

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE BIRTHS AND DEATHS REGISTRATION ACT

CHAPTER 51 OF THE LAWS OF ZAMBIA

CHAPTER 51 THE BIRTHS AND DEATHS REGISTRATION ACT

THE BIRTHS AND DEATHS REGISTRATION ACT

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CHAPTER 51

BIRTHS AND DEATHS REGISTRATION

21 of 1973
13 of 1994

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]

1. This Act may be cited as the Births and Deaths Registration Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

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

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

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.

5. 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. Registration of births and deaths

6. 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. Prescribed forms

7. 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. Registrars to forward notices to Registrar-General

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- 8.** 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.** 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 wilfully 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.
- Penalty for failing to give notice
- Registers of births and deaths
- 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.
- (As amended by Act No. 13 of 1994)
- 10.** Any register in the custody of the Registrar-General shall, upon payment of such fee as may be prescribed, be open to inspection.
- Registers may be inspected
- 11.** 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.
- Certified copies of entries
- 12.** 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.
- Evidence of certified copies
- 13.** 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.
- Clerical errors in registers may be corrected
- 14.** (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-
- Responsibility for giving notice

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- (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 subsection (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. 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.

Notice of birth of illegitimate child

16. 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.

Notice of birth of abandoned child

17. 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.

Alteration of name of child

18. (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.

Who is to give notice
of 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 subsection (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 subsection (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 *four* or *ten* 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. Cap. 37

(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. 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. Notice by person finding an exposed body

20. 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. Penalties

(As amended by Act No. 13 of 1994)

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

(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;

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- (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. (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. Repeals and savings

(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.

SUBSIDIARY LEGISLATION

BIRTH AND DEATHS REGISTRATION

CAP. 51

SECTION 3-THE BIRTHS AND DEATHS REGISTRATION DISTRICTS ORDER

*Statutory Instrument
209 of 1973*

Order by the Minister

1. This Order may be cited as the Births and Deaths Registration Districts Order. Title

2. Zambia is hereby divided, for the purposes of the Act, into districts, the names and boundaries of which shall be identical with those of the administrative districts of Zambia as defined in the Provincial and District Boundaries Act. Registration districts
Cap. 286

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Rules by the Minister

Statutory Instrument
246 of 1973
66 of 1982
1 of 1990
32 of 1995
101 of 1996
Act No.
13 of 1994

PART I PRELIMINARYPART I

PRELIMINARY

1. These Rules may be cited as the Births and Deaths Registration (General) Rules. Title
2. In these Rules, unless the context otherwise requires- Interpretation
 - "Assistant Registrar" means the registration officer designated as such at a sub-centre by the Minister;
 - "birth" does not include still-birth;
 - "Deputy Registrar" means a person designated as such by the Minister to assist a Registrar in the discharge of his functions;
 - "disposal certificate" means a certificate issued by a Registrar, police officer or magistrate under section *eighteen* (6) and (8) of the Act;
 - "entry" means a record of the particulars relating to a birth, still-birth or death appearing in the appropriate district or central register;
 - "maiden surname", in relation to a woman, includes the surname under which she contracted her marriage (or where she has married more than once, her first marriage);
 - "medical practitioner" means a registered medical practitioner;

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"midwife" means a midwife registered under the provisions of the Nurses and Midwives Act; Cap. 300

"name", in relation to a person, includes all names by which he is known and called;

"nationality of parents" means nationality of the parents at the time of birth or death of the child, as the case may be;

"notification of disposal" means a notification as to the date, place and means of disposal of the body of a deceased person which a person effecting the disposal is required by section *eighteen* (2) of the Act to deliver to the Registrar;

"occupation" includes rank or profession;

"registration office" means part of the District Secretary's office or other office set aside in the sub-centres for the registration of births and deaths.

PART II PRESCRIBED FORMS AND REGISTERSPART II

PRESCRIBED FORMS AND REGISTERS

3. The forms set out in the First Schedule are hereby prescribed for the respective purposes mentioned in each form. Prescribed forms

4. The Registrar-General shall keep registers of births, still-births and deaths in accordance with the forms prescribed in the First Schedule. Registrars

PART III BIRTH AND DEATH CERTIFICATESPART III

BIRTH AND DEATH CERTIFICATES

5. When an application is made by any person to the Registrar-General for a certificate containing particulars of information which has been registered in regard to the birth or death of any person, the Registrar-General shall issue a certificate in the form prescribed for the purpose in the First Schedule: Issue of birth and death certificates

Provided that if an applicant wishes to have the shortened form of birth certificate instead of the full form of birth certificate, he may be issued with the shortened form of birth certificate in the form prescribed for the purpose in the First Schedule.

PART IV APPOINTMENT OF REGISTRARS, DEPUTY REGISTRARS AND ASSISTANT REGISTRARS DUTIES OF DEPUTY REGISTRARS AND ASSISTANT REGISTRARS PART IV

APPOINTMENT OF REGISTRARS, DEPUTY REGISTRARS AND ASSISTANT REGISTRARS:
DUTIES OF DEPUTY REGISTRARS AND ASSISTANT REGISTRARS

6. (1) All District Secretaries for the existing administrative districts of Zambia shall be deemed to have been appointed Registrars of Births and Deaths for their respective districts.

Appointment of Registrars, Deputy Registrars and Assistant Registrars of Births and Deaths

(2) All Assistant District Secretaries shall be deemed to have been appointed Deputy Registrars of Births and Deaths for their respective districts:

Provided that where in any district there are more than one Assistant District Secretary, the Minister shall designate one of the Assistant District Secretaries as Deputy Registrar of Births and Deaths.

(3) The Minister shall appoint suitable persons as Assistant Registrars of Births and Deaths at the sub-centres.

7. (1) Subject to the provisions of rule 9, a Deputy Registrar may in the absence of a Registrar perform any of the functions of a Registrar under the Act, notwithstanding that his absence may not be unavoidable or occasioned by illness; and a Deputy Registrar shall-

Duties of Deputy Registrars

- (a) carry out any of the duties of a Registrar as may be delegated to him from time to time;
- (b) register a birth, still-birth or death in respect of which a Registrar acts as informant;
- (c) call at the offices of Assistant Registrars in his district at fortnightly intervals for the purpose of collecting notices of births and deaths for entry into the district registers and for onward transmission to the Registrar-General.

- 8.** It shall be the duty of Assistant Registrars to-
- Duties of Assistant Registrars
- (a) assist informants within their areas to complete and sign notices of births, still-births and deaths;
 - (b) issue general receipts for all payments made in respect of births and deaths certificates; and
 - (c) render fortnightly accounts to the Deputy Registrar for all moneys, receipts and documents collected during that period.
- 9.** A Registrar shall not register a birth, still-birth or death of which he is an informant.
- Duality of functions
- 10.** (1) A Registrar, Deputy Registrar or Assistant Registrar shall not, while discharging his official duties with any person attending upon him at his office or otherwise coming into communication with him in his official capacity, transact or attempt to transact or to further the transaction of any business of a private nature, either on his own behalf or on behalf of any other person or body.
- General conduct of registration officers
- (2) A Registrar, Deputy Registrar or Assistant Registrar shall not, without the express authority of the Registrar-General, publish or communicate to any person, otherwise than in the ordinary course of the performance of his official duties, any information acquired by him while performing those duties.
- (3) A Registrar, Deputy Registrar or Assistant Registrar shall comply with any instruction or direction, whether particular or general, given to him by the Registrar-General in any matter relating to the due performance of his duties.
- 11.** Every Registrar or Deputy Registrar shall at such times and in such manner as the Registrar-General may direct send to the Registrar-General such statistical returns concerning births, still-births and deaths as he may require to be extracted from the records kept by such Registrar or Deputy Registrar, as the case may be.
- Statistical returns
- 12.** Every Registrar, Deputy Registrar or Assistant Registrar shall submit all books and forms in his possession to inspection by any person authorised in that behalf by the Registrar-General and shall, if so required by the Registrar-General, give him a statement as to the books and forms in his possession.
- Inspection of registers

PART V GENERAL PROVISIONS RELATING TO ENTRIES IN REGISTERSPART V

GENERAL PROVISIONS RELATING TO ENTRIES IN REGISTERS

- 13.** (1) A Registrar or Deputy Registrar shall not register a birth, still-birth or death which has already been registered unless the Registrar-General gives his authority so to do.
- Registration in more than one place

(2) Where a birth, still-birth or death is re-registered on the authority of the Registrar-General, the Registrar making the new entry and the Registrar having custody of the register in which the original entry was made shall make such notes (if any) in the margin of the respective entries as the Registrar-General may direct.

14. Where, during the registration of a birth, still-birth or death, it becomes necessary to cancel an entry space on the appropriate form or register, the Registrar or Deputy Registrar, as the case may be, shall draw a line in ink through that space before calling upon the informant to certify the entry.

Cancellation of entry space

15. Where a person who is required under any provision of these Rules to sign his name in a register or form makes a mark or signs in characters other than those used in the English language, the Registrar shall write against the mark or signature the words "The mark (or signature) of" inserting the name of the person.

Signature by mark or in foreign characters

PART VI REGISTRATION OF BIRTHSPART VI

REGISTRATION OF BIRTHS

16. The particulars concerning a birth to be registered pursuant to section six of the Act shall be the particulars required on Reg-Gen Form No. 14.

Particulars to be registered

17. Subject to the provisions of rule 18, particulars to be recorded in respect of the parents of a child shall be the particulars prescribed in Reg-Gen Form No. 14 appropriate as at the date of birth of the child.

Particulars as at date of birth

18. (1) On receiving from an informant information of the particulars required by rule 16, the Registrar shall register the birth in the presence of the informant by inserting in Reg-Gen Form No. 14 the particulars required thereon.

Manner of registration

(2) With respect to spaces 1 and 2 (Date of Birth) and (Place of Birth)-

- (a) if more than one living child is born at a confinement, the Registrar shall enter the time of birth after the date of birth in each entry respectively;
- (b) if the birth is that of a new-born child found exposed and the date and place of birth are unknown, the Registrar shall enter the words "on or about" and the approximate date of birth followed by the words "Found at on", with the relevant place and date.

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(3) With respect to space 3 (Names and Surname of Child), the surname to be entered shall be the surname by which at the date of the registration of the birth it is intended that the child shall be known and, if a Christian name is not given, the Registrar shall enter the surname preceded by a horizontal line.

(4) With respect to spaces 5 and 6 (Names and Surname of Father) and (Occupation of Father)-

- (a) if after the child's birth the father acquired a surname different from that borne by him at the date of the birth, the Registrar shall enter the name and surname as at the date of the birth, followed by the acquired surname preceded by the word "now" or, if the father is deceased, by the word "afterwards";
- (b) if the child was illegitimate, the Registrar shall not complete space 6 unless the names and surname of a person acknowledging himself to be the father of the child have been entered in space 5 pursuant to section *fifteen* of the Act (which makes provision as to the father of an illegitimate child);
- (c) if the father is deceased, the Registrar shall enter below the particulars in space 6 the word "deceased";
- (d) if the father has changed his occupation since the birth of the child, the Registrar shall enter in space 6 after the occupation as at the date of the birth, the occupation as at the date of registration preceded by the word "now".

(5) With respect to space 8 (Names and Surname of Mother)-

- (a) if after the birth of the child the mother acquired by marriage or otherwise a surname different from that borne by her at the date of birth, the Registrar shall enter the name and surname as at the date of the birth, followed by the acquired surname preceded by the word "now" or, if the mother is deceased, by the word "afterwards";
- (b) if the child was illegitimate and the mother was engaged before the birth in gainful employment, the Registrar shall enter particulars of the occupation unless, pursuant to sub-rule (4), an entry is made of the father's occupation.

(6) With respect to space 12 (Date of Parents' Marriage)-

- (a) where the date of parents' marriage is unknown, the Registrar shall enter the words "on or about", followed by the approximate date of marriage;

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- (b) where the marital status of the parents of a child to be registered is doubtful, and where it appears to the Registrar that the father of the child is also married to another woman in a polygamous union, the Registrar shall satisfy himself of the subsistence of a valid statutory or customary marriage, as the case may be, before registering the child:

Provided that a child born outside marriage shall not be registered as legitimate.

(7) With respect to space 15 (Residential Address of Informant)-

- (a) the address required shall be the address as at the date of registration of the birth;
- (b) if, pursuant to section *fifteen* of the Act, an entry has been made in the name of the person acknowledging himself to be the father of the child, the Registrar shall enter that person's address followed by the mother's address, if different.

19. Before completing Reg-Gen Form No. 2 relating to vital statistics, the Registrar shall explain to the informant that the particulars required thereon are for statistical purposes only; and after completion the Registrar shall forward the form together with Reg-Gen Form No. 14 (duly completed) to the Registrar-General.

Completion of Vital Statistics Form

20. After completing spaces 1 to 16 (excluding space 13), the Registrar shall call upon the informant to verify the particulars entered; and, if it appears that any error has been made in those particulars, the Registrar shall thereupon in the presence of the informant make the necessary correction.

Verification of particulars

21. (1) The Registrar shall call upon the informant to sign the entry in space 13, or, if he be illiterate, to affix his mark thereto.

Signatures

(2) If, in pursuance of section *fifteen* of the Act, an entry has been made of the name of the person acknowledging himself to be the father of an illegitimate child, the Registrar shall call first upon that person and then upon the mother to sign the entry or, if they be illiterate, to affix their marks thereto.

22. When the Registrar has signed the entry in space 17, his name stamp shall be impressed under the signature.

Signature of Registrar

23. Subject to the provisions of section *nine* of the Act a Registrar may in appropriate cases register the birth of a child which has occurred more than one month previously upon payment by the informant of a late registration fee of one kwacha, provided that twelve months have not expired since the birth of the child occurred.

Registration after one month but within twelve months

24. (1) Where a Registrar is informed that a birth which occurred more than twelve months previously has not been registered, he shall make a report to the Registrar-General stating to the best of his knowledge and belief the particulars required to be registered concerning the birth, the source of his information and the name and address of any informant available to give information for the registration.

Registration after twelve months

(2) Where an informant attends to give information for the registration of a birth which occurred more than twelve months previously, the written authority of the Registrar-General for registering the birth shall be obtained and the fact that such authority has been given shall be entered in the register and endorsed on the notice of birth.

(3) Before the Registrar-General gives written authority for the registration of a birth which has occurred more than twelve months previously, the informant shall furnish for the Registrar-General's consideration an affidavit in duplicate in the form set out in Reg-Gen Form No. 12, supported by a baptismal certificate or a certificate from the hospital where the child was born naming the mother and the date of the birth, or, where the child was not born in a hospital, by two affidavits from two reliable witnesses to the birth.

(4) Upon giving written authority for the late registration of a birth under sub-rule (3), the Registrar-General shall forward the affidavit in duplicate to the Registrar of the district in which the birth occurred and on receipt of the affidavit the Registrar shall retain the top copy and return the duplicate copy together with the notice of birth completed by the parents of the child to the Registrar-General.

25. An entry in pursuance of section *seventeen* of the Act shall be made by the Registrar-General in the main birth register followed by the surname recorded in space 3 of Reg-Gen Form No. 14 and-

Alteration of name after registration

- (a) if the entry is made on production of a certificate of baptism, add the words "by baptism on", inserting the date on which the child was baptised;
- (b) if the entry is made on production of a certificate that a name was given otherwise than in baptism, add the words "on certificate of naming dated", inserting the date on which the certificate was signed.

PART VII RE-REGISTRATION OF BIRTHS OF LEGITIMATED PERSONSPART VII

RE-REGISTRATION OF BIRTHS OF LEGITIMATED PERSONS

26. (1) The birth of a legitimated person whose birth has already been registered in Zambia shall be re-registered in accordance with section *three* and the Schedule to the Legitimacy Act.

Re-registration to be in accordance with section 3 and the Schedule to the Legitimacy Act. Cap. 52

(2) Information required for such re-registration shall be furnished by the parents of the legitimated person within three months of the date of the parents' marriage to the Registrar-General who shall authorise such re-registration if he considers that the information as furnished by the parents of the legitimated person is satisfactory.

PART VIII BIRTH ENTRIES OF ADOPTED CHILDREN

BIRTH ENTRIES OF ADOPTED CHILDREN

27. The Registrar-General shall, in compliance with an adoption order issued by the High Court, make an appropriate entry in the Adopted Children Register, maintained under the provisions of section *eleven* of the Adoption Act, and insert the word "Adopted" against the previous entry in the register of births relating to the adopted child.

Making of birth entry of adopted child.
Cap. 54

PART IX REGISTRATION OF STILL-BIRTHS

REGISTRATION OF STILL-BIRTHS

28. (1) The provisions of section *sixteen* of the Act which require the finder of an exposed child to furnish the prescribed particulars for purposes of registration shall apply to a still-born child as they apply to a live-born child.

Application to still-births of certain provisions relating to births

(2) The particulars to be registered are those prescribed on Reg-Gen Form No. 15.

29. In the case of any still-birth with respect to which there has been delivered to the Registrar-

Manner of registration

(a) a written certificate of a medical practitioner or registered midwife referred to in section *fourteen* (2) (a) of the Act; or

(b) a declaration as referred to in section *fourteen* (2) (b) of the Act;

the Registrar, on receiving from an informant at any time within one month after the date of the still-birth, information of the particulars required by rule 28 (2), shall register the still-birth in the presence of the informant.

30. (1) Where the still-birth is registered on the production of a written certificate of a medical practitioner or a registered midwife, the Registrar shall enter in space 4 the cause of death precisely as stated therein, followed by the words "Certified by" and the name and qualification of the medical practitioner or, as the case may be, the name of the midwife and the words "Registered Midwife".

Entry of nature of evidence of still-birth

The Laws of Zambia

(2) Where the still-birth is registered on the production of a declaration as referred to in section *fourteen* (2) (b) of the Act, the Registrar shall enter in space 4 the words "Declaration by informant".

31. (1) After completing registration of the still-birth, the Registrar shall issue a disposal certificate for the purpose of burial of the still-birth. Disposal certificate

(2) Where the Registrar has reason to believe that the child was born alive, he shall report the matter of the still-birth to a coroner or police officer for investigation.

32. (1) Where a new-born living or still-born child is found exposed and if the date of birth of the child is unknown, references in these Rules to the doing of anything within a specified period after the birth shall be construed as references to the doing thereof within the same period after the child was found. Exposed child

(2) If the place of birth of the new-born living or still-born child is unknown, references in these Rules to the place where a birth or still-birth occurred shall be construed as references to the place where the child was found.

PART X REGISTRATION OF DEATHSPART X

REGISTRATION OF DEATHS

33. The particulars concerning a death required to be registered pursuant to section *eighteen* (1) of the Act shall be the particulars required in spaces 1 to 13 on Reg-Gen Form No. 22; and a certificate of cause of death issued under the provisions of section *eighteen* (3) of the Act shall be in the form prescribed in Medical Form No. 14. Particulars to be registered and certificate of cause of death

34. (1) In the case of any death which occurred in the Registrar's district with respect to which a medical certificate of cause of death has been delivered to the Registrar at any time within twelve months of the date of death, the Registrar shall register the death in the presence of the informant. Procedure where medical certificate of cause of death is produced

(2) Where the death relates to a dead body in relation to which the date and place of death are unknown, the Registrar shall enter in spaces 1 and 2 the words "Dead body found on" and the date of finding the body, followed by "at" and the place of finding.

(3) Where the deceased was a child under the age of fifteen, the Registrar shall enter in space 7 the words "son (or daughter) of" and the name and occupation of the father.

(4) The Registrar shall enter in space 9 the cause of death precisely as certified in the medical certificate, followed by the words "Certified by....." and the name and qualification of the medical practitioner who gave the medical certificate.

(5) Subject to the provisions of rules 36 and 38, no Registrar shall register a death with respect to which no medical certificate of cause of death has been delivered to him.

35. (1) After completing spaces 1 to 14 (excluding space 10) on Reg-Gen Form No. 22, the Registrar shall call upon the informant to verify the particulars, and, if it appears that any error has been made in those particulars, the Registrar shall thereupon in the presence of the informant make the necessary correction.

Verification of
particulars

(2) The Registrar shall then call upon the informant to sign the entry in space 10 and, when the Registrar has signed the entry in space 16, he shall impress his name stamp under his signature.

(3) The Registrar shall thereafter send the notice of death together with the medical certificate or a coroner's certificate of cause of death to the Registrar-General.

36. Where a Registrar receives a coroner's certificate upon an inquest with reference to a death, he shall register the death on Reg-Gen Form No. 22:

Registration of death
after inquest

Provided that in space 10 in place of "signature or mark", he shall enter the words "Certificate received from" and the name and description of the coroner, and the words "Inquest held" and the date of the inquest as stated in the certificate.

37. Where a Registrar is informed that the death of a person who died more than twelve months previously has not been registered, the Registrar shall seek and obtain the Registrar-General's authority before registering the death in the presence of the informant.

Registration after
twelve months

PART XI DISPOSAL OF BODIES OF DECEASED PERSONS

DISPOSAL OF BODIES OF DECEASED PERSONS

The Laws of Zambia

38. A Registrar shall give a disposal certificate for the disposal of the body of a deceased person on a form provided by the Registrar-General- Disposal certificate
Cap. 37

- (a) where the death is one which is not required to be reported to the coroner and a certificate of cause of death has been delivered to him; or
- (b) where a magistrate or the police are satisfied that the case is not one to which section *four* or *ten* of the Inquests Act applies;
- (c) with respect to cases falling under paragraph (b) the police shall furnish the prescribed particulars to the Registrar.

39. A person effecting the disposal of the body of a deceased person shall write, sign and date a notification of disposal which shall be delivered to the Registrar immediately after the disposal of the body. Notification of disposal

40. Where the notification required under section *eighteen* (2) of the Act has not been delivered to the Registrar within a period of thirty days, the Registrar shall make necessary inquiries from the custodian or other person having charge or control of the place of disposal. Inquiry in default of
notification of disposal

41. (1) Where the body of a deceased person is found exposed, and if the date of death of the deceased person is unknown, references in these Rules to the doing of anything within a specified period after the death shall be construed as references to the doing thereof within the same period after the body of the deceased person was found. Exposed body of
deceased person

(2) If the place of death of the deceased person is unknown, references in these Rules to the place where the death occurred shall be construed as references to the place where the body of the deceased person was found.

PART XII REGISTRATION OFFICESPART XII

REGISTRATION OFFICES

42. The place in each district at which births and deaths may be registered and registers inspected shall be the registration office in each district, and the hours at which registration and inspection may be effected shall be the normal Government office hours and such other times as may be convenient to the officer in charge of the registration office. Registration offices

PART XIII FEESPART XIII

FEES

The Laws of Zambia

43. (1) No fee is chargeable for the registration of a birth or death if notice is given in the prescribed form containing the prescribed particulars of the birth within one month thereof. Prescribed fees

(2) The several fees specified in the Second Schedule shall be payable in respect of matters therein specified.

44. Notice of a birth or a death on board ship while within the territorial waters of Lake Tanganyika shall be given to the Registrar of the Mbala Registration District. Notice of birth or death on board ship

FIRST SCHEDULE

(Rule 3)

PRESCRIBED FORMS

NOTICE OF BIRTH

No. District

WARNING-In terms of section 9 of the Births and Deaths Registration Act, any person who is obliged to make a registration and refuses or neglects to state any particular required on this form or gives any false information for the purpose of registration shall be guilty of an offence and may, on conviction, be imprisoned for one month and/or fined two hundred penalty units.

Child:

Date of Birth

Place of Birth

(to be printed)

Names and Surname of Child

Sex

Parents of Child:

Names and Surname of Father

Occupation of Father

Z.N.P.F. or any other Social Security Scheme Number, if any

Names and Surname of Mother

Maiden Surname of Mother

Mother's Z.N.P.F. or any other Social Security Scheme Number, if any

Nationality of Parents: (Father)

(Mother)

Date of Parents' Marriage

Informant:

Signature or Mark

(Name to be printed in addition to his/her signature)

Relationship to Child

(see Note 1 below)

Residential Address of Informant

Postal Address of Informant

Date of Giving Notice.

Signature of Assistant Registrar (where applicable)

(Name stamp to be impressed under signature)

Signature of Registrar

(Name stamp to be impressed under signature)

NOTE 1-The informant should be the father or mother of the child and only if neither is able to give the necessary information is one of the following persons entitled to give notice:

- (a) the occupier of the house or the person in charge of the hospital or institution where the child was born;
- (b) a person present at the birth; or
- (c) the person now having charge of the child.

NOTE 2-In terms of section 15 of the Act, a Registrar shall not enter in the Births Register the name of any person as father of an illegitimate child except at the joint request of the mother and the person acknowledging himself in writing in the presence of the Registrar to be the father of the child.

NOTE 3-If you are a member of the Zambia National Provident Fund or any other Social Security Scheme please quote your Social Security Number as this will assist the Fund or Scheme in the payment of benefits.

(As amended by Act No. 13 of 1994)

The Laws of Zambia

The Laws of Zambia

REG-GEN FORM No. 15

NOTICE OF BIRTH OF A STILL-BORN CHILD

The Laws of Zambia

No.
District

WARNING-In terms of section 9 of the Births and Deaths Registration Act, any person who is obliged to make a registration and refuses or neglects to state any particular required on his form or gives any false information for the purpose of registration shall be guilty of an offence and may, on conviction, be imprisoned for one month and/or fined two hundred penalty units

Child:

Surname
Date of Birth
Sex
Cause of Death and Nature of Evidence that Child was still-born.
.....
.....

Parents of Child:

Names and Surname of Father
Occupation of Father
Z.N.P.F. or any other Social Security Scheme Number, if any
Names and Surname of Mother
Maiden Surname of Mother
Mother's Z.N.P.F. or any other Social Security Scheme Number, if any
Nationality of Parents
Date of Parents' Marriage

Informant:

Signature or Mark
(Name to be printed in addition to his/her signature)
Relationship to Child
Residential Address
.....
Postal Address
Date of Giving Notice
Signature of Assistant Registrar (where applicable)
(Name stamp to be impressed under signature)
Signature of Registrar
(Name stamp to be impressed under signature)

NOTE 1-The informant should be the father or mother of the child and only if neither is able to give the necessary information should one of the following persons be entitled to give notice:

- (a) the occupier of the house or the person in charge of the hospital or the institution where the child was born; or
- (b) a person present at the birth.

NOTE 2-In terms of section 15 of the Act, a Registrar shall not enter in the Births Register the name of any person as father of an illegitimate child except at the joint request of the mother and the person acknowledging himself in writing in the presence of the Registrar to be the father of the child.

NOTE 3-If you are a member of the Zambia National Provident Fund or any other Social Security Scheme please quote your Social Security Number as this will assist the Fund or Scheme in the payment of benefits.

NOTE 4-In terms of section 14 (2) of the Act, this notice must be accompanied either by 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 the child, or in default thereof the informant should complete the following declaration:

I, (name of person giving notice)
of
do solemnly and sincerely declare that no medical practitioner or midwife was present at the birth or has examined the body and that the child was not born alive. And that I make this declaration, conscientiously believing the same to be true.

Declared at this day of, 19
Signature of Mark

Before me.....
Registrar/Deputy Registrar

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REG-GEN FORM No. 16

REGISTER OF BIRTHS

No.	Date and place of birth	Names and surname of Child	Sex	Names and surname of Father	Names, surname, maiden surname and social security number of Mother	Occupation and social security number of Father	de: reside

BIRTH CERTIFICATE

No. District

Date of Birth

Place of Birth

Names and Surname of Child

Names and Surname of Father

Occupation of Father

Father's Z.N.P.F. or any other Social Security Scheme Number

Names and Surname of Mother

Mother's Maiden Surname

Mother's Z.N.P.F. or any other Social Security Scheme Number

Name of Informant

Informant's Residential Address

Postal Address

Date of Registration

Name of Registrar

I hereby certify that the above certificate is a true copy of the particulars recorded in relation to the birth of the said child in the Register of Births kept at Lusaka.

Dated this day of, 19.....

Registrar-General/Deputy Registrar-General

SHORTENED FORM OF BIRTH CERTIFICATE

This is to certify that the following information in respect of the record of birth of is a true extract from the Register of Births kept at Lusaka.

Christian Name(s) Sex

Date of Birth Place of Birth

Extracted this day of, 19.....

Registrar-General/Deputy Registrar-General

REGISTER OF STILL-BIRTHS

No.	Date and place of birth	Surname	Sex	Cause of death	Names and surname of Father	Names, surname, maiden surname and social security number of Mother	Occupational security number

STILL-BIRTH CERTIFICATE

No.	Date and place of birth	Surname	Sex	Cause of death	Names and surname of Father of Mother	Names, surname, maiden surname and social security number of Mother	Occupation and social security number information

I hereby certify that the ab
tt

NOTICE OF DEATH

No. District

WARNING-In terms of section 9 of the Births and Deaths Registration Act, any person who is obliged to make a registration and refuses or neglects to state any particulars required on this form or gives any false information for the purpose of registration shall be guilty of an offence and may, on conviction, be imprisoned for one month and/or fined two hundred penalty units

Deceased:

Date of Death

Place of Death

Nationality of Deceased

Names and Surname

Sex Age

Occupation

Z.N.P.F. or other Social Security Scheme Number : :

Cause of Death

Informant:

Signature or Mark
(Name to be printed in addition to his/her signature)

Relationship to Deceased.
(See Note 1 below)

Residential Address

Postal Address

Date of Registration

Signature of Assistant Registrar (where applicable).....
(Name stamp to be impressed under signature)

Signature of Registrar
(Name stamp to be impressed under signature)

NOTE 1-The informant should be a relative present at the death, or in attendance during the last illness of the deceased, and in default thereof the next person from the following list:

- (a) a relative living in the district where the deceased died;
- (b) a person present at the death;
- (c) the occupier or an inmate of the house or the person in charge of the hospital or institution where the death occurred;
- (d) the undertaker.

NOTE 2-The Medical Certificate showing the Cause of Death must be attached to this form.

NOTE 3-The informant should be asked to complete a vital statistics card. The information is required for purely statistical purposes.

NOTE 4-If deceased was a member of the Zambia National Provident Fund or any other Social Security Scheme, please quote his/her Social Security Number as this will assist the Fund or Scheme in the payment of benefits.

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REG-GEN FORM No. 23

REGISTER OF DEATHS

No.	Death and place of death	Names and surname	Sex	Age	Occupation and social security number	Cause of death	Name, d residenc

DEATH CERTIFICATE

No. District

Date of Death

Place of Death

Names and Surname of Deceased

Sex Age

Nationality

Occupation

Z.N.P.F. or any other Social Security Scheme Number : :

Cause of Death

.....

Name of Informant

Relationship to Deceased

.....

Date of Registration

Name of Registrar

I do hereby certify that the above certificate is a true copy of the particulars registered in relation to the death of the person named in the Register of Deaths kept at Lusaka.

Dated this day of, 19.....

.....
Registrar-General/Deputy Registrar-General

PERMIT FOR THE BURIAL OR OTHER DISPOSAL OF A BODY

In accordance with *subsection (6) of section 18 of the Births and Deaths Registration Act,

I hereby authorise the burial or disposal by
 of the body of
 who died at on the
 day of, 19.....

.....
**Registrar
 Magistrate
 Police Officer
 Other officer specially empowered*

*Delete whichever is not applicable.

SECOND SCHEDULE

(Rule 6)

PRESCRIBED FEES

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	Fee units
Birth Certificate	10
Search Fee	6
Change of Name(s)	14
Alteration of Register	9
Adoption Certificate	556
Special Licence	84
Affidavit in support of an application for Registrar's Certificate	14
Death Certificate	3

SECTION 21-THE BIRTHS AND DEATHS REGISTRATION (AIRCRAFT) RULES

Statutory Instrument
247 of 1973

Rules by the Minister

1. These Rules may be cited as the Births and Deaths Registration (Aircraft) Rules. Title

2. In these Rules, unless the context otherwise requires- Interpretation
 - "aircraft" includes all balloons, whether captive or free, gliders, airships and flying machines;

 - "journey" is deemed to commence when a traveller enters an aircraft registered in Zambia for the purpose of the journey and to continue until that traveller alights therefrom on completion of the journey, notwithstanding any intermediate stop or break in the journey;

 - "person in command of an aircraft" means, in a case where a person other than a pilot is in command of the aircraft, that person, and in any other case, the pilot;

 - "traveller", in relation to an aircraft, includes a member of the crew.

3. (1) The owner of an aircraft registered in Zambia, or if he be not resident in Zambia, his agent in Zambia, shall, as soon as practicable but not later than six months after the occurrence in any part of the world of a birth or death in the aircraft, or of a death outside Zambia of a traveller in the aircraft who is killed on the journey in consequence of an accident, transmit to the Registrar-General a return of such birth or death in the form, in accordance with the instructions, and containing the particulars prescribed in the First Schedule in the case of a birth or in the Second Schedule in the case of a death: Returns relating to
births and deaths by
owners of aircraft

Provided that if such particulars are not known to the owner of the aircraft or his agent, he shall transmit as aforesaid so many of such particulars as he is reasonably able to ascertain having regard to the circumstances of the birth or death.

(2) To facilitate the rendering of returns in accordance with this rule, the person in command of an aircraft registered in Zambia shall forthwith, on the occurrence in any part of the world of a birth or death in the aircraft, or of the death outside Zambia of a traveller in the aircraft who is killed on the journey in consequence of an accident, record in the journey log book, or other appropriate document relating to that aircraft, the particulars of the birth or death mentioned in sub-rule (1) and shall make such record available to the owner or his agent as soon as practicable:

The Laws of Zambia

Provided that if all such particulars are not known to the person in command of an aircraft and cannot be readily ascertained by him, he shall record and make available as aforesaid so many of such particulars as are readily ascertainable.

(3) Where any aircraft has been *bona fide* demised, let or hired out for a period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, the provisions of this rule shall have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.

(4) For the purposes of this rule, a person shall be deemed to be dead if there are reasonable grounds for believing that he has died in consequence of an accident.

4. In the case of the birth of an illegitimate child, the name of any person as father of such child shall not be entered in any return or record of particulars of the birth of such child unless the mother of the child and the person acknowledging himself to be the father of the child shall have signed a completed form of return as informants.

Saving for father of illegitimate child

FIRST SCHEDULE
(Rule 3 (1))

REPUBLIC OF ZAMBIA

THE BIRTHS AND DEATHS REGISTRATION ACT

BIRTH

RETURN FOR THE PURPOSES OF RULE 3 (1) OF THE BIRTHS AND DEATHS REGISTRATION (AIRCRAFT) RULES

- 1. Registration marking of aircraft
- 2. Date of birth (a)
- 3. Place of birth (b)
- 4. Name (c)
- 5. Sex (d)
- 6. Name, surname, usual residence and nationality of father (e)
- 7. Name, surname, maiden surname, usual residence and nationality of mother (f)
- 8. Date and place of marriage of parents
- 9. Profession or occupation of father, and rank or title (if any) (e)
- 10. Name, description and home address of informant (if any) (g)
- 11. Signature of informant(s)

Signature and rank of person completing the return

Date (a)

NOTES

- (a) Day and month in words, year in figures.
- (b) Approximate position, e.g. "25 kilometres west of Lusaka", "over Nairobi", "over Zimbabwe".
- (c) Full Christian names of child.
- (d) "Boy" or "girl", as the case may be.
- (e) Christian names in full and followed by surname; surname to be written in BLOCK CAPITALS. If child is illegitimate (see rule 4), the particulars relating to the father must not be recorded in the return unless at the joint request of the mother and of the person acknowledging himself to be the father of the child, in which case such person shall, as well as the mother, sign a completed form of return as informant.
- (f) Christian names in full and married surname followed by the word "formerly" and the maiden surname.
- (g) The informant's full names, relationship (if any) to the child, and full postal address should be stated.

Except in the circumstances mentioned in Note (e), only one person (usually the mother or father) should act as informant.

The Laws of Zambia

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SECOND SCHEDULE

(Rule 3 (1))

REG-GEN FORM No.31

REPUBLIC OF ZAMBIA

THE BIRTHS AND DEATHS REGISTRATION ACT

DEATH

RETURN FOR THE PURPOSES OF RULE 3 (1) OF THE BIRTHS AND DEATHS REGISTRATION (AIRCRAFT) RULES

1. Registration marking of aircraft
2. Date of death (a)
3. Place of death (b)
4. Name and surname (c)
5. Usual residence at time of death (d)
6. Sex (e) 7. Age (f)
8. Profession or occupation, rank or title (if any) and nationality (g)
9. Cause of death
10. Name, description and home address of informant (if any) (h)
11. Signature of informant

.....
Signature and rank of person completing the return

Date (a)

NOTES

- (a) Day and month in words, year in figures.
- (b) Actual position if known. Otherwise approximate position, e.g. "25 kilometres west of Lusaka", "over Nairobi", "over Zimbabwe".
- (c) Christian names in full, followed by surname. Surname to be written in BLOCK CAPITALS.
- (d) The full postal address should be stated.
- (e) "Male" or "female".
- (f) To be recorded in complete years, or in months or days.
- (g) *Women and children*

In the case of a married woman or a widow, the words "wife of" or "widow of" shall be entered, followed by the name, profession or occupation, rank and title, and nationality of the husband. In the case of an unmarried woman, there shall be inserted (i) the word "spinster", followed by her profession or occupation (if any), rank or title (if any) and her nationality, and (ii) the words "daughter of" followed by the name, profession, etc., of her father.

In the case of children under the age of sixteen years, the words "son of" or "daughter of" shall be followed by the name, profession, etc., of the father.

- (h) The informant's full name, relationship (if any) to deceased, and full postal address should be stated.

The Laws of Zambia