



## **ST HELENA**

### **A BILL**

### **FOR**

### **AN ORDINANCE**

**to amend the Births and Deaths (Registration) Ordinance, 1853, to make provision for registration in St Helena of births and deaths that occurred outside St Helena; and for connected and incidental purposes.**

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Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

#### **Short title and interpretation**

1. (1) This Ordinance may be cited as the Births and Deaths (Registration)(Amendment) Ordinance, 2018.

(2) In this Ordinance, “the principal Ordinance” means the Births and Deaths (Registration) Ordinance, 1853.

#### **Register books**

2. Section 8 of the principal Ordinance is amended by repealing subsection (1) and substituting the following:

“(1) The Registrar must cause to be printed, on account of the respective Register Office, a sufficient number of register books, for making entries of all births, overseas births, still-births, deaths and overseas deaths in the appropriate form respectively set out in Form 1, 3 and 4 in the Schedule.”.

#### **Overseas births and deaths**

3. The principal Ordinance is amended by inserting the following Part after Part III:

**“PART IIIA  
OVERSEAS BIRTHS AND DEATHS**

**Overseas Births**

**16A. (1)** The Registrar may register the birth of a child born outside St Helena if—

- (a) at the time of the request to register the birth, the child is under the age of 18 years and is present on St Helena;
- (b) the request to register the birth of a child—
  - (i) born before 1 April 2018, is made on or before 31 March 2023, or in exceptional circumstances, such later date as the Registrar considers reasonable; or
  - (ii) born on or after 1 April 2018, is made within 21 days after the child first arrives on St Helena, or in exceptional circumstances, such longer period as the Registrar considers reasonable;
- (c) the Registrar is satisfied that at least one parent of the child was ordinarily resident on St Helena at the time of the birth; and
- (d) the Registrar is satisfied as to the identity of the child and the facts of the birth by the production of a birth certificate and, if not written in the English language, a certified translation.

**(2)** If the Registrar is satisfied the criteria in subsection (1) have been met, the Registrar may register the birth of the child using Form 1 in the Schedule and either parent present must sign the register book in the presence of the Registrar. The Registrar must make an identical entry into a book specifically kept for the purpose of registering overseas births.

**Overseas Deaths**

**16B. (1)** The Registrar may register the death of a person who has died outside St Helena if—

- (a) the death occurred on or after 1 April 2018;
- (b) the request to register the death is made within 12 months after the date of death or, in exceptional circumstances, such longer period as the Registrar considers reasonable;
- (c) the Registrar is satisfied that the deceased was ordinarily resident or had assets on St Helena at the time of the death; and
- (d) the Registrar is satisfied as to the facts of the death by the production of a death certificate (together with an apostille or equivalent legalisation if the death occurred in a place other than the United Kingdom, a British Overseas Territory or a Crown dependency) and, if not written in the English language, a certified translation thereof.

**(2)** If the Registrar is satisfied the criteria in subsection (1) have been met, the Registrar may register the death using Form 4 in the Schedule and if any person identified in section 15(a) or (b) is present he or she must sign the register book in the presence of the Registrar. The Registrar must make an identical entry into a book specifically kept for the purpose of registering overseas deaths.

**(3)** The Registrar may under subsection (2) register and enter the death of a person which occurred before 1 April 2018 if—

- (a) the death occurred not more than 5 years before that date;
- (b) the request to register the death is made on or before 31 March 2019, or in exceptional circumstances, such longer period as the Registrar considers reasonable; and
- (c) the requirements in subsection (1)(c) and (d) with respect to the deceased person have been met.”.

### **Registrar’s seal of office**

**4.** Section 19(2) of the principal Ordinance is amended by deleting the words “prescribed by regulations made under this Ordinance”.

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#### **EXPLANATORY NOTE**

*(This note is not part of the Ordinance)*

This Ordinance amends the Births and Deaths (Registration) Ordinance, 1853, to make provision for the registration of births that occur overseas where one parent of the child is ordinarily resident on St Helena. The Ordinance also makes provision for the registration of deaths that occur outside St Helena if the deceased was ordinarily resident or had assets in St Helena at the time of death. The Ordinance also amends a provision relating to the Registrar’s seal of office.