Registrar of the district in which such child was found.

17. Alteration of name of child

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

18. Who is to give notice of death

(1) In the case of every person dying after the commencement of this Act, it shall be the duty of every relative present at the death of or in attendance during the last illness of such person, and, if there be no such relatives, of every relative dwelling within the district in which such person died, and, if there be no such relatives, then of each person present at the death and of the occupier and every inmate of the house in which to his knowledge the death took place, and of any person who has buried or caused to be buried the body of any person so dying, to give notice of the death of such person in the prescribed form or forms containing the prescribed particulars to the Registrar of the district in which such person died within one calendar month of such death, or, if the Registrar is satisfied that such notice could not be given within the said period and that no undue delay has taken place, within three months after the death.

(2) The custodian or person having the charge or control of any burial place shall from time to time furnish to the Registrar returns showing the full name, the date of death and of burial and such other particulars as may be prescribed in respect of any person dying after the commencement of this Act whose body shall be buried in such burial place.

(3) In the case of every person dying who has been attended during his last illness by a registered medical practitioner, that practitioner shall, unless he shall believe that death was not the result of natural causes, sign and give to some person required by this Act to give notice of the death a certificate stating to the best of his knowledge and belief the cause of the death.

(4) If any medical practitioner shall believe that the death of any person attended by him was not the result of natural causes, he shall forthwith report to a magistrate his inability to give a certificate as required by sub-section (3).

(5) The person required to give notice of the death who receives the medical certificate of the cause of death shall, within forty-eight hours from the receipt thereof, despatch or deliver the certificate to the Registrar of the district where the death occurred.

(6) Every Registrar, upon receiving a notice of death accompanied by a medical certificate of the cause of death, shall forthwith give to the person giving notice of the death a permit authorising burial or other disposal of the body of the deceased.

(7) Where no certificate of 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.

(8) —

(a) On the receipt of a notice from a Registrar under sub-section (7), the magistrate or a police officer, or any person specially empowered by the Minister in that behalf, shall cause such inquiries to be made as to the cause of the death as he may think fit or as may be prescribed.

(b) If the case does not appear from such inquiries to be one to which section 4 or 10 of the Inquests Act applies, the magistrate or police officer or other person as aforesaid shall issue a permit authorising burial or other disposal of the body of the deceased and shall send a copy thereof to the Registrar.

(9) When a medical certificate of the cause of the death has been given or when, in the absence of such certificate, the cause of the death has been determined by a coroner's inquest, the cause of the death to be recorded by the Registrar-General in the Register of Deaths shall be the cause stated in the medical certificate or determined by the inquest, as the case may be.

(10) Where it is not practicable to obtain a permit authorising the burial or other disposal of the body of a person dying, the person causing the body to be buried or otherwise disposed of shall, as soon as is reasonably possible, notify the Registrar.

19. Notice by person finding an exposed body

Any person finding exposed the body of a person and any person taking charge of a body so found and any person causing such body to be buried shall give notice of the death of such person in the prescribed form or forms containing the prescribed particulars to the Registrar of the district in which such body was found, taken charge of or buried, as the case may be, within one calendar month of finding, taking charge of or burying it, as the case may be, or, if the Registrar is satisfied that notice could not be given within the said period and that no undue delay has taken place, then within three calendar months of such finding, taking charge of or burying, as the case may be.

20. Penalties

Any person who acts in contravention of or fails to comply with any of the provisions of this Act or any rules made thereunder shall, save where some other penalty is expressly provided, be liable to a fine not exceeding four hundred penalty units or to imprisonment for a term not exceeding six months, or to both.

[S 20 am by Act 13 of 1994.]

21. Rules

(1) The Minister may by statutory instrument make rules for the proper carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the place or places at which shall be situate the office of the Registrar-General and of any Registrar respectively, and the hours at which notices of birth and death respectively may be given;

(b) the form and manner of giving any notice or return required by this Act and the particulars to be furnished therein;

(c) the form and manner in which registration of births and deaths respectively shall be effected;

(d) the form of all registers and other documents required for the purposes of this Act;

(e) the conditions under which registers and other documents may be inspected;

(f) the places at which notices of births and deaths occurring on board vessels while within the waters of the Republic shall be given;

(g) the fees to be paid under the provisions of this Act.

22. Repeals and savings

(1) The Births and Deaths Registration Act, Chapter 210 of the Revised Edition, and the Notification of the Births of the Children of Africans Act, Chapter 215 of the Revised Edition, are hereby repealed.

(2) Every notice, register, certified copy of entries or other document which was valid immediately prior to the commencement of this Act and—

(a) that was issued, made, granted or given under the laws repealed by this Act; or

(b) the effect of which was preserved under the laws repealed by this Act;

shall be given effect as if issued, made, granted or given under this Act.