

REGISTRATION OF BIRTHS AND DEATHS ACT

1965 (ACT 301)

Section 1-The Central and Local Offices.

(1) There shall be a central office in Accra (in this Act referred to as "the central office") and a local office in such registration district as may be prescribed.

(2) The central office shall be the office for registration of all births and deaths in the State.

(3) The functions of the local offices shall be such as may be prescribed.

(4) The central office and the local offices shall collectively be known as the Births and Deaths Registry.

Section 2-Registers of Births and Deaths.

There shall be maintained in the central office registers of all births, foetal deaths and deaths occurring in the State.

Section 3-The Registrar of Births and Deaths.

(1) The Central Office shall be under the management and control of an officer who shall be called the Registrar of Births and Deaths.

(2) The Registrar of Births and Deaths shall be appointed by the Government.

Section 4-Registration Regions and Districts.

Regulations may provide for the division of the country into registration regions and registration districts, and for the appointment of District Registrars and Assistant District Registrars.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.1]

Section 5-Power to Take Affidavits.

The Registrar may take the affidavit or statutory declaration of any person for the purposes of

this Act upon payment of the prescribed fee which shall be paid into the Consolidated Fund.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.2]

Section 6-Disclosure of Information.

No person shall communicate or allow to be communicated to any other person any information obtained under this Act, or allow any person to inspect or have access to any records containing information obtained under this Act except as authorised by or under this Act.

Section 7-Live-Birth.

For the purposes of this Act, birth means live-birth which is the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which after such separation, breathes or shows any evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles whether or not the umbilical cord has been cut or the placenta is detached; each product of such birth is considered live-born.

Section 8-Registration of Births.

(1) The birth of every child in any district to which this Act applies shall be registered by the Registrar in the district in which the child was born.

(2) Where a living new-born child is found deserted and no information as to the place of birth is available, the birth shall be registered by the Registrar for the district in which the child is found.

(3) It shall, subject to subsection (2) of section 36 of this Act, be the duty of each of the following persons—

(a) the father and the mother of the child;

(b) in the case of the death or incapacity of the father and mother—

(i) the occupier of the premises in which the child is born, if he has knowledge of the birth;

(ii) a person present at the birth,

(iii) a person having charge of the child, to furnish the prescribed particulars for registration.

(4) The birth shall be registered within twenty-one days of the date of birth and registration outside of this period shall only be made on payment of the prescribed fee.

(5) When a birth has not been registered within the twenty-one day period referred to in subsection (4) of this section, the Registrar may by notice in writing summon any of the persons referred to in subsection (3) of this section to attend personally at the Births and Deaths Registry to furnish the prescribed particulars for registration within a prescribed time.

(6) No birth shall be registered after the expiration of twelve months from the date of birth except with the written authority of the Registrar of Births and Deaths and upon payment of the prescribed fee, and a note of such authority having been given, shall be entered in the register.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.3]

Section 9-Case of Doubtful Paternity.

Where the paternity of any child is in doubt—

(a) no person shall as the putative father of the child be required to give information concerning the birth of the child; and

(b) the Registrar shall not enter the name of any person as father of the child except at the joint request of the mother and the person acknowledging himself to be the father of the child and that person shall either sign the register together with the mother or make a declaration in the prescribed form acknowledging himself to be the father of the child.

Provided that if the mother is dead the entry in the register may be made on the request of the person acknowledging himself to be the father.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.4]

Section 10-Registration of Name Subsequent to Registration of Birth.

(1) Where a birth had been registered and it is desired to change the name of the child, or where a birth has been registered without a name and a name is subsequently given to the child, the parent or guardian of the child may within twelve months after the registration of the birth deliver to the Registrar a certificate stating the name now given to the child and the Registrar, upon receipt of such certificate and upon payment of the prescribed fee, shall, without any erasure of the original entry, forthwith enter in the register the name mentioned in the certificate as having been given to such child.

(2) Every such certificate shall be signed either by the person who performed the rite of baptism upon the occasion on which the name was given or altered, or, if the child is not baptised, by the parent or guardian of the child.

Section 11-Birth Certificate.

The Registrar shall, as soon as a birth is registered, or, where the birth has been registered without a name, then, upon registration of the name, issue a birth certificate free of charge to the father, mother or a person authorised by one of them or by the court.

Section 12-Foetal Death.

For the purposes of this Act, foetal death is death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such separation the foetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

Section 13-Registration of Foetal Death.

Every foetal death which occurs in any district to which this Act applies shall be registered as provided herein.

Section 14-Person Responsible for Registering Foetal Death.

(1) Where a foetal death occurs, the person who would have been responsible for the registration of birth under subsection (3) of section 8 of this Act if it had been a birth, shall furnish the prescribed statement respecting the foetal death.

(2) The person furnishing the statement required under subsection (1) of this section shall either—

(a) deliver to the Registrar a written certificate in respect of the foetal death signed by a registered medical practitioner or midwife who was in attendance at the occurrence or who has examined the foetus; or

(b) make a declaration to the effect that no registered medical practitioner or midwife was present at the occurrence or has examined the foetus, or that his or her certificate cannot be obtained in respect of the foetal death.

Section 15-Burial Permit for Foetal Death.

If the Registrar is satisfied with the certificate or the declaration referred to in section 14 of this

Act, he shall register the foetal death and forthwith issue a burial permit to the person requiring it for the purpose of burial or other disposition of the body.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.5]

Section 16-Registration of Deaths.

(1) Every death which occurs in a district to which this Act applies shall be registered by the Registrar of that district within twenty-four hours after the death and registration outside of this period shall only be made on payment of the prescribed fee.

(2) No death shall be registered after the expiration of twelve months from the date of death except with the written authority of the Registrar of Births and Deaths and upon payment of the prescribed fee and a note of such authority having been given shall be entered in the register.

(3) Where a dead body is found and no information as to the place of death is available, the death shall be registered by the Registrar for the district in which the body is found.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.6]

Section 17-Persons to Furnish Information as to Death.

It shall, subject to subsection (2) of section 36 of this Act, be the duty of each of the following persons to furnish the Registrar with the prescribed particulars of a death—

(a) the nearest relative of the deceased present at the death or in attendance at the last illness of the deceased;

(b) in default of the above, any relative of the deceased residing or being within the registration district;

(c) if no relative is available the occupier of the premises in which the death occurred;

(d) any other adult person present at the death or having knowledge of the death;

(e) the coroner who has been notified of the death and has made an inquiry or held an inquiry regarding the death.

Section 18-Certificate of Medical Practitioner.

The medical certificate stating the cause of death shall be issued free of charge by the medical practitioner who was last in attendance during the illness of the deceased, and this certificate shall forthwith be delivered to the Registrar.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.7]

Section 19-Duty of Coroner After Holding Inquiry.

(1) When an inquiry is held on any dead body, the coroner who holds the inquiry shall forthwith complete and sign a certificate stating the cause of the death and the certificate shall forthwith be delivered to the Registrar.

(2) Where a death was the result of any of the circumstances in which a coroner is required under the Coroners Act, 1960 (Act 18) to hold an inquiry or conduct a post-mortem examination, the Registrar shall neither register the death nor issue a death certificate unless ordered to do so by a coroner.

Section 20-Death Certificate.

(1) Subject to subsection (2) of section 19 of this Act, upon the receipt of the prescribed particulars required under section 17 of this Act or the certificate, if any, under section 18 of this Act, the Registrar, if he is satisfied as to the particulars or the certificate, as the case may be, shall register the death.

(2) The Registrar shall as soon as a death is registered issue:—

(a) a burial permit free of charge in the prescribed form, and

(b) a death certificate in the prescribed form on payment of the prescribed fee.

(3) Where the body of a deceased person has been removed into Ghana from some place outside of Ghana for disposal, and no order has been given by a coroner in respect thereof, the Registrar of the district in which it is intended to dispose of the body, if it appears that the death is not required by law to be registered in Ghana, shall upon application by the person procuring the disposal and upon payment of the prescribed fee issue a burial permit.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.8]

Section 21-Provisions as to Burial or Other Disposition.

(1) No person shall bury or otherwise dispose of the body of any person who dies in any district

to which this Act applies except as provided herein.

(2) Regulations may provide for the disposal of dead bodies.

Section 22-No Burial Without Burial Permit.

(1) The owner or manager of an authorised burial ground shall not permit the burial of a dead body in the burial ground, unless a burial permit has been delivered to him.

Provided that in the case of reburial after an authorised exhumation, a burial permit shall not be required.

(2) The owner or manager of an authorised burial ground shall endorse the burial permit with the prescribed particulars and shall then return it to the Registrar of the district in which burial took place.

(3) The owner or manager of an authorised burial ground, shall at the end of each month, transmit to the Registrar a return of the burials that took place that month in the burial ground.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.9]

Registration of Births and Deaths Occurring on the High Seas and Air Space above the High Seas

Section 23-Births and Deaths on High Seas and Air Space.

Upon receipt of an information in respect of birth of a child, foetal death or death of a person on board a ship or an aircraft whose port or place of registry is in Ghana, the Registrar, if he is satisfied as to the truth and sufficiency of the particulars received, shall register the birth, foetal death or death, as the case may be.

Section 24-Burial in Authorised Burial Grounds.

[Repealed by the Mortuaries and Funeral Facilities Act, 1998 (Act 563), s.40(1)]

Section 25-Local Authorities to Provide

Burial Grounds.

[Repealed by the Mortuaries and Funeral Facilities Act, 1998 (Act 563), s.40(1)]

Section 26-Private Burial Grounds.

[Repealed by the Mortuaries and Funeral Facilities Act, 1998 (Act 563), s.40(1)]

Section 27-Exhumation.

[Repealed by the Mortuaries and Funeral Facilities Act, 1998 (Act 563), s.40(1)]

Section 28-Saving.

[Repealed by the Mortuaries and Funeral Facilities Act, 1998 (Act 563), s.40(1)]

Section 28-Saving.

[Repealed by the Mortuaries and Funeral Facilities Act, 1998 (Act 563), s.40(1)]

Notwithstanding the repeal of the Part Specified in section 40(1) of the Mortuaries and Funeral Facilities Act, 1998 any burial ground use under the provisions of the Part is hereby continued in existence but subject to the provisions of this Act.[Inserted and to be cited as the Mortuaries and Funeral Facilities Act, 1998 (Act 563), s.40(2)].

Section 29-Cancellation of Registration and Birth Certificates.

(1) On written application by any person and after notice to and hearing of all persons interested, or where the holding of a hearing is not possible, on receipt of a statutory declaration or such other evidence satisfactory to the Registrar as may be adduced by any person interested, the Registrar, if he is satisfied that a registration is false or improperly made or that a certificate obtained is being used for fraudulent or improper purposes shall—

(a) order that a note be made on the register to that effect, as the case may be;

(b) order every certificate issued in respect of that registration to be delivered to him for cancellation.

(2) Where a registration is false or improperly made no certificate shall be issued in respect of that registration.

(3) A person who has in his possession or under his control a certificate in respect of which an order has been made under subsection (1) of this section shall forthwith, upon receipt of the order, deliver the certificate to the Registrar, who shall preserve it in a permanent file together with the order and all documents relating thereto.

Section 31-Searches of Records.

(1) The Registrar, upon the application of any person and the giving by that person of such information as the Registrar thinks fit and upon the payment by that person of the prescribed fee, shall on being satisfied that the information is not to be used for an improper purpose, cause to be made on behalf of that person a search

(a) for the record of the registration in his office of any birth, foetal death or death; and

(b) for the record of any burial in his office.

(2) The Registrar shall make a report on the search which shall state whether or not the birth, foetal death, death or burial is registered or recorded and, if registered, shall state the registration number thereof, and shall contain no further information.

Section 32-Certified Copy of Entry in Register of Births.

(1) The Registrar upon the application of any person and the giving by that person of such information as the Registrar thinks fit and upon the payment by that person of the prescribed fee, shall on being satisfied that the information is not to be used for an improper purpose cause to be issued to that person a certified copy of the entry in the Register of Births in respect of any person.

(2) A certified copy issued under subsection (1) of this section shall be a true copy of the entry in the Register of Births together with a certificate to that effect at the end which shall be signed by the Registrar having custody of the register.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.11]

Section 33-Certified Copy of Entry in Register of Deaths.

(1) The Registrar, upon the application of any person and the giving by that person of such

information as the Registrar thinks fit and upon the payment by that person of the prescribed fee, shall on being satisfied that the information is not to be used for an improper purpose cause to be issued to that person a certified copy of the entry in the Register of Deaths in respect of any person.

(2) A certified copy issued under subsection (1) of this section shall be a true copy of the entry in the Register of Deaths together with a certificate to that effect at the end which shall be signed by the Registrar having custody of the register.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.11]

Section 34-Certificates as Evidence.

Every certificate purporting to be issued under this Act shall be admissible in any court as prima facie evidence of the facts certified to be recorded, and every certified copy purporting to be issued under this Act shall be so admissible as prima facie evidence of the facts recorded therein; and it shall not be necessary to prove the signature or official position of the person by whom the certificate or certificate copy purports to be signed.

Section 35-Appeal from Refusal of Registrar to Search or Issue Certificate.

(1) Where an application for a certified copy or a search in respect of the registration of a birth, foetal death or death is refused by the Registrar, then if, within one year of the refusal, application is made to a judge of the High Court, the judge, upon being satisfied that the application is made in good faith and that the applicant has good reason for requiring the certified copy or search, may make an order requiring the Registrar to issue the certified copy or make the search; and the clerk of the court shall forthwith forward a copy of the order to the Registrar who shall comply therewith.

(2) Where the Registrar has made an order under section 29 of this Act any person interested may, within two years thereafter, appeal therefrom to a judge of the High Court; and the judge may make an order confirming or setting aside the order of the Registrar and the order of the judge shall be final.

(3) At least 14 days notice of the application or appeal shall be served on the Registrar.

Section 36-Failure to Carry out Duties.

(1) Any person who fails to give any notice, or to furnish any statement, certificate or particulars required under this Act, within the time limited by this Act, shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding forty-eight cedis.

(2) Where more than one person is required to give any notice, or to register, or to furnish any statement, certificate or particulars required under this Act and the duty is carried out by any one of such persons, the others shall cease to be liable.

Section 37-Interference with public Notice.

Any person who wilfully removes, defaces or destroys a public notice relating to the registration of births, foetal deaths or deaths shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding fifty cedis.

Section 38-Penalty for Improper Disclosure of Information.

Any person who contravenes the provisions of section 6 of this Act shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding two hundred and fifty cedis or to a term of imprisonment not exceeding six months, or to both.

Section 39-General Penalty.

Any person who contravenes any provision of this Act, for which no penalty is provided, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred cedis.

Section 40-Power to make Regulations.

(1) The Minister may by legislative instrument make regulations providing for any matter which under this Act is to be provided for by regulations or is to be prescribed and generally for carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the regulations may—

(a) provide for the form of any certificate declaration or return to be given or made under this Act.

(b) provide for the regulation and control of burial grounds.

(c) provide for payment of fees in respect of any of the following matters:—

(i) the allocation of grave spaces;

(ii) the exhumation of a corpse, and

(iii) generally in respect of any matter for which fees are to be prescribed for carrying into effect the provisions of the Act and Regulations made thereunder.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.12]

Section 41-Interpretation.

In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"birth" has the meaning assigned to it by section 7 of this Act;

"burial" includes cremation;

"burial ground" includes a cemetery;

"disposal" in relation to a dead body, means disposal by burial, cremation or any other means;

"district" means a registration district created under section 4 of this Act and includes area of authority of a District Assembly; [As amended by the Local Administration Act, 1971 (Act 359), sch.5 and further amended by the Local Government Act, 1993 (Act 462), sch.7]

"district to which this Act applies" means a district to which the provisions of this Act relating to the registration of births, foetal deaths and deaths apply by virtue of an instrument made under section 44 of this Act;

"Minister" means the Minister responsible for the registration of births and deaths;

"occupier" in relation to any institution, includes the governor, keeper, master, matron, superintendent, or other chief resident officer, and, in relation to a house let in separate apartments or lodgings, includes any person residing in the house who is the person under whom the lodgings or separate apartments are immediately held, or his agent;

"prescribed" means prescribed by regulations made under section 40 of this Act;

"Registrar" means Registrar of Births and Deaths and includes an officer of the District Assembly designated for the purpose by District Executive.[As substituted by the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (NLCD 285), s.13 and further amended by the Local Government Act, 1993 (Act 462), sch.7]]

"relative" includes a relative by marriage.

Section 42-Repeal and Saving.

(1) The Births, Deaths, and Burials Ordinance (Cap. 80) as subsequently amended is repealed.

(2) An instrument made under the enactment repealed by this Act and in force immediately before the commencement of this Act, shall continue in force as if made under the corresponding provision of this Act.

Section 43-Commencement.

This Act shall come into operation on such day as the Minister may by legislative instrument appoint.

Section 44-Application of Act.

This Act, so far as it relates to the registration of births, foetal deaths and deaths, shall apply to such districts as the Minister by legislative instrument may specify and to the area of authority of every District Assembly, which shall for the purposes of this Act be deemed to have been specified by the Minister by legislative instrument made under this section.[As amended by the Local Administration Act, 1971 (Act 359), s. sch.5 and further amended by the Local Government Act, 1993 (Act 462), sch.7.]