



ST. CHRISTOPHER AND NEVIS

CHAPTER 12.13

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT

and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT

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Act 2 of 1885 ... in force 1st October 1885

Amended by: Act 15 of 1965

Act 4 of 1974

Act 6 of 1976

Act 27 of 1976

Act 1 of 1979

Act 9 of 1981

Act 19 of 1983

Act 9 of 1986

CHAPTER 12.13**REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT**

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CHAPTER 12.13

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT

AN ACT TO MAKE PROVISION FOR THE REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES; AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

Short title.

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

Chief Medical Officer to be *ex-officio* Registrar-General of births, deaths and marriages.

2. For the purposes of this Act and subject to any appointment hereafter made to the contrary as in this section provided, the Chief Medical Officer shall be *ex-officio* Registrar-General of births, deaths and marriages, but the Governor-General may, from time to time, appoint any other person to be, or to act for a time, as Registrar-General of births, deaths and marriages of the State.

Deputy Registrar-General may be appointed.

3. The Governor-General, acting on the recommendation of the Public Service Commission, may appoint fit and proper persons being government officers in the Medical and Health Department of the State to be Deputy Registrars-General of the State, and all persons so appointed shall have the same powers and be subject to the same liabilities as if they were Registrar-General.

Duties of the office.

4. The Minister may, from time to time, make regulations for the management of the General Register Office, and for the duties of the Registrar-General and the Registrars in the execution of this Act.

Abstracts to be furnished yearly.

5. The Registrar-General shall, every year, furnish to the National Assembly, a general abstract of the number of births, deaths and marriages registered during the foregoing year, in such form as the National Assembly may require.

Registrars to be appointed in each parish.

6. (1) The Governor-General may appoint one person in each parish to be Registrar of births, deaths and marriages in the same parish and may from time to time remove all or any of the persons so appointed and appoint others, and in every case of vacancy in the office of Registrar shall forthwith fill up the vacancy.

(2) The person so appointed Registrar shall reside in the parish for which he or she is appointed.

Deputy Registrars to be appointed.

7. For every parish for which a Registrar shall be so appointed, the Governor-General may appoint, by writing under his or her hand, a fit person to act as the Registrar's Deputy in case of illness or unavoidable absence of such Registrar, and every such Deputy Registrar, while so acting, shall have all the powers and be subject to all the provisions and penalties herein declared concerning Registrars, and in case

of the death of the Registrar, shall act as Registrar until another Registrar is appointed.

Register books to be kept in safe.

8. The register books hereinafter mentioned, while in the custody of the Registrar and not in use, shall be kept in an iron safe or other fit receptacle and such safe or other receptacle shall always be kept locked.

Registrars on ceasing to hold office to turn over all books and documents and papers to their successors.

9. (1) In every case in which any Registrar shall be removed from or cease to hold his or her office, all books, documents and papers in his or her possession as such Registrar shall be given forthwith to his or her successor in office.

(2) If any person shall refuse to give up any such books, documents or other papers in such case as aforesaid, it shall be lawful for any Magistrate to issue a warrant under his or her hand and seal for bringing such person before him or her or any other Magistrate; and such person appearing or not being found, it shall be lawful for such Magistrate to hear and determine the matter in a summary way; and if it shall appear to such Magistrate that any such books, documents, or other papers are in the custody or power of any such person, and that he or she has refused or wilfully neglected to deliver the same, the said Magistrate is hereby required to commit such offender to prison, there to remain without bail, until he or she shall have delivered up the same, or until satisfaction shall have been given in respect thereof to the person in whose custody they ought to be.

(3) The Magistrate may grant a warrant to search for such books, documents or other papers as in the case of stolen goods in any dwelling house or other premises, in which any creditable witness shall prove upon oath before him or her that there is reasonable cause to suspect the same to be, and the same, when found, shall be delivered to the person in whose custody they ought to be.

Register books to be provided at the public expense according to pattern described herein.

10. (1) The Registrar-General shall procure for his or her office, at the public expense, a sufficient number of register books for making entries of all births, deaths and marriages in the State, according to the forms set out in the First, Second and Third Schedules.

(2) The register books shall be of durable materials and in them shall be printed, upon each side of every leaf, the heads of information required to be known and registered of births, deaths and marriages, respectively.

(3) Every page of such books shall be numbered progressively from the beginning to the end, beginning with number one and every place of entry shall be also numbered progressively from the beginning to the end of the book beginning with number one, and every entry shall be divided from the foregoing entry by a printed line.

Register books and forms to be distributed.

11. (1) The Registrar-General shall furnish, at the public expense—

- (a) to every Registrar a sufficient number of register books of births and of register books of deaths and of register books of marriages and of forms of certified copies thereof as hereinafter provided; and
- (b) forms of original marriage registers and duplicates thereof to every minister of religion or other person duly authorised by law to perform marriage ceremonies.

(2) Every Registrar shall be authorised and is hereby required to inform himself or herself carefully of every birth, death and marriage which shall happen within his or her parish after the passing of this Act and to learn and register as soon after the event as conveniently may be done without fee or reward, save as hereinafter mentioned, in one of the said books, the particulars required to be registered according to the forms set out in the First, Second and Third Schedules, respectively, touching every such birth, death or marriage as the case may be, which shall not have already been registered.

(3) Every such entry shall be made in order from the beginning to the end of the book.

(4) Every police officer shall aid and assist in discovering every birth, death and marriage in the State and when he or she shall have discovered any birth, death or marriage such police officer is hereby required to inform the Registrar of the parish in which such birth, death or marriage shall have occurred of such birth, death or marriage.

Indexes to be made and searches paid for.

12. The Registrar General shall cause indexes of all the registers herein mentioned to be made and kept in the general register office, and any person shall, on payment of the fees authorised by the Fourth Schedule be entitled to search the said indexes during the office hours of the general register office and any person shall, on payment of such fees, be entitled to search any of the said registers and to have a copy of any entry therein certified under the hand of the Registrar-General.

Certified copies to be given on payment of fees.

13. Every Registrar who shall have the keeping for the time of any register books of births, deaths or marriages shall, subject to such regulations as shall be made from time to time by the Registrar-General, with the approval of the Minister, allow searches to be made of the register books in his or her keeping, and shall give a copy certified under his or her hand of any entry or entries on the same on the payment of the fees authorised by the Fourth Schedule.

Notice of the birth of every child to be given to the Registrar of the parish.

14. (1) The father or the mother of every child, or if both father and mother be dead, the possessor or occupier of the house or of the apartment or of the dwelling in which such child have been born or the head of the family or of the household or of persons residing or being in such house or apartment or dwelling shall, within thirty days after the birth of any child, whether the same be born alive or be still-born, give or cause to be given notice of the birth of such child to the Registrar of the parish in which such child shall have been born and such notice shall contain and express the following particulars—

- (a) the day of the birth of the child, the sex of the child, the name of the child if a name shall have been given it;

- (b) the name of the father and mother and their respective ages on the day of the birth of the child, as well as the order of the birth of the child among the children of the mother;
- (c) if still-born, such fact to be stated;
- (d) and in case of any new-born child being found the person finding the same or first having charge of such child shall forthwith give notice and information thereof, and of the place where such new-born child was found to the Registrar of the parish.

(Amended by Act 19 of 1983)

(2) When any death shall have occurred, the possessor or occupier of the house or of the apartment or dwelling in which such death shall have occurred, or the head of the family or of the household or of the persons residing or being in such house or apartment or dwelling in which such death shall have occurred, or the person ordering or causing the interment of the dead body, shall, within five days after such death, give or cause to be given to the Registrar of the parish in which such death shall have taken place, notice in writing of such death, in which shall be stated the residence of the deceased, together with a certificate of the cause of death in the form contained in the Fifth Schedule, from the medical practitioner who shall have been in attendance during the last illness and until the death of the deceased, or in case there has been no medical practitioner in attendance, a warrant of interment under the hand of the coroner of the district, and the particulars of such certificate or warrant shall, in each case, be entered in the Registrar's book.

(3) In case of the finding of any dead body, the coroner shall forthwith give notice and information thereof, and of the place where the body was found, to the Registrar of the parish.

(4) For the purposes of this section, the masters or keepers of the gaol, infirmary or other public or charitable institution shall be deemed the occupiers thereof.

(5) Any person offending against any of the provisions of this section shall forfeit and pay a sum not exceeding two hundred and fifty dollars to be recovered as hereinafter mentioned.

Child of unmarried mother.

15. (1) Notwithstanding any provision in the Act to the contrary and subject to subsections (2) and (3), where the parents of a child are not married to each other at the time of the child's birth and were not married to each other at, or since, the time of its conception, the Registrar shall not enter in the register book the name of or any other particulars relating to any person as the father of the child except where—

- (a) the mother and the person acknowledging himself to be the father jointly request at the time of registration that such an entry be made and both the mother and that person together sign the notice of the birth of such child:

Provided that if the mother is dead or cannot be found it shall be sufficient if the notice is signed by the father alone;

- (b) the Registrar is furnished with a declaration, in a form satisfactory to him or her, signed by the mother of the child and by the person acknowledging himself to be the father of such child duly executed by them in the presence of a barrister and solicitor, Justice of the Peace, magistrate, registered medical practitioner, minister of the Christian

religion, marriage officer, registered midwife or headmaster of a public school as defined in the Education Act, Cap. 13.01; or

- (c) the mother or the person acknowledging himself to be the father attends personally before the Registrar and requests the Registrar in writing to enter the name of the person alleged or acknowledging himself to be the father and presents a declaration from the other of the two parents signed in accordance with paragraph (b), and the request and declaration are both to the same effect.

(2) If at any time after the registration of the birth of a child whose father's name or any other particulars relating to him are not, in accordance with subsection (1), entered in the register book, the Registrar-General is satisfied by statutory declaration or such other evidence as he or she may deem sufficient that both the mother and the person acknowledging himself to be the father require the name of or any other particulars relating to the father to be entered in the register book, the Registrar-General may authorise such particulars to be entered:

Provided that in any such case—

- (a) it shall not be necessary for the person acknowledging himself to be the father to sign the register;
- (b) if the mother is dead or cannot be found it shall be sufficient if the request is made by the father alone.

(3) If at any time after the registration of the birth of a child whose father's name is not registered the Registrar-General is satisfied that a declaration of paternity in respect of the child has been made by the High Court under section 11 of the Status of Children Act, Cap. 12.14 the Registrar-General shall authorise the entry in the register of the name of the father and such other particulars relating to the father as are supplied to him or her.

(Inserted by Act 19 of 1983)

Licence to be obtained for all interments in places other than public cemeteries and burial grounds.

16. No dead body shall be interred in any other place than a public cemetery, or burial ground, unless a licence shall be obtained for such interment from the Registrar of the parish where such interment shall take place and any person offending against the provisions of this section shall forfeit and pay a sum not exceeding one hundred and fifty dollars to be recovered as hereinafter mentioned.

(Amended by Acts 7 of 1976 and 9 of 1986)

Registrar may register the birth of any child at any time within six months after birth.

17. (1) It shall be lawful at any time within six months after the day of the birth of any child for any Registrar at the instance of any person present at the birth of such child or the guardians or any other person interested on behalf of such child who shall make a solemn declaration of the particulars required to be known touching the birth of such child according to the best of his or her knowledge and belief, then and there to register the birth of such child according to the information of the person making the declaration, and for every such registry as last aforesaid the Registrar shall be entitled to have a fee, over and above the fee hereinafter enacted in respect of every birth, of five dollars from the person requiring the same to be registered.

(2) No register of births shall be given in evidence to prove the birth of any child wherein it shall appear that thirty days have intervened between the day of the

birth and the day of the registration of the birth of such child unless the entry shall be signed by the Registrar-General as well as the Registrar, who shall likewise be entitled to have a fee of five dollars from the person desirous of having the entry made; and every person who shall knowingly register or cause to be registered the birth of any child otherwise than hereinbefore last mentioned, after the expiration of thirty days following the day of the birth of such child, shall forfeit and pay for every such offence a sum not exceeding one thousand five hundred dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

Registration of birth after six months.

18. After the expiration of six months next after the birth of any child that birth shall not be registered except with the written authority of the Registrar-General for registering the same, and except in accordance with any regulations made in that behalf under section 4, and the fact of such authority having been given shall be entered on the register.

Certificates of baptism may be given on payment of fee.

19. (1) If any child born in the State whose birth shall have been registered as hereinbefore directed shall, within six calendar months next after it shall have been so registered, have any name given to it in baptism, the parent or guardian of such child, or other persons, procuring such name to be given, may within seven days next after the day of such baptism procure and deliver to the Registrar or Registrar-General in whose custody the register of the birth may then happen to be, a certificate according to the form set out in the Sixth Schedule signed by the minister who shall have performed the rite of baptism, which certificate such minister is hereby required to deliver immediately after the baptism whenever the same shall be then demanded, on payment of the fee of five dollars, which he or she shall therefor be entitled to receive.

(2) The Registrar or Registrar-General upon receipt of such certificate and on payment of the fee of five dollars, which he or she shall be therefor entitled to receive, shall, without any erasure of the original entry, forthwith register therein that the child was baptized by such name and the Registrar shall thereupon certify upon the said certificate the additional entry so made, and shall forthwith send the said certificate to the Registrar-General.

Correction of errors in registers.

20. (1) No alteration in any register shall be made except as authorised by this Act.

(2) Any clerical error in any register may be corrected by the Registrar-General or any person duly authorised in that behalf by the Registrar-General.

(3) An error of fact or substance in any register may be corrected by entry in the margin without any alteration of the original entry or, if the Registrar-General deems it necessary, by the making of a further entry with a reference therein to the original entry by the Registrar-General or by a person duly authorised in that behalf by the Registrar-General upon production to the Registrar-General or such duly authorised person by the person requiring such error to be corrected of an affidavit setting forth the nature of the error and the true facts of the case, and made by the person required to give information concerning the birth, death or marriage 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.

Rules touching registrations applicable to still-born children.

21. All the provisions of this Act touching the registering of births shall be held to apply to still-born children:

Provided that particulars of their birth shall bear no number and shall be entered on the register in ink of a different colour from that by which particulars as to live births are entered thereon.

Person giving information shall sign his name and place of abode.

22. Every person by whom the information contained in any register of births, deaths or marriages under this Act shall have been given, shall sign his or her name, description and place of abode in the register, and no register of births, deaths or marriages according to this Act shall be given in evidence which shall not be signed by some person professing to be the informant and such party as is herein required to give such information to the Registrar.

Quarterly returns of registrations to be forwarded to Registrar-General.

23. As soon as practicable after the last day of each quarter, every Registrar shall forward to the Registrar-General, in such form as the Registrar-General may direct, a return of all births, deaths and marriages which have been registered in his or her district during that quarter and the Registrar-General shall verify and sign every such return and shall keep and preserve the same as a record in his or her office.

Certified copies to be received at all Courts.

24. All certified copies of entries in the said registers purporting to be signed by the Registrar-General shall be received in all Courts of law and equity within the State and by and before all and every other tribunal or authority within the same as evidence of the birth, death or marriage to which the same relates, without any further or other proof of such entry.

Persons unable to write may make crosses.

25. In case of the inability to write of any person whose signature is required or necessary under this Act, it shall be lawful for such person to exhibit in the presence of the Registrar a cross or other mark, and such cross or other mark shall be in all respects as binding and effectual as the signature of such person if capable of writing would have been.

Penalty for failing to register.

26. When any person shall have failed to register a birth, death or marriage, being the person required by this Act to give information of such birth, death or marriage, the Registrar of the parish in which such birth, death or marriage shall have occurred shall either personally or by written or printed summons call upon such person to attend at a time and place specified in such summons and to give information to such Registrar according to the best of his or her knowledge and belief of the several particulars required to be registered according to the forms A, B, C, respectively, and for each death so registered the Registrar shall be entitled to demand and to receive over and above the fee hereinafter mentioned ten dollars (cost of summons being included) from the persons giving information and every person who shall fail to attend at the summons of the Registrar, or shall refuse to sign the entry shall be liable to a penalty not exceeding one hundred and fifty dollars such fees and penalties being payable into the Public Treasury.

(Amended by Acts 7 of 1976 and 9 of 1986)

Penalty for refusing to register, or injuring the forms.

27. Every Registrar who refuses or without reasonable cause omits to register any birth, death or marriage of which he or she shall have had due notice as aforesaid, and every person having the custody of any register book or of any sheet of forms on which any entry of any birth, death or marriage shall have been made, who carelessly loses or injures the same or carelessly allows the same to be injured whilst in his or her keeping shall forfeit a sum not exceeding one thousand five hundred dollars for every such offence.

(Amended by Acts 7 of 1976 and 9 of 1986)

Penalty for wilfully destroying any register or sheet of forms or counterfeit the same.

28. Every person who wilfully destroys or injures or causes to be destroyed or injured any such register book or any part thereof, or any sheet of forms upon which any entry or entries shall have been made under the authority of this Act or falsely makes or counterfeits or causes to be falsely made or counterfeited any part of such register book or certified extract thereof, or any entry in such sheet of forms as aforesaid or wilfully inserts or causes to be inserted in any register book or sheet of forms as aforesaid any false entry of any birth, death or marriage, or wilfully gives any false certificate, or certifies any writing to be a copy or extract of any register book, knowing the said register to be false in any part thereof, or forges or counterfeits the signature of any Registrar of births or deaths or marriages or of any other person to any entry or certificate by this Act authorised or required to be made or given, commits a felony and, on conviction, shall be liable to imprisonment for any time not exceeding five years.

Penalties for false statements, etc.

29. Any person who—

- (a) wilfully makes any false answer to any question put to him or her by the Registrar-General or a Registrar relating to the particulars required to be registered concerning any birth, death or marriage, or wilfully gives to the Registrar-General or a Registrar any false information concerning any birth, death or marriage;
- (b) wilfully makes any false affidavit, certificate or other document relating to the registration of any birth, death or marriage, or forges or falsifies any such affidavit, certificate or other document, or knowing any such affidavit, certificate or other document to be forged or false uses the same as true, or gives or sends the same as true to any person; or
- (c) wilfully makes any false statement with intent to have the same entered in any register of births, deaths or marriages;

shall be liable, on summary conviction, to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding six months, and, on conviction on indictment, to imprisonment with or without hard labour for a term not exceeding five years.

Fees.

30. Every Registrar of births, deaths and marriages shall be entitled to have and receive out of the Treasury of the State as full remuneration for the duties performed under this Act the sum of thirty-five dollars for each registry of either birth, death or marriage.

All registers kept by ministers of the several denominations anterior to the date of this Act shall be good evidence in all Courts of Law.

31. **And whereas** in the Islands of the State the ministers of the Christian religion of various denominations and public registrars have been by laws from time to time made required to keep registers of baptisms or births or marriages or deaths or burials, as the case might be as the said laws have respectively required:

And whereas it has happened that registers of baptisms or births or marriages or deaths or burials have been duly made and regularly kept by ministers of the Christian religion and by proper officers of other religious sects or persuasions although the said registers have not by the law in force for the time being been required to be so kept:

And whereas it is expedient that copies of certain of the last mentioned registers should be receivable in evidence in all Courts of Justice:

Be it therefore ordained that all registers of baptisms or births or marriages or deaths or burials duly made and regularly kept in any of the Islands of the State by a minister of the Christian religion of any denomination or by a proper officer of any other religious sect or persuasion of date anterior to the date of this and of any other law requiring such register to be kept by such minister or proper officer or by a Registrar duly appointed by law to register the same and all copies thereof respectively certified under the hand of the person for the time being having the lawful care and custody thereof to be true copies shall be and the same are hereby declared to be good evidence of such baptisms, births, marriages, deaths or burials so registered respectively as fully as if such registers had been made and kept and such certified copies had been made respectively by persons appointed by law to make and keep the same and shall be received in evidence in all Courts and before all Judges and Magistrates.

Penalties, how recoverable.

32. All penalties imposed by this Act, the means for the recovery of which are not hereinbefore specially provided for, shall be recovered summarily under the Magistrates' Code of Procedure Act, Cap. 3.17, by any person who may prosecute for the same.

Rules.

33. The Registrar-General may make rules for carrying this Act into effect and may prescribe forms for that purpose.

(Substituted by Act 6 of 1976)

20 BIRTHS in the Parish of (here insert name of Parish) in the Island of (here insert name of Island in the State).										
No.	When Born	Name (if any)	Sex	Name and Surname of Father	Name and Surname of Mother	Rank or Profession of Father	Signature, Description and Residence of Informant.	When Registered	Signature of Registrar	Remarks
<p>I Registrar of Births and Deaths in the Parish of (here insert name of Parish) in the Island of (here insert name of island in the State) do hereby Certify, That this is a true Copy of the Registrar's Book of BIRTHS within the said Parish, from the Entry of the Birth of No. to the Entry of the Birth of No.</p> <p>Witness my hand this day of 20 Registrar.</p>										

20 DEATHS in the Parish of (here insert name of Parish) in the Island of (here insert name of Island in the State).									
No.	When Died	Name and Surname	Sex	Age	Rank or Profession	Cause of Death	Signature, Description and Residence of Informant.	When Registered	Signature of Registrar
<p>I Registrar of Births and Deaths in the Parish of (here insert name of Parish) in the Island of (here insert name of island in the State) do hereby Certify, That this is a true Copy of the Registrar's book of DEATHS within the said Parish, from the Entry of the Death of No. to the entry of the Death of No.</p> <p>Witness my hand this day of 20 Registrar.</p>									

THIRD SCHEDULE

(Section 10 and 11)

No.	When Married	When Married	Ages	Ages	Rank or Profession	Residence at time of Marriage	After Banns or Licence	Consent by whom given

FOURTH SCHEDULE

(Section 12 and 13)

FEEES PAYABLE TO THE REGISTRAR-GENERAL

For every general search	.... ..	\$1.50
For every particular search	.... ..	\$0.50¢
For every certified copy of an entry in any register book	.... ..	\$3.00

FIFTH SCHEDULE

(Section 14)

SAINT CHRISTOPHER AND NEVIS

MEDICAL CERTIFICATE OF CAUSE OF DEATH

No..... Name.....	No.....	.....	.....
	Name.....	Residence.....	.....
Date of Death..... Occupation.....	Date of Death.....	Sex.....	Age.....
	Occupation.....	Date of last attendance.....	.....
CAUSE OF DEATH			Approximate interval between onset and death.
Residence..... Occupation..... Sex..... Age..... Date of Death.....	1.Disease or condition directly leading to death*	(a).....due to (or as a consequence of)	.....
Cause of Death	Antecedent causes Morbid conditions, if any, giving rise to the above cause, stating the	(b).....due to (or as a consequence of)	.....

1.(a).....	underlying condition last.	(c).....	
(b).....	2.Other significant conditions contributing to the death, but not related to the disease or condition <i>causing it</i>.	.....	.....
(c).....			
2.....	*This does not mean the mode of dying, e.g., heart failure, asthenia etc., it means the disease, injury, or complication which caused death.		
.....			
.....20.....			Medical Officer District
		Date	20.....

SIXTH SCHEDULE

(Section 19)

I, *A.B.*, do hereby certify that I have this day baptized by the name of *C.D.*, a male child produced to me by Thomas Styles as the son of Thomas and Charlotte Styles and declared by the said Thomas Styles to have been born at

on the.....day of 20

Witness my hand this day of 20