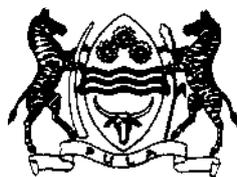


THE BIRTHS AND DEATHS REGISTRATION ACT, 1968

No. 48



of 1968

AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE REGISTRATION OF BIRTHS AND DEATHS

Date of Assent: 6.9.68

Date of Commencement: On a day to be appointed.

ENACTED by the Parliament of Botswana.

**PART I
INTRODUCTORY**

Short Title and Commencement

1. This Act may be cited as the Births and Deaths Registration Act, 1968, and shall come into operation on a day to be appointed by the Minister by notice in the *Gazette*.

Interpretation

2. In this Act, unless inconsistent with the context —

“married” means lawfully married, whether or not such marriage was celebrated within or outside Botswana, and includes married under any system of customary law where the marriage is recognized as being a valid customary marriage under the law of Botswana;

“register” means the Births Register or the Deaths Register, as the case may be, maintained by the Registrar in terms of section 4;

“Registrar” means the Registrar of Births and Deaths appointed under section 3.

Appointment of Registrar and District Registrars

3. (1) The Minister may by notice in the *Gazette* appoint, for the purposes of the Act, any officer in the public service as Registrar of Births and Deaths who shall be custodian of all notices of births and deaths and of all returns, registers and records of any birth or death in Botswana.

(2) The Minister may appoint —

(a) one or more Assistant Registrars to exercise, subject to the directions of the Registrar, such of the functions of the Registrar under this Act as the Registrar may from time to time direct; and

(b) District Registrars for each of the districts of Botswana or for such other areas therein as may be prescribed in such notice.

Registers and Registration

4. (1) The Registrar shall maintain two registers, to be called the “Births Register” and the “Deaths Register”, respectively, into which shall be entered prescribed details of births and deaths.

(2) Any such entry shall constitute the registration of the birth or death, as the case may be, to which the entry relates and upon such entry the information form relating to such birth or death and any related documents supplied to the Registrar in terms of this Act shall be deemed to form part of that register.

PART II

VOLUNTARY REGISTRATION OF BIRTHS AND DEATHS

Application of Part II

5. The provisions of this Part shall apply in relation to any district or area other than a district or area specified in the First Schedule.

Notification of Birth of Child

6. The father or mother of every child born alive, or, in the event of the death, absence or other inability of the father or mother, then any person present at the

birth or the occupier of the dwelling where the child was born may, within three months after such birth, give the prescribed notice thereof to the District Registrar.

Notification of Death

7. Any adult relative of a deceased person who was present at his death or in attendance during his last illness or at his dwelling with him, and, in default of such relative, any adult person present at the death of such deceased person, or if there was no such adult person present, then the occupier of the dwelling in which the death occurred, or, in case of the death or absence or other inability of such occupier, any adult inmate of the dwelling, or any person who has caused the body to be buried, may give to the District Registrar notice of the death within thirty days thereafter.

PART III

COMPULSORY REGISTRATION OF BIRTHS AND DEATHS

Application of Part III

8. (1) The provisions of this Part shall apply in relation to any district or area specified in the First Schedule.

(2) The Minister may, by notice in the *Gazette*, add any district or area to and delete any district or area from, the First Schedule.

Duty to Notify Birth of Child

9. (1) In the case of every child born alive, and in the case of any still-born child, it shall be the duty of the father and mother of the child, and in the event of the death, absence or other inability of the father and mother then of any person present at the birth or of the occupier of the dwelling in which the child is born, within three months after such birth to give the prescribed notice thereof to the District Registrar or to a police officer.

(2) In the case of an illegitimate child no person shall be required to give the prescribed notice as its father concerning its birth.

Duty to Notify Death

10. (1) It shall be the duty of every adult relative of a deceased person who was present at his death or in attendance during his last illness or at his dwelling with him, and, in default of such relative, of every adult person present at the death of such deceased person, and, if there was no such adult person present, of the occupier of the dwelling in which the death occurred, or, in the case of the death or absence or other inability of such occupier, of every adult inmate of the dwelling or of any person who has caused the body to be buried, to give to the District Registrar notice in the prescribed manner of the death within thirty days thereafter.

General Duties of District Registrars

11. It shall be the duty of every District Registrar to inform himself as far as possible of every birth or death which occurs within his district, and, after the expiry of the time allowed under this Act for giving any notice or information of any such birth or death, if the notice or information as not been given, the District Registrar may by notice in writing under his hand require any person whose duty it is under this Act to give any such information to attend within such time as is specified in the notice at the office of the District Registrar or at any other place mentioned in the notice, there to give to the District Registrar, or to any other person named in the notice, such information as may be necessary concerning the birth or death, as the case may be.

PART IV

GENERAL PROVISIONS RELATING TO REGISTRATION

Duty of District Registrar on Receipt of Notice of Birth or Death

12. (1) On receipt by the District Registrar of any notice, information, memorandum, return or certificate in respect of a birth or death given or transmitted under this Act, he shall examine the same and cause any omission, defect or inaccuracy therein to be supplied or corrected as far as may be possible, and for this purpose he may require any person whose duty it is to give, or who has given, information under this Act to attend and give information in the manner prescribed by the last preceding section.

(2) It shall be the duty of every District Registrar to ensure that every birth or death which comes to his notice is recorded on the information form prescribed therefor and that such form is duly completed.

(3) After complying with the preceding provisions of this section, the District Registrar shall transmit the completed form and any other related documents to the Registrar by registered post.

Birth and Death Certificates

13. (1) The Registrar shall furnish the public upon application and upon payment of the prescribed fee, with birth and death certificates, and shall cause a search to be made in his registers for that purpose.

(2) Every such certificate shall in all courts of law and public offices within Botswana be *prima facie* evidence of the particulars set forth therein.

Late Registration of Births and Deaths

14. (1) No birth or death shall be registered after the expiry of one year from the date of such birth or death except in accordance with the provisions of this section.

(2) An application for the registration of a birth or death after the expiry of one year from the date of such birth or death (hereinafter referred to as an application for late registration) shall be made on the prescribed information form to the District Registrar of the district or area in which the birth or death took place and shall be accompanied by the prescribed fee.

(3) The District Registrar shall comply with the provisions of section 12 in respect of each application for late registration.

(4) The Registrar may refuse to register a birth or death under this section until such time as material facts relating to such birth or death have been proved to his satisfaction.

(5) Any person aggrieved by a refusal of the Registrar in terms of subsection (4) may appeal in the prescribed manner to the Minister, whose decision shall be final.

Alteration of Name in Births Register

15. When the birth of any person has been registered (whether under this Act or under any other law) and the name under which his birth was registered is altered, either his parents or his guardian, if he is under twenty-one years of age, or he himself, if he is twenty-one years of age or over, may apply to the Registrar for the alteration of his name in the relative births register, and thereupon the Registrar may, if satisfied that the applicant is competent to make the application and upon payment by the applicant of the prescribed fee, amend the registration of such person's birth by inscribing the altered name on the birth information form filed in his office in connection with the registration of such birth, but without erasing the original name therefrom.

Registration of Person as Father of Illegitimate Child

16. The District Registrar shall not enter or cause or permit to be entered in any information form or other place, the name of any person as the father of an illegitimate child the birth of which may be, or is required to be, registered under the Act without the consent of that person, which consent shall be given and recorded in such manner as may be prescribed.

Amendment of Birth Registration of Illegitimate Child after Legitimation

17. (1) When a person was born (whether before or after the commencement of this Act) of parents who were not married to each other at the time of his birth but who married each other after the registration of his birth, application may be made to the Registrar for the registration of his birth as if his parents had been married to each other at the time of his birth, and thereupon the Registrar shall, if satisfied that the alleged parents of such person are in fact his parents and that they were married to each other, register the birth in the prescribed manner as if such person's parents had been married to each other at the time of his birth.

(2) If a person's parents who were not married to each other at the time of his birth have married each other before the registration of his birth, such birth shall be registered as if they had been married to each other at the time of his birth.

Certificate by Medical Practitioner as to Cause of Death

18. Whenever any medical practitioner has attended during the last illness of any person, it shall be the duty of such medical practitioner, on application by the District Registrar or by the person giving notice of death, forthwith to send to the District Registrar, without fee or reward, a certificate of the cause of death or a notice of inability to sign such a certificate.

Determination of Cause of Unnatural Death

19. (1) Whenever the death of any person is the subject of an investigation, report or inquest under the Inquests Proclamation (Chapter 34), or is the subject of an inquiry under the Works and Machinery Proclamation (Chapter 125), the District Registrar shall not record the cause of death until he is supplied with particulars thereof under sub-section (2) of this section.

(2) On the conclusion of the inquest or the inquiry referred to in subsection (1) or on the issue of a certificate by a District Commissioner under paragraph (b) of section 6 of the Inquests Proclamation (Chapter 34), or on the conclusion of any criminal proceedings arising out of the said death, the person who presided at such inquest or inquiry or who issued a certificate under the said paragraph (b) shall forthwith report the cause of death to the District Registrar.

Affidavits, etc., to be Exempt from Stamp Duties

20. Notwithstanding anything contained in any law, no affidavit or solemn declaration made by any person for the purpose of complying with any provision of this Act or the regulations relating to the registration of births and deaths shall be liable to stamp duty.

PART V SUPPLEMENTARY

Penalties

21. Any person who without lawful excuse fails to —
- (a) notify the birth of a child in accordance with the provisions of section 9, unless some other person has duly so notified the birth;
 - (b) notify a death in accordance with the provisions of section 10, unless some other person has duly so notified the death;
 - (c) comply with a notice given under section 11 or to give information in accordance with that section;

(d) give or transmit any notice, information, memorandum, return or certificate required by this Act to be given or transmitted;

shall be guilty of an offence and liable on conviction to a fine of R200 or to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.

Regulations

22. The Minister may make regulations —

- (a) prescribing anything which, in terms of this Act, is or may be prescribed;
- (b) as to the management of the Registrar's office or of any District Registrar's Office;
- (c) prescribing the duties and powers of the Registrar and of the District Registrars;
- (d) prescribing the fees payable under this Act;
- (e) prescribing the forms of all registers, returns and other documents required for purposes of this Act;
- (f) providing for the inspection of registers, returns and indices and for the issue of certified copies.

Repeals

23. The laws specified in the Second Schedule are repealed.

FIRST SCHEDULE

(Sections 5 and 8)

The Francistown District
The Gaborone District
The Lobatsi District.

SECOND SCHEDULE

(Section 23)

The Births and Deaths Registration Proclamation, (Chapter 143)
The Births and Deaths Registration (Amendment) Proclamation, 1959 (No. 5 of 1959)
The Births and Deaths Registration (Amendment and Further Provisions) Law, 1963 (No. 6 of 1963)
The Births and Deaths Registration (Amendment) Law, 1964 (No. 27 of 1964).

Passed by the National Assembly this day, the 9th August, 1968.

G.T. MATENGE,
Clerk of the National Assembly.