



ST HELENA

REVISED EDITION OF THE LAWS, 2017

FAMILY, EDUCATION AND WELFARE

BIRTHS AND DEATHS (REGISTRATION) ORDINANCE, 1853¹

Ordinance 1 of 1853

In force 3 February 1853

Amended by Ordinances 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, 12 of 2017, 5 of 2018

Subsidiary legislation:

BIRTHS AND DEATHS (FEES) ORDER, 2013

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Legal Notice 14 of 2013 (in force 1 April 2013)

BIRTHS AND DEATHS (REGISTRATION) ORDINANCE, 1853

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AN ORDINANCE to provide for the registration of births and deaths in St Helena.

Short title

1. This Ordinance may be cited as the Births and Deaths (Registration) Ordinance, 1853.

Interpretation

- 1A. In this Ordinance—
“**Registrar**” means the Registrar for St Helena appointed under section 4;
“**register book**” means a book required to be kept under this Ordinance for the registering of births, still-births and deaths.

**PART I
GENERAL**

Registrar-General to be appointed

2. There is to be a Registrar-General’s Office at the Castle at Jamestown for the

registration of births and deaths occurring within St Helena, Ascension and Tristan da Cunha, and the Governor must from time to time appoint a person to be Registrar-General.

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

3. The Registrar, upon registering any birth or death occurring in St Helena, must immediately send to the Registrar-General a certified copy of the relative entry in the register, and the Registrar-General must cause the certified copy to be incorporated in the records kept by the Registrar-General.

Appointment of Registrars

4. The Governor may appoint a Registrar of Births and Deaths for St Helena.

Registrar may appoint deputy

5. (1) The Registrar may, subject to the approval of the Governor, appoint by writing, under his or her hand, a fit and proper person to act as his or her deputy, in case of the illness or unavoidable absence of the Registrar.

(2) A deputy Registrar—

- (a) while acting as such, has all the powers and duties, and is subject to all the provisions and penalties concerning Registrars set out in this Ordinance; and
- (b) in case of the death of the Registrar, must act as Registrar until another Registrar is appointed.

(3) The Registrar is responsible in civil law for the acts or omissions of his or her deputy.

Safe custody of records

6. (1) The Registrar must be provided, at the expense of the Government of St Helena, with a sufficient number of strong boxes (in this section referred to as “**the register box**”) to hold the register books to be kept by the Registrar.

(2) The register books, when not in use, must be always kept in the register box, which must always be kept locked.

Registrar to deliver records to successor

7. (1) If the Registrar is removed from or ceases to hold office as a Registrar, all register boxes, keys, books, documents and papers in his or her possession as a Registrar (“**official papers**”) must be given, as soon as conveniently may be, to his or her successor in office.

(2) If any person refuses to give up the official papers, any Justice of the Peace may, upon application made for that purpose, issue a warrant under his or her hand and seal for bringing such person before any 2 Justices of the Peace; and if the person does not appear, or cannot be found, they may hear and determine the matter in a summary way.

(3) If it appears to the Justices that any official papers are in the custody or power of any person, and that the person has refused or wilfully neglected to deliver them up, the Justices must commit the offender to prison, there to remain without bail until the person delivers up the official papers to the person in whose custody they ought to be.

(4) The Justices may grant a warrant to search for any official papers, as in the case of stolen goods, in any dwelling-house or other premises in which any credible witness proves upon oath before them that there is reasonable cause to suspect the same to be; and the official papers, when found, must be delivered to the person in whose custody they ought to be.

Register books to be provided

8.² (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.

- (2) The register books must—
- (a) be of durable materials;
 - (b) have printed upon each side of every leaf the heads of information herein required to be known of births and deaths respectively;
 - (c) have every page of each book numbered progressively, from the beginning to the end of the book, beginning with number one;
 - (d) have every place of entry numbered progressively, from the beginning to the end of the book, beginning with number one; and
 - (e) have every entry divided from the following entry by a printed line.

Duties of Registrar

9. (1) A Registrar must inform himself or herself of every birth, still-birth or death which happens within St Helena and register as soon after the event as conveniently may be done (without fee or reward except as otherwise expressly provided), the particulars of any such birth, still-birth or death as set out in the appropriate form prescribed in the Schedule.

- (2) The Registrar must—
- (a) on or within 7 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 by the Vaccination Ordinance, 1854; and
 - (b) deliver to that person a notice of the days, hours and places where the Senior Medical Officer/Clinical Director or other medical practitioner will be available for the purposes of vaccination.

PART II REGISTRATION OF BIRTHS

² Section 8 amended by Ord. 5 of 2018

Information concerning births

10. (1) Subject to subsection (1A), in the case of every child born alive—

- (a) the persons with parental responsibility for the child; or
- (b) in default of persons with parental responsibility, the occupier of the house in which to the occupier's knowledge the child is born, each person present at the birth, and the person having charge of the child,

must give to the Registrar, within 21 days next after the birth, information of the particulars required to be registered concerning such birth, and in the presence of the Registrar sign the register.

(1A) In the case of an illegitimate child—

- (a) no person, as father of such child, is required to give information under this Ordinance concerning the birth of the child; and
- (b) the Registrar must not enter in the register the name of any person as father of the child,

unless at the joint request of the mother and of the person acknowledging himself to be the father of the child, in which case that person must sign the register, together with the mother.

(2) If any living new-born child is found exposed, any person finding the child, and any person in whose charge the child may be placed, must—

- (a) give, to the best of his or her knowledge and belief, to the Registrar, within 7 days after the finding of the child, any information of the particulars required to be registered concerning the birth of the child that the informant possesses; and
- (b) in the presence of the Registrar sign the register.

Births not registered within 21 days

11. (1) If a birth has, from the default of the parents or other persons required to give information concerning it, not been duly registered, the Registrar may, at any time after the end of 21 days from the birth, by notice in writing, order any of the persons required by this Ordinance to give information concerning the birth to -

- (a) attend personally at the Registrar's office, or at any other place appointed by the Registrar, within a time (not less than 7 days after the receipt of the notice and not more than 12 months from the date of the birth) specified in the notice;
- (b) on such attendance, give information, to the best of the person's knowledge and belief, of the particulars required to be registered concerning the birth; and
- (c) on such attendance sign the register in the presence of the Registrar, subject to section 12.

(2) A person who is the subject of an order under subsection (1) must, unless the birth is registered before the expiration of the time specified in it, comply with the order.

Registration of birth after 6 months

12. (1) After the expiration of 6 months next after the birth of any child, a Registrar must not register the birth except as provided in this section.

(2) After 6 months but not later than 12 months after the birth, the Registrar may register the birth after a solemn declaration of the particulars required to be registered

concerning the 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.

(2A) Upon any of the persons mentioned in subsection (2) making a declaration as contemplated by that subsection (whether pursuant to an order notified by the Registrar or not), and giving information concerning the birth, the Registrar must 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, as well as the Registrar and the declarant, must sign the entry of the birth.

(3) After the expiration of 12 months next after the birth of any child, a Registrar must not register the birth except with the written authority of the Chief Justice, and the fact of such authority having been given must be entered in the proper register.

(3A) Before giving authority as contemplated by subsection (3), the Chief Justice may require such information, by solemn declaration or otherwise, as he or she may direct, to be given by any of the persons required by this Ordinance to give information concerning the birth.

(4) A person who registers or causes to be registered the birth of any child in contravention of this section commits an offence.

Penalty: A fine of £25.

Registration of still-births

13. (1) The birth of every still-born child must be registered by the Registrar in a register of still-births containing the heads of information set out in Form 3 in the Schedule.

(2) In the case of every still-birth, unless there has been an inquest, the person who would, if the child had been born alive, have been required to give information under this Ordinance concerning the birth must—

- (a) inform the Registrar of the particulars required to be registered concerning the still-birth; and
- (b) upon giving such information, deliver to the Registrar a written certificate that the child was not born alive.

(3) Except as otherwise provided by this Ordinance, the provisions of it 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 must, if so required, deliver without fee or reward to the informant or to the person having charge of the burial, a certificate that he or she has registered the still-birth.

(5) In this section, “still-born” and “still-birth” apply to any child which has issued forth from its mother after the 28th 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 6 months

14. (1) If a child whose birth has been registered under this Ordinance, within 6

months after it has been so registered, has any name given to it in baptism, the parent or guardian of the child, or other person procuring such name to be given may, within 7 days after the baptism, procure and deliver to the Registrar or person in whose custody the register of the birth of the child then is, a certificate of baptism in Form 5 in the Schedule, signed by the minister who performed the baptism.

(2) If a certificate of baptism is demanded, the minister who performed the baptism must deliver it immediately after the baptism, on payment of the fee prescribed by order by the Governor in Council, which the minister is entitled to receive.

(3) The Registrar, upon receipt of such certificate, and on payment of the fee prescribed by order by the Governor in Council, must—

- (a) without any erasure of the original entry, immediately enter in the register that the child was baptised by that name; and
- (b) certify upon the certificate the additional entry so made, and file the certificate in the office of the Registrar.

PART III REGISTRATION OF DEATHS

Registration of deaths

15. (1) Subject to subsection (2)—

- (a) if a person dies in a house 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, every other relative of the deceased, and in default of such other relatives, each person present at the death, each inmate of the house in which the death took place, and the person causing the body of the deceased person to be buried, must give, to the best of his or her knowledge and belief, to the Registrar, within 24 hours following the death, information of the particulars required to be registered concerning the death;
- (b) if a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, every relative of the deceased person having knowledge of the death and of any of the particulars required to be registered concerning the death, and in default of such relative, every person present at the death, any person finding or taking charge of the body, the person causing the body to be buried, must give within 24 hours after the death or the finding (whichever is later) to the Registrar such information of the particulars required to be registered concerning the death as the informant possesses and in the presence of the Registrar must sign the register.

(2) If an inquest is held on any dead body, the Coroner must—

- (a) enquire into the particulars required to be registered concerning the death; and
- (b) inform the Registrar, in writing, of the Coroner's finding, and that Registrar must make the entry accordingly.

(3) If any death has, from the default of the persons required to give information concerning it, not been registered, the Registrar may, at any time after the expiration of 14 days and within 12 months from the day of the death or from the finding of the dead body elsewhere than in a house, by notice in writing, order any person required by this Ordinance

to give information concerning the death—

- (a) attend personally at the Registrar's office, or at any other place appointed by the Registrar, within a time (not less than 7 days after the receipt of the notice and not more than 12 months from the date of the birth) specified in the notice;
- (b) on such attendance, give the said information to the best of the person's knowledge and belief; and
- (c) on such attendance sign the register in the presence of the Registrar.

(3A) A person who is the subject of an order under subsection (3) must, unless the death is registered before the expiration of the time specified in it, comply with the order.

(4) After the expiration of 12 months next after any death or after the finding of any dead body elsewhere than in a house, the death must not be registered except upon the written authority of the Chief Justice for registering it, and the fact of such authority having been given must be entered in the register.

(5) The Chief Justice may, before giving authority to register a death under subsection (4), require any evidence, whether sworn or not, and whether oral or in writing, the Chief Justice considers necessary to be given by any person required by this Ordinance to give information concerning such death; and any such person must comply with the requisition to the best of his or her knowledge and belief.

(6) A person who registers or causes to be registered any death in contravention of this section commits an offence.

Penalty: A fine of £25.

Registrar to issue certificate of death

16. (1) The Registrar, immediately upon registering any death, or as soon thereafter as he or she is required so to do, must, without fee or reward, deliver to the undertaker or other person having charge of the funeral, a certificate under the hand of the Registrar, in Form 6 in the Schedule, that the death has been duly registered.

(1A) A certificate under subsection (1) must be delivered by the undertaker or other person having charge of the funeral, to the minister or officiating person required to bury or to perform any religious service for the burial of the dead body.

(2) Subject to subsection (2A), if any dead body is buried for which no certificate under subsection (1) has been delivered, the person who buries the body or performs a funeral or any religious service for the burial must immediately give notice thereof of the fact to the Registrar.

(2A) The Coroner, upon holding any inquest, may order the body to be buried, if the Coroner thinks fit, before registry of the death, in which case the Coroner must give a signed certificate of the order in writing in Form 7 in the Schedule, to the undertaker or other person having charge of the funeral, without fee or reward.

(3) A person who—

- (a) buries, or performs any funeral or any religious service for the burial of any dead body, for which no certificate has been duly made and delivered as provided by

this section either by the Registrar or Coroner; and
 (b) fails within 7 days of the event to give notice thereof to the Registrar,
 commits an offence.
 Penalty: A fine of £10.

PART IIIA³ OVERSEAS BIRTHS AND DEATHS

Overseas Births

16A.⁴ (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 14th July 2018, is made on or before 13th July 2023, or in exceptional circumstances, such later date as the Registrar considers reasonable; or
 - (ii) born on or after 14 July 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.⁵ (1) The Registrar may register the death of a person who has died outside St Helena if—

- (a) the death occurred on or after 14 July 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.

³ Part IIIA inserted by Ord. 5 of 2018

⁴ Section 16A inserted by Ord. 5 of 2018

⁵ Section 16B inserted by Ord. 5 of 2018

(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 14 July 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 13th July 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.

PART IV MISCELLANEOUS

Registers may be searched

17. (1) A Registrar who has the keeping for the time being of any register book must—

- (a) at all reasonable times allow searches to be made of any register book in his or her keeping; and
- (b) give a copy certified by him or her of any entry or entries in the same, on payment of the fees prescribed by the Governor in Council.

(2) Any person who pays the prescribed fee and provides the entry number in the register of births and the year of birth is entitled to be supplied with a shortened form of certificate in Form 2 in the Schedule.

Indexes to be made

18. The Registrar must cause indexes of the register books in his or her office to be made, and kept with the other records of the office, and every person is entitled, at all reasonable hours, to search the indexes, and to have a certified copy of any entry or entries in the register books or indexes, under the hand of the Registrar, on payment of the prescribed fees.

Register or certified copy when not evidence

19.⁶ (1) An entry in a register under this Ordinance, or a certified copy of an entry, is not evidence of a birth, death or still-birth, as the case may be, unless the 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 the entry to give the Registrar information concerning such birth, death or still-birth, or purports to be otherwise made pursuant to this Ordinance with respect to the registration of births, deaths and still-births respectively.

⁶ Section 19 amended by Ord. 5 of 2018

(2) A certified copy under the hand of a Registrar must not be received in evidence by any Court unless it is sealed or stamped with the Registrar's seal of office.

Giving false information

20. A person who wilfully makes or causes to be made for the purpose of being inserted in any register book any false statement touching any of the particulars required by this Ordinance to be known and registered, is guilty of perjury and is liable to be prosecuted for that offence.

Penalty for refusal to supply information

21. (1) It is an offence for a person who is required by this Ordinance to give information concerning any birth or death or still-birth, without reasonable excuse, to—

- (a) refuse to answer any question put to the person by the Registrar or to provide evidence required by the Chief Justice concerning the particulars required to be registered under this Ordinance; or
- (b) fail to comply with any order of the Registrar made under this Ordinance.

Penalty: A fine of £5.

(2) An offence under subsection (1) is committed by—

- (a) the parent of any child who fails to give information concerning the birth of such child, as required by this Ordinance; and
- (b) 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, if the information required by this Ordinance is not duly given.

Power to make regulations

22. The Governor in Council may make regulations for any of the following purposes—

- (a) prescribing an official seal for use by Registrars and providing for the safe custody of it;
- (b) any other purpose for which regulations may be made under this Ordinance.

Offences

23. (1) A Registrar who refuses, or without reasonable cause omits, to register any birth or death of which he or she has had due notice as provided by this Ordinance commits an offence.

Penalty: A fine of £50.

(2) A person who has the custody of any register book or certified copy of a register book, or of any part of a register book or copy, who carelessly loses it, or allows it to be injured while in the person's keeping, commits an offence.

Penalty: A fine of £50.

Destruction or falsification of register books

24. It is an offence for a person to—

- (a) wilfully destroy or injure, or cause to be destroyed or injured, any register book, or any part, or certified copy of any part of a register book;
- (b) falsely make or counterfeit, or cause to be made or counterfeited, any part of any register book or certified copy of a register book;
- (c) wilfully insert, or cause to be inserted, in any register book or certified copy thereof, any false entry of any birth or death;
- (d) wilfully give any false certificate, or 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
- (e) forge or counterfeit the seal of the register office.

Penalty: A fine of £50.

Errors may be corrected

25. (1) A person charged with the duty of registering any birth or death who discovers that an error has been committed in the form or substance of any entry does not commit an offence under section 23 or 24 if within one calendar month next after the discovery of the error the person, in accordance with the requirements of subsection (2)—

- (a) corrects the erroneous entry, according to the truth of the case, by entry in the margin, without any alteration of the original entry; and
- (b) adds to the entry the day of the month and year when the correction was made.

(2) The requirements mentioned in subsection (1) are that the person acts in the presence of—

- (a) the parents of the child whose birth has been so registered; or
- (b) 2 persons attending upon any person in his or her last illness, whose death has been so registered; or
- (c) in case of the death or absence of the respective parties aforesaid - in the presence of the Chief Secretary, or a Justice of the Peace, and of 2 other credible witnesses who can respectively attest the same.

SCHEDULE (Sections 8, etc.)

FORMS

FORM 1 (Section 8)

ENTRY OF BIRTH IN ST HELENA

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

FORM 2
(Section 17(2))

**SHORT CERTIFICATE
BIRTHS IN ST HELENA**

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

FORM 3
(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

FORM 4
(Section 8)

DEATHS IN ST HELENA

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

FORM 5
(Section 14)

BAPTISM CERTIFICATE

I,of 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 declared by the said to have been born at, in St Helena, on the day of
Witness my hand this day of

Minister, etc.

FORM 6
(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

FORM 7
(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 (REGISTRATION) ORDINANCE, 1853

BIRTHS AND DEATHS (FEES) ORDER, 2013

(Sections 14, 17 & 18)

Citation and commencement

1. This Order may be cited as the Births and Deaths (Fees) Order, 2013, and comes 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 |
| | 3 days notice | £4.50 |
| 2. | For every registration of a baptismal name: | |
| | Within 3 months after birth | £4.00 |
| | Within 6 months after birth | £6.50 |
| 3. | For every search of the Register | Fees assessed by the Registrar not exceeding £40.00 |
| 4. | For correction made to the Register | £5.00 |
| 5. | For certification of a certificate | £5.00 |
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