

THE LAWS OF BOTSWANA

PRINCIPAL LEGISLATION

CHAPTER 01:02 NATIONAL REGISTRATION ARRANGEMENT OF SECTIONS

SECTION

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Schedule

Act 26, 1986,
Act 23, 1987,
Act 9, 1993,
Act 17, 1993,
S.I. 36, 1997,
S.I. 26, 2004.

An Act to provide for the registration of persons resident in Botswana and to provide for matters incidental thereto.

[Date of Commencement: 31st December, 1986]

1. Short title

This Act may be cited as the National Registration Act.

2. Interpretation

In this Act unless the context otherwise requires-

"authorized person" means any person or class of persons prescribed by the Minister by regulations;

"**district register**" means the register maintained by each district registrar;
"identity card" means an identity card issued in accordance with the provisions of this Act;
"Minister" means the Minister for the time being responsible for home affairs;
"national register" means the register maintained by the Registrar of National Registration under the provisions of section 4;
"registrar" means the Registrar of National Registration appointed under section 3(1) or a district registrar appointed under section 3(2)

3. Appointment of Registrar and district registrars

- (1) There shall be a Registrar of National Registration appointed by the Minister.
- (2) The Minister may appoint such district registrars as he deems necessary to assist the Registrar of National Registration in carrying out his duties under this Act.
- (3) The Registrar of National Registration may delegate any or all of his duties to be performed by a district registrar within the area of a particular district.
- (4) In addition to his powers under subsection (3), the Registrar may, for areas where there is no district Registrar, or where the pressure of work so requires, delegate such of his powers as he may specify, to such public officers as are available and whom he considers suitable to exercise such powers.

4. Functions of registrars The Registrar shall keep or cause to be kept a national register of all citizens of Botswana of the age of 16 years or over, and district registers of all such citizens living within the districts concerned, and to whom identity cards have been issued.

5. Contents of register

The national register and each district register shall consist of the following particulars relating to each applicant-

- (a) the applicant's name;
- (b) the applicant's principal place of residence in Botswana;
- (c) the applicant's sex;
- (d) the applicant's date of birth;
- (e) the applicant's marital status and the name of his spouse, if any;
- (f) the date of registration of the applicant and the registration number;
- (g) such other particulars as the Minister may by regulations prescribe.

6. Registration requirements (1) Subject to such regulations as may be made under this Act, every citizen of Botswana of or above the age of 16 years shall be qualified to be registered under this Act, and shall apply for registration to the Registrar or to the Registrar of the area in which he ordinarily resides, within one month of his reaching the age of 16 years, or, if he becomes a citizen of Botswana after reaching the age of 16, within one month of so becoming a citizen.

(2) Every applicant for registration shall submit to having his fingerprints and his photograph taken by the Registrar or by a person acting under his authority.

7. Additional information

(1) The registrar may require any person applying for registration under this Act to provide such documentary information as shall in the opinion of the registrar be necessary to establish the truth of the information stated in the application form.

(2) Every district registrar shall, where he is satisfied that the applicant qualifies for registration, forward the application, and the photograph and record of finger prints relating to that application, to the Registrar of National Registration.

(3) Any person who, for the purposes of this Act, is required by the Registrar to provide information relevant to an application for registration, being information that he can reasonably be expected to possess, and who, without reasonable cause, refuses or declines to provide such information, shall be guilty of an offence and liable to a fine of P500 and to imprisonment for six months.

8. Forgery, false information and undue influence

Any person who-

- (a) furnishes false information or makes any false statement in his application for registration or in any affidavit sworn under this Act; or
- (b) forges any document for the purpose of obtaining registration under this Act; or
- (c) in any way seeks to illegally influence the decision of the registrar; or
- (d) being already registered, applies for registration; or
- (e) being in possession of any identity card, applies for a new card falsely alleging that his identity card was lost or destroyed,

shall be guilty of an offence under this Act.

9. Issue of identity cards (1) Where the Registrar is satisfied that an applicant qualifies for registration he shall issue an identity card to the applicant.

(2) An identity card shall be valid for a period of 10 years, and shall be renewable for further periods of 10 years each for so long as the holder of the card qualifies for registration under this Act:

Provided that where the applicant is under 21 years of age, and possesses dual citizenship in accordance with the Citizenship Act, his identity card shall be valid only until he reaches the age of 21 years, and will be renewed only if he then assumes Botswana citizenship.

(3) An identity card shall be renewed by the issue of a new card with an up-to-date photograph and with up-to-date particulars relating to the holder.

10. Forms of identity cards

The Minister may by regulations prescribe the size and description of the identity card and the particulars it shall contain, and may prescribe different cards for different categories of persons.

11. Preservation of identity cards

(1) Every person issued with an identity card under this Act shall, to the best of his ability, ensure the safety and preservation of that card.

(2) Where an identity card is lost, damaged or destroyed the person concerned shall immediately inform the registrar of the area in which he is registered.

(3) The registrar shall require the person whose identity card is lost or destroyed to execute an affidavit to the effect.

(4) The Minister may by regulations prescribe the form of affidavit to be executed under subsection (3).

12. Duplicate of identity cards (1) Where a district Registrar, who is informed of the loss, damage or destruction of an identity card, is satisfied as to the loss, damage or destruction of the identity card, he may recommend to the Registrar of National Registration that the owner of the identity card should be issued with a duplicate of the identity card on payment of the prescribed fee.

(2) When a duplicate of an identity card has been issued, the Registrar shall inform all the district registrars and such other authorities as the Minister may by regulations prescribe, of the issue of the duplicate identity card as soon as may be practicable.

(3) Where an identity card which has been lost is subsequently found, the duplicate shall be returned by the owner to the Registrar of National Registration for cancellation.

(4) Any person who fails to comply with the provisions of subsection (3) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding P250.

13. Identity card *prima facie* proof of contents

The identity card shall be *prima facie* proof of the particulars stated therein.

14. Change in particulars relating to registered person

Where the particulars relating to any person, and to which he has sworn in his application for registration, change after he has been issued with an identity card, such person shall, within 30 days of such change inform the registrar of the area in which he is registered of

the changes.

15. Immaterial change

Where a district registrar is informed of any change in the particulars relating to a registered person he may, if he is of the opinion that the changes do not materially affect his registration, note the changes in his register and cause the changes to be recorded in the national register by the Registrar of National Registration.

16. Material change

(1) Where the registrar is of the opinion that any change in the particulars relating to a registered person materially affects his registration, he shall record the change and notify the Registrar of National Registration of the circumstances and recommend that the person concerned should be issued with a new identity card.

(2) The Registrar of National Registration shall, if he is satisfied that the change materially affects the person's registration, cancel the identity card issued to that person and issue a new identity card to him.

(3) The particulars relating to the new identity card and its holder shall be recorded in the national register and the register of the area in which that person is registered.

17. Up-dating photograph

(1) Every registered person may, whenever he is satisfied that his personal appearance has changed so as to make it likely that his identity as certified by the identity card may be questioned, apply to the registrar of the area in which he is registered for the issue of a new card with a more recent photograph and shall, when issued with a new identity card by the Registrar of National Registration, surrender his existing identity card to the registrar to be cancelled and destroyed.

(2) The registrar of the area in which the person is registered and the Registrar of National Registration shall cause the changes to be recorded in the relevant registers.

18. Miscellaneous offences

Any person who-

- (a) fails to register within the time prescribed by this Act;
- (b) wilfully obstructs the registrar in the execution of his duties under this Act;
- (c) wilfully destroys or mutilates or attempts to destroy or mutilate any identity card;
- (d) unlawfully deprives or dispossesses any person of that person's identity card;
- (e) uses any identity card other than the card issued to him intending that some other person shall be led to believe that he is the person shown on the card he is using;
- (f) is knowingly in possession of an identity card in which any unlawful entry, alteration or erasure has been made or of any document so closely resembling an identity card as to be calculated to deceive;
- (g) is in possession of more than one identity card purporting to show his identity;
- (h) permits any other person to use the identity card issued to him as an identity card issued to that other person,

shall be guilty of an offence under this Act.

19. Punishments

Any person guilty of an offence under this Act shall in addition to any punishment he may be liable for under any other law-

- (a) be liable under section 8 and under paragraphs (e), (f) and (h) of section 18 to a fine not exceeding P1500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment;
- (b) be liable under paragraph (a) to (d) and paragraphs (g) of section 18 of this Act to a fine not exceeding P500 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

20. Secrecy

(1) The registrar shall not disclose any information received by him from any application

for registration or from any enquiries or investigations made by him in connection with any application for registration.

(2) All persons who are employed in carrying out the provisions of this Act shall, subject to the provisions of subsection (3), keep secret and assist in keeping secret any information that comes to their knowledge in the course of the exercise of their duties under this Act.

(3) No person referred to in subsection (2) shall, except in the exercise of his powers or the performance of his duties under this Act or in obedience to an order of a court-

(a) disclose information acquired by him in the exercise of his powers or performance of his duties; or

(b) permit access to any record of information received by a registrar under this Act, to any person who is not an authorized person or to any person other than a person entitled to receive such information in the course of the exercise of his duties under this Act.

(4) Notwithstanding the previous provisions of this section, the Minister may, by direction in writing, authorize access to information obtained by the Registrar under this Act by specified members of the Departments named in the Schedule.

(5) The Minister may, by Order in the *Gazette*, from time to time, amend the Schedule.

(6) Any person who, contrary to the provisions of this section, discloses information acquired by him in the exercise of his powers or the performance of his duties to, or permits access to information or records acquired under this Act by, unauthorized persons shall be guilty of an offence and liable to a fine of P 1000, in addition to any other disciplinary measures that may be taken against him by his employer.

21. Evidence

Any document purporting to be signed by the Registrar of National Registration or a district registrar or any officer authorized by him in writing, certifying a copy or extract of any record kept by the registrar under this Act shall, in any prosecution for an offence under this Act, be *prima facie* evidence of the facts stated therein, and, if stated to be signed by an officer authorized by the registrar, shall unless the contrary be proved, be deemed to be signed by the officer so authorized without production of proof of such authorization.

22. Immunity

No claim shall lie against the Government, the Minister, any registrar or public officer for anything done in good faith and without negligence under the powers conferred upon them by this Act.

23. Regulations

The Minister may by regulations prescribe-

- (a) the form of the application for registration;
- (b) the additional particulars that may be required of an applicant for registration;
- (c) the form of the identity card or cards that may be issued under this Act and the particulars each shall contain;
- (d) the form of the affidavit to be executed by a person whose identity card has been lost, damaged or destroyed;
- (e) the fees that may be levied under this Act;
- (f) the authorities that shall be informed by the registrar of the loss of an identity card;
- (g) the procedures to be followed in issuing identity cards;
- (h) the procedure to be followed in correcting errors or issuing replacement identity cards;
- (i) the persons who shall be authorized persons for the purposes of this Act; and
- (j) all other matters necessary for the carrying out of the provisions of this Act.

SCHEDULE

Botswana Police Force

Department of Surveys and Lands

Elections Office

Department of National Transport and Communications

Department of Old Age Pension

Accountant-General's Department