

# **LAWS OF BRUNEI**

## **CHAPTER 79**

### **BIRTHS AND DEATHS REGISTRATION**

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## BIRTHS AND DEATHS REGISTRATION ACT

### An Act to provide for the registration of births and deaths

*Commencement: 1st January 1923*

#### **Citation.**

1. This Act may be cited as the Births and Deaths Registration Act.

#### **Interpretation.**

2. (1) In this Act, unless the context otherwise requires —

“house” includes a public institution;

“medical practitioner” means a person registered as a medical practitioner under the Medical Practitioners and Dentists Act (Chapter 112);

“occupier” includes the keeper, master, matron, superintendent or other chief resident officer of every public institution, and where a house is let in separate apartments or lodgings, includes any person residing in such house who is the person under whom such lodgings or separate apartments are immediately held or his agent;

“public institution” includes prison, lock-up, lunatic asylum, hospital and any other public or charitable institution;

“registration area” means an area within which the provisions of this Act and all rules made thereunder have the force of law.

(2) Words referring to burial of bodies shall be deemed to include burning of bodies.

#### **Declaration of registration areas and appointment of officers.**

3. (1) His Majesty the Sultan and Yang Di-Pertuan in Council may declare any area within Brunei Darussalam to be a registration area for the purpose of this Act.

(2) His Majesty the Sultan and Yang Di-Pertuan may appoint a Registrar of Births and Deaths for Brunei Darussalam and a Deputy Registrar of Births and Deaths for each registration area in Brunei Darussalam.

(3) His Majesty the Sultan and Yang Di-Pertuan may appoint such other officers as may be necessary for the purposes of this Act.

(4) The boundaries of any registration area may be declared to be coincident with the boundaries of any administrative district, or may be separately defined.

(5) Any declaration or appointment made under this section may in like manner be added to, varied or revoked.

#### **Registration books.**

4. (1) The Registrar shall cause to be provided a sufficient number of registration books for the record of all births and of separate registration books for the record of all deaths, and shall furnish to every Deputy Registrar such registration books as he may require.

(2) Such registration books shall be strongly bound books of forms —

(a) each page of which shall be furnished with a counterfoil from which it shall be detachable, by means of perforation or otherwise;

(b) the pages shall be numbered consecutively, and the number printed on each page shall be also printed on the counterfoil thereof;

(c) each page and counterfoil of every birth registration book shall contain identical printed headings indicating the information which is to be filled in, in the spaces provided therefor, by or on behalf of the person reporting a birth; and

(d) each page and counterfoil of every death registration book shall contain identical printed headings indicating the information which is to be filled in, in the spaces provided therefor, by or on behalf of the person reporting a death.

(3) The information referred to in subsection (2) shall, in the case of a report of a death, include, so far as possible —

(a) the name, age, sex, place of residence and birth, race and occupation of the deceased, and in the case of an Asian the name of the father;

(b) the period of his continuous residence in the registration area;

(c) his last place of residence before arrival in the registration area;

(d) the duration of his illness;

(e) the date and cause of his death; and

(f) the name and qualification of the qualified medical practitioner certifying the cause of the death.

(4) Subject to the provisions of this section, the nature and form of the headings in registration books, the language or languages in which they are to be rendered and all other matters relating to the preparation thereof may be prescribed by rules made under this Act.

**Record of information by or on behalf of person reporting birth or death.**

5. (1) Every person reporting a birth or death to a Deputy Registrar shall, if and so far as he is able, write in the appropriate spaces of the page of the registration book placed before him for that purpose by the Deputy Registrar and also of the counterfoil of the page, all the information indicated by the printed headings appearing on the page and counterfoil. If and so far as any person so reporting is unable to write the information indicated by the headings, he shall furnish the required information orally to the Deputy Registrar, who shall write it in the appropriate spaces.

(2) When the required information has been written on the page and counterfoil, the person furnishing the information shall sign his name in the appropriate place on the page and counterfoil or if he is unable to sign his name shall, *in lieu* of signature, affix the impression of his right thumb in ink which shall be witnessed by the Deputy Registrar; and thereafter the Deputy Registrar shall, in the appropriate spaces on the page and counterfoil, fill in

the date of the furnishing of the said information as the date of registration and affix his signature:

Provided that in the event of a person who is required to affix a signature or thumb impression to information recorded under this section being a woman and unable through illness or other cause to affix such signature or impression, she may authorise any male relative to affix on her behalf his signature or thumb impression thereto.

(3) Every person reporting a birth or death under the provisions of this section shall be entitled to receive free of charge a copy of the entry signed by the Deputy Registrar.

**Original and duplicate registers.**

6. The pages of the registration books filled in as provided by this Act shall constitute the original register of births and deaths respectively, and the counterfoils of the pages filled in as provided by this Act shall constitute the duplicate register of births and deaths respectively.

**Cancellation of spoiled pages.**

7. When any page of a registration book, or the counterfoil of any page, in the possession of a Deputy Registrar which has not been filled in as provided by this Act is in the opinion of the Deputy Registrar so spoiled, defaced or injured as to be unsuitable for record of the prescribed particulars, the Deputy Registrar shall cancel both the page and counterfoil by writing across the face of each the word "Cancelled" and affixing his signature together with the date of affixing the same.

**Duty of Deputy Registrars to keep informed and to record information.**

8. Every Deputy Registrar shall inform himself carefully of every birth and death occurring in his registration area and shall cause the prescribed information to be furnished and recorded without delay in the proper registration book furnished to him for that purpose. In cases of death, the Deputy Registrar shall, if practicable, personally inspect the corpse and make inquiries among the persons present at the death.



**Disposal and custody of completed pages and counterfoils of registration books.**

9. (1) Every Deputy Registrar shall detach, at such intervals as may be prescribed, from their counterfoils, all such pages of the registration books in his possession as shall have been filled in as provided by this Act, together with those which shall have been cancelled by the Deputy Registrar, and shall forward them to the Registrar.

(2) Every Deputy Registrar shall keep in a suitable strong room or other safe place, all counterfoils in their original binding after all the pages have been detached and forwarded to the Registrar.

(3) The Registrar shall cause the pages received by him from the Deputy Registrars under subsection (1) to be strongly bound from time to time in books, preserving the original sequence of the pages as indicated by the printed numbers thereon and separating, in such manner and to such extent as may be prescribed, the pages relating to one registration area from the pages relating to other registration areas, and shall keep the pages and books in a suitable strong room or other safe place.

**Inspection of registers; certified copies of entries.**

10. (1) The original registers of births and of deaths in the custody of the Registrar and the duplicate registers in the custody of the Deputy Registrars shall, on payment of the prescribed fees, be open to inspection by any person on any day, not being a friday, sunday or holiday, between the hours of 10 in the forenoon and 4 in the afternoon; and the Registrar and every Deputy Registrar shall, on payment of the prescribed fees, furnish to any person requiring the same a certified copy of any entry in any register in his charge.

(2) Every copy of any entry in any register certified under the hand of the Registrar or of a Deputy Registrar in charge of the same for the time being to be a true copy shall, subject to the limitation in section 15 provided, be *prima facie* evidence in all courts and before all tribunals in Brunei Darussalam of the dates and facts contained or set forth in such copy.

**Annual summary and report.**

11. The Registrar shall, by the 1st day of March in every year, compile —

(a) a summary of the births and deaths of the past year according to such forms as may from time to time be approved by the Minister; and

(b) a general report on the increase or decrease of the population and on any special causes appearing to affect the same, so far as the same may be gathered from the registers of births and of deaths.

**Persons on whom rests the duty to report births and deaths.**

12. (1) In the case of every child born alive, it shall be the duty of the father and mother of the child, and of the occupier of the house in which to his knowledge the child is born, and of each person present at the birth, and of the person having charge of the child, to report such birth within 14 days after the birth shall have taken place to the Deputy Registrar of the registration area within which the birth shall have taken place and to comply with the provisions of section 5.

(2) When the name of a child is not settled and cannot be notified to the Deputy Registrar within 14 days of birth, the person whose duty it is to report such birth shall, so soon thereafter as the name is settled and not later than 2 months thereafter, attend again at the office at the Deputy Registrar of the registration area within which the birth took place or, if such Deputy Registrar so directs, at the office of the Registrar and there record the name in the manner (so far as is practicable) prescribed by section 5 for the recording of information by a person reporting a birth.

(3) When a person dies in a house, it shall be the duty of —

(a) the occupier of the house in which to his knowledge the death took place;

(b) the nearest relatives of the deceased in attendance during his last illness;

(c) each person present at the deaths; and

(d) in default of the persons mentioned in paragraphs (a) to (c), of each resident of the house and of the person causing the body of the deceased to be buried,

to report such death within 12 hours (exclusive of the time necessary for the journey and of any intervening hours of darkness) after the same shall have taken place to the Deputy Registrar of the registration area within which the death took place and to comply with the provisions of section 5.

(4) When a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, it shall be the duty of —

(a) every relative of such deceased person having knowledge of any of the particulars prescribed to be registered concerning the death;

(b) every person present at the death;

(c) any person taking charge of the body; and

(d) the person causing the body to be buried,

to report such death or finding within 12 hours (exclusive of the time necessary for the journey and of any intervening hours of darkness) after the death or the finding to the Deputy Registrar of the registration area within which the death took place or the body was found and to comply (so far as is practicable) with the provisions of section 5 applicable to a person reporting a death.

#### **Offence not to report or furnish information within time prescribed.**

**13.** Any person whose duty it shall be under this Act to report or furnish information as to any birth or the name of any child or any death or the finding of any dead body and who shall, without reasonable cause, omit to do so within the time prescribed by this Act is guilty of an offence and liable on conviction to a fine of \$500, except in any case for which a smaller penalty is provided by this Act.

#### **Extended time within which information may be recorded.**

**14.** Notwithstanding the commission by any person of such an offence as referred to in section 13, a Deputy Registrar may, on payment by such person of the prescribed fee, permit the prescribed information relating to any birth

or death to be recorded in the manner prescribed by section 5 within 42 days after the birth and within 3 days after the death, as the case may be.

**Post registration.**

**15.** (1) Notwithstanding any omission to report or furnish information as to any birth within 42 days or any death within 3 days, it shall be the duty of the Deputy Registrar to procure by all means in his power the best and most accurate information respecting any birth or death which may have occurred within his registration area and to cause the same to be recorded (so far as is practicable) in the manner prescribed by section 5, but not until after the expiration of the time last mentioned in each case.

(2) Every entry made under this section on any page of a registration book and on the counterfoil thereof shall be marked by the Deputy Registrar, in such manner as may be prescribed, with the words "Post Registration".

(3) No copy of any entry so marked shall be receivable in evidence as prescribed in section 10 unless the truth of the facts therein entered shall have been found by a Magistrate in a proceedings instituted before him under this section and such Magistrate has certified his finding in the register.

(4) Such proceedings may be instituted by any person claiming to have an interest in substantiating the record marked "Post Registration" and shall be brought by way of information and summons to be served on the Registrar calling upon him to show cause why a certified copy of such entry should not be entitled to be received in evidence in the manner and to the extent provided by section 10.

**Duties of police officers and headmen.**

**16.** (1) It shall be the duty of all police officers and headmen to obtain information of every birth and death within their respective areas, and respecting the father or mother of every child born in their respective areas, and respecting the occupier of any house in their respective areas in which any birth or death may take place, and to give notice thereof to the Deputy Registrar of the registration area.

(2) Any police officer or headmen who, knowing such particulars, shall wilfully neglect or omit to give notice thereof to the Deputy Registrar is guilty of an offence and liable on conviction to a fine of \$250.

**Duty of medical practitioner as to certificate.**

17. (1) It shall be the duty of every medical practitioner, upon the death of any person who has during his last illness been attended by such medical practitioner, to sign and deliver within 12 hours of the death to some person required by this Act to furnish particulars of the death or to the Deputy Registrar of the registration area within which the death took place, a certificate in such form as the Registrar may determine; and such person shall, when reporting or furnishing information as to the death, deliver such certificate to the Deputy Registrar.

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(2) When a medical practitioner has made a *post mortem* examination of the body of any person, such medical practitioner shall, within 24 hours after the conclusion of the examination, forward a certificate in such form as the Registrar may determine to the Deputy Registrar of the registration area within which the death took place.

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(3) The cause of death as stated in the certificate, together with the name of the certifying medical practitioner, shall be entered on the appropriate page of the registration book and on the counterfoil thereof.

**Duty of Magistrate holding inquest.**

18. When an inquest is held into death of any person, the Magistrate holding such inquest shall, within 24 hours after the conclusion thereof, forward a certified copy of his finding to the Deputy Registrar of the registration area within which the death took place, and the cause of death as stated in such finding shall be entered on the appropriate page of the registration book and on the counterfoil thereof.

**Penalty for breach of section 17 or 18.**

19. Any person wilfully neglecting or omitting to comply with the provisions of section 17 or 18 is guilty of an offence and liable on conviction to a fine of \$250.

**False information, false entry or destruction of entry.**

**20.** Any person who —

(a) wilfully makes or permits to be made, for the purposes of registration, any false statement;

(b) wilfully or knowingly furnishes or permits to be furnished any false information touching any of the particulars hereby required to be made known;

(c) makes or permits to be made by false entry in any registration book or register knowing the entry to be false; or

(d) wilfully destroys or permits to be destroyed any entry in any registration book or register,

is guilty of an offence and liable on conviction to a fine of \$5,000 and imprisonment for 12 months.

**Injury to register and omission to effect registration.**

**21.** Any —

(a) person who wilfully or carelessly destroys, injures, mutilates, defaces or loses any registration book or register used for the purposes of this Act;

(b) Deputy Registrar who refuses or omits without reasonable cause, the burden of proof whereof shall lie on him, to effect or secure the due registration of any birth or death within his registration area of which he has notice of knowledge; and

(c) Registrar or Deputy Registrar who carelessly or wilfully allows any register or registration book to be destroyed, injured, mutilated, defaced or lost whilst in his custody or keeping,

is guilty of an offence and liable on conviction to a fine of \$1,000 and imprisonment for 6 months.

**Authority for prosecution.**

**22.** No prosecution for any offence under this Act shall be instituted except by the authority of the Attorney General.

**Correction of errors.**

**23.** (1) No alteration in any register or registration book shall be made except as authorised by this section.

(2) Any clerical error which may from time to time be discovered in any such registration book or register may be corrected by a Deputy Registrar while the counterfoil is in his possession and thereafter by the Registrar of the registration area in the manner directed by the Minister.

(3) An error of fact or substance in any such registration book or register may be corrected by entry in the margin, without any alteration of the original entry, by the Deputy Registrar of the registration area, upon —

(a) payment of the prescribed fee; and

(b) production to him by the person requiring such error to be corrected of a statutory declaration setting forth the nature of the error and the true facts of the case, and made by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made, or in default of such person then by two credible persons having knowledge of the truth of the case.

(4) When an error of fact or substance occurs in the information forwarded by a Magistrate under section 18 concerning a dead body upon which he has held an enquiry, the Magistrate, if satisfied by evidence on oath or statutory declaration that such error exists, may certify under his hand to the Deputy Registrar of the registration area within which the death took place, the nature of the error and the true facts of the case as ascertained by him on such evidence and the error may thereupon be corrected by such Deputy Registrar by entering in the margin, without any alteration of the original entry, the facts as so certified by the Magistrate.

(5) When any correction is made under the provisions of this section after the page of the registration book has been transmitted to the Registrar, the Deputy Registrar shall forthwith forward the necessary information to the Registrar in order that the correction may be recorded in the original register.

**Stillborn child.**

**24.** Nothing in this Act shall apply to a stillborn child.

**Power to make rules.**

**25.** (1) Subject to the provisions of this Act, the Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan make rules in respect of all or any of the following matters —

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(a) the form and contents of the registration books and of any certificates, notices or other documents required for carrying out the purposes of this Act;

(b) the fees to be taken under this Act;

(c) the custody of the registration books, registers and other documents connected with the business of registration;

(d) the making of searches and the giving of certified copies;

(e) the preparation and custody of indexes of matters in registers;

(f) any other matters as to which it may be expedient to make rules for carrying into effect the objects of this Act.

(2) Such rules shall be published in the *Gazette* and shall thereupon be of the same force as if they had been made in this Act.

**Fees to be paid into Treasury.**

**26.** All fees taken under this Act shall be paid into the Treasury for the credit of the public revenue.