

THE REGISTRATION OF PERSONS BILL, 2014

MINISTER'S RESPONSES IN RESPECT OF PROPOSED CLAUSES OF BIRTH AND DEATH UNDER THE INSERTED PARTS V AND VI

Note: In Black are Committees' Proposals and in Red are Minister of Internal Affairs' Responses

33. Mode of registration of births.

- (1) A person giving notice of the birth of a child shall give the prescribed particulars, which shall be entered forthwith by the registration officer in the register, and the person notifying of the birth shall certify to the correctness of the entry by either signing or by affixing a mark to the register.
- (2) The registration officer shall before entering any information in the register, ensure that a person giving notice under section 32 provides the following particulars:-
 - (a) in respect of any birth, the name, sex, date, type, nature, any disability, weight at birth, place and district of birth;
 - (b) in respect of the mother, the name, age, marital status, usual residence, nationality, national identity card number or unique national identification number, passport number or alien number, level of education, profession or occupation, and previous births;
 - (c) in respect of the father, the name, age, marital status, usual residence, nationality, national identity card number or unique national identification number, passport number or foreign national identity card number, level of education and profession or occupation;
 - (d) in respect of the informant, the name, capacity and signature of informant, and date of notification; and

Minister's Response

There is need to authenticate and prove the identity of whoever will be providing information for any registration under this Act. It is important that only the Unique Identification Numbers and not a passport number as is being proposed under clause 33 (2) (b) and (c) is captured.

I therefore propose to **redraft** 33(2) (b), (c) and (d) as follows;

- (b) *“in respect of the mother, the name, age, marital status, usual residence, nationality, National Identification Number or Alien Identification Number for citizens and Aliens respectively, level of education, profession or occupation, and previous births”;*
- (c) *in respect of the father, the name, age, marital status, usual residence, nationality, National Identification Number or Alien Identification Number for citizens and Aliens respectively, level of education and profession or occupation; and*
- (d) *in respect of the informant, the name, capacity, nationality, National Identification Number or Alien Identification Number for citizens and Aliens respectively and signature of informant, and date of notification;*

34. Register of presumed birth and exposed child

- (1) The Authority shall maintain a register of presumed births in respect of every person who has been presumed a citizen under section 13 of the Uganda Citizenship and Immigration Control Act, Cap 66.
- (2) Any person who finds a live newborn child lying exposed or any person who is given the charge of such a child shall report the same immediately to the nearest police station, hospital or chief, and the officer in charge of the police station or hospital or the chief, as the case may be, shall register such particulars concerning the birth of the child as he or she is able to give with the registration officer of births and deaths in the district in which the child was found.

Minister’s Response

I propose the following, in order to align the proposal of the committee with provisions of the Constitution;

- a) an amendment in head note to this clause to read **“Birth Registration of foundlings”** as is referred to in the Constitution.
- b) Where clause 34(1) makes reference to the phrase “under section 13 of the Uganda Citizenship and Immigration Control Act, Cap 66.” I propose that the clause should instead refer to **“Article 11(1) of the Constitution.”** Further, I propose to delete the words “maintain a”, “of”, “in respect”, “of every person who has been presumed a citizen”.

The **redraft** of 34(1) shall read as follows;

“The Authority shall register presumed births as provided for under Article 11(1) of the Constitution.”

- c) I propose to delete the following words from sub-clause (2); *“live new born”, “lying exposed”, “chief”, “of birth and death”, “the district”* and replace the word *“hospital”* with the word *“health centre”*

And the **redraft** of 34 (2) shall read as follows:

*“Any person who finds a child whose parents are unknown or any person who is given the charge of such a child shall report immediately to the nearest police station or **health centre** and the officer in charge of the police station or health centre, as the case may be, shall cause to register such particulars concerning the birth of the child as he or she is able to give with the registration officer in the registration area which the child was found.”*

35. Registration of births occurring outside Uganda.

- (1) A person giving notice of a birth occurring outside Uganda of a child whose parent or guardian is a citizen of Uganda, shall produce to the registration officer the following evidence of the birth:-
- (a) a certificate of birth issued by the appropriate authority in the foreign country, with an English translation of the certificate if it is not in English; or
 - (b) if certificates of birth are not issued in the foreign country, a certificate of the birth given by the doctor, midwife or other persons who attended to the birth, with an English translation of the certificate if it is not in English; or
 - (c) if there is a Uganda Mission in the country abroad, a certificate of an officer of the Mission that the officer is satisfied, from the evidence produced and inquiries which made, that the particulars of the birth given in the certificate are correct; or
 - (d) if there is no Uganda Mission in the country abroad, such other evidence as the Minister may prescribe in the Regulations.
- (2) The person notifying of the birth shall certify in writing to the registration officer the correctness and authenticity of the evidence which such person submits.

- (3) Upon receiving the evidence required under subsection (1), the registration officer shall forthwith enter the prescribed particulars of the birth in the register of births occurring outside Uganda.

Minister's response

I have no objection to the Committee's proposal.

36. Entry of father in the register.

- (1) A person shall not be entered in the register as the father of any child except either:-
- (a) upon the production to the registration officer of such evidence as the registration officer may require that the father and mother were married according to law or in accordance with a recognized custom;
 - (b) at the joint request of the father and mother of the child appearing physically before the registration officer; or
 - (c) where the father, or the mother or both the father and mother of a child are dead, upon production of an order of a court of competent jurisdiction to the effect that the person be registered as a father.
- (2) The registration officer may, if the circumstances so require, demand the physical presence of a child in respect of whom a person seeks to have the name of the child entered in the register as the father in accordance with sub-section (1).

Minister's Response

Hon Members, the underlying principle of this clause can be best achieved if redrafted. It appears as is above because under common law, the presumption is that when a woman gives birth during the subsistence of the marriage, the husband is presumed to be the father of the child hence the need to legislate for cases where parents have a child out of wedlock.

I propose to amend as follows;

- a) Amend the head note of the clause to read as *“Entry of father in the register in contested cases”***

The **redraft** of Clause 36 is as follows:

- (1) A person shall not be entered in the register as the father of any child except:-
- a) at the joint request of the father and mother of the child appearing physically before the registration officer;

- b) upon the production to the registration officer of “DNA” test results.*
 - c) upon the production to the registration officer of a court order establishing paternity; or*
 - d) where the father, or the mother or both the father and mother of a child are dead, upon production of an order of a court of competent jurisdiction to the effect that the person be registered as a father.*
- 2) In the case of sub-clause (1) (b), the person contesting parentage of the child shall be responsible for meeting the costs of carrying out the DNA tests.

37. Change of Name or Sex.

- (1) Any person, being over the age of twenty-one years or a widower, widow, divorced person or a married person, who wishes to change his or her name, shall cause to be published in the Gazette a notice in the prescribed form of his or her intention to do so.
- (2) Not less than seven days after the publication of the notice, the person intending to change his or her name may apply in the prescribed form to the registration officer of the registration center in which his or her birth is registered.
- (3) The registration officer shall, upon being satisfied that the requirements of this section have been carried out and upon payment of the prescribed fee, amend the register accordingly and shall sign and date the amendment.

Minister’s Response

I propose as follows;

- a) Change of name and sex should be made an independent Part under this Act. This is because change of name or sex is applicable to any registration under this Act.
- b) Reference to “twenty one years” under this clause 37(1) should instead make reference to “eighteen years” which is the majority age under our constitution.
- c) While the head note to Clause 37 makes reference to change of name and sex, the detail of the clause does not provide for change of sex but only change of name.

- d) Since the head note to clause 38 provides for “**Change of name of a Child**”, I propose that the head note to clause 37 to read “**Change of name of an adult**” instead of “change of name or sex” as is in the committee’s proposal.

38. Change of name of child.

- (1) The parents or guardian of any child under the age of twenty-one years who is not married, divorced, a widower or a widow may apply in the prescribed form to the registration officer of registration center in which the birth of the child is registered to change the name of the child.
- (2) The registration officer shall, upon payment of the prescribed fee, amend the register accordingly and shall sign and date the amendment.

Minister’s Response

I propose as follows;

- a) Reference to “twenty one years” under sub-clause (1) of clause 38 should instead make reference to “eighteen years” which is the majority age under our constitution. And delete the following words “*who is not married, divorced, a widower, or widow.*” And the **redraft** shall read as follows;

*“The parents or guardian of any child under the age of **eighteen** years may apply in the prescribed form to the registration officer of registration center in which the birth of the child is registered to change the name of the child.”*

39. Change of sex of child.

- (1) If a child, after being registered, either through an operation or otherwise, changes from a female to a male or from a male to a female and the change is certified by a medical doctor, the registrar of the births and deaths registration district in which the birth is registered shall, with the approval of the Executive Director and on the application of the parent or guardian of that child, alter the particulars of the child which appear on the births register.

Minister’s Response

I propose as follows;

- a) That the numbering of sub-clause (1) is not necessary since there are no other sub-clauses.
- b) That instead of use of the term “alter”, we redraft using the term “update” and reference to the words “birth register” should be redrafted to refer to “register.”
- c) Amend by deleting reference to “*registrar of births and deaths registration district*” and replace it with “*registration officer*”.
- d) Change the head note of clause 39 to read as “**Registration of a child born a hermaphrodite**”

The **redraft** of this clause 39 shall therefore read as follows;

“If a child born a hermaphrodite, after being registered, through an operation, changes from a female to a male or from a male to a female and the change is certified by a medical doctor, the registration officer shall, with the approval of the Executive Director and on the application of the parent or guardian of that child, update the particulars of the child which appear on the register.”

40. Certificate of Birth.

- (1) Upon receipt of the application in the prescribed form and upon payment of the prescribed fee, the Executive Director shall issue a certificate in the prescribed form of the birth of any person compiled in the prescribed manner from the records and registers in the Executive Director’s custody.
- (2) A certificate of birth issued under subsection (1) shall contain the:-
 - (a) name of child;
 - (b) place of birth;
 - (c) date of birth;
 - (d) sex of child;
 - (e) name, nationality, +identity card number or passport number or foreign national registration certificate number of the parent or parents of the child; and
 - (f) any other information as may be prescribed by the Minister.

- (3) The information contained in a certificate of birth issued under this Act is presumed to be correct and it may be received as evidence in any judicial proceedings.
- (4) A child who has been entered in the register of births and has been issued with a certificate of birth shall be issued with another certificate of birth upon adoption.

Minister's Response

I propose to amend as follows;

- a) That where reference is made to “Executive Director” under sub-clause (1) of clause 40 should be substituted with the word “Authority”.
- b) Where Sub-clause (2)(e) of clause 40 makes reference to “+identity card number or passport number or” should be amended and redrafted to refer to “National Identification Number or Alien Identification Number of Ugandan and Alien parents respectively as the case maybe.”
- c) I further propose that in addition to the particulars of the child on the birth certificate, the National Identification Number to a child who is identified as a citizen of Uganda and Alien Identification Number to a child who is identified as an alien should be added on that list of information to be contained on the Birth Certificate.

Hon. Members, the **redraft** of clause 40 to read as follows;

- (1) Upon receipt of the application in the prescribed form and upon payment of the prescribed fee, the Authority shall issue a certificate in the prescribed form of the birth of any person compiled in the prescribed manner from the records and register in the Authority's custody.*
- (2) A certificate of birth issued under subsection (1) shall contain the:-*
 - (a) Information concerning the child which shall include;*
 - i. name;*
 - ii. place of birth;*
 - iii. date of birth;*
 - iv. sex;*
 - v. nationality;*
 - vi. National Identification Number or Alien Identification Number of a child who is a citizen and alien respectively.*

(b) Information concerning the parents of the child which shall include the name, nationality, National Identification Number or Alien Identification Number for citizens and Aliens parents respectively; and

(f) any other information as may be prescribed by the Minister.

(3) The information contained in a certificate of birth issued under this Act is presumed to be correct and it may be received as evidence in any judicial proceedings.

(5) A child who has been entered in the register and has been issued with a certificate of birth shall be issued with another certificate of birth upon adoption.

Minister's Justification

1. Reference to only "Executive Director" may stifle operations hence better to refer to "Authority".

41. Production of Certificate of Birth.

(1) Any Ministry, Department, Agency or Institution, in the exercise of its lawful function, may require production of a certificate of birth and such requirement shall be lawful.

(2) Any Ministry, Department, Agency or Institution under subsection (1) may, notwithstanding the provisions of any other law for the time being, defer consideration of the Authority until the certificate of birth of the said person has been produced or other proof that the birth of the person has been registered is provided.

Minister's Response

I agree with the underlying principle of this clause; however I wish to propose an amendment as follows;

a) Where in clause 41(2), reference is made to the term "Authority", it should be replaced with the term "**service**" to give the sub-clause its intended meaning. Clause 41(2) should be **redrafted** as follows;

"Any Ministry, Department, Agency or Institution under subsection (1) may, notwithstanding the provisions of any other law for the time being, defer consideration of the service until the certificate of birth of the said person has been produced or other proof that the birth of the person has been registered is provided."

Minister's Justification

Replacing the word "Authority" with the word "service" put proper context and achieve the purpose of the clause.

PART VI—REGISTRATION OF DEATHS

Insertion of New Clauses

I agree with the insertion of part VI above, however I propose that before providing for clause 42, the following new clauses should be inserted as is the case for birth registration under clause 30 of the Committee's report.

- a) Before clause 42 below, I propose to insert the following new clause that will become clause 42 and its head note shall read as follows;

"Compulsory registration of deaths."

Subject to this Act, registration of every birth within Uganda is free and compulsory."

- b) I propose an insertion of a new clause to immediately follow the one I have proposed above and whose head note shall be "Death Registration" and to read as follows;

"Death Registration."

"A registration officer in charge of a registration area shall register deaths and shall enter in the register, or cause to be entered, the prescribed particulars of every death notified."

Minister's Justification

To provide for similar provisions that have been made for birth registration in Part V above and in the same spirit align it with the proposals I made above for the redraft of clause 30 above.

42. Notification and Registration of death.

- (1) A person giving notice of a death shall, to the best of the person's knowledge and ability, give the prescribed particulars, which shall be entered forthwith by the registration officer in the register of deaths.

- (2) A person notifying the registration officer in sub-section (1) shall certify to the correctness of the entry by signing or affixing a mark on the register.
- (3) Every death shall be registered immediately it occurs and in any case, not more than three months from the date of that death.
- (3) A death shall not be registered after the expiration of three months from the date of that death except upon the applicant complying with such requirements as may be provided for in the regulations.

Minister's Response

I agree with the provisions above, I however propose that;

- a) The head note to clause 42 proposed by the committee should be amended to read as **“Mode of Notification and Registration of Death.”**
- b) I further propose to delete the words “of deaths” in sub-clause (1) and the redraft shall read as follows;

“A person giving notice of a death shall, to the best of the person’s knowledge and ability, give the prescribed particulars, which shall be entered forthwith by the registration officer in the register.”

Minister's Justification

Align the drafting style of the clause to a similar clause 33 proposed by the committee above.

43. Registration of deaths occurring outside Uganda.

- (1) A person giving notice of the death of a citizen of Uganda which occurred outside Uganda shall produce to the registration officer the:-
 - (a) Certificate of death issued by the appropriate authority in the country in which the death occurred, with an English translation of the certificate, if it is not in English;
 - (b) where there is a Uganda Mission in the country in which the death occurred, a certification by an officer of the Mission that the officer is satisfied, from the evidence produced to that officer and inquiries which the officer has made, that the particulars of the death given are correct; or

- (c) where there is no Uganda Mission in the country, any other evidence as the Minister may prescribe in the Regulations.
- (2) The person giving notice of the death shall certify in writing, to the registration officer, the correctness and authenticity of the evidence produced.
- (3) Upon receiving the information required under subsection (1), the registration officer shall enter the particulars of the death in the register in the prescribed manner.

Minister's Response

I have no objection.

44. Duty to notify of death.

- (1) Upon the death of any person, it is the duty of—
- (a) the next of kin or the relative of the deceased present at the time of death of the deceased;
 - (b) in the absence of persons contemplated in paragraph (a), the next of kin or relative of the deceased dwelling or being in the same area as the deceased; or
 - (c) in the absence of persons contemplated in paragraphs (a) and (b), the occupier of the house in which to the person's knowledge the death took place or an inmate of the house in which the death took place or any person finding or taking charge of the body of the deceased person or causing the body of the deceased person to be disposed of, in that order; to give notice to the registration officer of the area in which the death took place within such time as may be prescribed.

Minister's Response

I agree with the clause substantially but, subject to my earlier proposals, I propose a new order of these clauses. In this case, Clause 44 that creates the duty should have come first, followed by clause the committee's clause 42 and then clause 43.

45. Certificate of cause of death.

- (1) In the case of a death occurring in Uganda of any person who has been attended during the person's last illness by a medical officer, the medical

officer shall sign a certificate stating to the best of the medical officer's knowledge and belief the cause of death.

- (2) A certificate of cause of death signed in accordance with subsection (1) shall be forwarded forthwith by the medical officer to the registration officer.
- (3) The medical officer shall, on signing a certificate of death, issue a disposal permit to the person taking charge of the body of the deceased.
- (4) Where an inquest is held on the body of a deceased person, the magistrate holding the inquest shall forward to the registration officer a certified copy of such finding.
- (5) A medical officer who refuses or fails without reasonable cause to comply with any of the provisions of this section commits an offence and is liable, on conviction, to imprisonment for a term not exceeding one year, or to a fine not exceeding twenty four currency points, or to both.

Minister's Response

In light of our discussions yesterday and after careful reconsideration of our current circumstances, it is clear that it may not be feasible to enforce the disposal permit. This may be introduced later after thorough study has been done.

I therefore propose that we do away with the requirement for a disposal permit in this clause 45(3) and subsequent clauses in this part of the Bill.

I propose the following amendments;

- a) Since it is not clear from 45 (2) why a medical officer forwards a certificate of cause of death to a registration officer, I propose to amend 45(2) to add after registration officer the words "**....who shall cause the particulars of such death to be entered in the register in the prescribed manner.**" the redraft shall read as follows;

"A certificate of cause of death signed in accordance with subsection (1) shall be forwarded forthwith by the medical officer to the registration officer who shall cause the particulars of such death to be entered in the register in the prescribed manner."

- b) Delete Clause 45 (3) and renumber accordingly.

- c) Redraft 45 (4) to read as follows;

“Subject to the Inquest Act, where an inquest is held on the body of a deceased person, the magistrate holding the inquest shall forward to the registration officer a certified copy of such finding and upon receipt of such report, shall cause the particulars of such death to be entered in the register in the prescribed manner.”

d) Clause 45 (1) and (5) remain the way they are

46. Registration officer to issue disposal permit

- (1) Where a registration officer receives a report in the prescribed form, in respect of a death occurring in Uganda and in that report a magistrate or a police officer has certified that the death is not one to which the Inquests Act, Cap 11 apply, the registration officer shall issue a written permit authorizing the disposal of the body of the deceased person.
- (2) Where a person notifying of a death does not produce to the registration officer a death report as provided for under sub-section (1), the registration officer or registration and identification agent shall forthwith fill up, so far as the particulars thereby required are ascertainable by the registration officer, a death report and forward the same to the nearest magistrate or police officer, who shall, if after making the inquiries required by section 47(1) of this Act and is satisfied that the case is not one to which the Inquests Act apply, make in the prescribed form the report required by section 47(2) of this Act.

Minister’s Response

I propose to delete the entire clause as earlier justified.

47. Inquiries as to cause of death.

- (1) Upon receipt of a death report from a registration officer under section 46(2) of this Act, the magistrate or police officer, or any person specially empowered by the Authority in that behalf shall cause inquiries to be made as to the cause of the death as may be prescribed.
- (2) If the case does not appear from the inquiries to be one to which the Inquests Act applies, the magistrate or police officer or such other person shall report accordingly to the registration officer or

registration, who shall then issue a permit for the disposal of the body.

Minister's Response

I propose to delete the entire clause as earlier justified. Other arms of government will handle inquiries and specified persons will give information pursuant to clause 42 to the Authority to cause the registration of death.

48. Presumption of death.

- (1) Where it is proved that a person has not been seen and has not been heard of for seven years by those who might be expected to have seen or heard of the person if the person were alive, there shall be a rebuttable presumption that the person is dead.
- (2) Where a person is presumed dead in accordance with subsection (1), any person who would have been under a duty under section 42 of this Act to notify of the death of the person being presumed dead may apply for an order of a presumption of death in a court of competent jurisdiction, and the order, once issued, shall be served upon the Executive Director and shall have the same effect as a Certificate of Death issued under this Act.
- (3) The Executive Director shall maintain a register of presumed deaths and shall enter therein all orders issued by the court and served upon the Executive Director in respect of presumed deaths.

Ministers Response

I propose to amend;

- a) Sub-clauses (2) and (3) of clause 48 to replace the word "Authority" where reference is made to the word "Executive Director".
- b) Sub-clause 3 by deleting the words "*maintain a*" between the word "shall" and "register" and the **redraft** of Clause 48 (3) shall read as follows;

"The Authority shall register presumed deaths and shall enter therein all orders issued by the court and served upon the Authority in respect of presumed deaths".

- c) Where reference is made to “*seven years*” in 48(1), it should instead be replaced with “***three years***” as stipulated in the Estates of Missing Persons (Management) Act Cap 159 section 20 which provides that a person shall be presumed dead where a period of three years beginning with the date of disappearance of the deceased elapses.

Minister’s Justification

For consistence in the drafting of the Bill and to align the Bill with other laws in the country.

49. Certificate of death.

- (1) The Director shall upon application and payment of the prescribed fee issue a Certificate of Death in the prescribed form.
- (2) A certificate of death issued under subsection (1) shall contain the—
- (a) name of deceased;
 - (b) place of death;
 - (c) date of death;
 - (d) sex of deceased;
 - (e) cause of death;
 - (f) age of the deceased;
 - (g) nationality;
 - (h) identity card number or passport number or alien number of the deceased; and
 - (i) any other information as may be prescribed by the Minister in the Regulations.
- (3)The information contained in a certificate of death issued under this Act shall be presumed to be correct and the information may be received in evidence in any judicial proceedings.

Minister’s Response

I propose to amend;

- a) Sub-clause (1) of clause 49 by replacing the word “Director” with the word “Authority”.
- b) Sub-clause 49(2) (h) to replace reference to the phrase “*identity card number or passport number or alien number of the deceased; and*” with the phrase “*National Identification Number or Alien Identification Number for a deceased who a citizen of Uganda and alien respectively;*”

The **redraft** of clause 49 (2) should read as follows;

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

(a) Information concerning the deceased which shall include;

- i. name;*
- ii. place of death;*
- iii. date of death;*
- iv. sex;*
- v. nationality;*
- vi. National Identification Number or Alien Identification Number of a deceased who is a citizen of Uganda and alien respectively; and*

(b) any other information as may be prescribed by the Minister.

(3) The information contained in a certificate of death issued under this Act is presumed to be correct and it may be received as evidence in any judicial proceedings.

Minister's Justification

For consistence in drafting of the Bill as similar proposals have been made above.

50. No disposal without permit.

- (1) A person shall not dispose of the body of a deceased person without a permit issued in accordance with sections 45 (3), 46 (1) or 47 (2) of this Act.
- (2) Where due to religion a body has to be disposed within twenty four hours, a provisional permit authoring the disposal shall be issued within seven days after the death at a prescribed fee.

Minister's Response

I propose to delete the entire Clause.

GENERAL PROVISIONS UNDER PART V AND PART VI

51. Monthly returns

Within ten days of the last day of each month, every registration officer shall forward to the supervising officer a copy of all entries made by him or her during the preceding month in the births register book and the deaths register book.

Minister's Response

Amend clause 51 by replacing the words “births register book and the deaths register book” with the word “register”. The **redraft** of clause 51 shall read;

“Within ten days of the last days of each month, every registration officer shall forward to the supervising officer a copy of all entries made by him or her in the register during the preceding month.”

52. Searches

All registers, monthly returns and indexes in the custody of the Executive Director and the registration officers shall be open for inspection by members of the public during the prescribed hours and upon payment of the prescribed fee.

Minister's Response

I propose to delete the entire clause.

Minister's Justification

Clause 42 (3) of the Bill already provides for access to information which is the principle that the proposal of the committee in clause 52 was trying to provide for.

53. Certified copies.

- (1) The Executive Director and a registration officer of births and deaths shall, upon payment of the prescribed fee, furnish a certified copy of any entry in a register or return in his or her custody or a certified copy of any extract from that entry.
- (2) The copy of any entry in any register or return, or the copy of any extract from the entry, which is certified under the hand of the Executive Director to be a correct copy, shall be prima facie evidence in all court proceedings of the facts contained in the copy.

Minister's Response

I propose to amend by;

- a) Replacing with the word “Authority” where reference is made to the words “Executive Director” in clause 53 sub-clause (1).
- b) Delete the words in Clause 53 (1) “and a registration officer of births and deaths”.

The **redraft** of Clause 53 (1) shall read as follows;

“The Authority shall, upon payment of the prescribed fee, furnish a certified copy of any entry in a register or return in its custody or a certified copy of any extract from that entry”.

- c) In sub-clause (2) of clause 53, where reference is made to the words “Executive Director”, they should be replaced with the words “*authorized staff of the Authority.*”

The **redraft** of Clause 53 (2) shall read as follows:

“The copy of any entry in the register or return, or the copy of any extract from the entry, which is certified under the hand of the authorised staff of the Authority to be a correct copy, shall be prima facie evidence in all court proceedings of the facts contained in the copy.”

Minister’s Justification

To align the clause with the Bill and for consistence in drafting language and use of phrases.

54. Correction of errors.

- (1) The Executive Director or any registration officer, when authorized by the Executive Director, may correct any error in any register, return, index or certificate.
- (2) Any correction made under subsection (1) shall be done without erasure and shall be authenticated by the Executive Director.

Minister’s Response

I propose to amend;

- a) By deleting the words “or any registration officer, when authorized by the Executive Director”, and replacing it with “may authorize staff of the authority to”.

The **redraft** of Clause 54 (1) shall read;

“The Executive Director may authorize staff of the authority to correct any error in the register, return, index or certificate”.

- b) Sub-clause (2) of clause 54 by inserting immediately after the term “Executive Director” the word “*or other staff of the Authority as maybe authorized by the Executive Director.*”

The **redraft** of Clause 54 (2) is as follows;

“Any correction made under subsection (1) shall be done without erasure and shall be authenticated by the Executive Director or other staff of the Authority as maybe authorized by the Executive Director.”

Minister’s Justification

To align the clause with the Bill and for consistence in drafting language and use of phrases.

55. Offences and penalties

- (1) Any person who, being under a duty to register the birth or death of any person, fails to do so within the prescribed period or refuses to state any of the prescribed particulars commits an offence and is liable to a fine not exceeding six currency points or to a term of imprisonment not exceeding three months.
- (2) Any person who willfully gives any false information or particulars for the purpose of registration is liable to a fine not exceeding twelve currency points or to a term of imprisonment not exceeding six months.

Minister’s Response

I propose that Clause 55 be moved to Part IX of the Bill which is generally providing for Offences and penalties under this Bill and the renumbering be done accordingly.

Minister’s Justification

For proper flow of the entire Bill

56. Regulations.

The Minister may make regulations providing for all or any of the following:-

- (a) the forms to be used and the particulars to be given under Part V and VI;
- (b) the fees to be paid under Part V and VI;
- (c) the mode in which particulars shall be given to the registration officer of births and deaths;
- (d) the manner in which any document shall be signed under Part V and VI;

- (e) the keeping of all registers, records and indexes and the making of returns under Part V and VI;
- (f) the inspection of registers, records and indexes to be kept under Part V and VI;
- (g) the provision of certified copies of records or extracts of records to be kept under Part V and VI;
- (h) the hours during which births and deaths may be registered and inspection of registers, records and indexes may be made;
- (i) the places at which births and deaths occurring on ships within the territorial waters of Uganda shall be registered;
- (j) Generally for the purposes of Part V and VI.

Minister's response

I propose that the proposed clause 56 of the Committee be made part of clause 58 of the Bill which generally gives powers to the Minister to make regulations for proper implementation of the Act and the re-numbering to be done accordingly.

Minister's justification

For proper drafting and orderliness of the Bill

57. Saving provision.

- (1) The Minister shall, within one year of the coming into effect of this Act, by Statutory Instrument make provisions to ensure the registration of every birth and death within Uganda and until such a Statutory Instrument is made; the registration of births and death shall remain under the Births and Death Registration Act, Cap 309.
- (2) The Statutory Instruments under the Births and Deaths Registration Act, cap 309 are here by saved.

Minister's Response

I agree with the relevance of the provision in light of the insertion of the new parts V & VI however I have proposed a re-draft of clause 59 of the Bill which will take care of the committee's concerns under the proposed 57(2).

For the concerns under 57(1) above, I have proposed to redraft it under clause 60 of the Bill as will be read to you to cater for Transitional arrangements.

1. Amend Parts V, VI, VII, VII, IX and X by re-naming accordingly;

Justification

For proper referencing

Minister's Response

I have no objection.