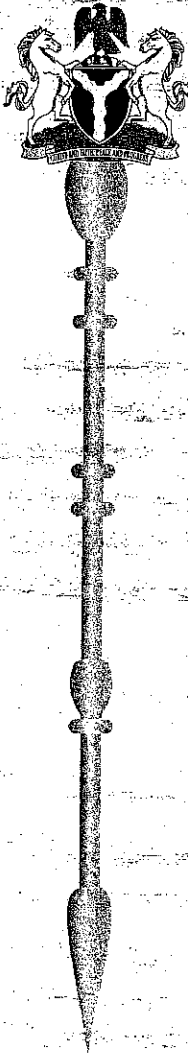


*Hon. Deacon Sergius Ose Ogun*  
ESAN NORTH EAST/ESAN SOUTH EAST FEDERAL CONSTITUENCY, EDO STATE  
**HOUSE OF REPRESENTATIVES**

**LEAD DEBATE IN SUPPORT OF A BILL FOR AN ACT TO AMEND  
THE BIRTHS, DEATHS, ETC., (COMPULSORY REGISTRATION)  
ACT AND FOR RELATED MATTERS (HB. 74)**

**PROTOCOL**



Mr. Speaker, Honorable colleagues, I have the honour to lead the debate in support of a Bill for an Act to amend the Births, Deaths, etc., (Compulsory Registration) Act, to eliminate the requirement for payment of fees for the registration of births and deaths in Nigeria and to review upwards the fine prescribed for violating the provisions of the Act, and for related matters (HB. 74)

**STRUCTURE OF BILL:**

The bill has eleven clauses. Clause one is the enactment clause. Clause two is the amendment of section 10(2). Clause three is the insertion of a new subsection 3 into section 10. Clause four is the amendment of section 21(2). Clause five is the insertion of a new subsection 5 into section 21. Clauses six to twelve are amendments of the sections which prescribes the amount for fines in the Principal Act. Clause thirteen is the citation clause of the Bill.

**OBJECTIVES OF BILL:**

The bill has the following as its objectives;

- (a) To amend the Act so as to eliminate the requirement for payment of fees for the registration of births and deaths in Nigeria;
- (b) To review upwards the fines imposed on certain class of persons for failure to give notification of deaths, births, etc., to the Registrar-General of the National Population Commission;
- (c) To remove any limitation on birth registration and encourage citizens to register births of children and deaths of persons;

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- (d) To enable the National Population Commission keep accurate data with regards to the nation's population;
- (e) To give effect to the provisions of section 15 of the Act which provides that: "*The registrar shall upon registering a birth deliver to the informant, free of charge, a certificate of birth provided that no such certificate shall be issued in case of a stillborn birth*".

### **BACKGROUND:**

Mr. Speaker and dear Colleagues, this bill which seeks to amend the Births, Deaths, etc., (Compulsory Registration) Act, 1992, Cap B9 Laws of the Federation of Nigeria 2004, was first read on the floor of this hallowed Chambers on Thursday 11<sup>th</sup> July, 2019. The Births, Deaths, etc., (Compulsory Registration) Act was enacted to provide for the registration of births and deaths compulsorily in all cases in Nigeria. The Act in Section 15 provides that: "*The registrar shall upon registering a birth deliver to the informant, free of charge, a certificate of birth provided that no such certificate shall be issued in case of a stillborn birth*".

However Mr. Speaker and my dear Colleagues, reports have shown that birth registration is not free and are done at a charge. This is perhaps due to the fact that the Act itself uses the wordings "*and subject to the payment of such fees as may be prescribed*" in Section 10(2) of the Act. It also uses the phrase "*Subject to such conditions as to fees*", in Section 21(2) of the Act. The use of these phrases in the Act defeats its overall objective as stated in Section 15 thereof.

It would be recalled that around September 2018, this House made a resolution on the heels of a motion of urgent public importance moved by Hon. (Barr.) Nkeruika Onyejeocha, directing the National Population Commission (NPC) to; stop the imposition of charges for the issuance of birth certificates. This is because reports (especially that of Daily Trust Newspaper) showed that the imposition of fees for collection of birth certificates discourages parents from registering births of their children.

### **ARGUMENTS:**

Mr. Speaker and dear Colleagues, the practice of imposing fees for registration of births (and deaths) in Nigeria, becomes worrisome, especially when viewed against the background of the United Nations Children Fund (UNICEF) Factsheet on birth registration in Nigeria, which reveals that about 70 per cent of the 7 million children born annually in Nigeria are not registered at birth.

It then becomes imperative to amend our laws so as to remove any inhibiting factor(s) on the registration of child births in Nigeria. It is this objective that this amendment bill seeks to achieve, as well as review upwards, the fines imposed on certain class of persons by the Act for failure to disclose to the Registrar-General, the births, deaths, etc., of persons that comes to their knowledge.

Mr. Speaker and my dear colleagues, **Section 1 of the Child Rights Act, 2003**, provides that "In every action concerning a child, whether undertaken by an individual, public or private body, institutions or service, court of law, or administrative or legislative authority, the best interest of the child shall be the primary consideration". By this provision of our law, it becomes incumbent on us as the legislative arm of the federal government to remove any limitation(s) in our laws that runs counter to the best interest of the Nigerian child.

**Article 6(2) of the African Charter on the Rights and Welfare of the Child** to which Nigeria is a party provides that "Every child shall be registered immediately after birth". It goes further to say in paragraph 4 of the same Article 6 that State parties to the Charter shall undertake to ensure that their constitutional legislations recognize the principles... This imposes a duty on us to ensure that all steps are taken to encourage the registration of births in the country.

Bearing in mind that a good number of parents who would be required to register the births of children are rural dwellers, illiterate and average Nigerians who live below the poverty line, inhibitions such as registration of births at a fee should be removed.

It is this objective that this amendment bill seeks to achieve, as well as review upwards, the fines imposed on certain class of persons by the Act for failure to disclose to the Registrar-General, the births, deaths, etc., of persons that comes to their knowledge. They are; Registrars of Professionals Bodies and Masters of Nigerian Ships.

Furthermore Mr. Speaker and honourable colleagues, **Section 5(2) of the Child Rights Act, 2003**, provides that "The birth of every child shall be registered in accordance with the provisions of the Births, Deaths, etc., (Compulsory Registration) Act, 1992". This saddles us with the responsibility to ensure that the said Act is rid of any inherent provision that is likely to be a cog in the wheels of giving full effects to the rights of the child.

### **UNICEF's RATING OF NIGERIA'S CHILD BIRTH REGISTRATION PROCESS:**

Mr. Speaker and my dear colleagues, The United Nations Children Fund (UNICEF) has said that Nigeria has the highest number of children without birth records among ten [REDACTED] assessed in Africa. This was made known by the UNICEF Child Protection Specialist, Sharon Oladiji, at a media dialogue on Thursday 30<sup>th</sup> August 2018 in Lagos. She said only nine per cent of the under-five which is 2.8 million children, had birth certificates across the 36 states.

With this very disturbing reputation, it behooves on the federal government to ensure that births of children are registered in the country. This will help government to plan for their education, healthcare, security and other social services.

### **CONCLUSION:**

In conclusion Mr. Speaker, our budgeting process will be an exercise in futility if we do not have an accurate data on the population of the country. This Mr. Speaker and dear colleagues will be achieved when this amendment is passed into law. Therefore, I humbly urge my colleagues to support this bill.

Thank you Mr. Speaker and Honourable Colleagues.

CHAPTER B9

BIRTHS, DEATHS, ETC., (COMPULSORY REGISTRATION) ACT

ARRANGEMENT OF SECTIONS

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9. Persons to give information concerning a birth.
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## SCHEDULE

CHAPTER B9

BIRTHS, DEATHS, ETC., (COMPULSORY REGISTRATION) ACT

An Act to provide for the registration of births, deaths, etc., and for matters connected therewith.  
[No. 69 of 1992.]

[Date of commencement: 14th December, 1992]

PART II

1. Compulsory registration of births, deaths, etc.

Notwithstanding the provisions of any enactment relating to the registration of births and deaths, the registration of births and deaths shall as from the commencement of this Act, be compulsory in all cases and shall be effected as provided under the provisions of this Act.

2. Appointment of Registrar-General

(1) There shall be appointed by the National Population Commission (in this Act referred to as "the Commission") a person to be known as the Registrar-General who shall exercise the powers and perform the duties conferred or imposed under or pursuant to this Act.

(2) The Registrar-General may issue such general directions regarding registration of births and deaths as may be necessary for the efficient implementation of the Act and shall take steps to co-ordinate and unify the activities of all registration officials involved in the implementation of this Act.

3. Appointment of Chief Registrar

For each State in the Federation and the Federal Capital Territory, Abuja, there shall be appointed a Chief Registrar who shall be subject to the Registrar-General and be responsible for overseeing the activities relating to the registration of births and deaths within the State or the Federal Capital Territory, Abuja to which he is appointed.

4. Appointment of Deputy Chief Registrar

(1) There shall be appointed for each Local Government Area within a State or each Area Council in the Federal Capital Territory, Abuja, a Deputy Chief Registrar.

(2) The Deputy Chief Registrar shall be subject to the general direction of the Registrar-General and the Chief Registrar and be responsible for the implementation of this Act within the Local Government Area or Area Council to which he is appointed.

5. Appointment of registrars and other staff

The Commission may appoint for the purposes of this Act such other number of registrars of different grades as the Commission may consider necessary for the enforcement of the provisions of this Act.

6. Establishment of registration centres

(1) The Commission may—

- (a) establish such registration centres as may be necessary, specifying in each case, the catchment area, of such centres;
- (b) appoint registrars in each of the registration centres;
- (c) appoint such other supporting staff as may be necessary.

(2) Notwithstanding anything contained in subsection (1) of this section, the Commission may appoint in the case of a prescribed institution, any officer or other employee thereof as institutional registrar for the purposes of this Part of this Act.

## PART II

*Registration of births***7. Registration of births in Nigeria**

Subject to the provisions of this Part of this Act, the birth of every child born in Nigeria shall be registered by the registrar of births and deaths for the area in which the child was born by entering in a register kept for that area such particulars concerning the birth as may be prescribed and different registers shall be kept and different particulars may be prescribed for live births and still births respectively.

Provided that, where a living new-born child is found exposed and no information as to the place of birth is available, the birth shall be registered by the registrar of births and deaths for the area in which the child is found.

**8. Persons responsible for registering births**

It shall be the duty of the following persons to give information either orally or in writing concerning a birth, that is—

- (a) in respect of a birth in a house not being a place referred to in paragraphs (c) to (d) of this subsection—
  - (i) the father and mother of the child;
  - (ii) the head of the house or the person recognised as the head of the household;
  - (iii) the occupier of the house in which the child was, to the knowledge of the occupier, born; or
  - (iv) any person aged eighteen years and above present at the birth or any person having charge of the child;
- (b) in respect of a birth in a hospital, health centre, maternity or nursing home or other like institution—
  - (i) the medical officer in charge of such institution;
  - (ii) any person authorised by him in that behalf;
- (c) in respect of a birth in a hostel, boarding house, lodging house, hotel, tavern, barracks or place of public resort, the person in charge thereof;
- (d) in respect of a newborn child found exposed or deserted in a public place—
  - (i) the person finding the child;
  - (ii) the person in whose charge the child may be placed; or
  - (iii) the nearest police officer.

**9. Persons to give information concerning a birth**

It shall be the duty of—

- (a) the doctor, midwife or any other medical attendant, village maternity assistant, nurse, traditional birth attendant, other than a person in or attached to the institutions referred to in section 8 of this Act;
- (b) the village head, tax collector, health inspector, forest ranger or any other local functionary as may be notified;



Births, Deaths, etc., (Compulsory Registration) Act

- (c) every religious minister, imam or other persons officiating religious services connected with births, naming ceremonies including baptism; or
- (d) such other persons as may be notified of any birth,

to give information concerning a birth to the registrar in the area in which the child was born.

\*10. Time limit for registration

(1) It shall be the duty of any person required to give information concerning any birth, to give to the registrar before the expiration of a period of sixty days from the date of the birth, information of the particulars required to be registered concerning the birth:

Provided that the giving of information and the signing of the register by any one qualified informant shall act as a discharge of any duty under this section of every other qualified informant.

\* (2) Notwithstanding the provisions of subsection (1) of this section, a birth may be registered after the expiration of—

- (a) sixty days and within twelve months after the birth by the registrar or the Deputy Chief Registrar in whose custody the relevant register of births may be at the time the report for registration is received and subject to the payment of such fees as may be prescribed;
- (b) twelve months therefrom with the authority of the Deputy Chief Registrar and subject to the payment of such fees as may be prescribed.

11. Registration of name subsequent to registration of birth

(1) Where a birth has 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 such child may within twelve months after the registration of the birth, deliver to the Deputy Chief Registrar or the registrar as the case may be, an application in the prescribed form.

(2) The Deputy Chief Registrar or the registrar upon receipt of such application and upon payment of such fees as may be prescribed shall, without erasure of the original entry, forthwith enter in the register the name mentioned in the said application as having been given to the child.

12. Registration of birth of child out of wedlock

Notwithstanding anything in the foregoing provisions of this Act, in the case of a child born out of wedlock, no person acting as father of the child shall be required to give information concerning the birth of the child and the registrar shall not enter in the register the name of any person as the father of the child except—

- (a) at the joint request of the mother and the person acknowledging himself to be the father of the child and in which case that person shall sign the register together with the mother; or
- (b) at the request of the mother on production of—
  - (i) a declaration in the prescribed form made by the mother stating that the said person is the father of the child; or
  - (ii) a statutory declaration made by that person acknowledging himself to be the father of the child.

13. Persons baptising

(1) A religious minister or other person who shall baptise an infant whose birth is registrable shall before performing the rite of baptism upon such infant, require production to him of a certificate of registration of the birth of such infant signed by the registrar of the area within which the infant was born.

(2) In cases where no certificate shall be produced to him, he shall, within forty-eight hours from the baptism, notify the said registrar of the birth in the manner prescribed under section 9 of this Act.

#### 14. Persons performing the naming ceremony

An imam or other person who performs the naming ceremony of any infant whose birth is registrable shall, after performing the rites of naming the infant, forward the name or WOSIKAT to the registrar of the area within which the infant was born.

#### 15. Certificate of registration of birth

The registrar shall upon registering a birth deliver to the informant, free of charge, a certificate of birth provided that no such certificate shall be issued in the case of a stillborn birth.

#### 16. Registrar may summon persons to register births

When a birth has not been registered within such time as may be specified, the registrar may, by notice in writing, summon any of the persons required by law to register the birth to attend personally at the registry within such time as may be specified in the summons, being not less than two days after the receipt thereof and register the birth.

### PART III

#### *Registration of deaths*

#### 17. Particulars of death to be registered

The death of every person dying in Nigeria and the cause thereof shall as from the commencement of this Act, be registered by the registrar of births and deaths for the area, in which the death occurred by entering in a register kept for that area particulars concerning the death as may be prescribed:

Provided that 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 of births and deaths for the area in which the body is found.

#### 18. Information concerning death

When a death occurs—

- (a) in a house not being a place referred to in paragraphs (c) to (e) of this section—
  - (i) the head of the house or each household;
  - (ii) any other relative of the deceased residing or being in the area where the death occurred;
  - (iii) any person aged eighteen years and above present at the time of the death;
  - (iv) any inmate of the house who knew of the happening of the death within; or
- (b) in a hospital, health centre, maternity or nursing home or other like institution, the medical officer in charge of or any person authorised by him in that behalf; or
- (c) in a hostel, boarding house, lodging house, hotel, tavern, barracks or place of public resort, the person in charge thereof; or
- (d) the keeper or owner of a place set apart for the disposal of dead bodies or any other person required by the Local Government to be present at such place; or
- (e) in respect of a dead body found deserted in a public place, the ward head, village head or the police officer in charge of the area,

shall within forty-eight hours of such death give information concerning such death to the registrar for the area where the death occurred.

7.

19. Medical certificate of death

Every qualified medical practitioner who has attended a person during his last illness shall without charge deliver to the person required to register the death a certificate in the prescribed form and such person shall deliver such certificate to the registrar and the cause of death as stated in the certificate shall be entered in the death registration form and such registers as may be prescribed.

20. When certificate is issued by coroner

(1) Where an inquest is held on and a certificate rendered in respect of any dead body under the provisions of the Coroners Law no person shall, with respect to such dead body or the death, be liable to attend upon a summons of the registrar or be subject to any penalty for failing to give information in pursuance of any provision of this Act, and a qualified medical practitioner shall not be required to give a medical certificate under section 19 of this Act.

(2) The fact of death and the particulars contained in the said certificate shall be entered in the prescribed form and manner.

(3) If the death had been previously registered, the particulars shall be so entered without any alteration of the original entry.

\* 21. Registration of death free of charge

(1) Where the registrar receives personally from any qualified informant, at any time before the expiration of seven days from the date of death or finding of the dead body of any person, information of the particulars required to be registered concerning that person's death, then, so soon as he has received any particulars required to be registered concerning the cause of death which are required to be given by any person other than the informant, he shall forthwith register the death and the particulars, if not previously registered, in the prescribed form and manner without the payment of any fee or reward from the informant.

\* (2) Subject to such conditions as to fees as may be prescribed by the Registrar-General, a death may after the expiration of thirty days but within twelve months be registered by the registrar or Deputy Chief Registrar in whose custody the relevant register of deaths may be at the time the report for registration is received.

(3) After the expiration of twelve months from the date of death or finding of the dead body of any person, such death shall not be registered except with the written authority of the Deputy Chief Registrar.

(4) The provisions of subsections (2) and (3) 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 death within the time specified thereof and any such death may be registered during the pendency of any such action.

22. Registrar to issue certificate of burial

Upon registering a death or receiving information of the birth of any child as a stillborn, the registrar shall issue a certificate in the form prescribed for the burial of the body:

Provided that a registrar shall not, without the written authority of a coroner, issue such certificate in any of the following cases if—

- (a) it appears to the registrar that there is reason to believe that the deceased died either a violent or unnatural death or died suddenly from a cause unknown or whilst confined in a lunatic asylum or in prison;

- (b) the registrar considers that the circumstances connected with the death require investigation; or
- (c) he is informed that a report concerning the death in question has been or is about to be made to the coroner.

### 23. Burial of deceased child as stillborn

(1) No person shall wilfully bury or otherwise dispose of or procure to be buried or otherwise to dispose of the body of any deceased child as if it were stillborn.

(2) A registrar shall not issue his certificate for the burial of any stillborn child before there is delivered to him either—

- (a) a written certificate in the prescribed form that such child was not born alive signed by a qualified medical practitioner who was in attendance at the birth or who has examined the body of such child; or
- (b) a declaration in the prescribed form signed by some person who would, if the child had been born alive, have been required to register the birth, to the effect that no medical certificate can be obtained and that the child was not born alive.

## PART IV

### *Returns of births, deaths, etc., by certain bodies*

#### \* 24. Information about deaths to be furnished by registrars of professional bodies

(1) The registrar of a registered professional body in Nigeria shall, on receiving notice of the death of any of its members, notify the Registrar-General within thirty days of the occurrence of the death.

(2) In this section, "a registered professional body" means a professional body registered under any enactment in force in Nigeria.

\* (3) If any person refuses or fails without reasonable excuse to give any information concerning any death which he is required by this section to give he shall be guilty of an offence and liable on conviction to a fine of ₦500 or imprisonment for a term of five months or to both such fine and imprisonment.

#### 25. Armed forces

(1) The President shall make the regulations and appoint registering officers for recording—

- (a) births, deaths and marriages occurring outside the Federal Republic of Nigeria among—
  - (i) members of the Nigerian Army, Navy and Air Force;
  - (ii) persons employed in a civilian capacity in such forces and their families;

(b) deaths occurring outside Nigeria among the families of persons in the service of specified welfare organisations who are employed with or are accompanying the armed forces abroad;

(c) births and deaths occurring in any part of the world on board any ship or aircraft of the armed forces or any other ship or aircraft not registered in Nigeria but for the time being employed for the purposes of the armed forces;

(d) death outside Nigeria of any person who, being a traveller on such an aircraft is killed on the journey in consequence of an accident;

(e) such births and deaths as are registrable by any person authorised by the President.

(2) Any person appointed as a registering officer pursuant to subsection (1) of this section, shall be provided by the Registrar-General with registers and also with forms for making certified entries thereto.

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(3) A registering officer shall not make entries in the register unless information as to the particulars to be registered is given either orally or in writing by qualified informants who are specified in the regulations.

**26. Department in Health Ministries responsible for statistics**

(1) The department responsible for statistics within the Federal Ministry of Health and the Ministry of Health in each State of the Federation and the Federal Capital Territory, Abuja, shall be responsible for the collection of vital statistics comprising—

- (a) the recording of births of Nigerians and non-Nigerians;
- (b) the recording of deaths of Nigerians and non-Nigerians;
- (c) the recording of stillbirths;

and supply periodically to the Ministry such data.

(2) Every Ministry of Health shall procure, analyse and forward to the Chief Registrar in each State or to the Registrar-General in the case of the Federal Ministry of Health, such vital and health statistics on births and deaths as may be required.

**27. Passengers list to be transmitted to Registrar-General**

Where under the Immigration Act, the captain or commander, as the case may be, of any ship or aircraft landing in Nigeria is required to supply to the immigration officer-in-charge with the lists showing disembarking passengers, transit passengers or passengers entering Nigeria for purposes of residence, the immigration officer shall on receipt of such list transmit to the Registrar-General on such date as may be appointed by the Registrar-General a certified copy of such lists together with particulars of age, sex, marriage, occupation or last permanent or intended residence of such person.

[Cap. 11.]

**\* 28. Returns of births and deaths in Nigerian ships**

(1) The master of every Nigerian ship, whether registered or not in Nigeria, shall as soon as may be after the occurrence of the birth of a child or the death of a person happening on board his ship, record in his log book or otherwise the fact of the birth or death and such particulars as may be registered concerning the birth or death as may be known to him.

(2) The master of every Nigerian ship upon its arrival at any port in Nigeria or at such other time and place as the Minister of Transport may with respect to any ship or class of ships direct, deliver or transmit, in such form as the Registrar-General may direct, a return of the facts recorded by him in respect of the birth of a child or the death of a person on board such ship to the Registrar-General.

(3) The provisions of this Act relating to the rendering of returns by the Chief Registrar shall be construed as if references to the Chief Registrars were references to the master of a ship under this section.

\* (4) If the master of any ship fails to comply with any requirement of this section, he shall be liable for each offence to a fine not exceeding ₦500.

**29. Registration of adoption order**

(1) An adoption order made by a court of competent jurisdiction in Nigeria shall contain a direction to the Registrar-General to make in the register maintained pursuant to subsection (2) of this section an entry specifying such particulars as may be prescribed.

(2) The Registrar-General shall maintain a register to be called "Adopted Children's Register" in which shall be made such entries as may be directed to be made therein by adoption orders.

## PART V

*Registration of customary marriages or divorces***30. Registration of customary marriages**

(1) Notwithstanding anything contained in any enactment, every customary marriage contracted in or dissolved in Nigeria shall immediately after the commencement of this Act, be registered within sixty days in the area court or customary court where the marriage was contracted or dissolved.

(2) Every court registrar shall keep a marriage register and such books as may be prescribed by the Registrar-General and as soon as practicable after the end of each month deliver to the Chief Registrar such returns and in such form as the Registrar-General may require.

**31. Register of marriages and divorces**

(1) The court registrar before whom a dissolution of marriage is registered shall maintain a register of divorces and shall forthwith enter therein the prescribed particulars of all orders of divorces sent to him.

(2) Any court which grants and records an order of divorce or which permits and records any *talaq* or any other form of divorce shall forthwith send a certified copy of the record to the Chief Registrar.

(3) In sections 30 and 31 of this Act "court" means the customary court or area court; and "registrar" means the registrar of a customary court or area court.

**32. Abstract to be sent to the Registrar**

The Chief Registrar shall furnish to the Registrar-General at such time as he may specify a general abstract of the number of marriages and divorces registered during the preceding year in such form as the Registrar-General may require.

**33. Registers and records to be deposited with the Registrar-General**

All registers, records, indexes and other documents relating to the registration of customary marriages and divorces which are at the commencement of this Act deposited elsewhere, and all registers and records in the custody and control of registrars which now are, or hereafter shall be, disused or filled shall be deposited in the custody of the Registrar-General or in such place as he may direct.

**34. Application of certain provisions of the Marriage Act**

Any provision under the Marriage Act relating to the forwarding by the registrar of marriages to the principal registrar of a certified copy of all entries made by him during the preceding months in the marriage register of his area shall have effect and be construed as if references to the principal registrar were reference to the Chief Registrar under this Act.

[Cap. M6.]

## PART VI

*Returns by registrars, etc.***35. Returns to be made by registrar**

A registrar shall furnish to the Deputy Chief Registrar such returns and reports at such intervals and in such forms as may be prescribed by the Registrar-General regarding entries required to be made by such registrars pursuant to the provisions of this Act.



**36. Quarterly returns by Deputy Chief Registrar**

(1) A Deputy Chief Registrar shall in the months of January, April, July and October and on such days as may be appointed by the Registrar-General make and deliver to the Chief Registrar in the prescribed form and manner of all entries of births and deaths, made in the register, kept by him during the period of three months ending with the last day of the month immediately preceding that in which a copy is required by this section to be made.

(2) If no birth or death has been registered during that period, deliver to the Chief Registrar in the prescribed form a certificate to that effect under his hand.

(3) When a certified true copy is delivered to the Chief Registrar under subsection (1) of this section, the Chief Registrar shall verify the copy and if the copy is found to be correct, shall certify it under his hand to be a true copy and where a certificate that there has been no registration is so delivered, the Chief Registrar shall countersign the certificate.

**37. Quarterly returns by Chief Registrars**

Every Chief Registrar shall four times in every year on such dates as may be appointed by the Registrar-General send to the Registrar-General all certified copies of entries in the register of births and deaths which he has received during the three months preceding the days so appointed respectively and if the copy of any part of any register has not been duly delivered to him, the Chief Registrar shall procure as soon as is possibly consistent with the provisions of this Act that the deficiency be remedied.

**38. Annual reports**

The Registrar-General shall send to the Commission annually in such form as the Commission may, from time to time require, a general abstract of the number of live births, still births, deaths and marriages registered in the preceding year.

**39. Entry in register as evidence of birth or death**

(1) The entry or a certified copy of an entry of a birth or death in a register, or in a certified copy of a register, shall not be evidence of the birth or death unless the entry is signed by some person professing to be the informant and such person as may be required by this Act or any law at the date of the entry to give to the registrar information concerning that birth or death.

(2) The provisions of subsection (1) of this section shall not apply—

- (a) in relation to an entry of a birth made with the authority of the Registrar-General;
- (b) in relation to an entry of a death made upon a certificate from a coroner; or
- (c) in relation to an entry of a birth or death made in pursuance of any enactment relating to the registration of births and deaths at sea.

(3) A certified copy of an entry in a register or in a certified copy of a register shall be deemed to be a true copy notwithstanding that it is made on a form different from that of which the original entry was made if any differences in the column headings under which the particulars appear in the original entry and the copy are respectively differences of form only and not of substance.

(4) The Registrar-General shall cause a certified copy of an entry given in the general register in the office to be sealed or stamped with the seal of the office and subject to the foregoing provisions of this section, a certified copy of an entry purporting to be sealed or stamped with the said seal shall be received as evidence of the birth or registration to which it relates without any force or other proof of the entry and no certified copy purporting to have been given by the said office shall be of any force or effect unless it is sealed or stamped as aforesaid.

#### 40. Correction of errors in registers

(1) No alteration shall be made in any register of births or deaths except as authorised by this or any other enactment.

(2) A clerical error which may, from time to time, be discovered in any such register may, in the prescribed manner, be corrected by any person authorised in that behalf by the Registrar-General.

(3) An error of fact or substance in any such register may be corrected by entry in the margin (without any alteration of the original entry) by the officer having custody of the register upon production to him by the person concerned of a statutory declaration setting forth the nature of the error and the true facts of the case made by two qualified informants of the birth or death with reference to which the error has been made, or in default of two qualified informants then by two credible persons having knowledge of the truth of the case.

(4) When 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 upon which, or a death touching which, he has held an inquest, the coroner may, if satisfied by evidence on oath or statutory declaration that such an error exists, certify under his hand to the officer 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 him on that evidence and the errors may thereupon be corrected by that officer in the register by entering in the margin (without any alteration of the original entry) the facts as so certified by the coroner.

#### 41. Search of entries kept by Registrar-General

(1) A person shall be entitled at all reasonable hours upon payment of the prescribed fee to inspect any entry in any register and to obtain a certified copy of an entry.

(2) A certified copy of an entry in a register shall be receivable in evidence in all courts in Nigeria.

### PART VII

#### Miscellaneous

#### \* 42. Delivery up of books, etc., on ceasing to hold office

(1) When any person ceases to hold office as a registrar of births and deaths for any area, all register boxes, keys, books and documents in his possession as holder of that office for that area shall be delivered up to his successor in office or if there is no successor, to such person as the Registrar-General may designate for that purpose.

\* (2) If any person who has in his custody or power any such article as aforementioned, wilfully fails to deliver it up to, or account for it to the satisfaction of, the person in whose custody it should be, he shall be guilty of an offence and liable on conviction to a fine of ₦1,000 or imprisonment for a term of three months or to both such fine and imprisonment; and if the failure continues after he is convicted thereof he shall be guilty of a further offence and be liable on conviction to a fine of ₦2,000 or imprisonment for a term of six months imprisonment or to both such fine and imprisonment.

#### 43. Provision of register boxes

(1) The Registrar-General shall provide such strong fire-resisting boxes as may be required to hold the registers kept by each registrar.

(2) Every registrar shall keep safely all registers which are in his custody and when not in use, the registers shall be kept in the register box provided for that purpose by the Registrar-General.



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44. Registrar-General, etc., public officers

(1) The Registrar-General, Chief Registrar, Deputy Chief Registrar, and all other staff, by whatever designation called, appointed for or assigned duties under this Act, shall be officers in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria, 1999.

[Cap. C23.]

(2) No suit, prosecution or other legal proceedings shall be instituted against the Registrar-General, Chief Registrar, Deputy Chief Registrar or other officers (by whatever designation called) for anything done while performing any duty under this Act or for anything which is done in good faith or intended to be done in good faith or in pursuance of this Act or any regulation made thereunder.

\*45. Power to compound offences

(1) The Registrar-General or any person authorised in writing for that purpose by the Registrar-General, may, if he is satisfied that any person has committed an offence against this Act or any regulations made thereunder, compound such offence by accepting from such person a sum not exceeding ₦200.

(2) The power conferred by this section on the Registrar-General or any person authorised in that behalf shall only be exercised where the person admits that he has committed the offence and agrees to the offence being dealt with under this section.

(3) The person exercising the power under this section shall give to the person from whom he receives the sum of money a receipt thereof and shall as soon as practicable report the exercise of the power to the Registrar-General unless the person exercising the power is the Registrar-General himself.

(4) If any proceeding is brought against any person for an offence against this Act or any regulations thereunder it shall be a defence if the person proves that the offence with which he is charged has been compounded under this section.

(5) The money received under this section shall be dealt with as if it were a fine imposed by a court.

PART VIII

Offences, etc.

\*46. Offences

If any person commits any of the following offences, that is—

(a) being a registrar, he refuses or without reasonable cause omits to register any birth or death, or particulars concerning which information has been tendered to him by a qualified informant and which he is required by or under this Act to register; or

(b) being a person having custody of any register of births or deaths he carelessly loses or damages the register or allows the register to be damaged,

he shall be guilty of an offence and liable on conviction to a fine of ₦1,000 or imprisonment for a term of six months or to both such fine and imprisonment.

\*47. Penalty for forging certificates, etc.

(1) If a person forges or falsifies any certificate, declaration or order under this Act, or knowingly uses or gives or sends to any person as genuine any false or forged certificate, declaration or order for the purposes of this Act, he shall be guilty of an offence and liable on conviction to a fine of ₦200 or imprisonment for a term of six months or to both such fine and imprisonment.

(2) If a magistrate is satisfied by information on oath that there is reasonable cause to believe that any article withheld in contravention of this section is in a specified house or place, he may grant a search warrant authorising a police officer named therein to enter and search the house or place at any time and seize any article so found and any article so seized shall be delivered to the person in whose custody it should be.

#### \* 48. Penalties for failure to give information

(1) If, any person commits any of the following offences, that is—

- (a) being required by or under this Act or any other enactment to give information concerning any birth or death of any living newborn child or any dead body he wilfully refuses to answer any question put to him by the registrar relating to the particulars required to be registered concerning the birth or death or save as provided in this Act, fails to comply with any requirement of the registrar made hereunder;
- (b) he refuses or fails without reasonable cause to give, deliver or send any certificate which he is required by this Act to give, deliver or send;
- (c) being a parent and save as provided in this Act, he fails to give information concerning the birth of his child as required by this Act; or
- (d) being a person upon whom a duty to give information concerning a death is imposed by any enactment he fails to give that information,

\* he shall be guilty of an offence and liable on conviction to a fine of not more than N50 or imprisonment for a term of one month or to both such fine and imprisonment in respect of each offence.

\* (2) 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 liable on conviction to a fine of N50 or imprisonment for a term of one month.

#### 49. Regulations

The Commission may make regulations for the purposes of this Act and for the due administration thereof and in particular and without prejudice to the generality of the foregoing, such regulations may provide for the form of—

- (a) the register of births, still-births, deaths, marriages, divorces, and other records required to be maintained under this Act;
- (b) the procedure for summoning of persons by the Registrar-General;
- (c) any certificates required to be issued under this Act;
- (d) the manner of payment and quantum of fees required to be paid under this Act;
- (e) the procedure for authorising any alteration in the register;
- (f) the procedure for and conditions regarding the compounding of offences;
- (g) the format of the statistical report or any other report required to be submitted under this Act; or
- (h) any other matter as may be required to be prescribed under this Act.

#### 50. Interpretation

In this Act, unless the context otherwise requires—

“birth” includes a live birth and a stillbirth;

“house” means any building and also any part of a building where such part is occupied separately from the rest and includes a prison, lock-up hospital, lunatic, asylum and public or charitable institution;

“live birth” means the birth of a child born alive;

“Minister” means the Minister charged with responsibility for internal affairs;

“occupier” in relation to a public 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 and 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 this Act;

“public institution” includes a prison, lock-up, hospital and such other public or charitable institutions as may be prescribed;

“registrar” in relation to any birth or death means the registrar of births and deaths for a district in which the birth or death takes place or where any living newborn child is found exposed or any dead body is found and no information as to the place of birth or death is available for the district in which the child or dead body is found and includes every registrar appointed by or pursuant to this Act;

“relative” includes a relative by marriage and in relation to a person in respect of whom an adoption order has been made under an adoption law in force in Nigeria the person who would be a relative of the adopted person where the child of the adopter was born in lawful wedlock;

“stillborn child” means a child who had issued forth from its mother after twenty-eight weeks of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other sign of life and the expression “stillbirth” shall be construed accordingly.

#### 51. Repeals and amendment of certain enactments

(1) The Births and Deaths (Compulsory Registration) Act is hereby repealed.  
[Cap. 36, L.F.N. 1990.]

(2) The enactments specified in column one of the Schedule hereto, being enactments applicable in the States specified in column two thereto, shall be amended to the extent respectively specified in column three to the Schedule.

[Schedule.]

(3) Notwithstanding the provisions of subsection (1) of this section any register kept, registration effected, certificate issued, notice or information given, return made or other thing done under the repealed enactments which immediately before the date of the commencement of this Act, was of force or effect shall continue in force and have effect as if kept, effected, issued, given, made or done under the corresponding provisions of this Act.

(4) Any form used and any requirement as to the particulars to be entered in any form used for the purposes of the repealed enactments which was in force or effect immediately before the date of commencement of this Act shall continue in force and have effect as though prescribed under this Act until forms or particulars are so prescribed.

#### 52. Short title

This Act may be cited as the Births, Deaths, etc. (Compulsory Registration) Act.

