



MONTSERRAT

## CHAPTER 6.13

# REGISTRATION OF BIRTHS AND DEATHS ACT<sup>1</sup>

### Revised Edition

showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### REGISTRATION OF BIRTHS AND DEATHS ACT

Act 12 of 1867 .. in force 6 May 1867

Amended by Acts: 6 of 1921

5 of 1925

10 of 1951

15 of 1959

23 of 1973

7 of 1984

4 of 2003

11 of 2003

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

Amended by S.R.O.s: 13/2003

1/2013

15/2015 .. in force 1 April 2015

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<sup>1</sup> Repealed sections of the Act consolidated





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**CHAPTER 6.13**

**REGISTRATION OF BIRTHS AND DEATHS ACT**

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## CHAPTER 6.13

### REGISTRATION OF BIRTHS AND DEATHS ACT

*(Acts 12 of 1867, 6 of 1921, 5 of 1925,  
10 of 1951, 15 of 1959, 23 of 1973, 7 of 1984, 4 of 2003, 11 of 2003,  
9 of 2011 and S.R.O.s. 13/2003, 1/2013 and 15/2015)*

#### Commencement

*[6 May 1867]*

#### Short title

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

#### Interpretation

2. In this Act—  
“**conviction**” shall include summary conviction, or any other conviction, order, sentence, or judgment of a court of justice;  
“**Court**” shall mean the High Court;  
“**general search**” shall mean a search during any number of successive hours of six without stating the object of search;  
“**Justice**” shall mean any Justice of the Peace in and for Montserrat;  
“**Minister**” shall be taken to include Ministers or pastors of Christian congregations of all denominations;  
“**occupier**” shall include the guardian, master, governor, keeper, or superintendent of every prison, or house of correction, workhouse, hospital, asylum for persons of unsound mind, or public charitable institution;  
“**particular search**” shall mean a search over any period of five years for any given entry;  
“**register**” shall mean the register of births and deaths, to be kept and made under this Act;  
“**Registrar**” shall mean the Registrar-General of Births and Deaths in Montserrat for the time being authorised and acting under this Act.

#### Regulations for management of office

3. (1) The Governor acting on the advice of Cabinet, or the Registrar with the approval of the Governor acting on the advice of Cabinet, shall and may make regulations for the management of the General Registry Office, and for the discharge of the duties of the Registrar and deputy herein mentioned, so that such regulations be not contrary to the provision

of this Act; and the regulations so made and approved shall be binding on the Registrar and the deputy, and a copy of all such regulations shall be laid before the Legislative Assembly within six weeks after the same are approved of. (*Amended by Act 9 of 2011*)

(2) The power conferred by subsection (1) on the Governor acting on the advice of Cabinet, or the Registrar with the approval of the Governor acting on the advice of Cabinet, to make regulations shall include power to make regulations prescribing the forms of certificates to be issued under section 26, the particulars to be furnished by applicants for certificates thereunder, the manner in which those certificates are to be compiled, and the particulars which are to be contained therein, so however, that no certificate issued under section 26 shall include any particulars except the name, surname, sex and date of birth and such other particulars, if any, as may be prescribed, not being particulars relating to parentage or adoption.

### **Books, etc., how to be provided, kept and numbered**

4. The Accountant General shall provide all such stationery, books, certificates, schedules, notices, and forms as shall be necessary in the execution of this Act, and the register books shall be of durable materials, and in them shall be printed or written upon each side of every leaf the heads of information herein required to be known and registered, of births and deaths respectively; and every page of each book shall be numbered progressively by printed or written numbers from the beginning to the end of the book, beginning with number one, and each page shall be ruled and filled up according to the appropriate form in Schedule A, and each separate entry shall be numbered at the beginning thereof with successive numbers, beginning with number one; and the Registrar shall be furnished with a sufficient register book of births and deaths and of certificates, schedules, notices and forms.

### **Expenses to be paid from Treasury**

5. All the expenses of the General Registry Office for books, stationery, and forms, and all expenses incurred in the publication and transmission of notices in pursuance of this Act or otherwise, under the directions and by the authority of the Governor acting on the advice of Cabinet, and all other expenses connected with the business of the said office not herein particularly provided for, shall be paid through the Treasury, on the warrant of the Governor acting on the advice of Cabinet.

### **In case of death, etc., of Registrar, the books, etc., to be delivered to his successor**

6. In every case in which any Registrar shall die, or be removed from, or resign, or otherwise cease to hold his office, all books, documents and papers in his possession as Registrar, or which shall come into the possession of representatives, shall be delivered up as soon as conveniently may be to his successor in office, or to such other person as the Governor acting on the advice of Cabinet shall direct; and if any person shall refuse



to give up any such book, document, or paper in such case as aforesaid, the Governor acting on the advice of Cabinet may authorise summary information to be made for that purpose before a Magistrate, who is authorised to summon such person, or to issue a warrant for bringing such person before such Magistrate, and upon such person not appearing, or not being found, the Magistrate may hear and determine the matter in a summary way; and if it shall appear to him that any such book, document or paper is in the custody or power of any such person, and that he has refused or wilfully neglected to deliver the same, the Magistrate is hereby authorised and required to commit such person to prison, there to remain until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof to the person in whose custody the same ought to be.

### **Registrar to inform himself of every birth and to register particulars of such birth**

7. The Registrar shall inform himself carefully of every birth which shall happen within Montserrat and register particulars relating to such birth in the register book of such birth in the register book of births.

### **Mother or other person in charge of child to attend within twenty one days after birth and give information to the Registrar**

8. (1) The parents or parent, or in the case of the death or inability of the parents, the person in charge of any child born, or the occupier of every house or tenement in which to his or her knowledge any birth shall take place, or the nurse present at such birth, or in case of the death, illness, or inability of the mother, the person in charge of the child, or the occupier of the house or tenement in which to his or her knowledge the child was born or the nurse present at the birth of such child, shall within twenty one days next after the day of birth, and under a penalty of \$200 in case of failure, attend personally and give information to the Registrar, to the best of his or her knowledge and belief, of the several particulars required (Form 1) to be registered touching such birth, and shall in presence of the Registrar sign the register, and in the event of failure or neglect so to give information, such parents and persons above specified, and also any other person having knowledge of the particulars, shall, upon being required personally or by written requisition within three months after the date of such birth, and under a penalty of \$400 in case of failure, attend personally and give information to the Registrar, according to the best of his or her knowledge and belief, of the several particulars by the said Form 1 required to be registered touching the birth of such child, and shall sign the register in the presence of the Registrar. (*Amended by Acts 4 and 11 of 2003*)

(2) In this section, “**birth**” shall be construed as including a still-born child and the word “**born**” shall be construed accordingly.

**Intimation of finding new-born child or dead body of new-born child**

9. In case any person shall find exposed any new-born child or the dead body of any new-born child, such person shall forthwith give notice of the finding of such exposed new-born child or the dead body of such new-born child to the Registrar, or to any police officer, and such Registrar or police officer shall give the like notice to a coroner; and any such person or the Registrar or constable failing to give the notice hereby required shall be liable to a penalty of \$400. (*Amended by Act 4 of 2003*)

**No registration of birth after three months, unless by a Justice's certificate**

10. (1) After the expiration of three months following the day of the birth of any child, it shall not be lawful for the Registrar to register the birth of such child save as herein provided, and in case the birth of any child shall not have been registered according to the provisions hereinbefore made, either of the parents, or the guardian, of a child may make a declaration in writing before a Justice of the particulars required to be registered touching the birth of such child according to the best of his or her knowledge and belief, and thereupon the Registrar may, with the authority of the Justice, register the birth of such child according to the information of the person making such declaration, and in every such case the Justice before whom such declaration is made shall sign the entry of the birth in the register as soon as conveniently may be after such declaration shall have been so made; and no register of births shall be admissible in evidence to prove the birth of any child wherein it shall appear that more than three months 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 Justice; and every person who shall knowingly register or cause to be registered the birth of any child otherwise than herein provided after the expiration of three months following the day of the birth of such child, shall forfeit and pay for every offence a sum of \$400. (*Amended by Acts 4 and 11 of 2003*)

(2) A fee as set out in Schedule B shall be payable by the informant or declarant upon registration of a birth after the expiration of twelve months, unless the delay to register was occasioned by the fault of the Registrar.

*(Inserted by Act 7 of 1984)*

**Name given in baptism after registration may be registered within six months**

11. If any child whose birth shall have been registered as aforesaid shall have any name given to it in baptism, or shall have the name by which it may have been registered altered in baptism, the parent or guardian of such child, or other person procuring such name to be given, may, if such name be given within six months after such registration, or if beyond six months then only with the written authority of a Justice granted on a statement of

the circumstances submitted to him, procure and deliver to the Registrar a certificate (Form 4), or to the like effect, signed by the Minister who shall have administered the sacrament of baptism, which certificate such Minister is hereby required to deliver as soon as may be after the baptism, or whenever the same shall be demanded within six months, or if after six months then with the authority of the Justice as aforesaid; and the Registrar upon the receipt of such certificate shall, without any erasure of the entry of the birth in the register, forthwith insert the name by which the child was baptised in the register, and shall after entry of the name in the register certify upon the certificate the fact of the name being so entered.

### **Provision for name given without baptism after registration**

12. In the case of any child of parents not recognising the sacrament of baptism or infant baptism, it shall be lawful for such parents or the guardians of such child within six months after the birth of any such child shall have been registered, or if after six months then only with the written authority of a Justice granted on a statement of the circumstances submitted to him, when any name shall have been given to any such child by the parents or guardians of such child other than that by which it may have been registered, to deliver to the Registrar a certificate (Form 5), or to the like effect signed by such parents or guardians, whereupon the Registrar shall, without erasure as aforesaid, register therein the name of such child, in the like manner as hereinbefore prescribed regarding certificates in relation to names given in baptism.

### **Minister on non-production of certificate of registration of birth to send notice to the Registrar**

13. There shall be produced to the Minister or other person officiating in the administration of the sacrament of baptism of any child a certificate of the registration of the birth of such child, and failing such production such Minister or other person shall forthwith intimate the baptism of such child, with all the information which he may have regarding the birth and parentage of such child, to the Registrar.

### **Name of father of child not to be entered**

14. In the case of a child born out of wedlock it shall not be lawful for the Registrar to enter the name of any person as the father of such child unless at the joint request of the mother and the person acknowledging himself to be the father of such child, and who shall in such case sign the register with the mother. (*Amended by Act 11 of 2003*)

### **Certificate of cause of death to be produced to Registrar**

15. When any death, not being an unnatural death, as defined in the Coroners Act, shall have occurred, the possessor or occupier of the house, or of the apartment, or of the dwelling in which such death shall have occurred, or the head of the family, or the household, or of the persons

residing or being in such house, or apartment, or dwelling, or the nearest local constable, or, in a town or village in which there is a Police Station, the officer in charge of the Police Station, shall obtain from the medical attendant of the deceased person or, if there has been no such medical attendant, from the district medical officer, a certificate signed by such medical attendant or district medical officer setting forth the cause of death, and shall forthwith give notice of such death and produce such certificate to the Registrar.

### **Penalty**

16. Any person offending against section 19 shall be liable on summary conviction to a fine of \$400 or to imprisonment for one month. (*Amended by Act 4 of 2003*)

### **Registrar to register the death and forthwith deliver permit to bury**

17. The Registrar shall upon receiving notice of any death, register the same and shall forthwith deliver to the informant a permit to bury according to the Form 3 of Schedule A.

### **Registrar to register particulars and cause of death**

18. The Registrar shall inform himself as carefully as possible of every death which shall happen in Montserrat and register particulars relating to such death and the cause thereof in the register book deaths according to Form 2 of Schedule A.

### **Unlawful interment**

19. In no case shall it be lawful to inter any dead body until such permit to bury, as in section 17 is mentioned, has been obtained, and in no case shall any Minister of religion or other person perform any ceremony of interment on any dead body, without the production to him of such permit to bury, and in no case shall any dead body 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, and in no case shall any ceremony of interment be performed on any dead body by any person other than a Minister of religion or licensed catechist, except by the permission in writing first duly had and obtained from the rector of the parish or other Minister of religion where the interment is to take place, and any person or persons offending against this section shall, upon conviction before a Magistrate, be liable to a penalty of \$1,000, and if the same, together with all costs, be not paid immediately, to imprisonment, according to the discretion of such Magistrate, for any term of six months, unless such money and costs be sooner paid and satisfied. (*Amended by Act 4 of 2003*)

### **Registrar may require parties to attend him to give information**

20. If the parties bound to give information to the Registrar for completing his register shall not attend him for that purpose, he shall make

intimation to them requiring them to attend at his place of abode or known place of business where the register is kept, at an hour to be fixed at such intimation (between the hours of 9 a.m. and 3 p.m.), and in case of their failing to attend the Registrar shall apply to a Magistrate, who, upon evidence to his satisfaction of such failure after such intimation as aforesaid, shall issue his summons or his warrant for compelling the attendance of the person so failing, which may be served or executed by any constable; and if the expenses of such summons or warrant shall not be recoverable from the person failing to attend as aforesaid, the Magistrate may certify the constable's account.

### **Correction of clerical errors by authority of Registrar**

**21. (1)** No alteration in any register book of births or deaths shall be made except as authorised by this Act.

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

**(3)** An error of fact or substance in any register may be corrected—

*(a)* by entry in the margin without any alteration of the original entry; or

*(b)* if the Registrar considers it necessary, by the making of a further entry with a reference therein to the original entry by the Registrar or by a person duly authorised in that behalf by the Registrar;

upon production to the Registrar 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 or death 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.

### **General abstract to be transmitted to Governor acting on the advice of Cabinet**

**22.** The Registrar shall transmit once in every year to the Governor acting on the advice of Cabinet a general abstract of the number of births and deaths registered during the foregoing year, in such form and at such date as the Governor acting on the advice of Cabinet shall determine, and every such annual general abstract shall be laid before the Legislative Assembly within six weeks after receipt thereof. *(Amended by Act 9 of 2011)*

### **Indexes to be kept at General Registry**

**23.** The Registrar shall make and keep tabular alphabetical indexes from the schedules in his custody.

### **Certified copies of entries to be sealed**

24. All certified copies of entries issued from the General Registry Office shall be stamped or sealed with the seal of the General Registry Office.

### **Fees and searches**

25. (1) The fees set out in Schedule B shall be demandable and payable for the duties and services to which they relate.

(2) The Governor acting on the advice of Cabinet may, by order revoke, replace, amend or vary Schedule B in relation to the fees demandable and payable. *(Amended by Act 9 of 2011)*

(3) Any person shall be entitled on payment of the fee authorised by Schedule B to search any record or register in the General Registry Office between the hours of 10 a.m. and 3 p.m. of every day, except Sundays and holidays, and to have a certified copy of any entry:

Provided that, on Saturdays the hours when the records and registers may be searched shall be between the hours of 10 a.m. and 1 p.m.

*(Amended by Act 7 of 1984)*

### **Shortened form of birth certificates**

26. Any person shall, on payment of the fee set out in Schedule B and on furnishing the prescribed particulars, be entitled to obtain from the Registrar a certificate in the prescribed form of the birth of any person compiled from the records and registers in the custody of the Registrar.

*(Amended by Act 7 of 1984)*

### **Evidence in civil and criminal cases**

27. All copies of entries which shall be certified as true under the hand of the Registrar and purporting to be sealed or stamped with the seal of the General Registry Office (which seal it shall not be necessary to prove) shall be admissible in all civil and criminal cases as evidence of the births and deaths to which the same relate without any further or other proof of such entries; and no certified copy purporting to be issued from such General Registry Office shall be of any force or effect unless it is signed and sealed or stamped with the seal of such office.

### **Penalties for false statements, etc.**

28. Any person who—

- (a) wilfully makes any false answer to any question put to him by the Registrar relating to the particulars required to be registered concerning any birth or death or wilfully gives to the Registrar any false information concerning any birth or death; or

- (b) wilfully makes any false affidavit, certificate or other document relating to the registration of any birth or death, 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 or deaths;

shall be liable on summary conviction to a fine of \$100 or to imprisonment for six months, and on indictment to imprisonment for five years.

### **Penalty for destroying or falsifying register, etc.**

**29.** Every person who shall wilfully destroy, obliterate, erase, or injure any entry, or cause to be destroyed, obliterated, erased, or injured any such register, schedule, or tabular index, or any minute, notice, or certificate made or given under this Act, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such register schedule, or index, or any such minute, notice, or certificate, or shall wilfully insert or make or cause to be inserted or made in any such register, schedule or index, any false or fictitious entry of or any false statement touching any birth or death, or shall wilfully give any false certificate or falsify any certificate, or certify any writing to be an extract of any such register, schedule or index, knowing the same to be false or fictitious in any part thereof, shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for two years.

### **Recovery of penalties and forfeitures**

**30.** All fines and penalties imposed by this Act, if not otherwise directed, may be recovered before a Magistrate, who in default of payment is hereby authorised to commit the offender to prison: Provided always, that upon payment by the offender of the penalty incurred and all costs, his imprisonment shall cease.

### **Magistrate may summon or issue warrant**

**31.** Any Magistrate acting under this Act shall have full power to summon and enforce the attendance of any defendant, or, if he thinks fit, to issue a warrant without a previous summons to insure the attendance of the defendant, the offence having been previously substantiated on oath, and also summon and enforce the attendance of any witness.

### **Notices may be given by letter**

**32.** Whenever notice is required to be given by this Act, the person bound to give notice shall be held to have sufficiently discharged himself if he shall have transmitted or caused to be delivered before the expiration of the period which the notice is required to be given a letter addressed to the

person to whom and containing particulars of which the notice is required to be given.

### **Parties may sign by a mark before witnesses**

33. In case of the inability of any person to write whose signature is required or necessary under this Act, the person may affix a cross or other mark, and being affixed in presence of the Registrar or Justice or two witnesses, who shall affix their designation to their signatures, such mark shall be in all respects as binding and effectual as the signature of such person if capable of writing would have been.

### **Schedules to be deemed part of Act**

34. The Schedules are part of this Act, and the forms in Schedule A may be designated in the respective sections of this Act by a reference thereto, as occasion shall require in a short manner, thus (Form 4), according to the number of such Schedule.

### **Power to vary Schedules**

35. The Governor acting on the advice of Cabinet may by order delete from, vary, or add to, the Schedules. (*Amended by Act 9 of 2011*)

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**SCHEDULE A**

**FORM 1**

*(Section 8(1))  
 (Amended by S.R.O. 13/2003)*

20..... Births in the District ..... in Montserrat,  
 registered by ..... Registrar.

No. of 20	No	CHILD	PARENTS		INFORMANT	When and where Registered, and Signature of Registrar.
			Father Name, Rank or Occupation and Domicile.	Mother Name. Married.		
		Name (if given) Baptismal Name (if different) or Name given without Baptism after registered and Date of insertion.  eg.	When born, Year, Day of the Month.	Where born.		
					Signature of Father or Mother or other Informant	

FORM 2

(Section 18)

20..... Deaths in the District..... in Montserrat,  
registered by..... Registrar.

No.	DESCRIPTION OF DECEASED				PARTICULARS OF DEATH					
	Name, Rank, Profession or Occupation.	is of	Where born.	If Deceased was Married.	When Died, Year, Day of Month.	Where Died.	Cause of death.	Burial place.	Signature of informant.	When and where Registered, and Signature of Registrar.

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FORM 3

*(Section 17)*

**PERMIT TO BURY**

20 .....

I hereby certify that the death of .....  
aged ..... years has been duly registered. Permission is now granted to  
bury his/her body.

*Registrar.*

FORM 4

*(Section 11)*

I, ....., Minister of the, .....,  
do hereby certify that I have this day baptised by the name of .....  
child produced to me by ..... as the child of .....  
and ..... of ..... and declared by  
the said ..... to have been born at ..... in  
Montserrat, on the ..... day of ....., 20..... .

Witness my hand this ..... day of ....., .....

*Minister.*

## FORM 5

*(Section 12)*

I ..... do hereby certify that the child named ..... was born at ..... on the ..... day of ....., 20..... . That ..... and ..... are the parents of the said child, and that the name ..... was given to the said child on the ..... day of ....., 20..... according to the rules or usage of the sect or persuasion of ....., to which the said parents belong.

Witness my hand this ..... day of ....., 20..... .

**SCHEDULE B***(Section 25)**(Substituted by S.R.O 15/2015)*

1.	Upon the registration of a birth with the authority of the Registrar after the expiration of 12 months, under section 10 .....	\$10
2.	For every general search .....	\$20
3.	For a particular search .....	\$15
4.	For a correction of any error of fact in a Register, under section 21(3) .....	\$25
5.	For the supply of a certified copy of an entry .....	\$10
6.	For the issue of a birth certificate, under section 26 .....	\$20

