

ACT 301

REGISTRATION OF BIRTHS AND DEATHS ACT, 1965

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 ACT 301
**REGISTRATION OF BIRTHS AND DEATHS ACT, 1965<sup>1</sup>**

**AN ACT to provide for the registration of births, foetal deaths and deaths, and to provide for burial grounds and for related matters.**

*Birth and Deaths Registry***1. The central and local offices**

(1) There shall be a central office in Accra and a local office in a prescribed registration district.

(2) The central office is the office for registration of births and deaths in the Republic.

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

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1. The Act was assented to on 29th September, 1965.

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

## **2. Registers of births and deaths**

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

## **3. The Registrar**

(1) The central office shall be under the management and control of an officer who shall be called the Registrar.

(2) The Registrar shall be appointed by the President in accordance with article 195 of the Constitution.

## **4. Registration regions and districts**

The 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.<sup>2</sup>

## **5. Power to take affidavits**

The Registrar may take the affidavit or statutory declaration of a person for the purposes of this Act on the payment of the prescribed fee which shall be paid into the Consolidated Fund.<sup>3</sup>

## **6. Disclosure of information**

A person shall not communicate or allow to be communicated to any other person an information obtained under this Act, or allow a person to inspect or have access to any other record containing information obtained under this Act except as authorised by or under this Act.

### *Registration of Births*

## **7. Live-birth**

(1) 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 the pregnancy, which after the separation, breathes or shows any other evidence of life, such as the beating of the heart, pulsation of the umbilical cord, or a definite movement of voluntary muscles whether or not the umbilical cord has been cut or the placenta is detached.

(2) A product of that birth is considered live-born.

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2. Substituted by section 1 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

3. Substituted by section 2 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

**8. Registration of births**

(1) The birth of a child in a 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 information as to the place of birth is not available, the birth shall be registered by the Registrar for the district in which the child is found.

(3) Subject to subsection (2) of section 36, the prescribed particulars for registration shall be furnished by

- (a) the father and the mother of the child, or
- (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 the occupier has knowledge of the birth, or
  - (ii) a person present at the birth, or
  - (iii) a person having charge of the child.

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

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

(6) A birth shall not be registered after the expiration of twelve months from the date of birth except with the written authority of the Registrar and on the payment of the prescribed fee, and notice of that authority having been given shall be entered in the register.<sup>4</sup>

**9. Doubtful paternity**

(1) Where the paternity of a child is in doubt,

- (a) a person shall not, 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 a person as father of the child except at the joint request of the mother and the person who personally acknowledges to be the father of the child, and that person shall sign the register together with the mother, or make a declaration in the prescribed form acknowledging the paternity of the child.

(2) Where the mother is dead the entry in the register may be made on the request of the person acknowledging the paternity of the child.<sup>5</sup>

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4. Substituted by section 3 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

5. Amended by section 4 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

**10. Registration of name subsequent to registration of birth**

(1) Where a birth is 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.

(2) The Registrar, on receipt of the certificate and on payment of the prescribed fee, shall, without an erasure of the original entry, enter in the register the name mentioned in the certificate as having been given to the child.

(3) The certificate shall be signed by the person who performed the rite of baptism on 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.

**11. Birth certificate**

The Registrar shall, as soon as a birth is registered, or, where the birth is registered without a name, then, on 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.

*Registration of Foetal Deaths***12. Foetal death**

(1) 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 the pregnancy.

(2) The death is indicated by the fact that after the separation, the foetus does not breathe or show any other evidence of life, such as the beating of the heart, pulsation of the umbilical cord, or a definite movement of voluntary muscles.

**13. Registration of foetal death**

A foetal death which occurs in a district to which this Act applies shall be registered as provided in this Act.

**14. Persons responsible for registering foetal death**

(1) Where a foetal death occurs, the person who would have been responsible for the registration of the birth under subsection (3) of section 8 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),

- (a) shall 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) shall make a declaration to the effect that a registered medical practitioner or midwife was not present at the occurrence or has examined the foetus, or that the certificate of the medical practitioner or the midwife cannot be obtained in respect of the foetal death.

**15. Burial permit for foetal death**

The Registrar, shall if satisfied with the certificate or the declaration referred to in section 14, register the foetal death and issue burial permit to the person requiring it for the purpose of burial or any other disposition of the body.<sup>6</sup>

*Registration of Deaths***16. Registration of deaths**

(1) A 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 the registration outside of the period shall only be made on payment of the prescribed fee.

(2) A death shall not be registered after the expiration of twelve months from the date of death except with the written authority of the registrar and on the payment of the prescribed fee and a notice of the authority having been given shall be entered in the register.

(3) Where a dead body is found and information as to the place of death is not available, the death shall be registered by the registrar for the district in which the body is found.<sup>7</sup>

**17. Persons to furnish information as to death**

Subject to subsection (2) of section 36, the duty to furnish the Registrar with the prescribed particulars of a death is the responsibility of

- (a) the nearest relative of the deceased present at the death or in attendance at the last illness of the deceased;
- (b) a relative of the deceased residing or being within the registration district in default of the above;
- (c) the occupier of the premises in which the death occurred, if a relative is not available;
- (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.

**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 the certificate shall be delivered to the Registrar.<sup>8</sup>

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6. Substituted by section 5 of the Registration of Birth and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

7. Substituted by section 6 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

8. Substituted by section 7 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

**19. Duty of coroner after holding inquiry**

(1) When an inquiry is held on a dead body, the coroner who held the inquiry shall complete and sign a certificate stating the cause of the death and the certificate shall 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.

**20. Death certificate**

(1) Subject to subsection (2) of section 19, on the receipt of the prescribed particulars required under section 17 or the certificate under section 18, the Registrar, if satisfied as to the particulars or the certificate, 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.<sup>9</sup>

(3) Where the body of a deceased person has been removed into the Republic from a place outside the Republic for disposal, and an order has not been given by a coroner in respect of the death, 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 the Republic, shall, on application by the person procuring the disposal and on payment of the prescribed fee, issue a burial permit.<sup>10</sup>

**21. Provisions as to burial or other disposition**

(1) A person shall not bury or otherwise dispose of the body of a person who dies in a district to which this Act applies except as provided in this Act.

(2) *Omitted.*<sup>11</sup>

**22. Burial permits**

(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 is delivered to that person, but 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 the burial took place.

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9. Amended by section 8 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

10. Substituted by section 9 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

11. But incorporated as paragraph (b) of subsection (2) of section 40.

(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.<sup>12</sup>

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

**23. Births and deaths on high seas and air space**

On receipt of information in respect of the 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 the Republic, the Registrar, if satisfied as to the truth and sufficiency of the particulars received, shall register the birth, foetal death or death.

*Authorised Burial Grounds*

**24. Burial in authorised burial grounds**

A person shall not bury a dead body elsewhere than in a burial ground authorised under this Act except with the permission of the local authority.

**25. Local authorities to provide burial grounds**

A local authority shall provide public burial grounds for the burial of persons dying within the area of authority of the local authority and shall comply with the directions given by the Minister for this purpose.

**26. Private burial grounds**

A local authority may, with the approval of the Minister, license as a private burial ground a parcel of land which a person may desire to set aside as a private burial ground on the prescribed conditions.

**27. Exhumation**

(1) The Minister may order or authorise the exhumation of a corpse and also its removal.

(2) When an exhumation is ordered or authorised under subsection (1), it shall be carried out under the supervision of a medical officer of health or of a sanitary inspector.

(3) Subject to the Coroners Act, 1960 (Act 18), a person shall not exhume or after burial remove a corpse except under subsection (1).

(4) A person who contravenes a provision of this section commits an offence and is liable to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year, or to both the fine and the imprisonment.

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12. Substituted by section 9 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).



**28. Savings**

A burial ground in use immediately before the commencement of this Act, may, subject to this Act, continue to be used.

*Fraudulent Registrations and Certificates***29. Cancellation of registration and birth certificates**

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

- (a) a note be made on the register to that effect, and
- (b) a certificate issued in respect of that registration be delivered to the Registrar for cancellation.

(2) Where a registration is false or improperly made a certificate shall not be issued in respect of that registration.

(3) A person who has in the possession or under the control of that person a certificate in respect of which an order is made under subsection (1) shall on receipt of the order, deliver the certificate to the Registrar, who shall preserve it in a permanent file together with the order and the documents relating to the certificate.

*Alterations in Registers***30. Alterations in registers**

(1) An alteration shall not be made in a register of births, foetal deaths or deaths except as authorised by this Act.

(2) A clerical error which is discovered in a register may, in the prescribed manner and subject to the prescribed conditions, be corrected by a person authorised in that behalf by the Registrar.

(3) An error or omission of fact or substance in a register may be corrected by ruling one clear line through the original entry and by an entry in the appropriate column.

(4) The entry shall be dated and authenticated by the signature of the Registrar having the custody of the register,

- (a) on payment by the person requiring the error to be corrected of a prescribed fee, and
- (b) on production by that person of a statutory declaration stating the nature of the error or omission, and the true facts of the case made by any of the two persons referred to in subsection (3) of section 8 or section 17 of the birth or death with reference to which the error has been made, or in default of those persons then by two credible persons having knowledge of the truth of the case.<sup>13</sup>

13. Substituted by section 10 of the Registration of Birth and Deaths Act, 1968 (Amendment) Decree, 1968 (N.L.C.D. 285).

(5) Where an error of fact or substance, other than an error relating to the cause of death, occurs in the information given by a coroner's certificate concerning a dead body on which or a death which the coroner has held an inquiry, the coroner, if satisfied by evidence on oath or statutory declaration that the error exists, may personally certify to the Registrar having the custody of the register in which the information is entered the nature of the error and the true facts of the case as ascertained by the coroner on that evidence.

(6) The error may be corrected by that registrar in the register by ruling one clear line through the original entry and by an entry in the appropriate column of the facts so certified by the coroner.

(7) The entry shall be dated and authenticated by that registrar having custody of the register.<sup>14</sup>

### *Searches*

#### **31. Searches of records**

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

- (a) for the record of the registration in the office, of a birth, foetal death or death, and
- (b) for the record in the office of a burial.

(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 but the report shall not contain any further information.

### *Issue of Certificates and Copies*

#### **32. Certified entry in the register of births**

(1) The Registrar, on the application of a person and the giving by that person of the information that the Registrar thinks fit and on the payment by that person of the prescribed fee, shall if satisfied that the information is not to be used for an improper purpose, issue to that person a certified copy of the entry in the register of births in respect of a person.

(2) A certified copy under subsection (1) is a true copy of the entry in the register of births together with a certificate to that effect at the end of which the Registrar having custody of the register shall sign.<sup>15</sup>

#### **33. Certified entry in register of deaths**

(1) The Registrar, on the application of a person and the giving by that person of the information that the Registrar thinks fit and on the payment by that person of the prescribed fee, shall, if satisfied that the information is not to be used for an improper purpose, issue to that person a certified copy of the entry in the register of deaths in respect of a person.

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14. Substituted by section 10 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

15. Substituted by section 11 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

(2) A certified copy issued under subsection (1) is a true copy of the entry in the register of deaths together with a certificate to that effect at the end of which the registrar having custody of the register shall sign.<sup>16</sup>

### 34. Certificates as evidence

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

### 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 Justice of the High Court, the Justice,

- (a) on being satisfied that the application is made in good faith and that the applicant has good reason for requiring the certified copy or search,
- (b) may make an order requiring the Registrar to issue the certified copy or make the search.

(2) The clerk of the Court shall forward a copy of the order to the Registrar who shall comply with the order.

(3) Where the Registrar has made an order under section 29, a person interested may, within two years after that, appeal to a Justice of the High Court; and the Justice may make an order confirming or setting aside the order of the Registrar.<sup>17</sup>

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

### *Penalties*

### 36. Failure to carry out duties

(1) A person who fails to give a notice, or to furnish a statement, certificate or the particulars required under this Act, within the time limited by this Act, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year.

(2) Where more than one person is required to give a notice, or to register, or to furnish a statement, certificate or the particulars required under this Act and the duty is carried out by any one of those persons, the others are not liable.

### 37. Interference with public notice

A person who wilfully removes, defaces or destroys a public notice relating to the registration of births, foetal deaths or deaths commits an offence and is liable on conviction to a fine not exceeding two hundred penalty units.

16. Substituted by section 11 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

17. The words "and the order of the judge shall be final" occurring after the words "Registrar" at the end of the subsection have been omitted in view of article 137 of the Constitution.

**38. Penalty for improper disclosure of information**

A person who contravenes a provision of section 6 commits an offence and is liable on conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months, or to both the fine and the imprisonment.

**39. General penalty**

A person who contravenes a provision of this Act, for which a penalty is not provided, commits an offence and on conviction is liable to a fine not exceeding one hundred penalty units.

**40. Regulations**

(1) The Minister may, by legislative instrument, make Regulations providing for a matter which under this Act is to be provided for by Regulations, or is to be prescribed and generally for carrying this Act into effect.

(2) Without prejudice to the generality of subsection (1), the Regulations may provide for

- (a) the form of a certificate, declaration or return to be given or made under this Act,
- (b) the disposal of dead bodies,
- (c) the regulation and control of burial grounds,
- (d) the payment of fees in respect of,
  - (i) the allocation of grave spaces,
  - (ii) the exhumation of a corpse, and
  - (iii) generally in respect of a matter for which taxes are prescribed for carrying the Act and the Regulations into effect.<sup>18</sup>

**41. Interpretation**

In this Act, unless the context otherwise requires,

“**birth**” has the meaning assigned to it by section 7;

“**burial**” includes cremation;

“**burial ground**” includes a cemetery;

“**central office**” means the central office established under section 1;

“**court**” means a court of competent jurisdiction;

“**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;

“**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;

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18. Substituted by section 12 of the Registration of Births and Deaths Act, 1965 (Amendment) Decree, 1968 (N.L.C.D. 285).

“**Minister**” means the Minister responsible for the Registration of Births and Deaths;

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

“**prescribed**” means prescribed by this Act or the Regulations;

“**Registrar**” includes the registrar of births and deaths and an assistant registrar, registration officers, district registrars and assistant district registrars;

“**Regulations**” means the Regulation made under this Act;

“**relative**” includes a relative by marriage.

#### 42. Repeal and saving

*Spent.*<sup>19</sup>

#### 43. Commencement

*Spent.*<sup>20</sup>

#### 44. Application of Act

This Act, so far as it relates to the registration of births, foetal deaths and deaths, shall apply to the districts that the Minister by legislative instrument may specify.

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19. The section provided that,

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

20. The section provided for the coming into operation of this Act by means of a legislative instrument. The Registration of Births and Deaths Act, 1965 (Commencement) Instrument, 1966 provided that the Act shall be deemed to have come into force on the 1st day of August, 1966.

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