

## Law No. (36) of 1968 on Civil Status

### Preamble

I, Idris I, King of the Kingdom of Libya

Upon review of:

- Article 64 of the Constitution;
- Law of Births and Deaths No. 3 of 1956 in force in the eastern governorates;
- The laws of births and deaths and civil records in force in the western and southern governorates;
- Diplomatic and Consular Corps Law No. 16 of 1959 amended by Royal Decree under the Law of 17 September 1960, and the Local Administration Law of 1 September 1967;
- Law No. 19 of 1968 concerning municipalities;
- Based on the proposal by the Ministry of Municipal Affairs and the Cabinet's approval;

### Decree as follows:

#### Article (1)

In applying the provisions of the present law and the regulations issued pursuant thereto, the following words and expressions shall be understood as follows, unless the context indicates the contrary:

- 1) Minister: Minister of Municipal Affairs
- 2) Ministry: Ministry of Municipal Affairs
- 3) Mayor: Mayor of the municipality to which the Civil Registry Office is attached.
- 4) Civil Registry Secretary: The employee authorised to record civil status events.
- 5) Office: The Civil Registry Office in the municipality.
- 6) Regulation: The executive regulations of the present law.

#### Article (2)

A Civil Registry Office shall be established in every municipality, which shall be competent to record civil status events for citizens of the Kingdom of Libya, including birth, marriage, divorce and death. Such Offices shall also maintain records of residence, moving and registration, and they shall be competent to record the said events for foreigners and maintain records for them.

#### Article (3)

Every Civil Registry Office shall have a secretary with one or more assistants. The executive regulation shall determine the system of work in such offices. The Ministry of Municipal Affairs shall assume supervision of such offices and assist municipalities in such.

#### Article (4)

Regulation shall specify the civil status records to be kept in every office, as well as the forms for such records and how they are filed. Upon a decision from the Minister, other secondary records may be added for temporary purposes and such decision shall specify the forms for such records and how they are filed.

### **Article (5)**

At the request of the competent municipality, a member of the local administration in remote areas may be delegated from the municipality's office to perform Civil Registry Office functions. His delegation and the scope of his powers shall be issued in a decision from the Ministry of Municipal Affairs upon approval from the Ministry of the Interior.

### **Article (6)**

Consulates of the Kingdom of Libya shall maintain records of every civil status event for citizens residing within their jurisdiction. Regulations shall regulate the procedures followed to file such records, after consultation with the Minister of Foreign Affairs and subject to the Diplomatic and Consular Corps Law.

### **Article (7)**

Any registration of a civil status event that occurs to a citizen of the Kingdom of Libya in a foreign country shall be deemed valid if it is done in accordance with the provisions of the laws of such country, provided that the subject of the registration or the details thereof are not in conflict with provisions related to public order and morals in the Kingdom of Libya.

Citizens abroad shall notify the nearest consulate of the Kingdom of Libya of every civil status event at the appointed time and according to the procedures set by regulation. If the event occurs in a foreign country where there is no Libyan consulate, citizens shall obtain an official certificate from the competent authorities in such country confirming registration of the event in accordance with Paragraph 1 of the present Article, and submit it to the Ministry of Municipal Affairs after it has been certified by the competent bodies, for referral to the competent Civil Registry Office.

### **Article (8)**

Regulations shall specify the templates for documents, certificates and instruments required to implement the present Law and the relevant procedures.

### **Article (9)**

Civil Registry Office records may not be transferred, and the information contained in such records shall be deemed confidential. If a judicial or investigating authority issues a decision to review or examine such records, the authorised judge or investigator shall come to review or examine the records at the office where they are held.

### **Article (10)**

Any person may obtain an official true copy of records or the documents pertaining to himself and his ascendants, descendants or spouse after paying the prescribed fee. Public authorities may request an official copy of any record or document without charge, and such copy shall be granted to any person other than those previously mentioned, who establishes to the Civil Registry secretary that he has a legitimate interest therein. Regulation shall determine the procedures for requesting and granting copies and certificates, and the procedures for authentication of such for foreigners. Regulation shall also determine the appropriate fees, provided that the fee does not exceed one Libyan pound.

### **Article (11)**

Records and the official copies derived therefrom shall be held as proof that the information contained therein is correct. Governmental and non-governmental bodies shall accept such information in matters of civil status, unless it is established by a judicial ruling that they are incorrect, invalid or counterfeit.

### **Article (12)**

The Civil Registry secretary may only record events on the basis of the documentation specified by regulation. Otherwise, the record will be deemed null and void. No document may be accepted that contains a correction until it has been authenticated by the document's source and the persons concerned. No blanks should be left in records or the copies derived therefrom. After the record has been entered, information may only be added, deleted or modified in accordance with the relevant provisions of Chapter 5. Abbreviations or shorthand expressions shall not be used in entering records, and dates shall be written out. When entering records, necessary corrections may be made in terms of additions and deletions provided that they are noted in the margin of the page where the record is made and the notation is authenticated by the Civil Registry secretary.

### **Article (13)**

The Civil Registry secretary and his assistant may not record any event or perform any civil status functions if the matter concerns himself or his spouse, relatives or in-laws up to the fourth degree. In such case, his direct superior shall record the event or perform such function.

### **Article (14)**

The Civil Registry secretary shall receive notices and enter records upon notification immediately after verifying the identity of the notifier. He shall record in the Civil Registry any event that was entered in the civil status event records or that he received notice thereof within seven days from the date of entry or the date that he received notice thereof, according to the situation. He shall also notify the competent Civil Registry Office within the same period of events that were entered in his records if entering them in the Civil Registry is outside of his competence. He shall not record anything in the Civil Registry that is not recorded in the records specified by regulation under Article 4.

### **Article (15)**

If for any reason the Civil Registry secretary refuses to record any events, the matter shall be referred to the mayor through a causal memorandum within ten days from the date of the registration request. The mayor shall give his opinion within fifteen days from the date that the matter is referred to him. If the mayor's decision is to reject the registration, he shall notify the person concerned by registered letter with acknowledgement of receipt. The person concerned may lodge an appeal against this decision with the Minister within thirty days from the date of receipt of the letter. The Minister's decision on the appeal shall be final.

### **Article (16)**

If records are lost or completely or partially damaged and the original documents for such records are intact, a committee chaired by the mayor shall reconstitute the records. A decision issued by the Minister shall be issued to form such a committee.

If such documents do not exist or if the committee determines that they are incorrect or unsound, the committee may, upon approval from the Minister, reconstitute the records based on original documents, family papers, personal ID cards or other documents in the possession of bodies or individuals.

If it is not possible to reconstitute the records in accordance with the preceding two paragraphs, the Minister shall issue a decision to conduct a local census of the population of the area whose records were lost or destroyed. The said committee shall reconstitute the records based on the information derived from the census.

#### **Article (17)**

A person's record shall be held at the Civil Registry Office within whose jurisdiction he resides. The record may be transferred from one office to another following a change in place of residence upon payment of the fee set by regulation and in accordance with the procedures stipulated therein.

#### **Article (18)**

Births that take place within the Kingdom of Libya and that take place abroad to Libyan citizens shall be reported within a maximum of ten days from the date of birth. They shall be reported using the appropriate form, and the notification forms shall be filed with the Civil Registry Offices, the mukhtar, tribal chief, midwife, doctor, hospital, clinic or consul. Notification shall be submitted in an original and a copy, signed by the notifier. Regulation shall specify the system of notification and maintaining copies.

#### **Article (19)**

Notice shall be filed at the Civil Registry Office in the jurisdiction where the birth occurs, if it has such an office. If the jurisdiction does not have an office, notice shall be filed with the mukhtar or tribal chief. In such instances, they shall notify the Civil Registry Office to which they report within ten days from the date of notification of the birth and send the original to the said office and keep a copy thereof.

#### **Article (20)**

The persons required to report a birth are as follows:

1. The child's father, if present.
2. The most closely-related relative present at the birth, male followed by female.
3. Adults who live with the mother in the same residence, male followed by female.
4. The midwife or doctor who is present at the birth, or the person at the hospital, clinic, institution, prison etc. who is responsible for the births that occur therein.
5. The mukhtar or tribal chief.

The preceding classes are only responsible for notification in the absence of the classes that precede them in the above hierarchy. Notification shall not be accepted from persons other than those required.

#### **Article (21)**

Birth notifications shall contain the following information:

1. Day, date, time and location of birth.
2. Sex of the child (male or female).

3. Child's name and surname.
4. Parents' names, surnames, nationality, religion, profession, age and place of residence.
5. Type of birth (single, twins, triplets, quadruplets).
6. Full name, address, age and profession of the notifier, and his relationship to the child.
7. Other information stipulated by the executive regulation.

#### **Article (22)**

The Civil Registry secretary shall draft a birth certificate using the appropriate form and deliver it to the notifier, mukhtar or tribal chief, who shall in turn deliver it to the father, mother or person who reported the birth. This shall take place after the event is recorded and at no charge. The birth certificate shall contain the information stipulated in the preceding article.

#### **Article (23)**

If the child dies before its birth is registered, the Civil Registry secretary shall record its birth and then its death in the appropriate record for each. If the child is stillborn after the seventh month of pregnancy, it shall be recorded in the death records.

#### **Article (24)**

1. If birth occurs during travel abroad, it shall be reported to the nearest consulate of the Kingdom of Libya in the jurisdiction where the birth occurs in accordance with Article 6 within ten days of the birth. If the birth takes place while returning to Libya, the competent Civil Registry Office shall be notified within ten days of the date of return. If the return took place on a Libyan aircraft or ship, the obligation to report the birth falls on the captain of the aircraft or ship.
2. If the birth occurs during the hajj, the head of the hajj delegation shall report the birth to the nearest Libyan consulate in the jurisdiction where the birth took place. Upon return, he shall notify the Ministry of all births, and the Ministry is responsible for notifying the competent Civil Registry Offices of such.

#### **Article (25)**

Every municipality shall form a committee to review registration requests for unregistered persons.

A decision shall be issued by the Ministry to form such committees as follows:

1. The mayor of the municipality or whomever he delegates as chairman
2. The mutassarif or his deputy.
3. The Civil Registry secretary
4. The municipality's doctor
5. The mukhtar or tribal chief as members

Births that were not reported when they occurred may only be recorded based on a decision issued by this committee.

The committee shall issue its decision after verifying that the applicant is unregistered and estimating his age. The committee's decision is final. The person concerned shall be notified and a record should be filed on this basis.

#### **Article 26**

1. Police stations and departments, tribal chiefs, mukhtars and the area manager according to the situation, in addition to the foster homes prepared to receive foundlings shall notify the competent Civil Registry secretary about every foundling who is found or handed over to such homes. The notice shall include the sex of the foundling (male or female), any distinguishing features, the date, day and time that the foundling was found or handed over, and the name, surname, age, profession and place of residence of the person who found or handed over the foundling, unless he should refuse such.
2. The Civil Registry secretary shall refer the matter to the committee stipulated in the previous article to give the child a full name and estimate its age. The committee shall announce the child's name on the municipality's announcements board for seven days. If no objection to the name is submitted within this period, it shall be entered into the Births Record in accordance with Article 28. The committee's decision to enter the foundling in the registry shall be final.
3. The locality, area or tribe within whose jurisdiction the child was found shall be deemed its place of birth.

#### **Article (27)**

Requests to register illegitimate children shall be submitted by the persons concerned to the committee stipulated in Article 25 using the form specified by regulation. The procedures stipulated in Paragraph 2 of the previous article shall be followed in this regard. Neither the entry in the record nor any official copy derived therefrom acquire any rights that are in conflict with the prescribed rules for civil status.

#### **Article (28)**

The committee shall send the child's documents to the competent Civil Registry Office without mentioning its status, then it shall be entered in a special record that in addition to the information in the Births Record, contains the following information:

1. Name, surname, age, profession and place of residence of the person who found the child, handed it over, or reported it, subject to the provisions of Article 26, Paragraph 1.
2. Time and place that the child was found, if a foundling.
3. Objections raised to the child's name.
4. The decision issued by the committee concerning recording the child.

This record may only be examined pursuant to a decision by a judicial and investigating authority and such examination shall be in accordance with Article 9.

#### **Article (29)**

The authorities competent to notarise or authenticate marriage contracts or divorce certificates shall submit the documents that they execute to the Civil Registry secretary in whose jurisdiction the incident occurred within seven days of execution of such. The secretary shall enter such documents in the appropriate record, stamp them, and notate the record number thereon. Such authorities shall place on the document the marriage number, the issuing authority and the wife's ID (if any), and the Civil Registry secretary shall preserve a copy of this document.

#### **Article (30)**



Using the appropriate form, court registrars shall notify the Civil Registry secretary in their jurisdiction of final judgments issued for marriage, annulment, divorce, judicial divorce and physical separation within ten days of the judgment for entry in the appropriate record.

#### **Article (31)**

After the entry is made in accordance with the two previous articles, the Civil Registry secretary shall note such in the Civil Registry if the married or divorced spouses are recorded in this record. However, if one or both of the married or divorced spouses are recorded at another Civil Registry Office, such office shall be notified within seven days so that notation may be made thereof in the civil record of each spouse.

#### **Article (32)**

Deaths that occur within the Kingdom of Libya or that occur outside the Kingdom of Libya to Libyans abroad shall be reported within a maximum of 24 hours from the time of death. Notice shall be given using the appropriate form, and the notification forms may be filed with Civil Registry Offices, Health Offices, mukhtars, tribal chiefs, hospitals, clinics, doctors or consuls. The notice shall be drafted in an original and a copy, both signed by the notifier.

#### **Article (33)**

Notice shall be filed with the Civil Registry Office in the jurisdiction where the death occurred. If it contains no Office, notice shall be filed with the mukhtar or tribal chief.

#### **Article (34)**

The persons required to report a death are as follows:

1. Ascendants, descendants or spouse of the deceased.
2. The most closely-related relatives who was present at the death (male followed by female).
3. Adults who live with the deceased in the same residence, male followed by female, if the death occurred in the home.
4. The doctor or health official tasked with certifying the death.
5. The owner, manager or person responsible for administration, if the death occurred in a hospital, nursing location, shelter, school, prison or other location.
6. The mukhtar or tribal chief.

The preceding classes are only responsible for notification in the absence of the classes that precede them in the above hierarchy.

In the event that the death penalty is carried out against someone, the public prosecution shall draft a death report and send it within ten days to the competent Civil Registry Office to record the death, without indicating its cause.

#### **Article (35)**

Death notifications shall contain the following information:

1. Day, date, time and location of death.
2. Name, surname, sex (male or female), nationality, religion and profession of the deceased.
3. The deceased's age, place and date of birth, and place of residence.
4. Father and mother's name and surname, if known to the notifier.
5. Deceased's record location, if known to the notifier.

6. Name, surname, address and profession of the notifier.

#### **Article (36)**

Immediately upon learning of the death, the Civil Registry Office, mukhtar or tribal chief (according to the situation) shall assign the doctor or competent health official to examine the deceased and verify his identity and his death.

#### **Article (37)**

After the examination procedures are completed, the Civil Registry Office, mukhtar or tribal chief (according to the situation), shall draft a death certificate in one original and two copies using the appropriate form, and issue and burial permit. This certificate shall contain the information stipulated in Article 35.

#### **Article (38)**

If the official assigned to examine the deceased suspects that the death was due to unnatural causes, he shall notify the nearest police station immediately and not issue a death certificate or a burial permit until the competent investigation authority allows.

#### **Article (39)**

In the event that they are notified that a death occurred on a public road, whether natural or the result of an accident, police stations shall notify the competent Civil Registry Office to delegate someone to examine the deceased and conduct the necessary investigation. Such person shall not issue a death certificate or a burial permit until the competent investigation authority allows.

#### **Article (40)**

The Civil Registry Office shall preserve two copies of the death certificate and hand over the original to the person concerned. If the certificate was drafted by a mukhtar or tribal chief, he shall preserve a copy of the death certificate, hand over the original to the person concerned, and send the second copy to the competent Civil Registry Office. Regulation shall specify how the death certificate copy is to be archived and the deadline for delivering it.

#### **Article (41)**

The Civil Registry Secretary shall record deaths progressively in the relevant record in accordance with the information provided on the death certificate stipulated in Article 35.

#### **Article (42)**

The provisions of Article 24 also apply to reporting deaths that occur during travel abroad, return therefrom, or during the hajj.

#### **Article (43)**

Army unit commanders shall notify the competent Civil Registry Office via the Ministry of Defence of deaths that occurs in their units during service. If the death occurs outside Libyan territory during military operations or similar or related missions, the army command overseeing such operations or missions shall issue a death certificate and send it to the competent Civil Registry Office via the Ministry.



#### **Article (44)**

Regulation shall determine the death notification and death certificate forms. It shall also clarify who is to be delegated to examine the deceased in jurisdictions where there are Health Offices as well as other jurisdictions.

#### **Article (45)**

Deaths that were not reported within a year from the date of death may only be recorded on the basis of a decision issued by the committee stipulated in Article 25. The committee shall issue its decision after verifying that the death was not previously recorded, and its decision shall be final. The concerned person shall be notified and the record shall be entered on that basis.

#### **Article (46)**

Corrections or modifications to the date and place of birth, date of death, or proof of marriage or divorce on civil status event records may only be made through a ruling issued by the Civil Court of First Instance within whose jurisdiction the office that recorded such events is located. The correction or modification may only be made once the ruling becomes final. Corrections, additions, deletions or modifications may be made to the secondary information of the civil status events such as profession, religion, etc. through a decision by the mayor of the municipality and based on official documents issued by the competent authority, without the need to seek a judicial ruling.

#### **Article (47)**

A case to correct or modify shall be brought by the persons concerned against the competent municipality. It may be brought by the Civil Registry secretary against the person concerned. In any event, the public prosecution shall appear in the case.

The plaintiff shall publish a case summary in the local newspapers three times on three different days and on the competent municipality's announcements board. The case may only be heard one month from the last announcement in the newspapers.

#### **Article (48)**

The court clerk shall notify the competent Civil Registry Office as soon as the correction or modification case is filed. The Civil Registry secretary and any person concerned may intervene in the case.

#### **Article (49)**

Civil status records relating to marriage, annulment, validation of marriage, divorce, judicial divorce, physical separation or kinship shall be corrected based on final rulings issued by the competent courts.

#### **Article (50)**

Cases to correct or modify civil status records registered with consulates of the Kingdom of Libya shall be brought before the court for the record location of the person seeking the correction or modification.

#### **Article (51)**

Anyone who in complying with this law knowingly provides false notices or information shall suffer the penalties stipulated in the Penal Code.

#### **Article (52)**

Whoever fails to report a birth or death within the deadline specified in this law shall be penalised by a fine no greater than 50 Libyan pounds.

#### **Article (53)**

Any other violation of the provisions of this law shall be penalised by a fine no greater than 10 Libyan pounds.

#### **Article (54)**

By a decision of the Minister, a committee shall be formed in every municipality chaired by a member of the public prosecution who is nominated by the Minister of Justice. Such committees shall have the responsibility of reorganising the current civil records based on the census records of 1936, 1954 and 1964 successively.

The committees shall complete their work within six months from the date that this law enters into effect.

After their organization is complete, the records shall be submitted to the headquarters of the competent municipality, and this shall be announced once in the Official Gazette and three times in the local newspapers on different days.

Concerned persons may appeal the information entered in the records to the committee within six months of the date of the announcement in the newspapers.

The committees shall examine the appeals and rule on them within six months from the expiration of the deadline to appeal. The period to rule on appeals may be extended once for a similar period by a decision from the Minister. Correction and modification requests that were submitted and not yet decided as of the date that this law enters into force shall be referred to the committees. The decision issued by these committees on the said appeals and requests shall be final, and the committees shall reorganise the records in accordance with these decisions.

No modification or correction may be made to the information recorded in the records after their reorganisation except in accordance with the procedures stipulated in Chapter 5 of this law.

#### **Article (54) *bis***

By a decision of the competent governor, a committee shall be formed in every municipality chaired by a member of the public prosecution selected by the Ministry of Justice. Its membership shall be composed of the Civil Registry secretary in the municipality and a member of the municipal council or the temporary body formed to exercise its powers.

These committees shall be competent to rule on requests by persons concerned with residence information for periods prior to the date that the civil status law enters into effect, and to enter the content of its decisions in the records.

The request shall be submitted to the executive office that maintains the requester's civil record accompanied by a certificate from the locality's competent mukhtar containing the

person concerned's residency information, and any other documents that contain proof of residency.

The Civil Registry secretary shall refer the requests to the committee as he receives them. The committee shall examine such requests after consulting the records or information pertaining to residency from the period previous to the entry into force of the civil status law that are in the possession of the municipalities in whose jurisdiction the residency fell. The committee shall conduct inquiries, etc. through the police and competent authorities if necessary, and shall summons the persons concerned to hear their statements.

The committee shall issue its decision speedily. The Civil Registry secretary shall implement it in the record and notify the Civil Registry Offices in other municipalities in whose jurisdiction the requester resided, as established by the committee, within a week from the date of issue, and the person concerned shall be notified by registered letter.

After the committee's decision is issued, no modification, correction or addition may be made to residence information from the period prior to the entry into force of the civil status law except through a court ruling in accordance with the procedures stipulated in Chapter 5 of this law.

The residence certification committee's decision does not bar the authorities competent in nationality affairs from verifying that the residency requirement has been met pursuant to nationality laws.

#### **Article (55)**

Executive regulation shall be issued for this law by a decision from the Cabinet based on a proposal by the Minister of Municipal Affairs and after taking the opinion of the Ministers of the Interior, Public Health and Foreign Affairs in this regard.

#### **Article (56)**

Law of Births and Deaths No. 3 of 1956 and the laws of births and deaths in force in the western and southern governorates shall be abolished, in addition to any text that is counter to the provision of the present law.

#### **Article (57)**

The Minister of Municipal Affairs shall execute and act according to this law within three months from its date of publication in the Official Gazette.