

SIGNED this 6th day of December, 1983.

SIAKA STEVENS,
President.



No. 11

1983

The Births and
Short title



Deaths Registration Act,

**Being an Act to Amend and Consolidate the
Laws relating to the registration of Births and Deaths throughout
Sierra Leone; and for matters incidental thereto**

Date of
commence-
ment.

BE IT ENACTED by the President and Members of Parliament in
this present parliament assembled, as follows:-

PART 1

PRELIMINARY

1. This Act shall come into force on a date to be fixed by the Minister by Commencement
notice in the *Gazette*:

Provided that different dates may be appointed for different parts of Sierra
Leone.

2. In this Act, unless the context otherwise requires Interpretation

(a) "Birth" means live-birth or still-birth;

(b) "Chief registrar" means the person appointed by the Minister to be
Chief Registrar under Section 3;

- (c) "Death" means the permanent disappearance of all evidence of life at any time after live-birth has taken place;
- (d) "District" means Greater Freetown area, rural area of Western Area or any of the administrative districts of the provinces;
- (e) "Legal wedlock" means wedlock in accordance with the Laws of Sierra Leone or the Customary Laws;
- (f) "Live-birth" means the 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;
- (g) "Still birth" means the birth of a 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;
- (h) "Mining area" means any area where digging, drilling water diversion and extraction for the processing of minerals is carried out;
- (i) "Minister" means the Minister for the time being charged with responsibility for matters relating to health;
- (j) "Occupier of the house" includes the person usually residing in such house, owner, and keeper, master or the agent:
- (k) "Plantation" means any land, not less than ten acres in area which is being prepared for or actually produces coffee, pepper, rubber, cola, palm or such other products of the soil as the Minister may notify in the *Gazette*;
- (l) "Prescribed" means prescribed by rules made under this Act.
- (m) "Register" means register of births or deaths, as the case may be kept under or by virtue of this Act.
- (n) "Registrar" means Registrar or Assistant Registrar of Births and Deaths or of Births or of Deaths;
- (o) "Registration" means registration by Chief Registrar or any person declared by this Act to be an officer of or under the, control of the Chief Registrar;

PART 11

REGISTRATION-ESTABLISHMENTS

- 3 (1) The Minister may by notice published in the *Gazette* appoint a person to be known as the Chief Registrar of Births and Deaths Sierra Leone. Chief Registrars
- (2) The Minister may also appoint a Deputy Chief Registrar and such other officers with such designations as he thinks fit, for the purpose of discharging, under the superintendence and direction of the Chief Registrar such functions of the Chief Registrar under this Act as the Minister may from time to time authorise them to discharge.
- (3) The Chief Registrar may issue general directions regarding registration of births and deaths in the area to which this Act extends and shall take steps to co-ordinate and unify the activities of Registrars and other officers in the matter of registration of birth and deaths and submit to the Minister an annual report on the working of this Act in the said area
4. The Minister may notice published in the *Gazette*, divide the country into such registration divisions as he may think fit. Registration Divisions
5. (1) The Minister may appoint a District Registrar for each district. District Registration
- (2) The District Registrar shall superintend, subject to the direction of the Chief Registrar, the registration of births and deaths in the district and shall be responsible for carrying into execution in the

district, the provisions of this Act and the orders of the Chief Registrar issued from time to time for the purposes of this Act.

Registrar

6. (1) The Minister may appoint a Registrar for each local area comprising the area within the jurisdiction of a town council chiefdom or a section of a chiefdom, or other local authority or any other area or a combination of any two or more of them:

Provided that the Minister may appoint, in the case of a prescribed institution, any officer or other employee of the institution as a Registrar for the institutional events.

- (2) Every Registrar shall, without fee or reward, enter in the register maintained for the purpose all information given to him under section 7 or section 8 and shall take steps to inform himself carefully of every birth and of every death which takes place in his jurisdiction and to ascertain and register the particulars required to be registered.
- (3) Every Registrar shall have an office in the local area for which he is appointed:

Provided that the Registrar may be perambulatory as the Chief Registrar may direct.

- (4) Every Registrar shall attend office for the purpose of registering births and deaths on such days and at such hours as the Chief Registrar may direct; and shall cause to be placed in some conspicuous place on or near the outer door of the office of the Registrar a board bearing in the official language, his name with the addition of "Registrar of Births and Deaths" for the local area for which he is appointed and the days and hours of his attendance.
- (5) Every Registrar shall be paid such remuneration as may be determined by the Minister after consultation with the Establishment Secretary and the Minister of Finance.

PART III

REGISTRATION OF BIRTHS AND DEATHS

Persons required
to register

7. It shall be the duty of the persons specified below, to give or cause to be given, either orally or in writing, according

to the best of their knowledge and belief within thirty days of a birth and fourteen days of death information to the Registrar of the several particulars required to be entered in the forms prescribed by the Minister under section 20:

Provided that when the information is given orally the Registrar shall fill it in the prescribed form in the presence of a witness in accordance with the information given, read it out and explain it to the informant, who shall thereupon sign it or put his left thumb print on the form which the witness shall sign-

- (a) In respect of births in a house, not being any place referred to in paragraphs (a) to (h), the doctor, midwife, nurse or any medically trained person who attended such births, and in case any such person was not present at birth, the father or mother, the head of the house (the head being the person who is so recognised) or the occupier of the house and in the absence of any such person, the oldest male person present therein any time during the period within which the birth has to be reported;
- (b) In respect of deaths in a house, not being any place referred to in paragraphs (c) to (h), the head of the house, (the head being the person so recognised), and if the head is not present then every other relative present at the death, or the occupier of the house and in the absence of such persons, the person causing the body of the deceased to be buried:

Provided that any of the persons hereinbefore mentioned may produce a medical certificate specified in Section 10;

- (c) In respect of births and deaths in a hospital, health centre maternity or nursing home, clinic or other like institution, the medical officer the sister, midwife, nurse or other person in charge of the institution or a person authorised by any of them in that behalf;
- (d) In respect of any birth occurring on the way to a hospital, or before admission into any institution, the doctor, midwife or other medical personnel who attended the mother during the early post-natal period not exceeding one week;
- (e) In respect of births and deaths in a prison or lockup, the officer-in-charge;

- (f) In respect of births and deaths in a workhouse, boarding-house, lodging-house, hotel tavern, barrack, shop charitable institution or place of public resort, the person in charge thereof;
- (g) In respect of births and deaths in a moving vehicle the person in charge;
- (h) In respect of births and deaths on board any vessel within territorial waters, the master of the vessel:

Provided that the information required to be registered is furnished directly to the Chief Registrar;

- (i) In respect of any new born child or dead body found deserted in a public place, the village headman in the case of a village, and to the officer-in-charge in the local police station elsewhere:

Provided that such headman or officer may give the required information only to the extent he possess; and provided further that any person who finds such child or dead body, or in whose charge such child or dead body may be placed, shall notify such fact to the headman or officer;

- (j) In respect of births and deaths in any other place, such person as may be prescribed:

Provided that in the case of deaths in which an inquest is held the officer who conducts the inquest shall give or cause to be given the information.

- 8. In the case of births and deaths in a plantation, mining area and labour lines, the superintendent or manager shall give or cause to be given to the Registrar the information referred to in section 7:

Provided that the person referred to in paragraph (a) to (i) of section 7 shall furnish the necessary particulars to the superintendent or manager.

9. It shall be the duty of-

- (a) The doctor, midwife or any other medical or health attendant, Village Maternity Assistant, Nursing Aid, Traditional Birth Attendant other than those who were present or were attached to institutions listed in paragraphs (c) and (d) of section 7;
- (b) The keeper or the owner of a place set apart for the disposal of dead bodies or any other person required by a local authority to be present at such place;

Special provision in certain areas

Duty of certain persons to notify birth and deaths

Births and Deaths Registration

- (c) The village headman, police, tax collector, health inspector, forest ranger or any other local functionary designated by the Minister;
- (d) The parish priest, imam or other officiating at religious Services connected with a birth or death; to notify every birth or death or both about which he gathers knowledge in the course of performance of his duties, to the Registrar of the area within such time and in such manner as may be prescribed.

10. (1) In the case of the death of any person who has been attended during his last illness by a registered medical practitioner, it shall be the duty of that practitioner to forthwith issue, without charging any fee to the person required under this Act to give information concerning the death, a certificate in the prescribed form stating, to the best of his knowledge and belief, the cause of death and the certificate shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act.

Certificate of cause of death

- (2) In the case of the death of any person who has been attended during his last illness by a dispenser, nurse or medical attendant, it shall be their duty to forthwith issue without charging any fee to the person required under this Act to give information concerning the death, a statement in the prescribed form indicating to the best of their knowledge and belief the cause of death; and the statement shall be received and delivered by such person to the Registrar at the time of giving information concerning the death as required by this Act:

Provided that where an inquest or enquiry is held on the body of any deceased person, a medical certificate of the cause of death need not be given to the Registrar, but the certificate of the finding of the jury or coroner, furnished by the coroner, shall be sufficient.

- (3) In the case of the death of any person who has not been attended during his last illness by a registered medical practitioner, a dispenser, nurse or medical attendant, it shall be the duty of the Registrar to investigate the cause of death according to the prescribed procedure:

Provided that where the Registrar is not satisfied that the cause of death is natural he may refer the case to the police or coroner or medical officer of the area, and it shall be lawful for the burial to be delayed until the investigation is completed.

Extracts
of registra-
tion entries
be given to
informant.

11. The Registrar shall, as soon as the registration of a birth or death has been completed, give without fee or reward, to the person who gives information under section 8, under his hand and the official seal of his office, an extract of the prescribed particulars from the register relating to such birth or death.

Power of
Registrar to
obtain
information
regarding birth
or death

12. The Registrar may either orally or in writing require any person to furnish any information within his knowledge in connection with a birth or death in the locality within which such person resides and that person shall be bound to comply with such requisition.

Registration

13. (1) When the birth of any child has been registered of the name without a name and a name is given subsequently, the parent or of a child, guardian of such child may within twelve months next after registration of the birth, apply in the prescribed form to the Registrar who registered the birth for the registration of the name and the Registrar upon the receipt of that application shall, without fee, enter forthwith in the register the name mentioned in the application as the name of the child and sign and date the entry, the application together with a certified copy of the entry of the birth with the name so added shall be sent to the District Registrar:

Provided that in the case of alteration of the name already registered the parent or guardian of the child or the person whose name is changed shall pay the prescribed fee together with a request in writing for the change of name in the register and the Registrar shall enter the new name in block letters without any erasure of the original entry and shall initial and date the new entry.

(2) For entry of the name in a birth register after twelve but not later than sixty months from birth, the parent or guardian shall submit an affidavit and pay the prescribed fee; the Registrar shall thereupon enter the name in the register and sign and date the entry and also enter in the margin the receipt number of the fee received.

Birth
Certificate
required for
baptizing
child

14. Every minister of religion or other person who baptizes any infant whose birth is required by this Act to be registered shall performing the rite of baptism upon such infant require the before production to him of a certificate of registration of the birth of such infant signed by the Registrar of the area within which such infant as born.

Registration of
birth of child born
out of legal wed-
lock

15. In the case of a child born out of legal wedlock the Registrar shall not enter in the register of birth the name of any person as father of such child unless at the joint request of the mother and of the person acknowledging himself to be the father of such child and such person

shall in such case sign the register together with the mother.

16. (1) Any person required by this Act to give information concerning a birth, who before such birth is registered, removes out of any registration division in which such birth has taken place, may within three months after such birth, give a declaration in writing of the particulars required to be registered, concerning such birth, to the Registrar, on payment of the prescribed fee, who shall receive and attest the declaration and send the same to the Registrar of the division in which the birth took place, and the last mentioned Registrar shall enter the birth in the register of his division.

(2) A person making a declaration in pursuance of this section in the case of any birth shall be deemed to have complied with the provisions of this Act as to giving information concerning that birth.

17. (1) Upon registration of a still-birth, or death the Registrar shall also issue a burial permit in the prescribed form, and the keeper or clerk of any cemetery shall not permit the body of any deceased person or still-born child to be buried in such cemetery without the production of a permit; but if the Registrar is not satisfied as to the cause of death or still-birth he shall withhold the burial permit and shall cause enquiries to be made concerning the still-birth or death; and for that purpose it shall be lawful for the Registrar to enter any house where the body of the deceased person or still-birth child is lying:

Burial permit and Burial
registration

Provided that when an inquest is held on the body of a deceased person, the Coroner's order shall be the authority for burial.

(2) The keeper or clerk of all cemeteries shall keep a register in the prescribed form for entering particulars of dead persons buried in such cemeteries, and when such register is filled up, he shall deliver the same to the Town Council or the Village Area Committee which shall ensure their safe custody and availability to the Chief Registrar when needed.

18. (1) Any birth or death of which information is given to the Registrar after the period prescribed in section 7, but within one year of its occurrence shall be registered only on the payment of the prescribed fee and the production of an affidavit made before a notary public or any officer authorised in that behalf by the Minister.

Delayed
Registration

- (2) Any birth or death which has not been registered within one year of its occurrence (and any birth or death which occurred prior to the coming into force of this Act but not registered), shall be registered only on an order made by the Chief Registrar after verifying the correctness of the birth or death and on payment of the prescribed fee.
- (3) The provision of this section shall be without prejudice to any action that may be taken against a person for failure on his part to register any birth or death within the time specified thereof and any such birth or death may be registered during the pendency of any such action.

Correction or
cancellation of
entry in register

1919. Any Registrar, who discovers any error to have been committed in the form or substance of any entry of birth or death in any register kept by him under this Act or if it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the Minister with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error by striking off the original entry and writing in red the correct entry above the original entry without alteration of the original entry or cancel the entry and sign and date the correction or cancellation.

PART IV

MAINTENANCE OF RECORDS AND STATISTICS

20. (1) Every Registrar shall keep in the prescribed form a register of births and deaths for the registration area or any part thereof in relation to which he exercises jurisdiction.
- (2) The Chief Registrar shall cause to be printed and supplied, a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed; and a copy of such forms shall be posted in some conspicuous place on or near the outer door of the office of every Registrar.

Registrars to
keep registers
in the
prescribed form

21. (1) Subject to any rules made in that behalf by the Chief Registrar including rules relating to the payment of fees and postal charges, any person may-

Search of
Births and
Deaths Register

- (a) Cause a search to be made by the Registrar for any entry in a register of births and deaths; and

- (b) Obtain an extract from such register relating to any birth or death.
- (2) All extracts given under this section shall be certified by the Registrar or any other officer authorised by the Minister to give such extracts and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.
22. The registration offices shall be inspected and the registers kept therein shall be examined in such manner and by such authority as may be specified by the Chief Registrar. Inspection of registration office
23. (1) Every Registrar shall send to the Chief Registrar or to any officer specified by him at such intervals and in such forms as may be prescribed a return regarding the entries of births and deaths in the register kept by such Registrar. Registrars to send periodical returns to the Chief Registrar compilation
- (2) Without prejudice to any existing legislation the Chief Registrar shall cause the information in the returns furnished by the Registrar to be compiled and shall publish, for the information of the public, a statistical report on the registered births and deaths during the year at such intervals and in such form as may be prescribed as a supplement to the report prescribed in sub-section (3) of section 3.

PART V

OFFENCES AND PENALTIES

- 24 (1) Any person who- Offences and penalties.
- (a) Fails without reasonable cause to give information which it is his duty to give under any of the provisions of sections 7 and 8; or
- (b) Gives or causes to be given, for the purpose of being inserted in any register of births and deaths, any information which he knows or believes to be false regarding any of the particulars required to be known and registered; or
- (c) Refuses to write his name, description and place of abode or to put his thumb mark in the register as required by section 7; or
- (d) Wilfully refuses to answer any question put to him by the Registrar relating to the particulars required to be registered concerning a birth or death;
- shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred leones..

(a)

No. 11

Births and Deaths Registration

1983

- (2) Any Registrar or Assistant Registrar who neglects or refuses, without reasonable cause, to register any birth or death occurring in his jurisdiction or to submit any returns as required by section 23 or demands any fee from the public for registration within the prescribed time, shall be guilty of an offence and shall be liable to a fine not exceeding three hundred leones.
- (3) Any medical practitioner who neglects or refuses to issue a certificate under section 10 and any person who neglects or refuses to deliver such certificate shall be guilty of an offence and shall be liable to a fine not exceeding three hundred leones.
- (4) If any person wilfully obstructs the Registrar or any other officer duly authorised in the lawful exercise of the powers vested in him under this Act, he shall be guilty of an offence and be liable to a fine not exceeding one hundred Leones.
- (5) Any person who without reasonable cause, contravenes any of the provisions of this Act, or any rules thereunder for which no penalty is expressly provided, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred leones.
25. (1) Subject to such conditions as may be prescribed any officer authorised by the Chief Registrar with the prior approval of the Minister by a general or special order in this behalf may either before or after the institution of criminal proceedings under this Act, accept from the person who has committed or is reasonably suspected or having committed an offence under this Act by way of composition of such offence a sum of twenty leones which shall be paid into the Consolidated Fund.
- (2) On the payment of such sum of money. such person shall be discharged and no further proceedings shall be taken against him in respect of such offence.
- (3) The officer receiving any sum of money under this section shall issue to the person paying it an official receipt for the payment and the receipt shall state the contravention in respect of which the money was paid.
26. No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by the Chief Registrar by general or special order in that behalf.
27. All Registrars and Assistant Registrars shall while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder, be deemed to be public servants within the meaning of Section 156 of the Constitution of Sierra Leone.

Power to
compound
offences

Sanction
for prosecution

Registrars
deemed to be
public servants
Act No 12 of
1978

PART VI
MISCELLANEOUS

28. (1) The Chief Registrar shall subject to such rules as may be made by the Minister in that behalf, cause to be registered information as to births and deaths of citizens of Sierra Leone outside Sierra Leone

Special provision as to registration of births and deaths of citizen outside Sierra Leone

(2) In the case of any child born outside Sierra Leone in respect of whom registration has not been done as provided in sub-section (1), if the parents of the child return to Sierra Leone with a view to settling therein, they may at any time within sixty days from the date of arrival of the child in Sierra Leone and within five years of the date of birth get the birth of the child registered under this Act in the same manner as if the child was born in Sierra Leone and the provisions of section 18 shall apply to the birth of such child after the expiry of the period of sixty days

29. (1) No suit, prosecution or other legal proceeding shall lie against the Minister, the Chief Registrar, or any person exercising any power or performing any duty under this Act for any thing which is done in good faith or intended to be done in pursuance of this Act or any rule or order made thereunder.

Protection of action taken in good faith

(2) No suit or other legal proceeding shall lie against any such person for any damage as prescribed in sub-section (1).

30. (1) The Minister may by notice published in the *Gazette* make rules to carry out the purposes of this Act.

Rules

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for-

- (a) The forms of registers of births and deaths required to be kept under this Act;
- (b) The period within which and the form and the manner in which information should be given to the Registrar under Section 7;
- (c) The period within which and the manner in which births and deaths shall be notified under section 9;
- (d) The person from whom and the form in which a certificate as to the cause of death, shall be obtained or the manner in which the cause of death is ascertained;

- (e) The particulars of which extract may be given under section 11;
- (j) The authority which may grant permission for registration of a birth or death under sub-section 18;
- (g) The fees payable for registration made under section 18,
- (h) The submission of reports by the Chief Registrar under sub-section (3) of section 3;
- (i) The search of births and deaths registers and the fees payable for such search and for the grant of extracts from the registers;
- (j) The forms in which, and the intervals at which, the returns and the statistical report under section 23 shall be furnished and published;
- (k) The custody, production and transfer of the registers and other records kept by the Registrars;
- (l) The correction of errors and the cancellation of entries in the register of births and deaths;
- (m) Any other matter which has to be, or may be, prescribed.

Repeal and savings

31. On the coming into force of this Act in any area, the Births and Deaths Registration Act (Cap 92), the Births and Deaths (Protectorate) Registration Act (Cap 93) and the Births and Deaths Registration (Amendment) Act; 1960 (Act No. 15 of 1960) shall be deemed to have been repealed in that area:

Provided that notwithstanding such repeal any thing done or any orders or regulations made under the provisions of any such Act shall continue in force and have effect as if made under the corresponding provisions of this Act.

Minister's power to make orders to remove difficulties

32. If any difficulty arises in giving effect to the provisions of this Act in their application to any area, the Minister may be order make such provisions or give such directions not inconsistent with the provisions of this Act as appears to the Minister to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section in relation to any, area after the expiration of two years from the date on which this Act comes into force in that area.

Passed in Parliament this 31st day of August, in the year of our lord one thousand nine hundred and eighty-three

1983

J. W. E. DAVIES. *Clerk of Parliament*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be true and correctly printed copy of the said Bill.

J. W. E. DAVIES. *Clerk of Parliament*