

THE BRITISH ANTARCTIC TERRITORY

THE REGISTRATION ORDINANCE 2016

Ordinance No. 5 of 2016

An Ordinance to provide for the registration of births, deaths and marriages and other matters required by law to be registered and for matters incidental thereto.

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ENACTED by the Commissioner for the British Antarctic Territory,


.....
Peter Hayes
Commissioner
13 October 2016



BRITISH ANTARCTIC TERRITORY

Ordinance No. 5 of 2016

PART I – PRELIMINARY

Short title and commencement.	1. This Ordinance may be cited as the Registration Ordinance 2016 and shall come into force forthwith.
Interpretation.	2. In this Ordinance, unless the contrary intention appears – "birth" includes a live-birth and a still-birth; "certified copy", in relation to an entry in a register, means a copy which is certified by the Registrar General or other person having custody of the register to be a true copy of the original entry; "disposal", in relation to a dead body, means disposal by burial or any other means or removal from the Territory; "live-birth" means the birth of a child born alive; "occupier", in relation to premises in which a birth or a death has occurred, means the person in charge of those premises; "premises" includes any building, whether permanent or temporary, and any tented accommodation; "qualified informant", in relation to any birth or death, means the person who is by this Ordinance required, or stated to be qualified, to give information concerning that birth or death; "register" means a register which the Registrar General is required by section 4(1) to establish and includes a temporary register which a public officer or magistrate is required by section 4(3) to establish; and "registered" means recorded in such a register; "Registrar General" means the person appointed to be the Registrar General under section 3(1) and includes any person for the time being nominated to discharge the Registrar General's functions under section 3(2) and, in relation to any of the Registrar General's functions within the Territory, any public officer or magistrate for the time being authorised under section 4(2) or section 6 to exercise that function; "still-born child" means a 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 sign of life.

PART II - GENERAL

Registrar
General

3. (1) The Commissioner may, by notice which shall be published in *Gazette*, appoint a person, whether by name or by the designation of an office, to be the Registrar General.

(2) At any time when there is no person appointed to be the Registrar General under subsection (1) or the person so appointed is unable to discharge the Registrar General's functions, those functions shall be discharged by such person as the Commissioner, by notice which shall be published in the *Gazette*, may for the time being nominate in that behalf; and he may so nominate a person either by name or by the designation of his office.

(3) Where an appointment is made under subsection (1) by the designation of an office, the person for the time being holding or acting in that office shall be the Registrar General.

(4) Where a person is nominated under subsection (2) by the designation of his office, the person for the time being holding or acting in that office shall act as the Registrar General.

Functions of
Registrar
General

4. (1) It shall be the duty of the Registrar General to register all the matters which are required, by or under this Ordinance or any other law for the time being in force in the Territory, to be registered (other than matters which are required to be registered in the registry of any court or matters for whose registration otherwise than under this Ordinance special provision is made by or under any other law) and to establish, maintain and have custody of the several registers necessary for that purpose; and he shall have such other powers and duties as are conferred or imposed on him by or under this Ordinance or any other law for the time being in force in the Territory.

(2) Without prejudice to section 6 but subject to subsection (3) of this section, the Registrar General may, by notice which shall be published in the *Gazette*, authorise any public officer or magistrate to exercise within the Territory and on his behalf all or any of his functions.

(3) An authority conferred on a public officer or magistrate under subsection (2) shall not relieve the Registrar General of his own duty to establish, maintain and have custody of any register which he is required by or under this Ordinance or any other law to establish, maintain and have in his custody; but a public officer or magistrate who is authorised under subsection (2) to record matters for registration shall establish temporary registers of those matters and, pending the transmission of the contents thereof to the Registrar General in accordance with subsection (4), shall maintain and have custody of them.

(4) A public officer or magistrate who has established a temporary register under subsection (3) shall, from time to time and as soon as practicable, transmit the contents of the temporary register to the Registrar General for incorporation in the appropriate register maintained by the Registrar General.

(5) Where a person seeks to have any matter registered by a public officer or magistrate who is authorised in that behalf under subsection (2), it shall be the duty of that public officer or magistrate, in circumstances where that

person (or any other person) would be entitled, if the transaction were being effected before the Registrar General, to receive a certificate or a certified copy of any instrument or entry in a register, to provide that person (or that other person), on behalf of the Registrar General and with his authority, with such a certificate or such a certified copy of the instrument or entry or, as the case may require, to procure it for him from the Registrar General as soon as practicable.

(6) Save where a law conferring, or providing for the conferment of, a function on the Registrar General otherwise provides in relation to that function, he may exercise any of his functions either within or outside the Territory.

Form of Registers

5. The Registrar General shall maintain each register (and a public officer or magistrate establishing a temporary register shall maintain that temporary register) in such form as follows:

- (a) in the case of a register (or temporary register) in which are registered matters required to be registered by or under this Ordinance, in such form as may be prescribed by regulations made under section 24 or, subject to any such regulations, as the Commissioner may from time to time direct or (in the case of a temporary register but subject as aforesaid) as the Registrar General may from time to time direct;
- (b) in the case of a register (or temporary register) in which are registered matters required to be registered by or under any other law, in such form as may be prescribed by or under that other law or, subject to any such law, as the Commissioner may from time to time direct or (in the case of a temporary register but subject as aforesaid) as the Registrar General may from time to time direct.

Transactions when Registrar General is outside the Territory or inaccessible

6. (1) In any case where a matter falls to be registered and the Registrar General is outside the Territory or is otherwise not reasonably accessible to the person seeking to have it registered, and no public officer or magistrate authorised in that behalf under section 4(2) is reasonably so accessible, that person may effect the transaction (in so far as it requires things to be done by him or in his presence) before any magistrate.

(2) In such a case as is referred to in subsection (1), the magistrate shall do all such things for the purposes of the transaction as nearly as may be as the Registrar General would do if the transaction were being effected before him, and shall, as soon as practicable after the completion of the transaction before him, transmit all the relevant documents (and such other information as the Registrar General may require of him) to the Registrar General for the matter to be registered by the Registrar General in due form.

(3) Sections 4(3) and 4(5) shall apply in relation to a magistrate who, in a transaction effected before him under this section, records matters for registration as if he had so recorded them in pursuance of an authority conferred on him under section 4(2).

Inspection and copies.

7. (1) Subject to subsection (3), any register maintained by the Registrar General under this Ordinance shall be open to inspection by any person at the place where it is maintained (whether within or outside the Territory) and at such times as may be prescribed by regulations made under section 24 or, if no times are so prescribed, at such convenient time as the Registrar General, after consultation with any person requesting such inspection, may appoint for that purpose.

(2) The Registrar General shall, on request by any person inspecting a register under subsection (1) and on payment by him of the appropriate fee, if any, that is prescribed by regulations made under section 24, provide to that person a certified copy of any entry in the register or, in the case of an entry relating to a birth, a Short Certificate of Birth as in Schedule 2.

(3) In relation to a register which the Registrar General maintains under this Ordinance but in which are registered matters required to be registered by or under a law other than this Ordinance, subsections (2) and (3) shall have effect subject to such exceptions and conditions as may be provided by or under that other law.

Certified copies
to be *prima*
facie evidence.

8. A certified copy of any entry in a register maintained under this Ordinance shall, in all proceedings, be *prima facie* evidence of the facts recorded in the entry.

PART III - REGISTRATION OF BIRTHS

Births to be
registered.

9. Subject to the provisions of this Ordinance, the birth of every child born in the Territory shall be registered free of charge by the Registrar General by entering in the register of births the particulars contained in Schedule 1.

Persons
responsible for
giving
information as
to birth

10. (1) The following persons shall be qualified to give information concerning a live-birth:

- (a) the father and mother of the child;
- (b) the occupier of the premises in which the child was, to the knowledge of that occupier, born;
- (c) any person present at the birth;
- (d) any person having charge of the child.

(2) In the case of every live-birth it shall be the duty -

- (a) of the father and mother of the child; and
- (b) in the case of the death or inability of the father and mother, of each other qualified informant,

to give to the Registrar General, before the expiration of a period of 42 days from the date of the birth, information of the particulars required to be registered concerning the birth and, at the same time or as soon as practicable thereafter, to sign the register in the presence of the Registrar General:

Provided that the giving of information and the signing of the register by any one qualified informant shall discharge any duty under this section of every other qualified informant.

Registration of
birth of still-
birth child.

11. The provisions of section 10, other than in respect of the giving of information as to the names of the child, shall apply to the birth of a stillborn child, and every person whose duty it is to give information shall either -

- (a) deliver to the Registrar General a written certificate that the child was not born alive, signed by a medical practitioner who was in attendance at the birth or who has examined the body of the child; or

- (b) make a declaration to the effect that no medical practitioner was present at the birth or has examined the body or that his certificate cannot be obtained and that the child was not born alive.

Registration of father where parents not married.

12. Despite anything in the foregoing provisions of this Ordinance, in the case of a child whose father and mother were not married to each other at the time of his birth, no person shall as father of the child be required to give information concerning the birth of the child, and the Registrar General shall not enter in the register the name of any person as father of the child except at the joint request of the mother and the person acknowledging himself to be the father of the child, and that person shall in that case sign the register together with the mother.

Certificate of registration of birth

13. At the time of registering the birth the Registrar General shall, if so required by the informant of the birth, give to the informant, free of charge, a certificate under his hand consisting of either a copy of the entry in the register relating to the birth as in Schedule 1 or, if so requested, a Short Certificate of Birth as in Schedule 2.

PART IV – REGISTRATION OF DEATHS

Deaths to be registered.

14. Subject to the provisions of this Ordinance, the death of every person dying in the Territory shall be registered, free of charge, by the Registrar General by entering in the register of deaths the particulars contained in Schedule 3.

Information concerning death in premises.

15. (1) The following provisions of this section shall have effect where a person dies in premises.

(2) The following persons shall be qualified to give information concerning the death:

- (a) any person present at the death;
- (b) the occupier of the premises if he knew of the happening of the death;
- (c) any inmate of the premises who knew of the happening of the death;
- (d) the person causing the disposal of the body.

(3) It shall be the duty –

- (a) of each such person as is mentioned in subsection (2)(a) or subsection (2)(b); or
- (b) if there is no such person as aforesaid, of each such person as is mentioned in subsection (2)(c) or subsection (2)(d),

to give to the Registrar General, as soon as is practicable after the date of the death, information to the best of his knowledge and belief of the particulars required to be registered concerning the death and, in the presence of the Registrar General, to sign the register:

Provided that –

- (i) the giving of information and the signing of the register by any one qualified informant shall discharge any duty under this section of every other qualified informant; and
- (ii) this subsection shall not have effect where the death has been reported to the Coroner (or to a magistrate for transmission of the report to the Coroner) in accordance with section 35 of the Administration of Justice Ordinance 1990 or where it is known that the death has otherwise come to the Coroner's attention for his consideration, under section 36 of that Ordinance, whether to hold an inquest into the death; and in any such case the provisions of section 38 of that Ordinance shall have effect as regards the transmission of information to the Registrar General with a view to the registration of the death.

Information concerning other deaths.

16. (1) The following provisions of this section shall have effect where a person dies elsewhere than in premises.

(2) The following persons shall be qualified to give information concerning the death –

- (a) any person present at the death;
- (b) any person finding or taking charge of the body;
- (c) any person causing the disposal of the body.

(3) It shall be the duty of each qualified informant to give to the Registrar General, as soon as practicable after the date of the death, such information of the particulars required to be registered concerning the death as the informant possesses and, in the presence of the Registrar General, to sign the register:

Provided that –

- (i) the giving of information and the signing of the register by any one qualified informant shall discharge any duty under this section of every other qualified informant; and
- (ii) this subsection shall not have effect where the death has been reported to the Coroner (or to a magistrate for transmission of the report to the Coroner) in accordance with section 35 of the Administration of Justice Ordinance 1990 or where it is known that the death has otherwise come to the Coroner's attention for his consideration, under section 36 of that Ordinance, whether to hold an inquest into the death; and in any such case the provisions of section 38 of that Ordinance shall have effect as regards the transmission of information to the Registrar General with a view to the registration of the death.

Medical certificate in certain cases.

17. In the case of the death of any person who has been attended, or whose dead body has been examined, by a medical practitioner, that practitioner shall sign a certificate stating to the best of his knowledge and belief the cause of death and shall hand the certificate to the person responsible under section 15 or section 16 for giving information concerning the death, who shall, upon giving such information, deliver the certificate to the Registrar General; and the cause of death stated in that certificate shall be entered in the register together with the name of the certifying medical practitioner.

Prohibition of disposal of body without permit.

18. No person shall cause the disposal of the body of a dead person without a written permit from a magistrate, and a magistrate to whom application is made for such a permit may refuse to grant it unless he is satisfied that the information required for the registration of the death has been furnished to the Registrar General under section 15 or section 16 of this Ordinance or, as the case may require, under section 38 of the Administration of Justice Ordinance 1990.

PART V - REGISTRATION OF MARRIAGES

Marriages to be registered.

19. Subject to the provisions of this Ordinance, every marriage solemnised in the Territory in accordance with the Marriage Ordinance 2016 shall be registered, free of charge, by the Registrar General by entering in the register of marriages a copy of the marriage certificate referred to in section 20.

Marriage certificates

20. (1) Where a marriage takes place in the Territory in accordance with the Marriage Ordinance 2016 the person solemnising it, the parties to it and the two witnesses to it shall each sign, in triplicate, a marriage certificate as in Schedule 4.

(2) One copy of the marriage certificate signed in accordance with subsection (1) shall be given to each of the parties to the marriage and one shall be transmitted by the person solemnising the marriage to the Registrar General for entering in the register in accordance with section 19.

Marriage certificate to be *prima facie* evidence

21. Without prejudice to section 8, a marriage certificate signed in accordance with section 20(1) shall be *prima facie* evidence in all proceedings that the marriage to which it refers has been duly solemnised in accordance with the Marriage Ordinance 2016.

PART VI CORRECTIONS, OFFENCES, REGULATIONS AND EXCLUSIONS

Correction of errors in registers

22. (1) No alterations shall be made in any register except as authorised by this or any other Ordinance.

(2) Any clerical error which may from time to time be discovered in any register may, in such manner and subject to such conditions as may be prescribed by regulations made under section 24 or, subject to any such regulations, as may be directed by the Registrar General, be corrected by any person authorised in that behalf by the Registrar General.

(3) An error of fact or substance in any register may be corrected by entry in the margin (without any alteration of the original entry) by the Registrar General (or, in the case of a temporary register, by the public officer or magistrate having custody of it) upon payment to him by the person requiring the entry to be corrected of such fee, if any, as may be prescribed by regulations made under section 24 and upon production to him by that person of a statutory declaration setting forth the nature of the error and the true facts of the case made, as regards an error with reference to a birth or death, by two qualified informants of that birth or death or, in default of two qualified informants or as regards an error with reference to a

marriage or any other matter, by two credible persons having knowledge of the truth of the case.

(4) Where the Coroner is satisfied by evidence on oath or statutory declaration that an error of fact or substance (other than an error relating to the cause of death) exists in the information given by a certificate which he has transmitted under section 38 of the Administration of Justice Ordinance 1990, he may certify under his hand to the Registrar General (or, if the information is entered in a temporary register which is still in the custody of a public officer or magistrate, to that public officer or magistrate) the nature of the error and the true facts of the case as ascertained by him on that evidence; and the error may thereupon be corrected by the Registrar General (or by that public officer or magistrate) by entering in the margin (without any alteration of the original entry) the facts as so certified by the Coroner.

Offences and penalties:

23. (1) Any person who –

- (a) being a person required to give information and sign a register under section 10(2), section 15(3) or section 16(3), fails to do so or wilfully refuses to answer any questions put to him by the Registrar General relating to the particulars required to be registered concerning the birth or the death; or
- (b) being a person required by section 11 to deliver a certificate to the Registrar General or to make a declaration, fails to do so; or
- (c) being a medical practitioner required by section 17 to sign a certificate and hand it to the person responsible for giving information to the Registrar General concerning a death, fails to do so; or
- (d) being a person who, under section 17, has received a certificate from a medical practitioner, fails to deliver it to the Registrar General; or
- (e) causes the disposal of the body of a dead person without a permit, in contravention of section 18,

shall be guilty of an offence under this Ordinance, which shall be triable summarily only, and shall be liable, on conviction, to a fine not exceeding one-half of the statutory maximum or, in the case of an offence under paragraph (e), to a fine not exceeding the statutory maximum.

(2) Any person who –

- (a) makes or causes to be made a statement, or furnishes or causes to be furnished any information, for the purpose of its being entered in, or influencing any entry in, a register established under this Ordinance or a certificate or declaration prepared for the purposes of this Ordinance, being a statement or information which he knows to be false or misleading in any particular; or
- (b) makes or issues or delivers for the purposes of this Ordinance a certificate or declaration which he knows to be false or misleading in any particular; or
- (c) forges or falsifies any certificate or declaration for the purposes of this Ordinance or uses as genuine, or gives or sends to any person as genuine, for the purposes of this Ordinance a certificate or declaration which he knows to be forged or falsified,

shall be guilty of an offence under this Ordinance and shall, on conviction, be liable to a term of imprisonment not exceeding 2 years or to a fine not exceeding £5,000 or to both such imprisonment and such fine.

Regulations.

24. (1) The Commissioner may, by regulations which shall be published in the *Gazette*, make such provision as seems to him to be necessary or expedient for the effective discharge of the Registrar General's functions (whether within or outside the Territory) and generally for the administration of this Ordinance.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may –

- (a) prescribe the form in which the registers referred to in section 5(a) shall be maintained;
- (b) prescribe the times when registers maintained by the Registrar General under this Ordinance shall be open to inspection in accordance with section 7(1);
- (c) prescribe the fees payable, in accordance with section 7(2), for the provision of certified copies of entries in a register or for the provision of Short Certificates of Birth, and may prescribe different fees for the provision of different categories of such instruments;
- (d) prescribe the manner in which and the conditions subject to which clerical errors in registers may be corrected under section 22(2); and
- (e) prescribe the fee to be paid for the correction, under section 22(3), of an error of fact or substance in a register.

Exclusion of law of England on registration

25. For the avoidance of doubt it is hereby declared –

- (a) that the foregoing provisions of this Ordinance (being "specific laws" within the meaning of that term in section 5 of the Administration of Justice Ordinance 1990) exclude the operation as part of the law of the Territory, by virtue of section 5(1)(b) of that Ordinance, of the law of England relating specifically to the registration of births, deaths and marriages and other matters required, under the law of England, to be registered by a superintendent registrar of births, deaths and marriages, a registrar of births and deaths or a registrar of marriages or otherwise required, under the law of England, to be registered by or under the direction or authority of the Registrar General for England and Wales; but;
- (b) that the law of England, as for the time being in force in England, is otherwise in force in the Territory by virtue of the said section 5(1)(b) for the purposes of the administration and enforcement of this Ordinance.

Repeal and savings.

26. (1) The Registration Ordinance 1990 is hereby repealed.

(2) Despite subsection (1):

- (a) any appointment made;
- (b) any register established and maintained; and
- (c) any regulation made;

under any provision of any law repealed by subsection (1) which was in force on the date immediately before the commencement of this ordinance, shall be deemed to have been made under the corresponding provision of this ordinance.

- (3) All proceedings in respect of offences committed or alleged to be committed against an enactment repealed by subsection (1) may be commenced or continued as if this ordinance had not come into force.
 - (4) Subsection (1) does not affect the validity of any certificate, declaration or other document produced pursuant to, or in accordance with the Registration Ordinance 1990.
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SCHEDULE 1

Particulars of Birth

BRITISH ANTARCTIC TERRITORY	
CHILD	
1. Date and place of birth	
2. Name and Surname	3. Sex
FATHER	
4. Name and surname	
5. Place of birth	
6. Occupation and usual address outside the Territory	
MOTHER	
7. Name and surname	
8. Place of birth	
9. (a) Maiden surname	(b) Surname at marriage if different from maiden surname
10. Usual address outside the Territory	
INFORMANT	
11. Name and surname (if not the mother or father)	12. Qualification
13. Usual address outside the Territory. (If different from that in 6 or 10 above)	
14. I declare that the particulars entered above are true to the best of my knowledge and belief.	
<div style="text-align: right;"> Signature of informant </div>	
15. Date of registration	
<div style="text-align: right;"> 16. Signature of Registrar General (or person authorised to act on his behalf) </div>	

Section 13

SCHEDULE 2

BRITISH ANTARCTIC TERRITORY

Short Certificate of Birth

Name and surname

Sex

Date of birth

Place of birth

I

Registrar General for the British Antarctic Territory [*or* being a person authorised in that behalf by or under the Registration Ordinance 2016 of the British Antarctic Territory], do hereby certify that the above particulars have been compiled from an entry in a register in my custody.

Date

Registrar General [*or designation of person having custody of register*]

Particulars of Death

BRITISH ANTARCTIC TERRITORY	
1. Date and place of death	
2. Name and surname	3. Sex
	4. Maiden surname of woman who has married
5. Date and place of birth	
6. Occupation and usual address outside the Territory	
7. (a) Name and surname of informant	(b) Qualification
(c) Usual address outside the Territory	
8. Cause of death	
9. I declare that the particulars given by me above are true to the best of my knowledge and belief. Signatureof informant	
10. Date of registration	11. Signature of Registrar General (<i>or person authorised to act on his behalf</i>)

SCHEDULE 4

Marriage Certificate

When married	Forenames and surname in full	"Under" or "above" the age of 18*	Condition: Bachelor, Spinster, Widower, Widow or Divorced	Rank or profession and country of residence	Parents' forenames and surnames in full	Parents' ranks or professions	Where married

This Marriage was solemnised between us

In the presence of us..... Witness
..... Witness

*(or other age for the time being specified by the law in force in accordance with section 4 of the Marriage Ordinance 2016 as the age below which a person may not marry without consent of some other person)

Married by me:

Signature.....
Title.....

Three copies of this Certificate shall be signed by all the parties: one shall be given to each of the parties to the marriage and one shall be transmitted to the Registrar General for entering in the register of marriages.