

BRITISH ANTARCTIC TERRITORY
THE REGISTRATION ORDINANCE 2016

&

THE REGISTRATION ORDINANCE REGULATIONS (FEES)

REASONS AND OCCASION FOR THE ENACTMENT

THE REGISTRATION ORDINANCE 2016

This Ordinance is split into six Parts and four Schedules, to segment the various requirements and improve ease of reference.

PART I - PRELIMINARY

- Clause 1 provides the citation and in force date. The use of the words ‘in force forthwith’ are consistent with the provisions contained in other Ordinances.
- Clause 2 provides definitions of the terms and expressions used in the Ordinance.

PART II - GENERAL

- Clause 3 enables the Commissioner to appoint a Registrar General and provides the structure whereby a person can act in that capacity if the Registrar General has not been appointed, or (if appointed) is unable to perform the functions of the position.
- Clause 4 sets out the functions of the Registrar General.
- Clause 5 provides the method by which registers should be kept. Regulations may be made prescribing those methods.
- Clause 6 allows for the registration of documents when the Registrar General is outside the Territory, or otherwise inaccessible.
- Clause 7 provides the mechanism for inspection of records and the ability for persons to obtain copies. This should be viewed with the accompanying regulations, which set the cost of obtaining copy documents at £25.
- Clause 8 enables certified copies of documents to be *prima facie* evidence of the facts recorded in them.

PART III – REGISTRATION OF BIRTHS

- Clause 9 requires births in the Territory to be registered.
- Clause 10 lists the persons who would be required to give information as to a birth.
- Clause 11 requires the registration of a stillborn child.

Clause 12 provides the criteria where the father's name may appear on the birth certificate, in circumstances where he was not married to the mother at the time of the birth. Former references to 'illegitimacy' have been removed.

Clause 13 allows informants to obtain long, or short entry birth certificates.

PART IV – REGISTRATION OF DEATHS

Clause 14 requires the registration of every person who dies in the Territory.

Clause 15 provides the duties and requirements where a person has died in premises.

Clause 16 provides the duties and requirements where a person dies otherwise than in premises.

Clause 17 requires medical practitioners, in some instances, to provide medical certificates concerning the death.

Clause 18 provides that the body of a dead person cannot be disposed without a permit.

PART V – REGISTRATION OF MARRIAGES

Clause 19 requires marriages in the Territory to be registered.

Clause 20 provides the mechanism for producing the marriage certificate.

Clause 21 in similarity with clause 8, enables the marriage certificate to be *prima facie* evidence of the contents recorded in it.

PART IV

CORRECTIONS, OFFENCES, REGULATIONS AND EXCLUSIONS

Clause 22 provides the mechanism for correction of errors in registers.

Clause 23 provides for offences and penalties.

Clause 24 allows for regulations to be made by the Commissioner.

Clause 25 preserves and excludes some of the laws of England on registration.

Clause 26 Repeal and savings.

SCHEDULES

Schedule 1 Particulars of Birth, or 'Full' Birth Certificate.

Schedule 2 Short Birth Certificate.

Schedule 3 Particulars of Death, or 'Death Certificate'.

Schedule 4 Marriage Certificate.

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These regulations require the payment of a £25 fee for the provision of a certified copy of a Short Certificate of Birth, a Certificate of Death and a Certificate of Marriage.

It should be noted that this Ordinance and its associated regulations are being introduced as part of a suite of new measures, designed to update the laws relating to marriage. The laws will be more in line with those in the UK, in particular allowing the marriage of persons of the same sex. There are various additional changes to this ordinance, such as an amendment to the requirement for only 'Father's' names and profession to appear in the Marriage Certificate. The updated Schedule 4 now provides for the details of both parents.

Each of the new laws within the suite of amendments are, to some extent, interlinked. For that reason, it will be important for all of them to be introduced on the same day.

James Maitland Wood QC
14th July 2016