

# **Extra Ordinary**

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## NOTICE

The Bill following hereunder shall be presented before the House of Representatives for the first, second and third reading which will start its session on 27<sup>st</sup> September of 2017, and is gasetted for the public notice incorporationg together with their object and reasons.

**ZANZIBAR**  
1<sup>st</sup>September, 2017

(Dr. ABDULHAMID Y. MZEE)  
***Secretary to the Revolutionary  
Council and Chief Secretary***

**A BILL**  
*for*  
**AN ACT TO ESTABLISH THE ZANZIBAR CIVIL STATUS  
REGISTRATION AGENCY AND TO MAKE PROVISIONS  
FOR REGISTRATIONS AND OTHER MATTERS  
CONNECTED THEREWITH**

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**ENACTED** by the House of Representatives of Zanzibar.

**PART ONE  
PRELIMINARY PROVISIONS**

Short title  
and  
commen-  
cement.

**1.**-This Act may be cited as the Zanzibar Civil Status Registration Agency Act, 2017 and shall come into operation on such date as the Minister, by notice published in the Gazette may appoint.

Interpreta-  
tion.

**2.** In this act, unless the context otherwise requires:

"alien resident" means a person who is not a resident of Zanzibar;

"Board" means Advisory Board established under section 5 of this Act;

"civil status" means the vital record which the records of life event kept under government authority including birth, marriage, death, divorce or residence identification and any other vital event;

"certificate" means the vital record issued by the Agency which kept in the register, either original document certifying the circumstances of the occurrence of the vital event or certified copy of an extract of relevant entry in the register;

"Court" means any court of Zanzibar of competent jurisdiction and includes Kadhis' courts;

"electronic system" means an interconnection of computer parts include network, input and output devices, used electronic instruction that gathers various amount of information together;

"holder" means an individual to whom lawful possession of a certificate or identity card or unique number has been granted under this Act;

"identity card" means a certificate of identity issued to a Zanzibari and alien resident under section 27 of this Act;

"Minister" means a minister responsible for civil status;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"registration officer" means any officer appointed by the Executive Director with the responsibility for registering of civil status;

"register" means the civil status and identity cards registers and include electronic register as established under this Act;

"respective authority" means a person or any Government entity in whom authority is vested or having legal power to make and enforce the law;

"Zanzibari" means a citizen of Tanzania resident in Zanzibar as defined in the Zanzibari Act;

**PART TWO**  
**ESTABLISHMENT OF ZANZIBAR CIVIL STATUS**  
**REGISTRATION AGENCY**

Establishment of the Agency.

**3.** There is established Government Agency to be known as the Zanzibar Civil Status Registration Agency and its acronym is ZCSRA;

Functions of the Agency.

**4.-(1)** The functions of the Agency are to:

- (a) create, manage, maintain and operate Zanzibar civil status registers;
- (b) establish, from time to time, electronic system which the records of the civil status registration shall be kept therein;
- (c) collect, analyse, abstract and disseminate information obtained under this Act and reproduce it as may be required, from time to time;
- (d) verify and authenticate information relating to civil status registration;
- (e) register civil status of Zanzibari and alien resident;
- (f) assign a unique Zanzibar identification number to a person registered in the register;
- (g) issue certificates and identification cards relating to civil status application;
- (h) ensure the preservation, protection and security of any information or data collected, obtained, maintained or stored in the registers;
- (i) harmonize and incorporate into the register, where applicable, information from other databases in government institutions relating to the registration of civil status;
- (j) co-ordinate and supervise the information on civil status registration from each respective authority and

keep such documents and reports to appropriate place of the Agency when needed;

- (k) organize research activities conducted in development of civil status registration or any issue related;
- (l) ensure the accuracy, relevance of any requested information concerns civil status registration produced by the Agency;
- (m) promote the use of Zanzibar Identification Cards to advance the economic, political and social activities in Zanzibar;
- (n) communicate with other similar offices in various countries for the purposes of strengthening relationship, exchange experience, knowledge and new ideas relating to civil registration;
- (o) perform such other duties pertaining or incidental to civil status registration as may be required or necessary and expedient for the discharge of its functions under this Act.

(2) In the performance of its functions, the Agency shall observe generally accepted information security practices and procedure, and specific industry or professional rules and regulations.

**PART THREE**  
**ADMINISTRATION OF THE AGENCY**

**5.-(1)** There shall be Advisory Board of the Agency which shall be composed of the following members:

Advisory Board.

- (a) Chairperson who shall be appointed by the President;
- (b) Executive Director of the Agency;
- (c) Principle Secretary responsible for Regional Administration
- (d) Head of Immigration Office in Zanzibar;

- (e) Chief Government statistician;
- (f) Director of the National Identification Authority of Tanzania.
- (g) Other two members who shall be appointed by the Minister.

(2) The Board shall appoint a qualified lawyer who is the employee of the Agency to be a Secretary to the Board.

(3) In appointing members of the Board, the Minister shall consider gender, skills and professional.

Function of the Board.

**6.-(1)** The Board shall perform the following functions:

- (a) to oversee the operation of the Agency;
- (b) to advise the Minister on the development of policies and strategic plan relating to Civil status registration;
- (c) to review and advise on business and operating plans, development project, reports and audit financial statements of the Agency;
- (d) to advise on charges for services rendered by the Agency;
- (e) to recommend to the relevant authority any alteration in salaries, wages or other terms and conditions of service of employees of the Agency subject to the provisions of the Public Service Act;
- (f) to recommend on the recruitments of the Agency's staffs subject to the provisions of the Public Service Act;
- (g) to recommend on the budget of the Agency;
- (h) to perform any other function conferred by this Act or which may be necessary for achieving the purposes for which the Agency is established; and

- (i) to advise the Minister and Executive Director on the appointment of Directors and Registration Officers of the Agency.

**7.-(1)** The Chairperson of the Board shall hold office for a term of four years from the date of appointment and may be eligible for re-appointment. Tenure of the Board.

(2) Save for ex-officio members, other members of the Board shall hold office for a term of three years but may be re-appointed for another one term.

**8.-(1)** The Board shall meet ordinarily once in every three months and may meet at any time when the need arises for the discharge of its business. Meeting of the Board.

(2) The Notice of ordinary meeting of the Board shall be issued by the Secretary at least seven days before the date of the meeting to be held.

(3) The Board members shall elect one among the members to be a Vice-Chairperson of the Board.

(4) All meetings of the Board shall be convened by the Chairperson or in his absence by the Vice Chairperson.

**9.** The Board shall make its decision by consensus and in the event of disagreement, the decision shall be made by voting and in case of any equality in votes, the Chairperson shall have a casting vote. Decision of the Board.

**10.** The Chairperson, Secretary and other members of the Board shall be entitled to be paid such allowances as the Minister in consultation with the Minister responsible for finance may determine from time to time. Allowance for members.

**11.-(1)** There shall be a Executive Director and who shall be appointed by the President. Executive Director.

(2) A person shall be qualified to be appointed a Executive Director if:

- (a) he is a Zanzibari;
- (b) holds at least first degree or equivalent in a related field of law, administration, demography or information technology; and
- (c) has experience in the field mentioned in sub section (2)(b) of this section for at least ten (10) years.

Deputy  
Executive  
Director.

**12.-**(1) The President may appoint a person to be Deputy Executive Director.

(2) A person shall be qualified to be appointed a Deputy Executive Director if:

- (a) he is a Zanzibari;
- (b) holds at least first degree or equivalent in a related field of law, administration, demography and information technology; and
- (c) has experience in the field mentioned in sub section (2)(b) for at least ten (10) years.

(3) The Deputy Executive Director shall be the principal assistant of the Executive Director in day to day administration of this Act, and shall work and perform all functions vested to him by this Act or assigned to him by the Executive Director.

Functions of  
Executive  
Director.

**13.-**(1) The Executive Director shall be the Chief Executive Officer and responsible for day to day management of the activities and for co-ordinating functions of the Agency.

(2) The Executive Director shall be Registrar General of civil status and custodian of the seal, records and documents of the Agency.

(3) Without prejudice the generality of functions of the Agency under section 4 of this Act, the Executive Director is responsible for:

- (a) the implementation of policies and programmes of the Agency relating to civil status registration;
- (b) the proper management of the funds and properties of the Agency;
- (c) the organisation and control of the staff of the Agency;
- (d) register civil status;
- (e) issue certificate and identity cards;
- (f) co-operation with other lead agencies and organisation in matters related to civil status registrations;
- (g) providing advice to the Government's agencies and institutions as required on matters within the Agency's responsibility.
- (h) provide registration officers, shehas, medical practitioners, Kadhis and other person or authority authorised to administer marriage and divorce with such books and forms as may be required, and with such instructions and directions, as considers necessary for the registration of civil status in their areas.

**14.-**(1) In implementing the functions specified under this Act, the Executive Director shall have powers to:

Power of  
Executive  
Director.

- (a) have the sole mandate to authenticate and certify the civil status of vital events or any other civil registration occurred or being registered in Zanzibar;
- (b) establish a mechanism for collaboration and promotion of cooperation between various categories of players in the civil status registrations;

- (c) call for, in writing a person, body of persons in whose custody has any information which may be relevant to work of the Agency and it shall be the duty of the custodian of that information to avail it to the Agency unless otherwise lawful prevented.
- (d) charge fees for services provided by the Agency as prescribe in the Regulations.

(2) For the purpose of better performance of its functions, the Executive Director shall maintain a system of collaboration, consultation and co-operation with other institution having the same objectives which are likely to assist in the functions of the Agency.

Delegation of certain functions.

**15.-**(1) Without prejudice to any provision of this Act, the Executive Director may delegate in writing some of his functions or powers to any officer of the Agency.

(2) Shehas by virtue of their office in their respective shehias shall assist the Executive Director regarding the civil status registration.

Departments, divisions and units of the Agency.

**16.-**(1) There are established departments, divisions and units for proper implementation of the functions of the Agency.

(2) Subject to the provisions of this Act, the Minister in consultation with the Board shall appoint Directors on such designation and terms in accordance with organization structure approved by the Public Service Commission upon recommendation of the Board.

(3) In performing its functions of the Agency, all heads of the departments, divisions and units shall be answerable to the Executive Director.

(4) The Agency may on approval of the Board recommend to the relevant Public Service Authorities on terms of service, including incentive scheme, retention scheme and appropriate scheme of service for the Heads of Departments and staff of the Agency.

**17.-**(1) The Board upon recommendation of the Executive Director shall appoint fit and proper person to be Registration Officer in each District of Zanzibar.

Appointment and qualification of the Registration Officer.

(2) No person shall be appointed as Registration Officer unless have at least the first Degree in Law, Public Administration or Information Technology from recognized University or Institution.

**18.** The Board, subject to the Public Service Act, may employ such number of staff as it considers necessary for the proper discharge of the functions of the Agency.

Staff of the Agency.

#### **PART FOUR CIVIL STATUS REGISTRATION**

**19.** The registration of civil status under this Act is compulsory.

Compulsory registration of civil status.

##### *(a) Births*

**20.-**(1) The Agency shall establish a Birth Register for registration and issuing certificate of birth.

Birth Register.

(2) The Register shall be kept therein, the prescribed particulars of the birth in the prescribed form as provided under Regulations.

**21.-**(1) An Executive Director or a person who is delegated, shall register births and shall enter in the register, or cause to be entered, the prescribed particulars of a birth notified.

Registration of births.

(2) A parent, guardian or a person having charge of a child, shall immediately after the date of birth or finding of a child, notify the registration officer or sheha for the purpose of registration of the birth of that child.

(3) In the process of registration, the Executive Director shall allocate identification number to a child identified as a Zanzibari or alien resident identification number to a child identified as an alien resident.

(4) A child shall not be registered, unless the Executive Director is satisfied as to the truth and correctness of the particulars.

(5) The identification number assigned to the child on the issue of a birth certificate shall be the unique personal identification number of that child.

(6) The identification number shall not to be changed during the person's lifetime and never to be used by and for other individuals.

Duty to  
notify birth.

**22.-**(1) Subject to notification of the birth, it is the duty of the following persons to give notice:

- (a) father or mother of the child;
- (b) the occupier of the house in which the child is born, in circumstances where the available parent lacks capacity to inform on the birth;
- (c) a person having charge of child; and
- (d) a person who find an exposed child.

(2) Where a birth takes place in a prison, police, hospital or orphanage or quarantine station, the duty to give such information shall lie on the officer in charge of the establishment in which the birth takes place.

(3) Where a birth takes place in vessel in water of Zanzibar, the duty to give the notice shall lie to the master of that vessel.

(4) For the purpose of this section, "water of Zanzibar" means the water which was under the jurisdiction of the Republic of Zanzibar prior to the 26th day of April 1964.

(5) A person stipulated to be informants under subsection(1) shall, within forty two days of the birth of a child, give to the registration officer an information of the prescribed particulars to be registered concerning such birth.

(6) No reference shall be made in the register to the fact that a child has been born in prison or police station and the place of birth of such child shall be the Shehia in which such prison or the police station is located.

**23.-**(1) A person giving notice of the birth of a child, shall provide the prescribed particulars, which the registration officer shall enter forthwith in the register, and that person shall certify to the correctness of the entry by signing or by affixing mark to the register. Mode of registration of births.

(2) The registration officer shall, before entering any information in the register, ensure that a person giving notice under subsection (1) provides the following particulars:

- (a) name of child, sex, date, disability if any, weight at birth and place;
- (b) name of mother, age, marital status, residence, nationality, identification number, profession, occupation and previous birth;
- (c) name of father, age, marital status, residence, nationality, identification number, profession and occupation;
- (e) in respect of informant, the name, nationality, identification number, profession, occupation, signature of informant and date of notification.

**24.-**(1) A person who finds the child whose parents are unknown or a person who is given to take care of that child, shall report immediately to the nearest police station or Sheha. Birth registration of foundling.

(2) Subject to the sub section (1) of this section the person in charge of the police station or Sheha shall submit that child to Social welfare.

(3) The social welfare shall cause to be registered such particulars concerning the birth of a child to the registration officer in that area, in which the child was found.

Change of the name of the child.

**25.**-(1) The parent or guardian of a child under the age of eighteen years may apply, in the terms and conditions prescribed in the regulations, to the Executive Director in which the birth of a child is registered to change the name of that child.

(2) The Executive Director or a person who is delegated shall, upon comply with terms and conditions prescribed, amend the name in the register accordingly and shall sign and date the amendment.

Issue of birth certificate.

**26.**-(1) The Executive Director or a person who is delegated shall, upon receipt of notification and satisfied with particulars, issue a certificate in the prescribed form of the birth compiled in the prescribed manner from the records and register in the Agency's Office custody.

(2) A certificate of birth issued under subsection (1) shall contain:

- (a) the information concerning a child which includes name, place of birth, date of birth, sex, nationality and identification number;
- (b) the information concerning the parents of the child which includes names, nationality and identification number; and
- (c) any other information as may be prescribed by the Agency.

*(b) Identity cards.*

Identification register.

**27.**-(1) The Agency shall establish an identification register for registration and issuing an identity card.

(2) The following persons shall register with the Agency:

- (a) zanzibari resident;
- (b) alien resident under immigration laws of United Republic of Tanzania; and

(c) alien resident who are not under immigration laws of United Republic of Tanzania.

(3) The Agency may require a person applying to be registered to produce a birth certificate and other proof of identification as requested.

(4) Where an applicant is unable to produce a birth certificate or proof of identification as requested, a relative of the applicant may identify the applicant under oath before the court.

**28.** There are two types of identity cards of such form as the office may prescribe in respect of:

Types of identity cards.

(a) Zanzibari;

(b) alien resident.

**29.** Upon the registration of a person in accordance with provisions of this Act, the Executive Director or a person who is delegated shall issue to that person an identity card.

Issue of identity cards.

**30.** Notwithstanding of the provisions of any law to the contrary, a person who is registered under this Act shall, in all dealing with the Government or of a public nature:

Duty to use registered name and to submit number of identity card.

(a) use the personal name and surname by which that person is registered;

(b) when that person is required by law to furnish particulars of any other person, so far as he is able:

(i) submit the person name and surname by which such other person elected to be registered; and

(ii) furnish the number of the identity cards relating to such person to the satisfaction of the public officer or other person lawful requiring the number.



Custody and safety of identity card.

**31.**-(1) A person to whom an identity card is issued under this Act shall keep the card in the safe custody and may, subject to this Act, carry it for self identification.

(2) A person who finds or otherwise comes into possession of identity card which was not issued to him shall, without undue delay return it to the person to whom it was issued or forward it to the Agency's registration Office or to the nearest police station.

Mandatory use of identity card.

**32.**-(1) A ministry, department or agency of Government or any other institution providing a public service shall require a person accessing the service to produce identity card or alien's identity card.

(2) For avoidance of doubt, a ministry, department or agency of Government or any other institution providing the following services shall require a person to produce an identity card or alien's identity card:

- (a) employment;
- (b) identification of voters;
- (c) application for, and issuance of the passport;
- (d) opening of bank account;
- (e) purchase of insurance policies;
- (f) purchase, transfer and registration of land by any individual or any transaction connected with the purchase, transfer and registration of land;
- (g) pension and social security transactions;
- (h) all consumer credit transactions;
- (i) payment of taxes;
- (j) financial services;
- (k) registration services;

(l) statistical services; or

(m) any other purposes as may be prescribed by the Minister.

*(c) Marriage*

**33.**-(1) The Agency shall establish a marriages register for registration and issuing certificate of marriage. Marriages register.

(2) The register shall be kept therein, the prescribed particulars of the marriages in the prescribed form.

**34.** A person licenced or in other way authorised under the legislation of Zanzibar to perform wedding, regardless of the religious belief, shall without delay notify the Executive Director on any announcement of marriage received. Notification of marriage.

**35.**-(1) The parties to a marriage to which this Act applies, shall appear before the Agency's Office within fourteen days(14) of the celebration of such marriage, and shall give to the registration officer such information as shall enable him to enter the prescribed particulars in the marriage register. Registration of marriages.

(2) The parties under subsection (1) shall sign the register in the presence of each other.

(3) The Executive Director or a person who is delegated shall, if satisfied that the marriage has been celebrated in accordance with the law of Islam or other law governing the marriage in Zanzibar, and that the parties are the persons they represent themselves to be, shall sign and date the register.

**36.**-(1) The Executive Director or a person authorised shall, upon receipt of notification and satisfied with particulars, issue a marriage certificate in the prescribed form compiled in the prescribed manner from the records and register in the Agency's custody. Issue of Marriage certificate.

(2) A certificate of marriage issued under subsection (1) shall contain:

- (a) the information concerning a marriage which includes name of parties, place of marriage, date of marriage, name of the licenced person, dowry, nationality and identification number;
- (b) any other information as may be prescribed by the Agency.

*(d) Divorce*

**37.**-(1) The Agency shall establish a divorce register for registration and issuing certificate of divorce.

(2) The register shall be kept therein, the prescribed particulars of the divorce in the prescribed form.

**38.** Any court or person recognising divorce, regardless of the religious belief, shall without delay notify the Executive Director thereon.

**39.**-(1) Any party to a divorce to which this Act applies, shall appear before the Agency within fourteen days of the pronouncement of the divorce and shall give to the registration officer such information as shall enable him to enter the prescribed particulars in the divorce register.

(2) The party under subsection (1) shall sign the register in the presence of each other except where the circumstance does not allow.

(3) A witness to the divorce may appear before the registration officer and sign the register.

(4) The Executive Director or a person who is delegated shall, if satisfied that the divorce has been pronounced in accordance with the law of Islam or other law governing the divorce in Zanzibar, and that the parties are the persons they represent themselves to be, sign and date the register.

**40.**-(1) The Executive Director or a person who is delegated shall, upon receipt of notification and satisfied with particulars, issue a divorce certificate in the prescribed form compiled in the prescribed manner from the records and register in the Agency Office's custody.

(2) A certificate of divorce issued under subsection (1) shall contain:

- (a) the information concerning a divorce which includes name of parties, place of divorce, date of divorce, nationality and identification number;
- (b) any other information as may be prescribed by the Office.

**41.**-(1) If, after the registration of a revocable divorce, the husband revokes the divorce within the period allowed by the law of Islam, and it shall be the duties of the parties to appear before the registration officer within seven days(7) of such revocation and to notify him thereof.

(2) Upon such notification, the registration officer, if satisfied that the revocation has been pronounced in accordance with the law of Islam, shall cause a note of such revocation to be made in the register in the manner and to be signed by parties, and a witness of the revocation, if any.

*(e) Deaths*

**42.**-(1) The Agency shall establish a death register for registration and issuing certificate of deaths.

(2) The register shall be kept therein, the prescribed particulars of the deaths in the prescribed form as provided in the Regulations.

**43.** A Executive Director or a person who is delegated shall register death and shall enter in the register, or cause to be entered, the prescribed particulars of death notified.

Divorce register.

Notification of divorce.

Registration of divorce.

Issue of divorce certificate.

Revocation of divorce to be registered.

Deaths register.

Registration of deaths.

**44.**-(1) Upon the death in a house of a person, it shall be a duty of the following persons:

- (a) nearest adult, relatives of the deceased present at the death or in attendance during the last illness of the deceased;
- (b) any other adult relative of the deceased dwelling or being in the same area as the deceased;
- (c) each adult person present at the death or the occupier of the house in which the death took place;
- (d) in default of the persons in this section mentioned, an adult living in such house; and
- (e) an adult person finding or taking charge of the body of such person or causing the body of such person to be buried or otherwise disposed off,

to give the registration officer or sheha within seven days of the death of the person, information of the prescribed particulars required to be registered concerning such death, and in the presence of the registration officer or a person authorised by Executive Director in that behalf, to sign the register.

(2) Where a death take place in a prison, police station, hospital, orphanage or quarantine station, the duty to give such information shall lie on the officer in charge of the establishment in which the death takes place.

(3) Where a death take place in a vessel in Zanzibar waters, the duty to give such information shall lie on the master of the vessel in which the death takes place.

(4) Without prejudice, however, to the duty imposed to other persons enumerated in this section and in the case of any such death the duty to sign the register shall continue to be on one of such other persons.

(5) Where a person dies in a place which is not a house or vessel in Zanzibar waters, or a dead body is found elsewhere then in a house or a vessel in Zanzibar waters, the duty to give such information or such information as the informant possesses shall lie on:

- (a) an adult relative of such deceased person having knowledge of any of the prescribed particulars required to be registered concerning the death;
- (b) an adult person present at the death;
- (c) an adult person finding;
- (d) any person take in charge of the body; or
- (e) a person causing the body to be buried or otherwise disposed off.

**45.**-(1) The Executive Director or a person who is delegated shall, upon receipt of notification and satisfied with particulars, issue a death certificate in the prescribed form compiled in the prescribed manner from the records and register in the Agency's custody. Issue of  
deaths  
certificate.

(2) A certificate of death issued under subsection (1) shall contain:

- (a) the information concerning a death which includes name of deceased, place of death, date of death, nationality and identification number;
- (b) any other information as may be prescribed by the Agency.

## **PART FIVE FINANCIAL PROVISIONS**

**46.** The funds of the Agency shall consist of:

- (a) such sums as may be approved by the House of Representatives in the form of subvention or otherwise;

- (b) such lawful donations, grants as the Agency may, from time to time, receive from any person or organization; and
- (c) such other funds that may vest or accrue, whether in the course of its operation or otherwise.

Budget.

**47.**-(1) The Agency shall prepare, before the beginning of the new financial year, an annual budget and submit to the Minister for consideration and approval in accordance with the provisions of the Public Finance Management Act.

(2) The Minister shall submit the annual budget of the Agency to the House of Representatives in the form and manner as prescribed in the Public Finance Management Act.

Audited accounts.

**48.**-(1) The Agency shall keep or cause to be kept the proper account of all expenditure of the Agency.

(2) The accounts of the Agency shall be audited by the Controller and Auditor General or by any other auditor appointed by the Controller and Auditor General for auditing; and such audited accounts shall be submitted with other financial statements to the Minister.

(3) The Minister, within three months after the completion of financial year, shall submit before the House of Representatives annual statement which shall include the following matters:

- (a) report of income and expenditure for that year;
- (b) balance sheet for the year; and
- (c) report of audited financial statements.

## PART SIX MISCELLANEOUS PROVISIONS

**49.**-(1) The Executive Director shall, subject to provisions of this Act, cancel a registration of a person where: Cancellation of Registration

- (a) the registration is based on inaccurate or incomplete information;
- (b) the registration was obtained by fraud, false representation, bribery or deceit;
- (c) the certificate of birth, marriage, divorce, death or identity card needs to be re-issued due to a defect;
- (d) double or multiple registration have taken place; or
- (e) there is an order of court for cancellation of registration.

(2) For the purpose of an identity card the Executive Director shall cancel the registration of a person who has under the law ceased to be a Zanzibari, a citizen of United Republic of Tanzania or expiry of the resident permit of an alien who is under the immigration or an alien who is not under the immigration law is no longer the resident of Zanzibar.

(3) Before cancellation of a registration and revocation of the document of registration and identification as provided for in subsection (1) of this section, the Executive Director shall issue to the holder of a certificate or identity card issued under this Act, a fourteen days notice of Agency's intention to cancel the registration and shall provide the person with reasonable opportunity and forum to show cause why the registration should not be cancelled.

(4) Where the registration of a Zanzibari or alien resident is cancelled or revoked but such cancellation or revocation is not due to the loss of the person's Zanzibari or alien resident, that person may file a new application for registration within such time and upon meeting such conditions as may be provided for in the Regulations under this Act.

(4) The Minister shall, by notice in the Gazette, published the names and numbers of the documents of registration and identification of the persons whose registration has been cancelled including those who have refused, neglected or fail to surrender the document of registration and identification.

Access to register.

**50.**-(1) Access to a register under this Act shall be restricted to the information required by a ministry, department or agency of Government.

(2) The Agency shall determine the levels of access relating to information in a register under this Act.

(3) A person other than a ministry, department or agency of Government may access the information in a register in accordance with the Regulations issued by the Minister.

Registration fees.

**51.** Registration pursuant to this Act shall be made on payment of fees as prescribed under the Regulations.

Surrender of certificate or identity card.

**52.** A person shall surrender a certificate or identity card concerning the civil status registration to the Agency's office or the nearest police station where:

- (a) the Executive Director cancels the registration of a person or the identity card;
- (b) a person:
  - (i) finds a certificate or identity card issued under this Act that does not belong to that person or comes into possession of one without authority of the holder or the Agency;
  - (ii) to whom a new certificate or identity card is re-issued, regains possession of the original certificate or identity card; or
  - (iii) comes into possession of a certificate or identity card that has expired, be cancelled, is off a

description that the Agency requires to be re-issued or is otherwise invalid.

- (c) Where a person dies the close relatives shall surrender to the Agency an identity card.

**53.**-(1) A person who fails to register civil status according to the provisions of this Act commits an offence and upon conviction is liable to a fine not less Two Hundred Thousand Shillings and not more than Five Hundred Thousand Shillings.

Offences and penalties.

(2) A person who:

- (a) give false information or makes a false statement when:
  - (i) providing information for an entry;
  - (ii) making a modification to an entry;
  - (iii) making a conformation of the content of an entry; or
  - (iv) obtaining the issue or re-issue of a certificate or identity card;
- (b) fraudulently obtains for the use of that person or for the use of another person, a certificate or identity card;
- (c) forges a certificate or an identity document for the purpose of registration;
- (d) illegally influences the decision of a registration officer;
- (e) falsely alleges the loss or destruction of a person's certificate or identity card and applies for a new certificate or identity card while in possession of a certificate or identity card;
- (f) tempers with the register by causing unauthorised modification in a register, or preventing or delaying

the retrieval of relevant information in a legible form from a computer used for the purpose of this act,

commits an offence and is liable to a fine of not less than One Million Shillings and not more than three million Shillings or imprisonment for a term of not less than one year and not more than three years or both.

(2) A person who:

- (a) wilfully destroys or attempts to destroy, or mutilates or attempts to mutilates a certificate or identity card;
- (b) without authority deprives or dispossesses a holder's a certificate or identity card;
- (c) uses another person's certificate or identity card;
- (d) unlawfully alters or modifies information on a certificate or identity card;
- (e) unlawfully keeps or takes possession of a certificate or identity card that belongs to another person;
- (f) is in possession of more than one certificate or identity card that is intended to show the person's certificate or identity card;
- (g) permits a person to use his or her certificate or identity card issued to another person,

commits an offence and is liable to a fine of not less than three million Shillings and not more than five million Shillings or imprisonment for a term of not less than three years and not more than five years or both.

(3) A person who, without authorisation of the Agency:

- (a) makes, produces, manufactures, prints, binds, designs, distributes any document purporting that document to be a certificate or identity card;

- (b) uses an equipment or apparatus to produce a document purporting that document to be a certificate or identity card,

commits an offence and is liable to a fine of not less than five million Shillings and not more than seven million Shillings or imprisonment for a term of not less than five years and not more than seven years or both.

(4) Where any offence under this Act or regulation made under this Act is committed by an institution:

- (a) a person who, at the time of committing an offence is a director or an officer responsible for the affairs of the institution, is guilty of an offence and upon conviction, shall be punished according to the relevant laws; and
- (b) the institution is guilty of an offence and upon conviction shall pay a fine of not less than Ten Million Shillings.

**54.** A person who contravenes the provisions of this Act and the punishment has not been mentioned, commits an offence and upon conviction is liable to a fine of not less than Two Hundred Thousand Shillings One and not more than Five Hundred Thousand Shillings. General Penalty.

**55.**-(1) The Minister may make such regulations as may be necessary for the better and more effectually carrying out of the provisions of this Act. Regulations.

(2) Without prejudice to the generality of the power conferred by subsection (1), the regulations made by the Minister may provide for:

- (a) the manner in which and places at which application for registration shall be made;

- (b) the information and documents to be furnished for the purposes of registration;
- (c) the procedure for the taking and recording of photographs and facsimiles of such finger prints on the expiration or repeal of this Act or its ceasing to apply in relation to a person registered under it;
- (d) the method and manner by which information and documents furnished by a person require to be registered are to be recorded and maintained;
- (e) the photographing of fingerprints, information and documents furnished or made for the purpose of registration and the destruction of their originals;
- (f) the keeping and maintenance of registers or insertions into or removal from the registers of particulars furnished under this Act;
- (g) returns to made by registration officer in relation to person registered by them;
- (h) the form and particulars to be entered on a certificate or identity card;
- (i) the amendment or cancellation of a certificate or identity card and replacement;
- (j) the issue of reports and certificates;
- (k) the procedure to be complied with where registered particulars undergo change or a registered person leaves Zanzibar or dies;
- (l) prescribing fees which may be charged for the issue, re-issue or replacement of a certificate or identity card, including different circumstances in which the fees may be charged;
- (m) prescribe fees which may be charged for the provision of extracts from the registers;

- (n) the destruction of documents and records; and
- (o) any other thing which is by this Act required or permitted to be prescribed or otherwise provided for.

**56.-(1)** The following Acts are hereby repealed:

Repeals and Savings.

- (a) The Registration of Zanzibaris Resident Act, 2005;
- (b) The Births and Deaths registration Act,2006;
- (c) The marriage and divorce (muslim) decree cap 91;

(2) Notwithstanding the repealed Acts under sub section (1) of this section, anything done shall be deemed as if lawfully done under the provisions of this Act.

### **OBJECTS AND REASONS**

The objects and purpose of this Bill is to enact law which will provide for the establishment of Civil Status Registration Agency to facilitate the management of civil status registration. The Agency shall be the Government Agency working under the Ministry responsible for Civil Status Registration. The Agency is semi-independent organ in giving services and subject only to the provisions of this Bill and other laws. Before this enactment, all functions stipulated under this bill were undertaken by two different Offices. The two offices were established under two different Acts namely, The Registration of Zanzibaris Resident Act No.7 of 2005 and The Births and Deaths Registration Act No. 10 of 2006.

At the moment the said Offices already merged in terms of budget, but there are two registration systems worked separately, one is the Registration of Zanzibari Resident Identity Cards and second is Births and Deaths Registration which according to the resolution of the Revolutionary Council to have one system which is computerised and will serve all civil status and identity cards registration.

Subject to the resolution of the Revolutionary Council, the President Office (Regional Administration and Special Departments) prepare a bill for an establishment of an Agency known as The Civil Status Registration Agency. The Agency is semi-independent headed by Executive Director, who shall be a chief executive officer appointed by the President and be responsible for day to day functions of the Agency. Also there are departments and units which shall be headed by person appointed subject to the provisions of the bill and laws relating to the Public Service. All head of departments and units shall be responsible to the Executive Director in performing of their daily duties.

This Bill is divided into six parts.

**Part One** is about preliminary provisions provide for short title and commencement date, interpretation of some important words used therein.

**Part Two** is for the establishment and functions of the Agency, this part provides that, the Agency shall be semi-independent institution, The Agency shall, subject to the approval of the Minister, have power to acquire, hold, purchase or dispose any movable and immovable property, enter into contract, sue and being sued and the like.

**Part Three** is about the management of the Agency, provides for the administration of the Agency, establishment of the Advisory Board constituted by the Chairperson to be appointed by the President and other members to be appointed by the Minister. However, the Executive Director of the Agency shall be ex-officio member to the Board. This part also, provides for the functions of the Board and other provisions relating to proceedings of the meeting of the Board. The part provides for appointments of Executive Director, Deputy Executive Director, Functions and Powers of Executive Director, Departments, units and other staffs of the Agency.

**Part Four** provides the provisions for civil registration, shows the compulsory registration for Births, Identity cards, Marriage, Divorce and Deaths.

**Part Five** is about financial provisions, provides for the fund of the Office, resources, account and audit provisions.

**Part Six** provides for miscellaneous provisions which is about access to information, registration fees, surrender of certificate and identity cards, offences and penalties, power of the Minister to make Regulations and repeal and savings provisions.

**ZANZIBAR**

1<sup>st</sup>September, 2017

(HAJI OMAR KHERI)

**MINISTER OF STATE, PRESIDENT OFFICE,  
REGIONAL ADMINISTRATION, LOCAL  
GOVERNMENT AND SPECIAL DEPARTMENT  
OF THE REVOLUTIONARY GOVERNMENT**