

THE CIVIL REGISTRATION ACT, 2017

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THE DRAFT CIVIL REGISTRATION ACT, 2017

Bill for

AN Act to regulate and administer registration of events of birth, adoption, marriage, divorce and death; to provide for management and sharing of data in relation therewith to provide for other consequential matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I PRELIMINARY PROVISIONS

Short title and Commencement	1-(1) This Act may be cited as the Civil Registration Act, 2017. (2) This Act shall come into operation on the date appointed by the Minister by order published in the <i>Gazette</i> .
Application	2. This Act shall apply to Mainland Tanzania in respect of registration of vital events.
Interpretation	3. In this Act, unless the context requires otherwise- “authorized institutions” means all law enforcement agencies; “birth” means live-birth or still birth; “certificate” means an extract authorized from the respective register containing particulars as prescribed and can be handwritten, typewritten or electronically printed; “civil registration” means continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events in accordance with the legal requirement of a country; “Council Registrar” when used in relation to- (a) a district council, means the District Executive Director of that district council; (b) a town council, means the Town Director of that town council; (c) a municipal council, means the Municipal Director of that municipal council; (d) a city council, the City Director of that city council;
Cap. 152	"death" means permanent disappearance of all evidence of life at any time after live-birth; “health facility” means a dispensary, a health center or hospitals at all level; “human DNA” means deoxyribonucleic acid which is a genetic material present in the nucleus of a cell or mitochondria inherited half from each of biological parent; “live-birth" means complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life, and each product of such birth is considered live-born; “Medical practitioner” shall have the meaning as provided in the Medical Practitioners and Dentist Act; “Minister” means the Minister responsible for legal affairs;

“mother” means biological mother and shall include the commissioning mother in case of adopted children;

“prohibited name” means a name that is-

(a) obscene;

(b) offensive; or

(c) Otherwise undesirable within the prevailing circumstances. “Registrar-General” means a person appointed or designated under this Act to be the Registrar-General;

“registration officer” includes Ward Executive Officer, Officer In charge of health facility or any other public officer appointed by Council Registrar or the Head of Tanzania Embassy, High Commission or Consulate or any other person designated to celebrate religious marriage;

“still-birth” means any child which is issued forth from its mother after twenty-eighth week of pregnancy and which, after complete expulsion from the mother, did not breathe or show any signs of life;

“vehicle” means a conveyance of any kind used on land, air or water and includes an aircraft, boat, ship, train, carriage, a motorcar, a motorcycle, a scooter, a cart or a rickshaw;

“vital events” means events concerning life and death of individuals, as well as their family and civil status that includes birth and death, adoption, marriage and divorce.

PART II
REGISTRATION OF VITAL EVENTS
(a) *Registration of Births*

Registration of birth

4.-(1) Every child has a right to be registered;

(2) Consequent upon a right of every child to registration, every birth shall be registered.

(3) There shall be a register of births into which shall be registered events of birth.

(4) The Registrar General shall keep and maintain register of births.

For purpose of subsection (1), registration of birth shall be compulsory.

Duty to inform occurrence of birth

5. The following shall have a duty to inform- the occurrence of birth namely:

(a) where the event occurs in a community, the mother, father, the attendant at delivery, nearest relative of the mother or any other adult person having knowledge of the fact respectively;

(b) where the event occurs in health facility, maternity or nursing home or other like institution, the in-charge of the institution or any other person authorized in that behalf;

(c) Where the event occurs in prison, police custody, orphanage centres, refugee camps, public resorts, hotels, dormitories, quarantined areas or any other place, the in-charge of such place; and

(d) where the event occurs in any other place other than those prescribed in sub

Mode of registration	<p>sections (1) or (3), any person who has the knowledge of such fact shall be responsible.</p> <p>6.-(1) Every person giving information about birth of a child shall give particulars and certify the correctness of information given either by signing or affixing a mark to the register or a prescribed form.</p> <p>(2) For the purpose of subsection (1), particulars contained in the information shall include sex, name, date, and place of birth of the child, the names, residence, occupations and place of birth of the parents, and such other particulars as the Minister may prescribe.</p>
Duty to notify	<p>7.-(1) Where birth occurs in a health facility documents issued at the time of the discharge from the health facility shall serve as proof of the occurrence of birth.</p> <p>(2) Where birth occurs in a community, the community based workers or other persons having knowledge of the occurrence of the birth shall communicate the prescribed particulars to the Mtaa Executive Officer or Village Executive Officer as soon as possible.</p> <p>(3) The Mtaa Executive Officer or Village Executive Officer shall compile particulars given and submit them to the Registration Officer within seven days.</p>
Time for registration of birth	<p>8.-(1) Birth shall be registered -</p> <ul style="list-style-type: none"> (a) within sixty days from date of occurrence shall be regarded as being registered within normal reporting period and no fee shall be charged for the first copy; (b) after expiry of sixty days but not more than one year from the occurrence of birth shall be regarded as late registration; and (c) after expiry of one year from the occurrence of birth shall be regarded as delayed registration. <p>(2) A birth registered in terms of paragraph (c) of subsection 1 above, shall be registered by paying fees and upon submission of documents as proof of facts as may be prescribed.</p> <p>(3) In the case of a person—</p> <ul style="list-style-type: none"> (a) below the age of eighteen years, it shall be the duty of the parent, guardian or other person responsible for the supervision or welfare of that person to take measures that would ensure registration of that person; and (b) incapacitated by illness, old age or any other reasons from applying for registration, it shall be the duty of the guardian or other person responsible for the supervision or welfare of the person to take measures that would ensure that person is registered.
Registration of exposed or deserted child	<p>9.-(1) Where any living child is found exposed or deserted it shall be the duty of any person in whose charge such child is placed to give such information for the purpose of registration.</p> <p>(2) A person finding exposed or deserted child shall have the duty to immediately report to the office of a local government, police station or a health facility, which shall take necessary measures to notify the registration officer</p>

Registration of still- birth

about the birth of the child concerned.

10.-(1) In case of still-birth, the following shall have the duty to inform the Mtaa Executive Officer, Village Executive Officer or in-charge of a health facility, prison, orphanage, barracks, hotel or quarantine area for such birth.

- (a) the father and mother;
- (b) in the absence of the father and mother, the occupier of the house in which the child is born; and
- (c) in the absence of any parent or occupier, the guardian or the person having charge of the child.

(2) The information about still-birth shall be made within thirty days from the date of birth.

(3) The medical practitioner or the midwife, as the case may be, who attends or examines the body of the still child shall sign a certificate stating that the child was a still-born.

(4) The Mtaa Executive Officer, Village Executive Officer or every in-charge of a health facility, prison, orphanage, barracks, hotel or quarantine area shall have a duty to give information about the still-birth to the registration officer or making a declaration to the effect that no medical practitioner or midwife was present during still-birth or examine body and that the child was not born alive.

Registration of birth occurring in a vehicle

11. In the case of birth occurring in a moving vehicle, the person in-charge of the vehicle shall be required to give information of the birth to the nearest health facility or to the nearest registration officer.

Registration of hermaphrodite child

12.-(1) Where a child is born hermaphrodite, the particular of a child shall be entered as hermaphrodite.

(2) Where a child registered as hermaphrodite is upon medical operation changed the sex the parent or guardian of the child may apply to the Registrar General for change of a child particulars of a sex of the child in the register.

Registration of birth occurring outside Tanzania

13.-(1) A person giving notice of a birth occurring outside Tanzania whose parents or whose guardian are citizen of Tanzania, shall produce to the Registrar General the following evidence of birth—

- (a) a certificate of birth issued by appropriate authority in the foreign country, with an English translation of the certificate, if it is not written in English; or
- (b) if a certificate of birth was not issued in the foreign country, a certificate or a notification of birth given by a medical practitioner, midwife or other persons who attended the birth with English translation of a certificate or a notification if it is not written in English; or
- (c) where there is a Tanzanian Embassy, the High Commission or Consulate abroad, a certificate of an officer of the Tanzanian Embassy, High Commission or a Consulate certifying the Registrar General that from the evidence produced, particulars of the birth given in the certificate or notification are correct; or
- (d) where there is no Tanzania Embassy, High Commission or Consulate abroad, such other evidence as the Minister may prescribe.

(2) The person giving information about birth shall certify in writing to the

Registrar General the correctness and authenticity of the evidence which such person submits.

(3) Upon receiving evidence, the Registrar General shall, in case of a child;

(a) registered in a foreign country, enter particulars of the birth in the register; or

(b) not registered in a foreign country, register and issue certificate of birth.

Registration of birth where place or date is unknown.

14. Where information about birth of any person is given in accordance with the requirements of this Act but at the time of giving such information place or date of such birth or both are not known, the Registrar General may direct the registration of such birth be done notwithstanding lack of such information and may assign to such child a putative place or date of birth or both, as the case may be.

Birth on the high seas and air space

15. Where information in respect of birth of a child or still-birth on board a ship or an aircraft whose port of destination or place of registration is Tanzania the Registrar General may register such birth or still-birth.

Issuance of birth certificate

16.-(1) Where the Registrar General is satisfied with information received for the purpose of registration, and upon payment of the prescribed fee, register and issue a certificate of birth.

(2) The information contained in a certificate of birth shall be presumed to be correct and may be received as evidence for purpose of judicial proceedings.

Particular of a birth certificate

17.-(1) A certificate of birth shall contain—

(a) information concerning the child which shall include:

(i) Name of the child

(ii) Date and place of birth;

(iii) sex;

(v) identification number;

(b) information concerning the parents of the child which shall include:

(i) name;

(ii) country of origin or birth;

(iii) national identification number, if any; and

(c) any other information as may be prescribed by the Minister.

(2) The name stated in the birth certificate shall not be a prohibited name.

(3) Where there is a dispute between parents about a child's name, either parent may apply to the court for resolving the dispute.

(4) On an application in terms of subsection (3), the court may-

(a) resolve the dispute as the court may consider

appropriate; and

(b) order the Registrar General to register the child's name in a form specified in the order.

(5) Where paternity of a father is in dispute, particulars of the child shall not

be entered in the register as the father of a child except-

- (a) at own request and upon acknowledging being the father of the child;
- (b) at joint request of the father and mother of the child appearing physically before the registration officer;
- (c) if the mother of the child is dead or has abandoned or deserted the child, upon request of the person acknowledging to be the father of the child;
- (d) if the alleged father of the child is dead, upon joint request of the child's mother and a parent or near relative of the alleged father;
- (e) upon the production to the registration officer by either of the parents DNA tests results; or
- (f) upon production to the registration officer of a court order establishing paternity of the child concerned.

(6) A person disputing parenthood of the child in terms of paragraph (e) of subsection (5) shall be responsible for meeting costs of carrying out DNA test.

(7) An application for re-registration in terms of subsection (5) shall be made by either of the parents concerned, whether or not the person has attained the age of eighteen years and where both parents are dead, by the nearest relative or a legal guardian.

Change of name in the register

18.-(1) The Registrar General may change or alter a name in a birth certificate of a person below eighteen years provided that such change or alteration shall not be made more than once.

(2) Where particulars in a birth certificate are required to be changed or altered after the first change or alteration was made, the Registrar General shall require the person, mother, father or guardian to obtain an order of the court satisfying reasons for the change or alteration.

(3) Without prejudice to subsections (1) and (2) where birth of a person has been registered in the register of births, the forename or surname which was registered is changed otherwise than by adoption, the person concerned or, if the person has attained the age of eighteen years may apply for the registration of the forename or surname in the appropriate register of births.

Cap.117

(4) Where upon being satisfied that:

- (a) a notarial deed, as defined in the Registration of Documents Act, setting forth change of forename or surname has been registered in the deeds registry; and
- (b) the change of forename or surname has been advertised in the *Official Gazette*,

the Registrar General may register the change of forename or surname in the appropriate register for births without deleting the original forename or surname.

(5) After registration of a change of name every certified copy of the entry concerned shall omit the original forename or surname unless otherwise requested by the applicant.

Birth certificate as mandatory requirement in

19.-(1) Any Government department or agency in the exercise of lawful functions may require production of a certificate of birth as proof of registration of birth.

certain public services

(2) Any Government department or agency may suspend consideration of the required service until certificate of birth of the person concerned has been produced or other proof that birth of the person has been registered is provided.

(3) The Minister shall prescribe certain public services with respect to which production of a certified copy of a birth certificate shall be a mandatory requirement for accessing such services.

(b) Registration of Adoption

Registration of adoption of the child
Cap.13

20.-(1) Registration of an adoption order shall be mandatory.

(2) The register of adoption shall be kept and maintained by the Registrar - General as prescribed under Part VI of the Law of the Child Act.

Issuance of Certificate

21.-(1) The adoptive parent shall make an application in writing to the Registrar General for issuance of a certificate of adoption.

(2) Upon receipt of the application and upon payment of the prescribed fee, the Registrar – General shall issue a certificate of adoption in the prescribed form.

(3) The information contained in a certificate of adoption shall be presumed to be correct and may be received as evidence in any judicial proceedings.

(4) For purposes of subsection (2), a certificate of adoption shall contain—

- (a) name and surname of the child;
- (b) name, address, place of birth, original residence, citizenship and occupation of the adoptive parent or adoption parents;
- (c) name, gender and surname of the child before and after adoption;
- (d) date and place of the adoption order;
- (e) description of the court issuing the adoption order; and
- (f) number of entry to the register

Registration of birth of an adopted child born outside Tanzania

22.-(1) Where an order has been made under any law for the adoption of a child born outside Tanzania, the Registrar - General shall, on the application by the adoptive parent and on production of—

- (a) the adoption order or certified copy of the adoption order;
- (b) the birth or baptismal certificate of the child or its certified copy or, if no such certificate is available, such documentary evidence relating to the birth of the child as the Registrar General considers sufficient;
- (c) the form prescribed for use in connection with the registration of a birth, completed as far as may be possible and signed by the adoptive parent;
- (d) proof that the adoptive parent or in the case of a joint adoption, the male adopter was a citizen of Tanzania at the date of the order of adoption, cause the birth of the child to be recorded in the register of adoption of children born outside Tanzania

(2) For the purpose of preceding provisions relating to adoption of a child, adoption proceedings and the order issued in relation therewith shall not be complete and shall not have legal effect unless the adoption order is registered by the Registrar General.

(c) Registration of Marriage

Registration of marriages
Cap. 29

23.-(1) The registration of marriage shall be made as prescribed under Part III of the Law of Marriage Act.

(2) For purposes of civil marriage, registration shall be done in the presence of the Council Registrar in office or in such other place as authorized by a licence issued under the Law of Marriage Act.

(3) The register of marriages shall be kept and maintained by the Registrar General.

Issuance of Certificate in customary marriage

24.-(1) Parties to a customary marriage shall make application in writing to the registration officer for issuance of a certificate of marriage.

(2) Upon receipt of application and payment of the prescribed fee, the registration officer shall issue a certificate of marriage in the prescribed form.

(3) Information contained in a certificate of marriage shall be presumed to be correct and may be received as evidence in any judicial proceedings.

Particulars of marriage certificate

25. A certificate of marriage issued under this Act shall contain—

- (a) names of parties;
- (b) names of witnesses
- (c) names of parents of both parties;
- (d) date of marriage
- (e) place of marriage;
- (f) type of marriage;
- (g) name of the registrar; and
- (h) any other information as may be prescribed by the Minister.

(d) Registration of Divorce

Registration of divorce
Cap. 29

26.-(1) Registration of divorce shall be made in the manner prescribed under Part III of the Law of Marriage Act.

(2) The register of divorces shall be kept and maintained by the Registrar General in a manner prescribed under Part III of the Law of Marriage Act.

Issuance of certificate of divorce

27.-(1) Parties to divorce proceedings shall make an application in writing for issuance of a certificate of divorce.

(2) Upon receipt of application and upon payment of prescribed fee, the Registrar General shall issue a certificate of divorce.

(3) Particulars contained in a certificate of divorce shall be presumed to be correct and may be received as evidence in any judicial proceedings.

Particulars of certificate of divorce

28.-(1) A certificate of divorce issued under this Act shall contain—

- (a) names of parties;
- (b) date and place of divorce;
- (c) cause number;
- (d) name of court issuing order of divorce;
- (e) date of decree of the court;
- (f) number of entry in the register;
- (g) name of the registrar; and
- (h) any other information as may be prescribed by the Minister.

(e) Registration of Deaths

Registration of death	29.-(1) There shall be a register of deaths into which shall be registered events of deaths. (2) The Registrar General shall keep and maintain the register of deaths. (3) For purpose of subsection (1), registration of deaths shall be mandatory.
Duty to inform	30.-(1) Information about occurrence of death shall be given to the Mtaa Executive Officer, Executive Village Officer or in-charge of a health facility, prison, orphanage, barracks, hotel or quarantine area by- (a) the nearest relatives of such person who were present at the time of death or in attendance during last day of illness; (b) in the absence of relatives, every other relative dwelling within the area, ward or district; (c) in the absence of persons contemplated under paragraphs (a) or (b): (i) occupier of the house in which death occurred; (ii) an inmate; (iii) any person finding or taking charge of the body of the deceased; (iv) any person causing the body of the deceased to be disposed of, in that order. (2) Every death shall be notified immediately when death occurs and in any case, not more than one month from the date of that death. (3) A registration officer shall register deaths and shall enter or cause to be entered in the register particulars of every death that occurred.
Mode of registration	31.-(1) Every person giving information about occurrence of death shall, to the best of his knowledge, give particulars and certify the correctness either by signing or affixing mark to the register. (2) For purposes of subsection (1), particulars of death shall include the names, age, sex, residence, occupation and nationality of the deceased, date and place of death and such other particulars as the Minister may prescribe.
Registration of deaths occurring in health facility	32. For purposes of registration of deaths occurring in a health facility, the medical practitioner in charge of the health facility shall register the event of death.
Registration of deaths occurring in a community	33. Where death occurs in a community, a parent, guardian or the person having charge of a body of the deceased, shall immediately after death or discovery of a body of the deceased notify the Mtaa Executive Officer or Village Executive Officer for the purpose of registration of the death.
Registration of death not attended by medical practitioner	34.-(1) In case of death of any person not attended by a medical practitioner during last stage of illness, the registration officer to whom information about death is given shall, if no inquest has been or is being instituted and no criminal proceedings have been or are being instituted in relation to the death, make such inquiry into the cause of death and for that purpose, may direct in writing any person to appear before the registration officer, being not more than seven days, on a date and at a place specified in the notice, to give to the best of that person's knowledge such information as to the cause of death.

(2) Where, after making an inquiry, the registration officer is satisfied that death was not due to natural cause, the registration officer shall report the matter to the police station.

Registration of death occurring in institutions

35. Where death occurs in a prison, orphanage, hotel, barracks, quarantine area and any other place, the officer in charge of such institution in which death occurred shall within seven days inform the registration officer about the death.

Registration of presumed death

36.-(1) Where it is proved that a person has not been seen and has not been heard of for five years by persons who are expected to have seen or heard of that person if that person were alive, there shall be a rebuttable presumption that the person concerned is dead.

(2) Where a person is presumed dead in accordance with subsection (1), any person who would have a duty under this Act to give information about the death of the person who is presumed dead may apply for an order of presumption of death in a court of competent jurisdiction, and the order once issued, shall be served upon the Registrar General.

(3) The Registrar General shall register presumed death and shall enter the order issued by the court and subsequently issue a death certificate for presumed death.

Registration of death

37.-(1) Death shall be registered -

- (a) within thirty days from date of occurrence shall be regarded as being registered within normal reporting period and no fee shall be charged for the first copy;
- (b) after expiry of thirty days but not more than one year from the occurrence of death shall be regarded as late registration; and
- (c) after the expiry of one year from the occurrence of death shall be regarded as delayed registration.

(2) Death registered in terms of paragraphs (b) or (c) of subsection 1 shall be made upon payment of fees and submission of documents as proof of facts contained in documents.

Deserted dead body

38.-(1) Where a dead body is found deserted in a public place, any person who discovers such dead body or in whose charge the dead body may be placed shall notify such fact to the Mtaa Executive Officer or Village Executive Officer.

(2) The Mtaa Executive Officer or Village Executive Officer shall give information about such death to in-charge of a police station who shall notify the death to the registration officer.

Registration of death occurring outside Tanzania

39.-(1) A person giving information about death of a citizen of Tanzania which occurred outside Tanzania shall produce to the registration officer the following evidence of the death—

- (a) a death certificate issued by the appropriate authority in the foreign country, with an English translation of the certificate if is not written in English language;
- (b) where a death certificate was not issued in the foreign country, a death certificate given by a health facility or other persons who attended the

death, with an English translation of the certificate if it is not written in English language;

(c) where there is a Tanzania Embassy, High Commission or Consulate, a certificate of an officer of the Tanzania Embassy, High Commission or Consulate that the officer is satisfied, from the evidence produced and inquiries made that particulars of the death given in the certificate are correct; and

(d) such other evidence as the Minister may prescribe.

(2) The person giving information about the death shall certify in writing to the registration officer the correctness and authenticity of the evidence which such person gives.

(3) Upon receiving the evidence required in terms of subsection (1), the registration officer shall enter particulars of death in the register of deaths occurring outside Tanzania.

Deaths on the high seas and air space

40. The Registrar General may, on receipt and upon being satisfied about information in respect of still-birth, or death of a person on board a ship or an aircraft whose port of destination or place of registration is Tanzania, register the still-birth or death.

Certification of cause of death

41.-(1) In the case of a death occurring in Tanzania of any person attended by a medical practitioner during last stage of illness, the medical practitioner shall sign a certificate stating to the best of medical practitioners knowledge and belief of the cause of death.

(2) A certificate of cause of death signed in accordance with subsection (1) shall be forwarded by the medical practitioner to the registration officer who shall cause particulars of such death to be entered in the register.

Cap 24

(3) Subject to the Inquest Act, where an inquest is held on the body of a deceased person, the magistrate conducting inquest shall forward to the registration officer a certified copy of such findings and upon receipt of the report, the registration officer shall cause particulars of such death to be entered in the register.

Issuance of death certificate

42.-(1) The registration officer shall, upon application and payment of the prescribed fee for late registration, issue a death certificate.

(2) A death certificate shall contain -

(a) names of the deceased;

(b) date and Place of death;

(c) age and sex of the deceased;

(d) Country of origin and national identification number, if any; and

(e) Number of entry in the register

(g) any other information as may be prescribed by the Minister.

(3) Information contained in a death certificate issued under this Act shall be presumed to be correct and may be received as evidence in any judicial proceedings.

PART III

ADMINISTRATION OF CIVIL REGISTRATION

Registrar General

43.-(1) There shall be the Registrar General who shall be appointed by the President from amongst names of the senior servant saved in the Public Service.

(2) The Registrar General shall exercise and perform all functions and exercise powers under as conferred under this Act.

Functions and powers of Registrar- General

44. In the performance of functions, the Registrar General shall:

- (a) register vital events;
- (b) oversee registration of vital events;
- (c) keep and maintain registers of vital events;
- (d) give general or special directions and instructions regarding registration of vital events;
- (e) compile, after close of each year, a summary of vital events occurring each year and a report on the increase or decrease of such events and make any special cause or causes appearing to affect the occurrence of any of such vital events;
- (f) collect, prepare and submit statistical information to the National Bureau of Statistics;
- (g) keep all filled registers made by the Council Registrars;
- (h) prepare and keep indexes of vital events;
- (i) issue of guidelines for registration of vital events;
- (j) monitor and supervise registration of vital events; and
- (k) prescribe types of registers and forms to be used for registration of vital events.

Designation and duties of Council Registrars

45.-(1) The City Director; Municipal Director, District Executive Director and the Town Director are hereby designated to be Council Registrar of vital events.

(2) Every Council Registrar shall-

- (a) oversee effective execution of the provisions of this Act in the respective area of jurisdiction;
- (b) carry out fully all directions and instructions issued by the Registrar General pursuant to the provisions of this Act
- (c) co-ordinate and supervise functions and exercise of powers on registration of vital events in their jurisdiction for securing an efficient system of registration;
- (d) mobilize, disburse and monitor resource and ensure equitable distribution in his jurisdiction;
- (e) prepare and submit to the Registrar General a report including statistical information on registration of vital events;
- (f) where circumstances so require, shall appoint any person holding a public office by name or by office to be a registration officer;
- (g) receive and keep all filled registers made by registration officers;
- (h) prepare and keep indexes of vital events in their respective areas of jurisdictions; and
- (i) perform any other functions in furtherance of the objective of this Act.

Designation of registration officer	<p>46.-(1) The head of the Tanzania Embassy, High Commission and Consulate are hereby designated as a registration officer in respect of births, adoptions, marriages, divorces and deaths.</p> <p>(2) The Minister may designate any other public officer in the Tanzania Embassy, High Commission or Consulate to be a registration officer in accordance with this Act.</p>
Duties of registration officers	<p>47. Every registration officer shall-</p> <ul style="list-style-type: none"> (a) make sure that every vital event occurring in his jurisdiction is collected, recorded in the register; (b) keep and maintain registers in the prescribed form in which he shall register vital events; (c) examine information about vital events and cause any defect or inaccuracy therein to be remedied or corrected; (d) superintend, subject to the direction of the Registrar General, the registration of vital events. (e) issue a certificate to the applicant immediately after the registration; (f) execute the functions prescribed under this Act and the directives issued by the Registrar General; and (g) prepare and submit monthly report on vital events to the Council Registrar.
Submission of information about vital events	<p>48.-(1) Every Mtaa Executive Officer, Village Executive Officer and every in-charge of a health facility, prison, orphanage, barracks, hotel or quarantine area, as the case may be, shall-</p> <ul style="list-style-type: none"> (a) receive information about the occurrence of births, customary marriages and deaths in their respective areas of jurisdictions; (b) sign and submit to the registration officer all information about births and deaths, together with any other documents submitted in relation to such events; and (c) ensure that all births and deaths occurring in their respective administrative set up are noted or recorded and submitted to the registration officer. <p>(2) The Minister may appoint or designate any other public officer to undertake duties stipulated under sub-section (1).</p>
Keeping of registers	<p>49. Every Council Registrar, Registration officer, Mtaa Executive Officer, Village Executive Officer and every in-charge of a health facility, prison, orphanage, barracks, hotel or quarantine area shall keep and maintain in the prescribed form registers of births, adoptions, marriage, divorce and deaths occurring in their jurisdictions, and shall enter therein every event of birth, adoption, marriage, divorce and death occurring within their jurisdictions.</p>
Search	<p>50. Subject to any other law, any copy of a register, return, or index in the custody of a Registrar-General, Council Registrar, Registration officer, Mtaa Executive Officer, Village Executive Officer and every officer in-charge of a health facility, prison, orphanage, barracks, hotel or quarantine area shall, be open for search by the authorized institutions.</p>
Certified copies	<p>51.-(1) Upon payment of the prescribed fee by the applicant, the Registrar-</p>

General shall furnish a certified copy of any entry in a register or return in its custody or a certified copy of an extract from that entry.

(2) A copy of an entry in the register or return, or a copy of any extract from the entry which is certified by the Registrar General or a person authorized as such to be a correct copy, shall be evidence in court about the facts contained in the copy.

Correction of errors

52.-(1) If it is proved that any entry in any register, return, index or certificate made under this Act is erroneous in form or substance, or has been fraudulently or improperly made, the Registrar-General may authorize any registration officer in writing to correct such error.

(2) Any correction made pursuant to subsection (1) shall be done without erasure and the registration officer shall sign the marginal entry and insert the date of the correction.

(3) Any person may, upon payment of the prescribed fee, apply to the Registrar-General for a correction to be in an entry in the register.

Cancellation of registration

53.-(1) The Registrar- General shall cancel the registration and revoke a certificate upon being satisfied that:

- (a) the registration was based on inaccurate or incomplete information;
- (b) the registration was obtained by fraud, false representation, bribery or deceit;
- (c) the certificate need to be re-issued due to a defect;
- (d) double or multiple registrations was made; or
- (e) there is an order of court for cancellation of registration.

(2) Before cancellation of the registration and revocation of a certificate is made, the Registrar-General, shall issue a notice to the holder of the certificate concerned, of the intention to cancel the registration and revoke the certificate.

(3) The Registrar General, before cancelling the registration shall provide reasonable opportunity to holder of the certificate to show cause why cancellation of registration and revocation of a certificate should not be made.

(4) Where the registration is cancelled and the certificate is revoked, such person may file a new application for registration within a prescribed time.

(5) The Registrar- General may publish in the newspaper having wide circulation the names and numbers of certificates and identification of the persons whose registration was cancelled including those who refused, neglected or failed to surrender certificates which were revoked.

PART IV

MANAGEMENT AND SHARING OF DATA

Collection and management of data

54.-(1) There shall be an implied duty on the part of the Registrar General, Council Registrar, registration officer, Mtaa Executive Officer, Village Executive Officer and every officer in-charge of a health facility, prison, orphanage, barracks, hotel or quarantine area to ensure that information in respect of collected, processed, stored, used and disposed of in good faith in a manner that does not infringe the privacy of a person concerned.

(2) In the collection, processing, storing, using, transferring and disposing of information related to registration, the Registrar-General, Council Registrar, Registrar, registration officer, Mtaa Executive Officer, Village Executive

Officer and every in-charge of a health facility, prison, orphanage, barracks, hotel or quarantine area shall ensure that such information is-

- (a) adequate and relevant in relation to the purposes for which it is required;
- (b) accurate and, where it appears that such data is inaccurate for purposes intended, it is rectified in whole or part to the extent of such inaccuracy; and
- (c) retain in a form that allows identification of the person registered.

Data sharing

55.-(1) Without prejudice to the legitimate interests of the person registered, information related to registration of births, adoptions, marriages, divorces and deaths may be shared to a recipient within Tanzania where the recipient establish that information is necessary for the-

- (a) protection of public interest;
- (b) performance of a task by a public body;
- (c) establishment or defence of a legal claim; or
- (d) protection of vital interests of the person concerned.

(2) Any person whom data has been shared shall treat such information which comes to his knowledge as confidential and shall not be allowed to divulge such information unless required by the law so to do.

(3) The Registrar General, Council Registrar, registration officer, Mtaa Executive officer, Village Executive Officer and officer in-charge of a health facility, prison, orphanage, barracks, hotel or quarantine area shall verify competence of the recipient to receive and store information related to registration of births, adoptions, marriages, divorces and deaths and evaluate the necessity for the sharing of such information to the person requesting information of a person concerned.

(4) Where information related to vital events is shared, the recipient of such information shall-

- (a) process such information only for the purpose for which the information was required; and
- (b) ensure that the necessity for sharing of such information can be subsequently verified.

(5) Where any data related to civil registration is shared, the recipient, shall dispose such data in accordance with laws governing disposal of data.

Security of information within the register

56.-(1) In order to safeguard security of information within a register, the Registrar-General shall take appropriate technical measures necessary to protect such information from-

- (a) a negligent, malicious or unauthorized destruction;
- (b) negligent loss;
- (c) unauthorized alteration;
- (d) unauthorized access; and
- (e) any such other unauthorized processing.

(2) Measures undertaken pursuant to sub-section (1) shall take into account:

- (a) state of technological developments;
- (b) cost of implementing the measures;

- (c) nature of information protected; and
- (d) potential risks attached to the protection measures.

Confidentiality

57. Any person discharging duties under this Act, who collects, process, stores, uses, transfers, archives, retrieves and dispose any information in the register shall treat that information which comes to that person's knowledge as confidential and shall not be allowed to divulge such information unless required by the law so to do.

Use of information and communication technology

58.-(1) The Registrar-General shall ensure the use information and communication technology in collecting, processing, storing, using, transferring, archiving, retrieving, sharing and disposing of data related to registration.

(2) The Registrar General shall establish a web enabled data system.

(3) For efficient discharge of functions of registration of vital events the Registrar-General may ensure that, registration officers, Mtaa Executive Officer, Village Executive Officer and every officer in-charge of a health facility, prison, orphanage, barracks, hotel or quarantine area are equipped with electronic devices to facilitate registration of vital events.

(4) For purposes of this section, all information and communication collected, processed, stored, used, archived or retrieved shall have similar status and evidential value.

PART V GENERAL PROVISIONS

Returns

59. (1) Every Council Registrar shall prepare and submit to the Registrar-General quarterly reports of the registered vital events.

(2) Within five days from the last day of each month, every registration officer shall prepare and submit to the Council Registrar monthly report of the registered vital events.

(3) Notwithstanding the provision of subsection (2), officer in charge of health facilities shall prepare and submit to the ward executive officer in which a health facility situate, monthly report of registered vital events.

Protection for actions done in good faith

60.-(1) No suit, prosecution or other legal proceedings shall lie against any officer personally arising from exercising any powers or performing any functions or exercising powers under this Act for anything done in good faith or intended to be done pursuant to this Act.

(2) Where legal proceedings arises in respect of any damage caused or likely to be caused by anything done, intended or omitted to be done in terms of subsection (1), the Government shall make arrangements necessary to indemnify for the damage caused or to prevent the damage.

Offences and penalties

61.-(1) A person commits an offence who-

- (a) fails to give notice of birth or death as required under this Act;
- (b) gives false information or makes a false statement when providing information for an entry, making a modification to an entry or making a confirmation of the content of an entry in the register;

- (c) forges a document for the purpose of registration under the Act;
- (d) illegally influences the decision of a registration officer;
- (e) falsely alleges loss or destruction of a certificate related to birth and death registration;
- (f) tampers with the register by causing an unauthorized alteration or modification of information in the register, or preventing or delaying retrieval of relevant information in a legible form from a database used for the purposes of this Act;
- (g) divulges civil registration information contained in the register;
- (h) issues, gives or utters any false certificate or certifies any writing to be a copy of or extract from a register or any entry knowingly that such copy or extract is false in any material particular; or
- (i) forges or counterfeits the signature, seal or stamp of the Registrar-General.

(2) Any person who commits offences stipulated under paragraphs (a) to (h) of this provision shall be liable on conviction to a fine not less than two million shillings or imprisonment for a term of not less than one year but not more than three years or to both.

(3) Any person who in the discharge of the functions under this Act, without the permission of the Registrar-General discloses, divulges, submits or transfers information from register to any other person, commits an offence and shall be liable on conviction to a fine of not less than two million shillings but not more than three million shillings or imprisonment for a term of not less than six months but not more than one year or to both.

Power to make regulations

62.-(1) The Minister may make regulations for effective carrying out objectives and purposes of this Act.

(2) Without prejudice to subsection (1), the Minister shall make regulations prescribing:

- (a) fees for registration including late and delayed registration, correction of errors in the register, return, index, certificate, certified copies of certificates of registration, inspection of registers, returns or index;
- (b) various forms to be used under this Act;
- (c) procedures in which an application and registration of births, adoptions, marriages, divorces and deaths shall be made;
- (d) procedures for collection, processing, storage, use, disposal and transfer of information related to births ,adoptions, marriages, divorces and deaths;
- (e) conditions and procedures for processing information related to births ,adoptions, marriages, divorces and deaths for purpose of judicial proceedings;
- (f) services that shall require compulsory production of birth certificates; and
- (g) particulars and other information that may be required

to be entered in the registers.

Repeal and savings Cap
108

63.-(1) The Births and Deaths Registration Act is hereby repealed.

(2) Notwithstanding subsection (1)-

- (a) all persons appointed, designated or empowered to exercise powers or perform any functions under the Births and Deaths Registration Act shall be deemed to have been appointed, designated or empowered to exercise corresponding functions and exercise powers as conferred or stipulated under this Act;
- (b) all licences issued or granted and subsisting immediately before the date of coming into operation of this Act shall be deemed to have been issued or granted under this Act;
- (c) all orders, regulations and rules made and are in force immediately before coming into force of this Act shall be deemed to have been made under this Act and shall remain in force until they are revoked or replaced in accordance with this Act;
- (d) all registers established or deemed to have been established under the Births and Deaths Registration Act, shall be deemed to have been established under this Act; and
- (e) all orders, notices, directives given or anything given or made by a person authorized as such shall be valid and shall remain in force be deemed to be given or made under this Act.

Caps.108,29 and 13

(3) Fees imposed and certificates issued before the date of coming into operation of this Act shall remain in force as if such fees were imposed or certificates issued under this Act.

Transition provisions

64. For the purpose of the smooth operation of the provisions of this Act as well as facilitating the functions of the Agency, the Minister may, within a period not exceeding twelve months from the date of coming in to operation of this Act, make such consequential, transitional or supplementary provision as may be necessary.

PART VI CONSEQUENTIAL AMENDMENTS

Cap. 287

(a) Amendment of the Local Government (District Authority) Act

Cap. 288

(b) Amendment of the Local Government (Urban Authorities)Act