

## CHAPTER 10:17

# NATIONAL REGISTRATION ACT

*Acts 36/1976, 41/1978 (s. 41), 17/1979 (s. 16), 1/1984, 14/1994, 22/2001 (s. 4).*

### ARRANGEMENT OF SECTIONS

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**AN ACT to provide for the registration of persons resident in Zimbabwe and for the issue of identity documents; to impose obligations regarding the carrying of identity documents; and to provide for matters connected with or incidental to the foregoing.**

[Date of commencement: 24th September, 1976.]

#### **1 Short title**

This Act may be cited as the National Registration Act [*Chapter 10:17*].

#### **2 Interpretation**

In this Act—

“authorized person” means a person who is a member of such class of persons as is prescribed;

“designated area” means any area which is a designated area in terms of section *four*;

“identity document” means an identity document issued in terms of section *seven*, including any duplicate identity document;

“Minister” means the Minister of Home Affairs or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“registered” means registered in terms of this Act;

“Registrar-General” means the person referred to in paragraph (a) of section *three*;

“registration officer” means any person appointed in terms of paragraph (b) of section *three* as a registration officer;

“resident” means any inhabitant of Zimbabwe who—

(a) has resided therein for a continuous period of not less than six months; and

(b) has attained such age as is prescribed; and

(c) is not a member of such class of persons as is prescribed.

#### **3 Registrar-General and registration officers**

For the purposes of this Act, there shall be—

(a) a Registrar-General of National Registration; and

(b) such number of registration officers as may be required;

whose offices shall be public offices and shall form part of the Public Service.

#### **4 Declaration of designated areas**

The Minister may, by statutory instrument, declare that, with effect from such date as may be specified in the statutory instrument, the area specified in the statutory instrument shall be a designated area.

#### **5 Register of residents**

(1) The Registrar-General shall compile, in a form approved by the Minister, a register of residents who are required in terms of this Act to be registered and shall maintain such register in accordance with this Act.

(2) In relation to any person whose name is registered, there shall be kept in the register such particulars of that person as may be prescribed.

## 6 Applications for registration

(1) Subject to this section, any person who—

- (a) is a resident and ordinarily resident within an area on the date on which it becomes a designated area shall, unless he is already registered, apply for registration in such manner as is prescribed, within such period and at such place as may be specified by the Minister, by statutory instrument, in respect of that area;
- (b) becomes a resident and ordinarily resident within an area after it has become a designated area shall, unless he is already registered, apply for registration in such manner and at such place as is prescribed, within one month of the date he became a resident or ordinarily resident within the area, as the case may be, whichever is the later:

Provided that, if that period of one month expires before the period specified by the Minister in terms of paragraph (a) in respect of that designated area, he may apply for registration within the period so specified by the Minister.

(2) An applicant for registration in terms of this Act—

- (a) shall produce such documents and provide such information in relation to all or any of the following matters—
  - (i) his full name and address; and
  - (ii) his citizenship status, birth, entry into Zimbabwe, appearance, marital status, family particulars, tribal affiliations and registration and liability for National Service in terms of the National Service Act [*Chapter 11:08*];

as is prescribed or required by the registration officer and may provide other information relating to matters which may be indicated on his identity document; and

(b) shall submit to having his finger-prints and his photograph taken; and

(c) shall surrender to the registration officer any certificate of registration, registration book or identity card issued to him in terms of the Africans (Registration and Identification) Act [*Chapter 241 of 1974*].

(3) The place specified or prescribed in terms of subsection (1) at which a resident shall apply for registration may be inside or outside the designated area concerned.

(3a) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable—

- (a) in the case of a contravention of subsection (1), to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment;
- (b) in the case of a contravention of subsection (2), to a fine not exceeding level four or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001.]

(4) The duty of every resident to register in terms of subsection (1) shall be a continuing duty and shall not be deemed to be extinguished by reason only of the fact that he has failed to do so within the period required by subsection (1) and has thereby incurred a penalty.

## 7 Issue of identity documents

(1) If a registration officer is satisfied as to the identity of an applicant for registration and the accuracy of any information given in connection with the application for registration, he shall issue to the applicant a notice in writing indicating the date on which the applicant has applied for registration and the place at which and time when the applicant may receive his identity document.

(2) When an applicant for registration surrenders to a registration officer the notice issued to him in terms of subsection (1) at the place and within the period specified in that notice, the registration officer shall, if he is satisfied as to the identity of the applicant, issue to him an identity document which shall—

- (a) be in a form prescribed and of materials approved by the Minister; and
- (b) contain a photograph and such other particulars of the registered person as the Minister may direct.

## 8 Secrecy

(1) The Registrar-General shall keep in safe custody any information acquired in the performance of his duties.

(2) All persons who are employed in carrying out the provisions of this Act shall, subject to subsection (3), keep secret and aid in keeping secret all information coming to their knowledge in the exercise of their duties.

(3) No person referred to in subsection (2) shall, except in the exercise of his powers or the performance of his duties in terms of this Act or unless he is required to do so by order of a court—

- (a) communicate information coming to his knowledge in the exercise of his powers or the performance of his duties to any person who is not an authorized person; or
- (b) allow any person who is not an authorized person to have access to any record under his control or in his custody which contains information submitted in terms of this Act.

(4) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001.]

## 9 Immunity

No claim shall lie against the State, the Minister or the Registrar-General or any other employee of the State for anything done in good faith and without negligence under the powers conferred by this Act.

## 10 Offences

(1) Any person who—

- (a) is in unlawful possession of an identity document belonging to another; or
- (b) makes any false statement or commits any act with the object of deceiving a registration officer; or
- (c) .....

[Paragraph repealed by section 4 of Act 22 of 2001.]

(d) .....

[Paragraph repealed by section 4 of Act 22 of 2001.]

- (e) alters, mutilates or destroys any identity document issued to him; or
- (f) forges an identity document; or
- (g) knowing that an identity document has been forged, uses or has in his possession that identity document or lends it to or allows it to be used by any other person; or
- (h) .....

[Paragraph repealed by section 4 of Act 22 of 2001.]

shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act 22 of 2001.]

(1a) Any person who, being registered or required to be registered in terms of this Act, fails without just cause to produce his identity document when required to do so by an authorised person who has lawful grounds to require its production—

- (a) for the purposes of this Act; or
- (b) to ascertain the person's identity; or
- (c) for the purpose of investigating an offence or suspected offence;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment..

[Subsection inserted by section 4 of Act 22 of 2001.]

(2) For the purposes of this section, a notice issued in terms of subsection (1) of section *seven* shall be regarded, for such period as is prescribed, as an identity document.

[Subsection as amended by section 4 of Act 22 of 2001.]

## 11 Regulatory powers of Minister

(1) The Minister may make regulations providing for any matter which by this Act is required or permitted to be prescribed or which in his opinion is necessary or convenient to be provided for in order to carry out or give effect to this Act.

(2) Regulations in terms of subsection (1) may provide for—

- (a) the issue of identity documents, whether original, duplicate or replacement, and the fees payable therefor;
- (b) the procedure for issuing identity documents;
- (c) the surrender of identity documents issued to persons who have died or are about to leave Zimbabwe;
- (d) the classes of persons who shall, within the whole or such areas of Zimbabwe as may be specified in the regulations, be exempted from the requirement to carry identity documents on their persons;
- (e) the surrender of identity documents for—
  - (i) the correction of any error; or
  - (ii) the alteration of any particular appearing thereon; or
  - (iii) the issue of replacement identity documents;
- (f) the notification by the holders of identity documents of a change in any particulars kept in a register maintained in terms of section *five* or appearing on such identity documents.

(3) Regulations may provide penalties for contraventions thereof, but no such penalty shall exceed a fine of level four or imprisonment for a period of three months or both such fine and such imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001.]

## 12 Evidence

(1) If it is shown that any person is resident in a designated area, he shall be deemed to be ordinarily resident in that area unless the contrary is proved.

(2) An extract from or a statement in writing based on the contents of the register maintained in terms of section *five* shall, if it purports to be certified by the Registrar-General to be a true extract or correct statement, as the case may be—

- (a) be received in evidence in any court as *prima facie* proof of the facts stated therein; and
- (b) be deemed, unless the contrary is proved, to have been made by or on behalf of the person by whom or on whose behalf the entry in the register purports to have been made.