

LAWS OF THE GAMBIA

**BIRTH, DEATHS AND MARRIAGES
REGISTRATION**

CHAPTER 41:01

**Act
11 of 1996**

**Amended by
8 of 1845
5 of 1883
7 of 1916
5 of 1919
41 of 1940
3 of 1948
15 of 1956
22 of 1957
4 of 1974**

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LAWS OF THE GAMBIA

**Births, Deaths and Marriages
Registration**

Cap. 41: 01

**Index
of
Subsidiary Legislation**

	<i>Page</i>
Births, Deaths and Marriages (Application of the Act) Order..... (Orders 14/1951, 13/1937)	24
Appointment of Registrar..... (L.N. 1/1957)	25
Appointment of Deputy Registrars..... (Notification 13/1957)	25

LAWS OF THE GAMBIA

**Births, Deaths and Marriages
Registration**

Cap 41:01

CHAPTER 41: 01

**BIRTHS, DEATHS AND MARRIAGES
REGISTRATION**

Arrangement of Sections

Section

1. Short title.
2. Application.
3. Appointment of Registrar and Deputy Registrars.
4. Power to make regulations.
5. (1) Inspection of registers of Deputy Registrars.
(2) Exhausted registers to be transmitted.

Duties and Powers of Registrars

6. Registration of births and deaths and correction of register or certified copy.
7. Offences as to registers.
8. (1) Registrars empowered to summon parties before them.
(2) Penalty for not making full true answers to all questions.

Fees Payable to Registrars

9. (1) Fees to be taken.
(2) Accounts to be rendered.
10. Fees to be paid for registering after prescribed time.

Extracts

11. Certified copy of registry to be evidence.
12. Shortened form of birth certificate.

Marriages

13. Returns of marriages.
14. Penalty for omission or willful falsification of returns.
15. Clergyman's authority to put necessary questions before marriage.

Births

16. The father of any child born in wedlock to give notice of birth within fourteen days.
17. When the mother to give notice of birth.
18. When notice to be given by the occupier of the house where birth may occur.
19. No one to be entered in register as father of illegitimate child without consent.

Deaths

20. Notice of every death to be given by the occupier of house where such death may occur, or nearest neighbour.
21. Coroner, etc., to report to the Registrar.
22. (1) Medical practitioner attending during last illness to certify cause of death.
(2) Refusal or neglect to supply certificate.
23. Recovery of forfeitures and penalties.
24. Penalties under sections 16, 17, 18 and 20 of this Act made cumulative.

Denominational Registers

25. (1) Commissioners may be appointed to examine denominational registers.
Registers found faithful and accurate to be certified by commissioners.
- (2) Registrar to receive certified registers from commissioners.
- (3) Commissioners to deliver to Registrar descriptive lists of certified registers.
- (4) Registrar to cause lists to be made.
searches and certified extracts
- (5) Certified extracts from such registers may be received in evidence.
- (6) Registrar to note on certified extracts that it is from one of the denominational registers.
- (7) In criminal cases register to be produced.

Registration in the Provinces

26. (1) Registration of births and deaths in the Provinces.
(2) Validity of previous entries in register.
27. Registration at Gambian missions abroad
28. Registration where there is no Gambian mission.

FIRST SCHEDULE – FORMS

SECOND SCHEDULE – FEES.

LAWS OF THE GAMBIA

**Births, Deaths and Marriages
Registration**

Cap 41:01

CHAPTER 41: 01

**BIRTHS, DEATHS AND MARRIAGES
REGISTRATION**

An Act to make provision for the registration of births, deaths and marriages. 11 of 1886
8 of 1845
5 of 1883
7 of 1916
5 of 1919
41 of 1940
3 of 1948
15 of 1956
22 of 1957
4 of 1974

(20TH December, 1886.)

1. This Act may be cited as the Births, Deaths and Marriages Registration Act. Short title

2. This Act shall apply to Banjul Island and MacCarthy Island: Application
7 of 1916

Provided that the President may, by Order, apply this Act or any part thereof, which such modifications as may be deemed necessary, to any other place or district in the Provinces or to any other place outside The Gambia. 4 of 1974

3. (1) The Public Service Commission may appoint a Registrar. Appointment
of Registrar

(2) The Public Service Commission may appoint a Chief Deputy Registrar to act for the purposes of this Act in the place of the Registrar and Deputy Registrars. and Deputy
Registrars.

Island and any other place or district to which this Act may be applied. 15 of 1956

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap. 41:01

Power to
make
Regulations
7 of 1916

4. The Minister may make regulations-

(a) prescribing the amount of the fees which this Act requires to be paid;

(b) prescribing the forms to be used;

(c) for procuring true and complete returns to the Registrar, of all births, deaths and marriages occurring in any part of The Gambia, subject to the provisions of this Act; and

(d) generally for giving complete effect to the provisions of this Act;

an in any such regulations the Minister may provide a penalty for the breach thereof not exceeding ten dalasis or in default of payment imprisonment with or without hard labour for a term not exceeding one month.

Inspection
of registrar
of Deputy
Registrars

5. (1) The registers or records in the custody of any Deputy Registrar shall at all times be open to the inspection of the Registrar

Exhausted
Register to be
Transmitted

(2) Whensoever a register in the custody of a Deputy Registrar becomes exhausted, discontinued or put aside, it shall as soon as possible thereafter be transmitted to the Registrar to be deposited in his office in Banjul together With the registers and records in his custody.

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap. 41:01

DUTIES AND POWERS OF REGISTRARS

Registration of
Births and
deaths and
correction of
regime of
certified copy
forms A and B
first schedule
3 of 1948

6. (1) The Registrar and Deputy Registrars shall register, or cause to be registered, as nearly as may be, every birth and every death according to Forms A and B set out in the First Schedule to his Act.

(2) If the Registrar or Chief Deputy Registrar at any time has reason to believe that a birth or death has been or has become incorrectly registered, he may call for such evidence as he thinks fit as to the correctness or otherwise of the registrations, and if satisfied that the birth or death has been or is incorrectly registered, he shall, on payment of the prescribed fee, correct the register kept under the provisions of this Act and any certified copy or extract issued under the provisions of sections 11 and 12 of this Act.

Offences as
to registers
7 of 1916

7. Any person who shall-

- (a) willfully destroy or injure, or cause to be destroyed or injured, any register in the custody of the Registrar or any Deputy Registrar or Commissioner, or any part of such register, or certified copy or any part thereof;
- (b) falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such register or certified copy thereof;
- (c) willfully insert, or cause to be inserted, in any such register or certified copy thereof

LAWS OF THE GAMBIA

**Births, Deaths and Marriages
Registration**

Cap. 41:01

(d) Certify any writing to be a copy or extract of any such register or certificate, knowing it to be false in any part thereof; or

(e) Forge and counterfeit the seal of the Registrar,

Shall be guilty of felony, and shall be liable to imprisonment for a term, not exceeding seven years, with or without hard labour.

8. (1) The Registrar or any Deputy Registrar, of any place or district in which any birth or death shall occur, may summon before him, at his office, the several parties required by sections 16 and 20 of this Act to give the notice of such birth and death, and put to them such questions as he may deem necessary for filling up Forms A and B set out in the First Schedule to this Act.

Registrars
empowered
to summon
parties before
them Forms
A and B
First
Schedule.
3 of 1948

(2) Any person neglecting to attend on such summons, or not making a full and true answer to all such questions to the best of his or her belief or knowledge, shall be liable to a fine not exceeding fifty dalasis or in default of payment thereof to imprisonment with or without hard labour, for a term not exceeding one month.

Penalty for
not making
full and true
answers to
questions
8 of 1945
7 of 1916.

FEEES PAYABLE TO REGISTRARS

9. (1) The fees to be taken by the Registrar and the Deputy Registrar within his district shall be regulated according to the Second Schedule to his Act, and a copy of such Schedule shall be placed by each in a conspicuous part of his office.

Fees to be
taken 3 of
1948 Second
Schedule.

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap.41:01

Accounts to
be rendered.
of 1883
7 of 1916

(2) The Registrar and the Deputy Registrar shall render a true account of all fees received by either of them, and pay ⁵ such fees to the Accountant-General to be carried to the credit of the general revenue.

10. No registration of any birth or death shall be allowed after the period within which such birth or death is by law required to be registered, unless and until a fee calculated in accordance with the scale set out in the Second Schedule to this Act shall have been paid for such registration to the Registrar or Deputy Registrar, as the case may be.

EXTRACTS

Certified copy
of registry to be
evidence
8 of 1945

11. A certified copy, under the hand and seal of the Registrar for the time being, shall be sufficient evidence in any court of law of the contents of any registry of births, deaths or marriages in the custody of such Registrar.

Shortened Form
of birth certificate
8 of 1948

12. (1) The Registrar or Chief Deputy Registrar shall, when requested so to do and on payment of the prescribed fee, issue to any person an extract (hereinafter referred to as a "short birth certificate") of certain particulars of any entry in the register of births, certified under the hand and seal of the Registrar or the Chief Deputy Registrar.

8 of 1948
Forms C First
Schedule

(2) A short birth certificate shall be in Form C set out in the First Schedule to this Act and shall be compiled in accordance with, and shall contain the particulars required by, subsections (3) and (4) of this section.

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap. 41:01

(3) Opposite the words "Name and Surname" in the form of short birth certificate there shall be inserted the name recorded in the fourth column of the appropriate entry in the register, and immediately thereafter there shall be inserted-

- (a) where it appears from the entry that the person in respect of whose birth the application for a short birth certificate is made is legitimate, the surname of his father as recorded therein, or if more than one such surname is so recorded, then such one of them as the applicant may request;
- (b) where it appears from the entry that the person in respect of whose birth the application for a short birth certificate is made is illegitimate, the surname of his mother as recorded therein, or, if more than one surname is so recorded, or if the birth is registered on the joint information of his mother and father, then the surname to be inserted in the short birth certificate shall be such one of the surnames recorded in the entry as the applicant may request; so however that no such surname shall be so inserted which appears from the entry not to have been in use at the time when the birth was registered.

(4) Opposite the words "Sex", "Date of Birth" and "Place of Birth" respectively shall be inserted the particulars thereof in the appropriate entry in the register.

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap. 41:01

MARRIAGES

- Returns of marriages. 7 of 1916 8 of 1945 Forms D First Schedule.
13. Full returns, Form D set out in the First Schedule to this Act, of all marriages solemnized by any clergyman, minister or other person qualified to perform the marriage ceremony, shall be made to the Registrar twice in every year; that is to say, once in the first week of July and once in the first week of January in every year, for the six calendar months preceding each of such first weeks respectively.
- Penalty for omission or willful falsification of returns. 7 of 1916 8 of 1945
14. Any clergyman, minister or other person who shall neglect to make a returns as prescribed by section 13 of this Act, or who shall willfully make an incomplete or false returns, shall for every such offence forfeit the sum of five hundred dalasis.
- Clergyman's authority to put necessary questions before marriage. 7 of 1916 8 of 1945.
15. It shall be lawful for every clergyman, minister or other person, before solemnizing a marriage, to ask of the parties attending to be married the several particulars required to be registered touching such marriage, under or by virtue of this Act; and any party refusing to answer or not making full and true answers, according to the best of his or her knowledge or belief, shall for every such offence be liable to the same forfeitures and penalties as are imposed by subsection (2) of section 8 of this Act on parties not making full or true answers to the Registrar or Deputy Registrar.

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap. 41:01

16. The father of any child born in wedlock shall, within fourteen days after the birth of such child, if he shall not be absent from the place where such birth may take place for the entire period of fourteen days, give notice thereof either verbally or in writing to the Registrar or to the Deputy Registrar of the district or place in which such birth shall have taken place and in default of giving such notice shall be liable to a fine not exceeding fifty dalasis, or in default of payment thereof to imprisonment with or without hard labour, for a term not exceeding one month.

The father of
any child born
in wedlock to
give notice of
birth within
fourteen day
7 of 1916
8 of 1945

17. In the event of the father of any child born in wedlock being dead or absent from the place where such birth may take place at the period of such birth, and for fourteen days afterwards, or in case such child be not born in wedlock, then whether the putative father be living, or in The Gambia, or neither, in all such cases the mother of every child shall give notice, as prescribed in section 16 of this Act, within one calendar month after such birth, and in case of neglect to do so shall be liable to a fine not exceeding fifty dalasis, or in default of payment thereof to imprisonment with or without hard labour, for a term not exceeding one month.

18. In the event of the death, or inability of both father and mother of a child born, whether in or out of wedlock, to give notice of the birth of such child as required by sections 16 and 17 of this Act, then and in every such case, the occupier of every house or tenement in the place in which any such birth occurs shall, within one calendar month from the day of such birth, give such notice of every such birth as is so required to be given by either the father or mother of every child so born, and in default of so doing shall be liable to the same forfeitures or penalties as are imposed by such sections on any father or mother neglecting to give such notice.

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap. 41:01

19. In the case of an illegitimate child, no person shall, as father of such child, be required to give information concerning the birth of such child, and the Registrar or Deputy Registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register, together with the mother.

DEATHS

20. Notice of every death which shall occur shall be given either verbally or in writing to the Registrar or Deputy Registrar respectively of the place or district in which such death shall occur, by the occupier of every house or tenement in which such death shall occur, within fourteen days after the day of such death, or if there be no surviving occupier of such house or tenement, then by the nearest neighbour shall neglect to give the notice hereby required, then and in every such case the party guilty of such neglect shall be liable to a fine not exceeding fifty dalasis, or in default or payment thereof to imprisonment with or without hard labour, for a term not exceeding one month.

21. (1) In every case in which an inquiry shall be held as to the cause of death of any person under the provisions of section 5 or section 6 of the Coroners Act the officer in charge of the police station, or other officer specially empowered under section 5 of the Act, or the Coroner (as the case may be) holding such inquiry, shall inquire into the particulars herein required to be registered concerning the death and shall inform the Registrar or Deputy Registrar (as the case may be) thereof, and the Registrar or Deputy Registrar (as the case may be) shall make the entry accordingly.

LAWS OF THE GAMBIA

**Births, Deaths and Marriages
Registration**

Cap. 41:01

(2) If a Coroner shall adjourn an inquiry into a death under the 41 of 1940 provisions of section 11 of the Coroners Act and thereafter, having regard to the result of the criminal proceedings mentioned in that section, shall decide not to resume the inquiry, he shall furnish the Registrar or Deputy Registrar (as the case may be) with a certificate stating the result of the criminal proceedings and the particulars necessary for the registration of the death so far as they have been ascertained at the inquiry held by him, and the Registrar or Deputy Registrar (as the case may be) shall enter the death and particulars in the form and manner required by section 6 of this Act.

(3) It shall be the duty of the subordinate court before whom a 41 of 1940 Person is charged with murder, manslaughter or infanticide to inform the Coroner who is empowered to hold an inquiry into the cause of death of the making of the charge, and of the committal for trial or discharge (as the case may be) of the person charged, and, if such person is committed for trial before the Supreme Court charged with murder, manslaughter or infanticide, it shall be the duty of the Registrar of the Supreme Court to inform the Coroner of the result of such trial and of any appeal from any conviction in the Supreme Court

22. (1) In case of the death of any person who has been attended Medical during his last illness by a duly qualified medical practitioner, such practitioner practitioner shall sign and transmit to the Registrar or to the attending deputy Registrar of the district within which the death occurred, during last within two days from the death, a certificate stating, to the best illness to of his knowledge and belief, the cause of death, and the cause of certify caus death as stated in such certificate shall be the cause of death to of death. be entered in the register.

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap. 41:01

Refusal or neglect
to supply certificate

(2) Any medical practitioner who willfully neglects or refuses to transmit such certificate to the Registrar or the Deputy Registrar shall be liable on conviction before the Magistrate to a penalty not exceeding twenty dalasis and to an additional penalty of five dalasis for every day in which the offence is continued after conviction; and in default of payment such penalties may be recovered by distress on the goods and chattels of such practitioner; and if sufficient goods and chattels cannot be found the Magistrate shall commit him to gaol for any term not exceeding fourteen days:

41 of 1940

Provided that in every case in which an inquiry is held into the cause of death of any deceased person under the provisions of section 5 or 6 of the Coroners Act a medical certificate need not be given; and the certificate furnished by the officer in charge of the police station, or other officer specially empowered under section 5 of that Act, or the Coroner (as the case may be) holding the inquiry shall be sufficient.

23. Any forfeiture and penalties incurred or imposed under any part of this Act, except section 7 of this Act, shall be recovered summarily before the Banjul Magistrates Court or a Divisional Court in respect of such matters as shall have arisen within his province.

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap. 41:01

24. Any person required by section 16, 17, 18 or 20 of this Act to give notice of a birth or death to the Registrar or Deputy Registrar, as the case may be, or by section 8 of this Act to attend at the office of the Registrar or Deputy Registrar, as the case may be, and to answer truly and fully and to the best of his belief such questions as the Registrar or Deputy Registrar may deem necessary for filling up Forms B and C set out in the First Schedule to this Act, who shall not have given notice within the time prescribed by any of such sections, or who shall refuse or neglect to attend such summons or to answer such questions as provided by section 8 of this Act, shall on conviction be liable, in addition to any penalty he may have incurred for breach of the provisions of any of such sections to a further penalty not exceeding ten dalasis, or in default of payment thereof to imprisonment for any period not exceeding one week for every day such birth or death shall remain unregistered after the periods respectively mentioned in such sections, or for every day such summons shall remain disobeyed or such questions shall remain unanswered in contravention of the provisions of section 8 of this Act.

DENOMINATIONAL REGISTERS

25. (1) The President may from time to time appoint, by Proclamation published in the Gazette for a period to be mentioned therein, any number of Commissioners, not exceeding twelve and not less than six, for the purpose of inquiring into the state, custody and authenticity of any registers or records of births or baptisms, deaths or burials, and marriages legally solemnized, which may have been kept by the different religious denominations of The Gambia, and which within three months of the Proclamation of such Commission shall be presented by the representatives of any of religious

LAWS OF THE GAMBIA

**Births, Deaths and Marriages
Registration**

Cap. 41:01

Registers found
Faithfully and
Accurate to be
Certified by
Commissioners.

Denominations to such Commissioners for examination; and Such registers or records as they shall find accurate and faith they shall certify under the hands and seals of three or more of them as fit to be committed to the custody of the Registrar and shall transmit such certificate to the President

Registrar to
receiving registers
from Commissioner

(2) The Registrar upon receiving from the President such certificate accompanied by an order of the President, shall receiving from the Commissioners, and shall deposit in the Registrar's Office at Banjul, all such certified registers and record of births, baptisms, deaths, burials and marriages.

Commissioners
to deliver to
Registrar
Descriptive lists
of certified register

(3) Such Commissioners shall deliver to the Registrar a descriptive list or lists of all such certified registers and records containing such particulars, and referring to the registers and records in such manner, as in the opinion of the Registrar shall be sufficient to identify every such register and record; and three or more of the Commissioners shall certify under their hands, upon some part of every separate book or volume containing any such register or record, that it is one of the registers or records deposited in the Registrar's Office at Banjul pursuant to this Act; and in every case in which the Commissioners shall certify to the Registrar that certain parts only of such registers or records appear to them to be original or authentic, the Commissioners shall refer in the descriptive list or lists, and also in the certificate upon such book or volume, to those parts in such manner as to identify them to the satisfaction of the Registrar.

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap. 41:01

(4) The Registrar shall cause lists to be made of all the Registrar to cause lists and records which may be placed in his custody by virtue to be made. Searches and of such commission, and every person shall be entitled on certified extracts payment of the ordinary fees and at the usual hours to search such lists and any register or record therein mentioned and to have a certified extract of any entry in such registers or records, subject to any regulations which may from time to time be made by the Registrar with the approval of the Minister.

(5) All extracts from such registers or records certified under Certified extracts the hand seal of the Registrar shall be received in evidence in from such all civil cases, instead of the production of the original registers registers may be or records containing such entries, subject nevertheless to the received in provisions hereinafter contained. evidence.

(6) Every extract granted by the Registrar from any of such Registrar to note Registers or records shall describe the register or record from on certified which it is taken and shall express that it is one of the registers extract that it is or records deposited under this Act; and the production of any from one such registers or records from the Registrar's Office at Banjul denominational or the production of such certified extract containing such registers description, shall be sufficient to prove that such register or records is one of the registers and records deposited in the Registrar's Office at Banjul by virtue of a Commission appointed under this Act, in all cases in which the register or record, or any certified extract therefrom, is herein respectively declared admissible in evidence.

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap. 41:01

In criminal cases (7) In all criminal cases in which it shall be necessary to use in
original register to evidence any entry or entries contained in any of such registers
to be produced. or records such evidence shall be given by producing to the
court the original register or record.

REGISTRATION IN THE PROVINCES

Registration of 26. (1) In the case of births or deaths occurring in places or
Births and deaths districts in the Provinces, to which no part of this Act relating
In the provinces to the registration of births or deaths has been applied in
accordance with section 2 of this Act; any person, who, if
such birth or death had occurred within the City of Banjul or
Kombo Saint Mary or the Provinces, subject to the operation
of the preceding sections of this Act, would have been obliged
to inform the Registrar, or a Deputy Registrar, a Deputy
Registrar, or the Commissioner of the Division in which such
birth has occurred, the particulars of which this Act requires to
be registered; and if such information be given to a
Commissioner, he shall thereupon register such birth or death
in Form A or Form B set out in the First Schedule to this Act;
as the case may be, and at the end of every month he shall
forward to the Registrar a certified return of all births or
deaths registered by him under this section.

Form A and B
of first Schedule

Validity of previous (2) Any entry in the books of the Registry of the birth and
Entries in register death in such places or districts in the Provinces, and any duly
5 of 1919 certified extract there from which has been made before the
coming into operation of this Act, shall have the same force
and effect as if made under the provisions of this section

LAWS OF THE GAMBIA

Births, Deaths and Marriages Registration

Cap. 41:01

27. (1) As soon as may be after the occurrence of the birth or ^{Registration at} The death of a citizen of The Gambia or the solemnization of a marriage between parties, one of whom is a Gambian citizen, by or before any person qualified to perform this marriage ceremony in a country in which there is a Gambian High Commission, Embassy or Consulate, the Secretary in charge of consular affairs of such Embassy or High Commission or the Consul, as the case may be, shall on being informed of such birth, death or marriage, record in the register provided for that purpose particulars according to Form E, Form F or Form G set out in First Schedule to this Act, as may be appropriate, and at the end of every month he shall forward to the Registrar a certified return of all birth, deaths or marriages registered by him under this section.

(2) Notwithstanding the provisions of subsection(2) of section 3 of this Act. The Secretary in charge of consular affairs of every Gambian High Commission or Embassy and every Consul in charge of a Gambian Consulate is hereby appointed Deputy Registrar for the purposes of sections 27 and 29 of this Act.

28.(1) Where the birth, death or marriage occurs in a country in which there is no Gambian High Commission, Embassy or Consulate and no appointment has been made in accordance with subsection (2) of this section, the Registrar, on production of the relevant certificates, shall record in the register provided for the purpose particulars according to Form E, Form F or Form G set out in the First Schedule to this Act, as may be appropriate.

(2)Where the birth or death or marriage occurs in a country in which there is no Gambian High Commission, Embassy or Consulate, the Minister may authorize the consular official of any friendly foreign country, on production to him of the relevant certificates, to record in the register provided for that purpose, particulars according to Form E, Form

F or Form G set out in the First Schedule to this Act, as may be appropriate and, at least twice in every year, forward to the Registrar a certified return of all births, deaths and marriages registered by him under this section.

(3) For the purposes of subsection(2) of this section, any consular official authorized under that subsection shall be deemed to be a Deputy Registrar under this Act.

LAWS OF THE GAMBIA

**Births, Deaths and Marriages
Registration**

Cap. 41:01

SECOND SCHEDULE

FEEES TO BE TAKEN BY REGISTRAR OR DEPUTY REGISTRAR