

CHAPTER 108

THE BIRTHS AND DEATHS REGISTRATION ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 108

THE BIRTHS AND DEATHS REGISTRATION ACT

An Act to make provision for the registration of births and deaths and for the issue by medical practitioners of certificates of the cause of death.

[15th December, 1920]

[s. 1(1)]

[1st April, 1921]

R.L. Cap. 108	Acts Nos.	GN. No.
Ords. Nos.	11 of 1976	478 of 1962
12 of 1920	13 of 1988	
29 of 1922	19 of 1992	
20 of 1926	1 of 1993	
19 of 1943	13 of 2005	
39 of 1949	3 of 2009	
30 of 1955	11 of 2019	
[R.L. Cap. 277]	5 of 2021	

Short title **1.** This Act may be cited as the Births and Deaths Registration Act.

Interpretation
Act No.
1 of 1993 Sch.

2. In this Act, unless the context otherwise requires-
“Minister” means the Minister responsible for legal affairs;
“prescribed particulars” means-

- (a) as to any birth, the sex, name, date, and place of birth, the names, residence, occupations and nationality of the parents, and such other particulars as the Minister may, by rules, prescribe; and
- (b) as to any death, the name, age, sex, residence, occupation and nationality of the deceased, and the date, place, and cause of death, and such other particulars as the Minister may, by rules, prescribe.

The Registrar-General

Appointment
and duties of
Registrar-General
Act No.
11 of 2019 s. 7

3.-(1) The Minister shall appoint a Registrar-General of Births and Deaths hereinafter called “the Registrar-General”.

(2) The Registrar-General shall have powers to register any birth or death which occurs at any place within Mainland Tanzania.

(3) It shall be the duty of the Registrar-General to compile, after the close of each year, a summary of births and deaths of such year and a report on the increase or decrease of the population of the country, and on any special causes appearing to affect the same.

(4) The Registrar-General shall have the custody of all filed Register books and of all quarterly returns made by the district registrar.

(5) It shall be the duty of the Registrar-General to provide the district registrar with such book and forms as may be required and with such instructions as he may consider necessary for the registration of births and deaths in his district.

Indexes, searches, certified copies of Ord. No. 29 of 1922 s. 9

4.-(1) The Registrar-General shall cause to be prepared from the returns made to him alphabetical indexes of the births and deaths registered.

(2) Any Register in the custody of a district registrar, and any Register, copy of a Register, return, or index in the custody of the Registrar-General shall, on payment of the prescribed fee and subject to the prescribed rules, be open to inspection.

Appointment, powers and duties of Assistant Registrars-General Ord. No. 19 of 1943 s. 2

5.-(1) The Minister may appoint as many Assistant Registrars-General of Births and Deaths as he may consider necessary for the purposes of this Act.

(2) Subject to directions of the Registrar-General, an Assistant Registrars-General of Births and Deaths shall have all the powers and perform all the duties and be subject to all the obligations of the Registrar-General.

Delegation of powers and functions of Registrar-General Act No. 11 of 2019 s. 8

6.-(1) Without prejudice to the powers and functions vested upon the Registrar-General under this Act, the Registrar-General may, in writing, delegate to the District Executive

Director, Ward Executive Officer, *mtaa* Executive Officer or Village Executive Officer powers to register births and deaths occurring in their respective districts, wards, *mtaa* and villages.

(2) Upon delegation of powers and functions under subsection (1), the District Executive Director, Ward Executive Officer, *mtaa* Executive Officer or Village Executive Officer shall, subject to directives of the Registrar-General, perform the functions and exercise the powers of the Registrar-General as delegated.

(3) Any delegation of powers and functions of the Registrar-General made to the District Executive Director, Ward Executive Officer, *mtaa* Executive Officer or Village Executive Officer, prior to the coming into operation of this section, shall be deemed to be a valid delegation made under this Act.

(4) The Minister may, in consultation with the Minister responsible for local government, make regulations prescribing the manner, forms and mechanism, including the use of technology, for effective and efficient registration of births and deaths by District Executive Director, Ward Executive Officer, *mtaa* Executive Officer or Village Executive Officer.

[s. 5A]

District Registrars

District registrars
Ord. No.
20 of 1926 s. 2
Act No.
3 of 2009 s. 11

7. The Registrar-General may, by notice published in the *Gazette* appoint the administrative officer of a district or such other person, as he deems fit, to be district registrar of that district.

[s. 6]

Substitution of other officers for district registrars
Acts Nos.
13 of 1988 Sch.
3 of 2009 s. 12

8. The Registrar-General may direct that, the duties of the district registrar of any district shall, in that district be performed by any other public officer or by any person who is in charge of a hospital institution.

[s. 7]

Registrar-General may give special directions to district registrar
Ord. No. 30 of 1955 s. 2

9. The Registrar-General may give general or special directions to any district registrar as to the performance of his duties or functions and any district registrar shall comply with any general or special directions so given.

[s. 8]

Registration of Births

Register to be kept in every district

10. The district registrar shall keep a Register, and enter therein every birth, whereof the prescribed particulars are reported to him, of a child born alive within his district.

[s. 9]

Mode of registration

11. Every person registering the birth of a child shall, to the best of his knowledge and ability, give the prescribed particulars, and shall certify to their correctness either by signing, or, where he is illiterate, by affixing his mark to the Register, or where the registration is effected without personal attendance by signing, or affixing his mark to, the prescribed form on which the prescribed particulars are reported to the district registrar.

[s. 10]

Duty to register births
Act No. 3 of 2009 s. 13

12. In the case of every child born alive after the commencement of this Act, it shall be the duty of the father and mother, and in default of the father and mother, of the occupier of the house in which to his knowledge such child is born, and of each person present at the birth and of the person having charge of such child, to register the birth within three months of the birth.

[s. 11]

Registration of child born out of wedlock

13. A person shall not be bound as father to register the birth of a child born out of wedlock and a person shall not be entered in the Register as the father of such child except at his own request and upon his acknowledging himself to be the father of the child and signing or affixing his mark to the Register as such.

[s. 12]

Registration of
exposed child
Act No.
3 of 2009 s. 14

14. Where any living new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed, to give such information as the informant possesses for the purpose of registering such birth.

[s. 13]

Change of name
Act No.
11 of 2019 s. 9

15. Where the birth of any 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, at any time before the child attains the age of eighteen years and upon payment of the prescribed fee and on providing such evidence as the district registrar may think necessary, register the name that has been given to the child.

[s. 14]

Registration of Deaths

Register to be
kept in every
district

16. The district registrar shall keep a Register and enter therein every death occurring within the district after the commencement of this Act whereof the prescribed particulars are reported to him.

[s. 15]

Mode of
registration

17. A person registering a death shall, to the best of his knowledge and ability, give the prescribed particulars, and shall certify to their correctness either by signing or, where he is illiterate, by affixing his mark to the Register, or, where the registration is effected without personal attendance, by signing or affixing his mark to the prescribed form on which the prescribed particulars are reported to the district registrar.

[s. 16]

Duty to register
deaths
Acts Nos.
3 of 2009 s. 15
5 of 2021 s. 10

18.-(1) In the case of every person dying after the commencement of this Act, it shall be the duty of the nearest relatives of such person who were present at his death or in attendance during his last illness, and in default of such

relatives, of every other relative dwelling within the district, and in default of such relatives, of each person present at the death and of the occupier of the house in which to his knowledge such death took place, and in default of any of the persons hereinbefore mentioned, of any inmate of the house, or of any person finding or taking charge of the body of such person, or causing such person to be buried, to register the death within one month after the death or finding of the body or, where the district registrar is satisfied that from any cause registration could not be effected within the said period and that no undue delay has taken place, within three months after the death or finding of the body.

(2) Notwithstanding subsection (1), a death certificate shall be collected by the surviving spouse or child, or if for any reason the spouse or child is incapable of collecting the certificate, next of kin of the deceased.

(3) The Registrar-General shall issue guidelines on the implementation of subsection (2).

[s. 17]

Registration of
death occurring
outside country
Act No.
11 of 2019 s. 10

19.—(1) Where any citizen of the United Republic dies in any country outside the United Republic, the parents, spouse or relative of the deceased shall furnish to the relevant Tanzania Embassy, High Commission or Consular, official record from the relevant authority indicating the particulars of the deceased.

(2) Upon receipt of the records under subsection (1), the relevant Embassy, High Commission or Consular shall immediately transmit the records to the Registrar-General who shall take judicial notice of such death and where applicable, enter such records in the Register of deaths occurring outside the United Republic.

(3) Where the record received relate to a citizen of the United Republic who is a resident of Tanzania Zanzibar, the Registrar-General shall transmit such records to the relevant authority in Tanzania Zanzibar.

(4) The Minister may make regulations prescribing the forms, manner and procedure for registration of deaths occurring outside the United Republic.

[s. 17A]

Certificates of the Cause of Death

Provisions relating to medical certificates of cause of death
Ord. No. 19 of 1943 s. 3

20.—(1) The Registrar-General shall furnish to every district registrar printed forms of certificates of cause of death by licensed and registered medical practitioners, and every such registrar shall furnish such forms *gratis* to any such medical practitioner residing or practising in such registrar's district.

(2) In case of the death of any person who has been attended during his last illness by a licensed or registered medical practitioner, that practitioner shall sign and give to some person required by section 18 to register the death, a certificate stating to the best of his knowledge and belief, the cause of death and such person shall, upon registering the death, deliver that certificate to the district registrar and the cause of death as stated in that certificate be entered in the Register together with the name of the certifying medical practitioner.

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

(4) Where any person to whom a medical certificate is given by a medical practitioner in pursuance of this section fails to deliver that certificate to the district registrar, commits an offence and on conviction shall be liable to a fine not exceeding forty shillings.

[s. 18]

General

Late registration of birth or death
Ord. No. 30 of 1955 s. 3;
Acts Nos. 1 of 1993 Sch. 13 of 2005 s. 35

21. A district registrar shall not enter in the Register any birth after three months from the date of such birth or any death after one month from the date of such death unless-

- (a) he is satisfied with the correctness of the particulars tendered for registration; and
- (b) payment is made of the prescribed fee.

[s. 19]

Electronic Register and system interoperability Act No. 5 of 2021 s. 11

22.—(1) Subject to sections 10 and 16, the Registrar-General shall, for the purpose of promoting cooperation, coordination, integration and interoperability with other identification and registration systems, keep and maintain the electronic Register of births and deaths.

(2) The Registrar-General shall share and exchange registration information kept in the electronic Register of births and deaths with other public institutions mandated to identify and register persons.

(3) Where the Registrar-General receives validated registration information of persons extracted from the public institutions mandated to identify and register persons, such information shall be deemed to have been registered by the Registrar-General in the electronic Register of births and deaths.

(4) The Minister may make regulations for better carrying out of the provisions of this section.

[s. 19A]

Power to hold inquiry Ord. No. 30 of 1955 s. 3; Act No. 11 of 1976 Sch.

23.—(1) For the purpose of satisfying himself pursuant to section 21 of the correctness or otherwise of particulars tendered for entry in the Register, a district registrar may make or cause to be made such inquiries as he may deem fit.

(2) For purposes of any inquiry made under subsection (1), the district registrar may administer oaths and may issue a summons under his hand directing the person named therein to attend at the time and place therein mentioned to give evidence or to produce documents therein specified or to do both.

(3) Where any person upon whom a summons issued under the provisions of subsection (2) has been served refuses or

omits without sufficient cause to attend at the time and place mentioned in the summons, or refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the district registrar or refuses or omits without sufficient cause to produce any documents in his possession or under his control which are mentioned in the summons, commits an offence and on conviction shall be liable to a fine not exceeding one thousand shillings:

Provided that, no person giving evidence before the district registrar may be required to answer any question the answer to which may tend to expose him to any criminal charge, penalty or forfeiture, and that every person shall, in respect of any evidence given by him or any document he is required to produce, be entitled to all the privileges to which a witness in a trial before the High Court is entitled in respect of evidence given by him or a document he is required to produce before such court.

[s. 20]

Repealed

24. [Repealed by Act No. 1 of 1993 Sch.]

[s. 21]

Quarterly returns
of births and
deaths
Ord. No.
29 of 1922 s. 6

25.—(1) Every district registrar shall, in every January, April, July, and October, make and deliver to the Registrar-General on forms to be supplied for the purpose by the Registrar-General a true copy of all the entries of births and deaths in the registers in his custody made during the three months ending on the last day of the preceding December, March, June, or September, as the case may be, or, if no entry has been made during that period, then a certificate to that effect signed by him.

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

[s. 22]

Disposal of filled up registers
Ord. No.
29 of 1922 s. 7

26. Every Register of births and deaths, when filled up, shall as soon as possible, be delivered to the Registrar-General and shall be preserved by him.

[s. 23]

Correction of errors
Ord. No.
29 of 1922 s. 8

27.—(1) Where it is shown to the satisfaction of any district registrar or the Registrar-General that any error has been made in any Register, copy of a Register, or index in his custody, he may correct the error.

(2) Every correction of an error shall be so made that, the original entry remains legible and shall be dated and signed by the officer making the correction.

(3) Before making any correction, the district registrar or Registrar-General may, if he considers it necessary, require the true facts to be proved by evidence on oath (which he is hereby authorised to administer) or by statutory declaration.

[s. 24]

Deletion of entry in register
Act No.
11 of 2019 s. 11

28.—(1) Where the Registrar-General is satisfied that—

- (a) there exists in the register of births or deaths, two or more entries in respect of one person; or
- (b) the existence of an entry in the register of births or deaths was procured by fraud or misrepresentation,

the Registrar-General shall, subject to subsection (2), delete any of such entries in the register of births or deaths, and cancel any certificate of registration issued in respect of such birth or death.

(2) Without prejudice to the powers granted under subsection (1), the Registrar-General shall, in deleting an entry in the Register pursuant to this section, be guided by the presumption that the earlier entry in the Register is genuine.

(3) Where the Registrar-General deletes an entry and consequently cancels any registration certificate under this section, such entry and the certificate granted in respect of such birth or death shall cease to have legal effect.

[s. 24A]

Certified copies
Ord. No.
29 of 1922 s. 10

29.—(1) On payment of the prescribed fee—

- (a) every district registrar and the Registrar-General shall give a certified copy of any entry in any Register of births or deaths in his custody;
- (b) the Registrar-General shall give a certified copy of any entry in any copy of a Register delivered to him under the provisions of this Act or of any entry in any quarterly return of births or deaths made before the 1st January, 1923, in pursuance of the provisions of section 13 of the Births and Deaths Registration Act, 1920, which section was repealed by the Births and Deaths Registration Act, 1922.

(2) Every certified copy given under the provisions of this section shall be certified in the prescribed manner.

(3) Every certified copy of an entry in a Register of births or deaths or of an entry in a copy of such a Register delivered to the Registrar-General under the provisions of this Act or of an entry in a quarterly return of births or deaths made as aforesaid shall, where it purports to be certified in the prescribed manner, be admissible in evidence without proof, and be *prima facie* evidence of the facts recorded therein.

[s. 25]

Compulsory
registration of
births
Act No.
3 of 2009 s. 16

30. The registration of the birth of a child shall be compulsory.

[s. 26]

Registration on
presumption of
death
Act No.
11 of 2019 s. 12
Cap. 6

31.—(1) Without prejudice to sections 123 and 124 of the Evidence Act, where a court has issued an order as to the presumption of death of any person, the Registrar-General shall, upon receipt of an order of the court from any relevant person, register such death.

(2) In this section, “relevant person” means the administrator of the estate duly appointed, or a Government official duly authorised by the court to register the death.

(3) Notwithstanding subsection (1), where the Registrar-General is satisfied that a person declared by the court to be dead on presumption of death is found alive, the Registrar-General shall delete from the Register any entry entered thereto in respect of such person.

[s. 26A]

Confidentiality
Act No.
11 of 2019 s. 12

32.—(1) All particulars submitted to the Registrar-General by any person in relation to birth or death shall, unless directed otherwise by the court or any other written law, be treated as confidential.

(2) A person shall not disclose any confidential information under this section unless authorised by the Registrar-General.

(3) A person who contravenes the provisions of this section, commits an offence and on conviction, shall be liable to a fine of not less than three hundred thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term of not less than three months but not exceeding six months or to both.

[s. 26B]

Issuance of
registration
certificate upon
adoption
Act No.
11 of 2019 s. 12
Cap. 13

33.—(1) Subject to the provisions of the Law of the Child Act, where the High Court has granted an adoption order of a child, the Registrar-General may, upon application, register the birth of the child and issue a certificate to that effect.

(2) An application under subsection (1) shall be accompanied with the certified copy of the adoption order of the High Court, application fees and other particulars as may be prescribed in the regulations.

[s. 26C]

Repealed

34. [Repealed by Act No. 3 of 2009 s. 17.]

[s. 27]

Repealed

35. [Repealed by Act No. 3 of 2009 s. 18.]

[s. 28]

Offences and
penalties
Ord. No.
30 of 1955 s. 4
Act No.
11 of 2019 s. 13

36.—(1) A person who, being under an obligation to register the birth or death of a person, fails to do so within the periods mentioned in section 11 or 17 hereof, as the case may be, commits an offence and on conviction shall be liable to a fine not exceeding one hundred thousand shillings, and the court may after convicting any person under this subsection order such person to register the birth or death, as the case may be, notwithstanding the fact that the said period shall have expired, and any person failing to obey such order of the court, commits an offence and on conviction shall be liable to the same penalties as are hereinafter set out for the offence of refusing to register.

(2) A person who, being under an obligation to register the birth or death of any person, refuses to register or to state any of the prescribed particulars, commits an offence and on conviction shall be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one month, or to both, and the court may after convicting any person under this subsection order such person to register the birth or death, as the case may be, or state the prescribed particulars, notwithstanding the fact that the period thereof shall have expired, and any person failing to obey such order of the court, commits an offence and on conviction shall be liable to the same penalties as are herein set out for refusing to register or to state any of the prescribed particulars.

(3) A person who makes any statement or gives any information to or produces any document to any district registrar which is false in any material particular and which he either knows or believes to be false or does not believe to be true, with the intention of procuring any entry in any register of births or deaths or knowing or believing that the same may be produced in evidence by a person seeking to procure any such entry, commits an offence and on conviction shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

[s. 29]

Registers
kept under
Proclamation
No.
15 of 1917
Ord. No.
29 of 1922 s. 11

37. The registers of births and deaths kept in pursuance of Proclamation No. 15 of 1917 (Civil Area), dated the twenty-eighth day of August, 1917 (which is hereby repealed), shall, as soon as convenient, be delivered to the Registrar-General, and the provisions of this Act as to inspection and certified copies shall apply to every such register in like manner as they apply to registers kept under this Act.

[s. 30]

Rules

38. The Minister may make rules with regard to the following matters, and generally for carrying into effect the provisions of this Act:

- (a) the place in each district and the hours at which births and deaths may be registered;
- (b) the conditions under which and the mode in which registration may be effected without personal attendance;
- (c) the forms of all registers, returns, and other documents required for purposes of this Act;
- (d) the amount of any fee where a fee is prescribed by this Act;
- (e) the inspection of registers, returns, and indexes, and the provision of certified copies; and
- (f) the places at which births and deaths occurring on board ships while within the territorial waters of Tanzania shall be registered.

[s. 31]