

BIRTHS AND DEATHS REGISTRATION (AMENDMENT) ACT, 1998

No. 16



of 1998

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 30:01
3. Amendment of section 3 of the Act
4. Amendment of section 4 of the Act
5. Repeal of section 5 of the Act
6. Repeal of section 6 of the Act
7. Repeal of section 7 of the Act
8. Amendment of section 8 of the Act
9. Amendment of section 9 of the Act
10. Amendment of section 10 of the Act
11. Amendment of section 11 of the Act
12. Amendment of section 12 of the Act
13. Amendment of section 13 of the Act
14. Amendment of section 14 of the Act
15. Amendment of section 17 of the Act
16. Amendment of section 18 of the Act
17. Amendment of section 19 of the Act
18. Amendment of section 22 of the Act
19. Amendment of section 24 of the Act
20. Amendment of section 25 of the Act
21. Amendment of section 27 of the Act
22. Amendment of section 28 of the Act
23. Repeal of Schedule to the Act

An Act to amend the Births and Deaths Registration Act

Date of Assent: 16th September, 1998.

Date of Commencement: 25th September, 1998.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Births and Deaths Registration (Amendment) Act, 1998. Short title

2. Section 2 of the Births and Deaths Registration Act (referred to in this Act as “the Act”) is amended by inserting therein, in their correct alphabetical order, the following new definitions — Amendment of section 2 of Cap. 30:01
“authorised person” means, in relation to births or still-births, a Chief or administrative officer, and in relation to deaths, an administrator of the deceased’s estate;

Amendment of
section 3 of
the Act

“next of kin” means a spouse, parent, or child of a person in respect of whom a certificate is issued under the provisions of this Act.

3. Section 3 is amended by substituting for subsection (2) thereof, the following new subsection —

“(2) The Minister may appoint —

- (a) such number of District Registrars as the Minister may deem necessary to exercise, subject to the directions of the Registrar, such of the functions of the Registrar, as the Registrar may direct from time to time; and
- (b) such number of Registration Officers as the Minister may deem necessary who shall discharge such of the functions of the Registrar under this Act, as the Registrar may, from time to time direct.”

Amendment
of section 4
of the Act

4. Section 4 of the Act is amended —

(a) in subsection (1) thereof by

- (i) substituting the word “three” for the word “two” contained therein;
- (ii) inserting the words “Still-Births Register” immediately after the words “Births Register,” ; and
- (iii) by inserting the word “still-births” immediately after the word “births,”;

(b) in subsection (2) thereof by inserting the word “still-birth” immediately after the word “birth”;

(c) in subsection (3) thereof by

- (i) inserting the word “still-birth” immediately after the word “birth”; and
- (ii) by inserting the word “still-births” immediately after the word “births” wherever it appears.

Repeal of
section 5 of
the Act

5. Section 5 of the Act is hereby repealed.

Repeal of
section 6 of
the Act

6. Section 6 of the Act is hereby repealed.

Repeal of
section 7
of the Act

7. Section 7 of the Act is hereby repealed.

Amendment
of section 8
of the Act

8. The Act is amended by substituting for section 8 therefor, the following new section —

“Application of Part III 8. The provisions of this Part shall apply throughout Botswana.”

Amendment
of section 9
of the Act

9. The Act is amended by substituting for section 9 thereof, the following new section —

“Duty to notify birth of child 9. (1) A prescribed notice of every child born alive or of any still-born child shall be made, within 60 days of such birth or still-birth, to either a District Registrar or a Registration Officer by the —

(a) father or mother of the child or by the occupier of the dwelling in which the child is born, in the case of a birth or still-birth that occurs outside a health institution; or

(b) medical practitioner or midwife in charge in the case of a birth or still-birth that occurs in a health institution.

(2) In the case of a child born out of wedlock, no person shall be required to give information under this Act as the child's father."

10. Section 10 of the Act is amended by inserting the words " or a Registration Officer" immediately after the words "District Registrar".

Amendment of section 10 of the Act

11. Section 11 of the Act is amended by —

Amendment of section 11 of the Act

(a) inserting the word "still-birth" immediately after the word "birth", wherever such word appears;

(b) inserting the words "or a Registration Officer" immediately after the words "District Registrar" wherever it appears.

12. Section 12 of the Act is amended —

Amendment of section 12 of the Act

(a) in subsection (1) thereof

(i) by inserting the words "or Registration Officers" immediately after the words "District Registrars,"; and

(ii) by inserting the word "still-birth" immediately after the word "birth";

(b) in subsection (2) thereof by inserting the words "or Registration Officer" immediately after the words, "District Registrar" ; and

(c) in subsection (3) thereof by

(i) inserting the words "or Registration Officer" immediately after the words "District Registrar" ; and

(ii) by deleting the words "by registered post", contained therein.

13. Section 13 of the Act is amended by substituting for subsection (1) thereof, the following new subsection —

Amendment of section 13 of the Act

"13. (1) The Registrar shall furnish the next of kin or authorised person, upon application, with birth, still-birth or death certificates, and shall cause a search to be made in the Births Register, Still-Birth Register or Death Register, as the case may be, for that purpose. "

14. The Act is amended by substituting for section 14 thereof, the following new section —

Amendment of section 14 of the Act

"Late registration of births, still-births and deaths

14. (1) Except in accordance with this section no —

(a) birth or still-birth shall be registered after the expiry of 60 days from the date of such birth or still-birth;

(b) death shall be registered after the expiry of 30 days from the date of such death.

(2) An application for the registration of a birth, still-birth or death after the expiry of the periods stated in subsection (1) shall be referred to as an application for late registration and shall be —

- (a) made in the prescribed form to the District Registrar or Registration Officer in the district or area in which the birth, still-birth or death took place; and
- (b) accompanied by the prescribed fee:

Provided that no fee shall be payable in the case of an application for late registration if, at the time of birth, still-birth or death, the law made no provision for its registration.

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

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

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

Amendment
of section 17
of the Act

15. Section 17 of the Act is amended by inserting the word "still-births" immediately after the word "births".

Amendment
of section 18
of the Act

16. Section 18 of the Act is amended by inserting the word "still-births" immediately after the word "births".

Amendment
of section 19
of the Act

17. Section 19 of the Act is amended —

- (a) in subsections (1), (2) and (3) thereof by inserting the word "still-birth" immediately after the word "birth" wherever it appears; and
- (b) in subsection (3) thereof by inserting the word "still-births" immediately after the word "births".

Amendment
of section 22
of the Act

18. Section 22 of the Act is amended by —

- (a) inserting the words "Registration Officer" immediately after the words "District Registrar"; and
- (b) substituting the words "a child born out of wedlock" for the words "an illegitimate child" contained therein.

Amendment
of section 24
of the Act

19. The Act is amended by substituting for section 24 thereof, the following new section —

"Certificate
by medical
practitioner
as to cause
of death

24. Whenever any medical practitioner has attended during the last illness of any person, it shall be the duty of such medical practitioner to send to the District Registrar or Registration Officer, without fee or reward, a certificate of the cause of death or a notice of inability to sign such a certificate."

20. Section 25 of the Act is amended in subsections (1), (2) and (3) by inserting the words “or Registration Officer” immediately after the words “District Registrar” wherever they appear.

Amendment
of section 25
of the Act

21. Section 27 of the Act is amended in subsection (2) by substituting the words “Registration Officer” for the words “police officer” contained therein.

Amendment
of section 27
of the Act

22. Section 28 of the Act is amended by substituting for paragraphs (b) and (c) thereof respectively, the following new paragraphs —

Amendment
of section 28
of the Act

(b) as to the management of the Registrar’s , District Registrar’s and of the Registration Officer’s office;

(c) prescribing duties and powers of the Registrar, District Registrars and Registration Officers;”.

23. The Schedule to the Act is hereby revoked.

Revocation
of Schedule
to the Act

PASSED by the National Assembly this 16th day of July, 1998.

C.T. MOMPEI,
Clerk of the National Assembly.