



ST. HELENA

CHAPTER 79

BIRTHS AND DEATHS (REGISTRATION) ORDINANCE and Subsidiary Legislation

Non-authoritative Consolidated Text

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Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown
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CHAPTER 79
BIRTHS AND DEATHS
(REGISTRATION) ORDINANCE

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CHAPTER 79

BIRTHS AND DEATHS (REGISTRATION) ORDINANCE

(Ordinances 1 of 1853, 6 of 1854, 4 of 1858, 1 of 1923, 4 of 1926, 4 of 1935, 10 of 1949, 14 of 1949, 10 of 1950, 2 of 1967, 8 of 1981, 4 of 1985 and 12 of 2017)

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF BIRTHS AND DEATHS IN ST. HELENA.

Commencement

[3 February 1853]

Short title

1. This Ordinance may be cited as the Births and Deaths (Registration) Ordinance.

PART I GENERAL

Registrar-General to be appointed

2. There shall be a Registrar-General's Office at the Castle at Jamestown for the registration of births and deaths occurring within St. Helena, including the Dependency of Ascension Island, and the Governor shall from time to time appoint a person to be Registrar-General.

Registrars to notify Registrar-General of all subsequent entries in register

3. Every Registrar upon registering any birth or death occurring in his district shall forthwith transmit to the Registrar-General a certified copy of the relative entry in his register, and thereupon the Registrar-General shall cause such certified copy to be incorporated in his records.

Appointment of Registrars

4. It shall be lawful for the Governor to appoint a Registrar of Births and Deaths at (a) St. Helena and (b) Ascension Island.

Registrar may appoint deputy

5. Every such Registrar shall have power, subject to the approval of the Governor, to appoint by writing, under his hand, a fit and proper person to act as his deputy, in case of the illness or unavoidable absence of such Registrar; and every such deputy Registrar, while so

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acting, shall have all the powers and duties, 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. Every Registrar shall be civilly responsible for the acts or omissions of his deputy.

Safe custody of records

6. Every Registrar shall be provided, at the expense of the Government, with a sufficient number of strong boxes to hold the register books to be kept by such Registrar; and the register books, when not in use, shall be always kept in the register box, and the register box shall always be kept locked.

Registrar to deliver records to successor

7. In every case in which a Registrar shall be removed from or cease to hold the said office, all register boxes, keys, books, documents and papers in his possession as such Registrar, shall be given, as soon as conveniently may be, to his successor in office; and if any person shall refuse to give up any such box, key, books, documents or papers in such case as aforesaid, it shall be lawful for any Justice of the Peace, upon application made for that purpose, to issue a warrant under his hand and seal for bringing such person before any two Justices of the Peace; and upon such person not appearing, or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way; and if it shall appear to the Justices that any such box, key, books, documents or papers are in the custody or power of any such person, and that he has refused or wilfully neglected to deliver the same, the said Justices are hereby required to commit such offender to the common gaol, there to remain without bail until he shall have delivered up the same to the person in whose custody the same ought to be; and the said Justices may grant a warrant to search for such box, key, books, documents or papers, as in the case of stolen goods, in any dwelling-house or other premises in which any credible witness shall prove upon oath before them 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

8. Every Registrar shall cause to be printed, on account of said Register Office, a sufficient number of register books, for making entries of all births, still-births and deaths in the appropriate form respectively set out in the First, Third and Fourth Schedules to this Ordinance; and the said register books shall be of durable materials; and in them shall be printed upon each side of every leaf the heads of information herein required to be known of births and deaths respectively; and every page of each of such books shall be numbered progressively, from the beginning to the end of the book, 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 following entry by a printed line.

Duties of Registrar

9.² (1) Every Registrar is hereby required to inform himself of every birth, still-birth or death which shall happen within his district, and to register as soon after the event as conveniently may be done (without fee or reward save as otherwise expressly provided), the particulars of any such birth, still-birth or death as set out in the appropriate form prescribed by this Ordinance.

(2) The Registrar for St Helena must on or within seven days after the registration of the birth of any child, not already vaccinated in St Helena, give notice in writing to the person with parental responsibility for the child, that it is that person's duty to have the child vaccinated in the manner directed in the Vaccination Ordinance, and must deliver to that person a notice of the days, hours and places where the Chief Medical Officer or other medical practitioner will be available for the purposes of vaccination.

PART II REGISTRATION OF BIRTHS

Information concerning births

10.³ (1) In the case of every child born alive it shall be the duty of the persons with parental responsibility of the child, and in default of the persons with parental responsibility, of the occupier of the house in which to his knowledge the child is born, and of each person present at the birth, and of the person having charge of the child, to give to the Registrar of the district, within twenty-one days next after such birth, information of the particulars required to be registered concerning such birth, and in the presence of such Registrar to sign the register:

Provided that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Ordinance concerning the birth of such child, and the 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.

(2) In case any living new-born child is found exposed, it shall be the duty of any person finding such child, and of any person in whose charge such child may be placed, to give, to the best of his knowledge and belief, to the Registrar of the district, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses, and in the presence of the Registrar to sign the register.

Births not registered within 21 days

11. Where a birth has, from the default of the parents or other persons required to give information concerning it, not been duly registered, the Registrar of the district may, at any time after the end of twenty-one days from such birth, by notice in writing, order any of the persons required by this Ordinance to give information concerning such birth to attend personally at his office, or at any other place appointed by him, within such time (not less than seven days after the receipt of the notice and not more than twelve months from the date of the birth) as may be specified in such notice, and to give information to the best of such person's knowledge and belief, of the particulars required to be registered concerning such birth, and to sign the register in the presence of the Registrar, subject however, to the provisions of section

² Section 9(2) substituted by Ord. 12 of 2017

³ Section 10(1) amended by Ord. 12 of 2017

12 of this Ordinance; and it shall be the duty of such person, unless the birth is registered before the expiration of the time thus specified, to comply with such order.

Registration of birth after six months

12. (1) After the expiration of six months next after the birth of any child, a Registrar shall not register the birth except as in this section provided.

(2) After six months but not later than twelve months after the birth, the competent Registrar may register such birth after a solemn declaration of the particulars required to be registered concerning such birth has been made before a Justice of the Peace by any of the persons required by this Ordinance to give information concerning the birth. Upon any of the said persons making such declaration as aforesaid (whether in pursuance of an order notified by the Registrar or not), and giving information concerning the birth, the Registrar shall there and then, in presence of the Justice of the Peace, register the birth according to the information of the declarant, and the Justice of the Peace before whom the declaration is made shall, as well as the Registrar and the declarant, sign the entry of the birth.

(3) After the expiration of twelve months next after the birth of any child, a Registrar shall not register such birth except with the written authority of the Chief Justice, and the fact of such authority having been given shall be entered in the proper register. Before giving such authority the Chief Justice may require such information by solemn declaration or otherwise, as he may direct, from any of the persons required by this Ordinance to give information concerning the birth.

(4) Any person who registers or causes to be registered the birth of any child in contravention of subsections (2) and (3) shall be liable to a fine not exceeding £25.

Registration of still-births

13. (1) The birth of every still-born child shall be registered by the Registrar of the district in a register of still-births containing the heads of information prescribed in the Third Schedule to this Ordinance.

(2) In the case of every still-birth, it shall, unless there has been an inquest, be the duty of the person who would, if the child had been born alive, have been required to give information under this Ordinance concerning the birth, to inform the Registrar of the district of the particulars required to be registered concerning the still-birth; and every such person upon giving information shall deliver to the Registrar a written certificate that the child was not born alive.

(3) Save as otherwise provided by this Ordinance, the provisions thereof shall apply to the registration of a still-birth as they apply to the registration of the birth of a child born alive.

(4) A Registrar upon registering a still-birth shall, if so required, deliver without fee or reward to the informant or to the person having charge of the burial, a certificate that he has registered the still-birth.

(5) In this section, “still-born” and “still-birth” shall apply to any child which has issued forth from its mother after the twenty-eighth week of pregnancy and which did not at any time after being completely expelled from its mother, breathe or show any other signs of life.

Baptismal name registrable within six months

14.⁴ If any child born in the District whose birth shall have been registered as aforesaid, 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 person procuring such name to be given may, within seven days next after such baptism, procure and deliver to the Registrar or person in whose custody the register of the birth of the child may then happen to be, a certificate according to the form in the Fifth Schedule to this Ordinance, 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 prescribed by Order of the Governor in Council, which he shall be therefor entitled to receive; and the said Registrar, upon receipt of such certificate, and on payment of the fee, which he shall be therefor entitled to receive, shall, without any erasure of the original entry, forthwith register therein that the child was baptised by such name; and the Registrar shall thereupon certify upon the said certificate the additional entry so made, and file the said certificate in the office of the Registrar.

PART III REGISTRATION OF DEATHS

Registration of deaths

15. (1) Subject to the provisions of subsection (2)—
- (a) When a person dies in a house it shall be the duty of the nearest relatives of the deceased present at the death or in attendance during the last illness of the deceased, and in default of such relatives, of every other relative of the deceased, and in default of such other relatives, of each person present at the death, and of each inmate of the house in which the death took place, and of the person causing the body of the deceased person to be buried, to give, to the best of his knowledge and belief, to the Registrar of the district, within twenty-four hours following such death, information of the particulars required to be registered concerning such death.
- (b) Where a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, it shall be the duty of every relative of such deceased person having knowledge of such death and of any of the particulars required to be registered concerning the death, and in default of such relative, of every person present at the death, and of any person finding or taking charge of the body, and of the person causing the body to be buried, to give within the twenty-four hours next after the death or the finding (whichever is later) to the Registrar of the district where the death occurred or the body was found, such information of the particulars required to be registered concerning the death as the informant possesses and in the presence of the Registrar to sign the register.
- (2) In every case where an inquest shall be held on any dead body, the jury shall enquire into the particulars required to be registered concerning the death, and the Coroner shall inform the competent Registrar, in writing, of the finding of the jury, and such Registrar shall make the entry accordingly.
- (3) Where any death in a district has, from the default of the persons required to give information concerning it, not been registered, the Registrar of such district may, at any time after the expiration of fourteen days and within twelve months from the day of such death or from the finding of the dead body elsewhere than in a house, by notice in writing, order any

⁴ Section 14 amended by Ord. 4 of 1985

person required by this Ordinance to give information concerning such death to attend personally at the Registrar's office or at any other place appointed by the Registrar, within such time (not less than seven days after the receipt of the notice, nor more than twelve months after the death or the finding of the body) as may be specified in the notice, and to give the said information to the best of the informant's knowledge and belief, and to sign the register in the presence of the Registrar; and it shall be the duty of such person, unless the death is registered before the expiration of the time thus specified to comply with the order.

(4) After the expiration of twelve months next after any death or after the finding of any dead body elsewhere than in a house, that death shall not be registered, except upon the written authority of the Chief Justice for registering the same, and the fact of such authority having been given shall be entered in the register.

The Chief Justice may, before giving his written authority under this subsection, require such evidence, whether sworn or not, and whether oral or in writing, as he may deem necessary to be given by any person required by this Ordinance to give information concerning such death; and it shall be the duty of such person to comply with the requisition to the best of his knowledge and belief.

Any person who registers or causes to be registered any death in contravention of this subsection shall be liable to a fine not exceeding £25.

Registrar to issue certificate of death

16. (1) The Registrar, immediately upon registering any death, or as soon thereafter as he shall be required so to do, shall, without fee or reward, deliver to the undertaker or other person having charge in the funeral, a certificate under his hand, according to the form in the Sixth Schedule to this Ordinance, that such death has been duly registered; and such certificate shall be delivered by such undertaker or other person, to the minister or officiating person who shall be required to bury or to perform any religious service for the burial of the dead body.

(2) If any dead body shall be buried for which no such certificate shall have been so delivered, the person who shall bury or perform any funeral, or any religious service for the burial, shall forthwith give notice thereof to the Registrar:

Provided always, that the Coroner, upon holding any inquest, may order the body to be buried, if he shall think fit, before registry of the death, and shall in such case give a certificate of his order in writing, under his hand, according to the form in the Seventh Schedule to this Ordinance, to such undertaker or other person having charge of the funeral, which shall be delivered as aforesaid.

(3) Every person who shall bury or perform any funeral or any religious service, for the burial of any dead body for which no certificate shall have been duly made and delivered as aforesaid either by the Registrar or Coroner, and who shall not within seven days give notice thereof to the Registrar, shall forfeit and pay a sum not exceeding £10 for every such offence.

PART IV MISCELLANEOUS

Registers may be searched

17. (1)⁵ Every Registrar, who shall have the keeping for the time being, of any register book of births or deaths, shall at all reasonable times allow searches to be made of any register book in his keeping, and shall give a copy certified under the hand of the said Registrar

⁵ Section 17(1) amended by Ord. 4 of 1985

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of any entry or entries in the same, on payment of the fees prescribed by Order of the Governor in Council.

(2) Any person shall, on payment of the fee prescribed and on furnishing the entry number in the register of births and the year of birth, be supplied with a shortened form of certificate in the form shown at the Second Schedule called a short certificate.

Indexes to be made

18.⁶ The Registrar shall cause indexes of the register books in his office to be made, and kept with the other records of his office, and every person shall be entitled, at all reasonable hours, to search the said indexes, and to have a certified copy of any entry or entries in the said register books or indexes, under the hand of every Registrar, on payment of the fees prescribed by Order of the Governor in Council.

Register or certified copy when not evidence

19. An entry in a register under this Ordinance, or a certified copy thereof shall not be evidence of a birth, death or still-birth, as the case may be, unless such entry either purports to be signed by some person professing to be the informant and to be such a person as is required by law at the date of such entry to give the Registrar information concerning such birth, death or still-birth, or purports to be otherwise made in pursuance of the provisions of this Ordinance with respect to the registration of births, deaths and still-births respectively:

Provided that a certified copy under the hand of a Registrar shall not be received in evidence by any Court unless it is sealed or stamped with the Registrar's seal of office prescribed by regulations made under this Ordinance.

Giving false information

20. Every person who shall wilfully make or cause to be made for the purpose of being inserted in any register of birth or death, any false statement touching any of the particulars herein required to be known and registered, shall be subject to the same pains and penalties as if guilty of perjury.

Penalty for refusal to supply information

21. Every person required by this Ordinance to give information concerning any birth or death or still-birth, who without reasonable excuse, refuses to answer any question put to him by a Registrar or to furnish evidence required by the Chief Justice concerning the particulars required to be registered under this Ordinance, or who fails without reasonable excuse to comply with any order of a Registrar made under this Ordinance, shall be liable to a fine not exceeding £5 for each offence; and the parent of any child who fails to give information concerning the birth of such child, as required by this Ordinance, shall be liable to a like penalty; and a person required by this Ordinance to give information concerning a death in the first instance, and not merely in default of some other person, shall, if such information as is required by this Ordinance is not duly given, be liable to the same penalty.

Power to make regulations

⁶ Section 18 amended by Ord. 4 of 1985

22. The Governor may make regulations for any of the following purposes—
- (a) prescribing an official seal for use by Registrars and providing for the safe custody thereof;
 - (b) any other purpose for which regulations may be made under this Ordinance.

Offences by Registrar

23. If any Registrar shall refuse, or without reasonable cause omit, to register any birth or death of which he shall have had due notice as aforesaid, and every person having the custody of any register book or certified copy thereof, or of any part thereof, who shall carelessly lose, or allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding £50 for every such offence.

Destruction or falsification of register books

24. Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such register book, or any part, or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be made or counterfeited, any part of any such register book or certified copy thereof, or shall wilfully insert, or cause to be inserted, in any register book or certified copy thereof, any false entry of any birth or death, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book, knowing the same register to be false in any part thereof, or shall forge or counterfeit the seal of the register office shall be guilty of felony.

Errors may be corrected

25. No person charged with the duty of registering any birth or death, who shall discover any error to have been committed in the form or substance of any such entry, shall be therefore liable to any of the penalties aforesaid, if within one calendar month next after the discovery of such error, in the presence of the parents of the child whose birth may have been so registered, or of two persons attending upon any person in his or her last illness, whose death may have been so registered, or in case of the death or absence of the respective parties aforesaid, then, in the presence of the Chief Secretary, or a Justice of the Peace, and of two other credible witnesses who shall respectively attest the same, he shall correct the erroneous entry, according to the truth of the case, by entry in the margin, without any alteration of the original entry, and add thereto the day of the month and year when such correction shall be made.

FIRST SCHEDULE

(Section 8)

BIRTHS IN THE ISLAND OF ST. HELENA [OR ASCENSION]

No.	When born.	Surname and other names.	Sex.	Name and surname of father.	Name and maiden surname of mother.	Rank or profession of father.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.	Baptismal name if added after registration of birth.

SECOND SCHEDULE

(Section 17(2))

SHORT CERTIFICATE

BIRTHS IN THE ISLAND OF ST. HELENA [OR ASCENSION]

No.	When born.	Surname and other names.	Sex.	When registered.	Signature of Registrar.	Baptismal name if added after registration of birth.

THIRD SCHEDULE

(Section 13)

FORM OF REGISTER OF STILL-BIRTHS

No.	When and where born.	Sex.	Name and surname of father.	Name and Maiden name of mother.	Rank or Profession of father.	Signature, description, and residence of informant.	When registered.	Nature of evidence upon which registered as still-born.	Signature of Registrar.

FOURTH SCHEDULE

(Section 8)

DEATHS IN THE ISLAND OF ST. HELENA [OR ASCENSION].

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.

FIFTH SCHEDULE*(Section 14)*

I, in St. Helena, do hereby certify that I have this day baptized by the name of, a male (or female) child, produced to me by, as the son (or daughter) of and, and declared by the said to have been born in, in St. Helena, on the day of

Witness my hand this day of

SIXTH SCHEDULE*(Section 16 (1))*

I,, Registrar of Births and Deaths in St. Helena, do hereby certify that the death of was duly registered by me, on the day of

Witness my hand this day of

Registrar.

SEVENTH SCHEDULE*(Section 16 (2))*

I,, Coroner for St. Helena, do hereby order the burial of the body now shown to the Inquest Jury, as the body of

Witness my hand this day of

Coroner.

BIRTHS AND DEATHS (FEES) ORDER*(Legal Notice 14 of 2013)***Commencement***[1 April 2013]***Citation and commencement**

1. This Order may be cited as the Births and Deaths (Fees) Order, 2013, and shall come into force on 1 April 2013.

Fees

2. The following fees are prescribed for the purposes of the Ordinance:

- | | | |
|----|---|---|
| 1. | For every certified copy entry: | |
| | same day | £6.50 |
| | one day notice | £5.50 |
| | three days notice | £4.50 |
| 2. | For every registration of a baptismal name: | |
| | within three months after birth | £4.00 |
| | within six months after birth | £6.50 |
| 3. | For every search of the Register | Such fees as the Registrar may assess, not exceeding £40.00 |
| 4. | For correction made to Register | £5.00 |
| 5. | For certification of a certificate | £5.00 |

Revocation

3. The Births and Deaths (Fees) Order, 2009, is revoked.
