

NATIONAL REGISTRATION ACT, 1986

No. 26



of 1986

ARRANGEMENT OF SECTIONS

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An Act to provide for the registration of persons resident in Botswana and to provide for matters incidental thereto.

Date of Assent: 24.12.86

Date of Commencement: 31.12.86

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the National Registration Act, 1986.
2. In this Act —

Short title
Inter-
pretation

“authorised person” means any person or class or persons prescribed by the Minister by regulations;

“district register” means the register maintained by each district registrar;

“identity card” means an identity card issued in accordance with the provisions of this Act;

“Minister” means the Minister for the time being responsible for Home Affairs;

“national register” means the register maintained by the Registrar of National Registration under the provisions of section 4;

“registrar” means the Registrar for National Registration appointed under section 3(1) or a district registrar appointed under section 3(2)

Appoint-
ment of
Registrar
and district
registrars

3. (1) There shall be a Registrar of National Registration appointed by the Minister.

(2) The Minister may appoint such district registrars as he deems necessary to assist the Registrar in carrying out his duties under this Act.

(3) The Registrar of National Registration may delegate any or all of his duties to be performed by a district registrar within the area of a particular district.

Functions
of registrar

4. (1) The Registrar of National Registration shall keep or cause to be kept and maintained a national register of all persons —

(a) who are citizens of Botswana and are sixteen years or older;

or

(b) who are sixteen years or older and who, not being citizens of Botswana, have been granted permission under the Immigration Act to reside in Botswana for six months or more.

(2) Every district registrar shall keep and maintain a district register of those persons who live within his district and who qualified for registration under paragraphs (a) or (b) of subsection (1), and to whom an identity card is issued.

Contents of
register

5. (1) The national register and each district register shall consist of two parts, of which Part I shall be a register of citizens of Botswana and Part II shall be a register of non-citizens lawfully resident in Botswana.

(2) The register shall consist of the following particulars relating to each applicant —

(a) the applicant's name;

(b) the applicant's principal place of residence in Botswana;

(c) the applicant's sex;

(d) the applicant's date of birth;

(e) the applicant's marital status and the name of his spouse, if any;

(f) the date of registration of the applicant and the registration number;

- (g) in the case of an applicant who is not a citizen of Botswana, his nationality and the date of his entry into Botswana; and
- (h) such other particulars as the Minister may by regulations prescribe.

6. (1) Subject to such regulations as shall be made by the Minister, every person of or above the age of sixteen years;

Registration requirements

- (a) who is a citizen of Botswana;
- (b) who, not being a citizen of Botswana, has been granted permission under the Immigration Act to reside in Botswana for a period of six months or more; or
- (c) who, not being a citizen of Botswana, has been legally resident in Botswana for six months or more at the date of the coming into force of this Act,

shall be qualified to register under this Act and shall apply, to the registrar of the area in which he ordinarily resides, for registration within one month of his acquiring the relevant qualification as set out in this section.

(2) Every applicant shall submit to having his finger print and his photograph taken by the registrar or a person acting under his authority.

7. (1) The registrar may require any person applying for registration under this Act to provide such documentary information as shall in the opinion of the registrar be necessary to establish the truth of the information stated in the application form.

Additional information

(2) Every district registrar shall, where he is satisfied that the applicant qualifies for registration, forward the application, and the photograph and record of finger prints relating to that application, to the Registrar of National Registration.

(3) The Registrar of National Registration shall, if he is satisfied that the applicant qualifies for registration, issue an identity card to the applicant.

8. Any person who —

- (a) furnishes false information or makes any false statement in his application for registration or in any affidavit sworn under this Act; or
- (b) forges any document for the purpose of obtaining registration under this Act; or
- (c) in any way seeks to illegally influence the decision of the registrar; or
- (d) being already registered, applies for registration; or
- (e) being in possession of any identity card, applies for a new card falsely alleging that his identity card was lost or destroyed,

Forgery, false information and undue influence

shall be guilty of an offence under this Act.

9. (1) Every person registered under this Act shall be issued with an identity card.

Issue of identity cards

(2) A card issued under this Act shall be valid for a period of ten years and shall be renewable for further periods of ten years each for so long as the holder of the card continues to qualify for registration under this Act.

(3) A card shall be renewed by the issue of a new card with an up-to-date photograph and other particulars relating to the holder of the card.

Forms of
identity
cards

10. The Minister may by regulations prescribe the size and description of the identity card and the particulars it shall contain, and may prescribe different cards for different categories of persons.

Preservation
of identity
cards

11. (1) Every person issued with an identity card under this Act shall, to the best of his ability, ensure the safety and preservation of that card.

(2) Where an identity card is lost, damaged or destroyed the person concerned shall immediately inform the registrar of the area in which he is registered and provide him with any information at his disposal to satisfy the registrar that the card was in fact not lost, damaged or destroyed through the fault or neglect of the person concerned.

(3) The registrar shall require the person whose identity card is lost or destroyed to execute an affidavit to the effect that it was not lost or destroyed through the fault or neglect of the person making the affidavit.

(4) The Minister may by regulations prescribe the form of affidavit to be executed under subsection (3).

Replacement
of lost,
damaged
or destroyed
identity
cards

12. (1) Where the registrar is satisfied that the loss, damage or destruction occurred through no fault or neglect of the person concerned, he may recommend to the Registrar of National Registration that a new identity card be issued without payment of any fee or penalty, and shall cancel the identity card that was lost, damaged or destroyed, but in all other cases he shall levy the prescribed fee.

(2) Where the Registrar of National Registration issues a card in place of a damaged identity card he shall ensure that the damaged card is destroyed and the national register and the district register shall be amended accordingly.

(3) Where the Registrar of National Registration issues a card in place of a damaged identity card that was lost, he shall inform all the district registrars and such other authorities as the Minister may by regulations prescribe, of the loss as soon as may be practicable.

Identity
card
prima facie
proof of
contents

13. The identity card shall be prima facie proof of the particulars stated therein.

Change in particulars relating to registered person

14. Where the particulars relating to any person, and to which he has sworn in his application for registration, change after he has been issued with an identity card, such person shall, within thirty days of such change inform the registrar of the area in which he is registered of the changes.

Immaterial change

15. Where a district registrar is informed of any change in the particulars relating to a registered person he may, if he is of the opinion that the changes do not materially affect his registration, note the changes in his register and cause the changes to be recorded in the national register by the Registrar of National Registration.

Material change

16. (1) Where the registrar is of the opinion that any change in the particulars relating to a registered person materially affects his registration, he shall record the change and notify the Registrar of National Registration of the circumstances and recommend that the person concerned should be issued with a new identity card.

(2) The Registrar of National Registration shall, if he is satisfied that the change materially affects the person's registration, cancel the identity card issued to that person and issue a new identity card to him.

(3) The particulars relating to the new identity card and its holder shall be recorded in the national register and the register of the area in which that person is registered.

Up-dating photograph

17. (1) Every registered person may, whenever he is satisfied that his personal appearance has changed so as to make it likely that his identity as certified by the identity card may be questioned, apply to the registrar of the area in which he is registered for the issue of a new card with a more recent photograph and shall, when issued with a new identity card by the Registrar of National Registration, surrender his existing identity card to the registrar to be cancelled and destroyed.

(2) The registrar of the area in which the person is registered and the Registrar of National Registration shall cause the changes to be recorded in the relevant registers.

Miscellaneous offence

18. Any person who —

(a) fails to register within the time prescribed by this Act;

(b) wilfully obstructs the registrar in the execution of his duties under this Act;

(c) wilfully destroys or mutilates or attempts to destroy or mutilate any identity card;

(d) unlawfully deprives or dispossesses any person of that person's identity card;

(e) uses any identity card other than the card issued to him intending that some other person shall be led to believe that he is the person shown on the card he is using;

(f) is knowingly in possession of an identity card in which any

unlawful entry, alteration or erasure has been made or of any document so closely resembling an identity card as to be calculated to deceive;

(g) is in possession of more than one identity card purporting to show his identity;

(h) permits any other person to use the identity card issued to him as an identity card issued to that other person;

shall be guilty of an offence under this Act.

19. Any person guilty of an offence under this Act shall in addition to any punishment he may be liable for under any other law-

Punishments

(a) be liable under section 8 and under paragraph (e), (f) and (h) of section 18 to a fine not exceeding one thousand pula or to imprisonment for a term not exceeding one year or to both such fine and imprisonment;

(b) be liable under paragraph (a) to (d) and paragraph (g) of section 18 of this Act to a fine not exceeding five hundred pula or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

20. (1) The registrar shall not disclose any information received by him from any application for registration or from any enquiries or investigations made by him in connection with any application for registration.

Secrecy

(2) All persons who are employed in carrying out the provisions of this Act shall, subject to the provisions of subsection (3), keep secret and assist in keeping secret any information that comes to their knowledge in the course of the exercise of their duties under this Act.

(3) No person referred to in subsection (2) shall, except in the exercise of his powers or the performance of his duties under this Act or in obedience to an order of a court —

(a) disclose information acquired by him in the exercise of his powers or performance of his duties; or

(b) permit access to any record of information received by a registrar under this Act,

to any person who is not an authorised person or to any person other than a person entitled to receive such information in the course of the exercise of his duties under this Act.

(4) Any person contravening the provisions of this section shall be liable to a fine not exceeding one thousand pula in addition to any other disciplinary measures that may be taken by his employer.

21. Any document purporting to be signed by the Registrar of National Registration or a district registrar or any officer authorised by him in writing, certifying a copy or extract of any record kept by the registrar under this Act shall, in any prosecution for an offence under this Act, be prima facie evidence

Evidence

of the facts stated therein, and, if stated to be signed by an officer authorised by the registrar, shall unless the contrary be proved, be deemed to be signed by the officer so authorised without production of proof of such authorisation.

Immunity

22. No claim shall lie against the government, the Minister, any registrar or public officer for anything done in good faith and without negligence under the powers conferred upon them by this Act.

Regulation

23. The Minister may by regulation prescribe —

- (a) the form of the application for registration;
- (b) the additional particulars that may be required of an applicant for registration;
- (c) the form of the identity card or cards that may be issued under this Act and the particulars each shall contain;
- (d) the form of the affidavit to be executed by a person whose identity card has been lost, damaged or destroyed;
- (e) the fees that may be levied under this Act;
- (f) the authorities that shall be informed by the registrar of the loss of an identity card;
- (g) the procedures to be followed in issuing identity cards;
- (h) the procedure to be followed in correcting errors or issuing replacement identity cards;
- (i) the persons who shall be authorised persons for the purposes of this Act; and
- (j) all other matters necessary for the carrying out of the provisions of this Act.

PASSED by the National Assembly this 11th day of December, 1986.

C.G. MOKOBI,
Clerk of the National Assembly.