

**LAWS OF THE GILBERT ISLANDS  
REVISED EDITION 1977**

**CHAPTER 5**

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION**

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**An Ordinance to make provision for the registration of births, deaths and marriages and for matters connected therewith**

15 of 1966  
8 of 1967  
2 of 1969  
8 of 1971  
(Cap. 27 of  
1973)  
L.N. 16/74  
2 of 1976  
L.N. 48/68

*Commencement: 1st October 1968*

**PART I**

**PRELIMINARY**

**1.** This Ordinance may be cited as the Births, Deaths and Marriages Registration Ordinance. Short title

**2.** In this Ordinance unless the context otherwise requires: Interpretation

“birth” includes a live-birth and a still-birth;

“disposal” in relation to a dead body means disposal by burial, cremation or by any other means and cognate expressions shall be construed accordingly;

“house” means a separate dwelling-house and includes a public institution;

“late registration assessor” and “assessor” means a magistrate appointed to act under section 15;

“live-birth” means the birth of a child born alive;

“occupier” in relation to a public institution means the officer responsible for the superintendence of that institution, and in relation to a house let in separate apartments or lodgings includes any person residing in the house who is the person under whom the lodgings or separate apartments are immediately held or his agent;

“public institution” means a prison, lockup or hospital and such other public or charitable institution as may be prescribed;

“qualified informant” in relation to any birth or death means a person who is by this Ordinance, or in the case of a birth or death occurring before the commencement of this Ordinance, by any enactment then in force required or stated to be qualified to give information concerning that birth or death;

“registrar” in relation to any birth or death means the registrar of births, deaths and marriages appointed in accordance with the provisions of this Ordinance for the district in which the birth or death takes place or, where any living new-born child is found exposed or any dead body is found and no information as to the place of birth or death is available, for the district in which the child or the dead body is found;

“Registrar-General” means the Registrar-General of Births, Deaths and Marriages appointed under section 3;

“relative” includes a relative by marriage;

“still-born child” means a child which has issued 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 signs of life, and the expression “still-birth” shall be construed accordingly.

Appointment  
of Registrar-  
General of  
Births,  
Deaths and  
Marriages

3. The Minister may from time to time appoint a person to be Registrar-General of Births, Deaths and Marriages and any person so appointed shall exercise the powers and perform the duties conferred or imposed by or under this Ordinance or any other Ordinance on the Registrar-General of Births, Deaths and Marriages.

General  
Registry  
Office

4. The office of the Registrar-General shall be known as the General Registry Office.

Designation  
of districts  
and appoint-  
ment of  
registrars

5. The Minister may by notice divide the Gilbert Islands into districts for the purposes of this Ordinance and may appoint any person to be the registrar of births, deaths and marriages for any such district.

Office of  
registrar

6. (1) Every registrar shall have an office in the district for which he is appointed.

(2) The office of every registrar shall be open to the public on such days and at such hours as may be prescribed.

(3) The office of every registrar shall be indicated by a notice in such form as the Registrar-General may require placed in some conspicuous place on or near the outer door thereof.

Provision of  
register  
boxes,  
registers, etc.

7. (1) The Registrar-General shall provide such number of strong fire-resisting boxes as may be required to hold the registers kept by each registrar.

(2) It shall be the duty of the Registrar-General to ensure that each registrar is supplied and kept supplied with a sufficient number of registers in the prescribed form.

(3) Register books furnished in accordance with the provisions of this section shall be of durable materials and the heads of information required to be known and registered in relation to births, deaths, or marriages as the case may be, shall be printed on each side of every leaf thereof; and every page of every register book, and every place of entry therein, shall be numbered prog-

ressively from the beginning to the end of the book, beginning with the number 1, and every entry shall be divided from the following entry by a printed line.

8. (1) When any person ceases to hold the office of registrar for any district all register boxes, keys, books and documents in his possession as holder of that office for that district, shall be delivered up to his successor in office or, if there is no successor, to such person as the Registrar-General may designate. Delivering up of books, etc., on ceasing to hold office

(2) If any person who has in his custody or power any such article as aforementioned wilfully fails to deliver it up or account for it to the satisfaction of the person in whose custody it should be, he shall be liable to a fine of \$50, and, if the failure continues after he is convicted thereof, he shall be guilty of a further offence and be liable to a fine of \$10 for every day on which the failure has so continued.

(3) If a magistrate is satisfied by information on oath that there is reasonable cause to believe that any article withheld in contravention of the provisions of this section is in any specified house or place he may grant a search warrant authorising any police officer named therein to enter and search that house or place at any time and seize any such article so found and any such article so found shall be delivered to the person in whose custody it should be.

## PART II

### REGISTRATION OF BIRTHS

9. (1) Subject to the provisions of this Part of this Ordinance, the birth of every child born in the Gilbert Islands shall be registered by the registrar for the district in which the child was born by entering in a register kept for that district such particulars concerning the birth as may be prescribed: Particulars of births to be registered

Provided that where a living new-born child is found exposed and no information as to the place of birth is available, the birth shall be registered by the registrar for the district in which the child is found.

(2) The following persons shall be qualified to give information concerning a birth, that is to say:

- (a) the father and mother of the child;
- (b) any person present at the birth;
- (c) any person occupying at the time of the birth any part of

the house wherein the child was born and having knowledge of the child having been born in the house;

- (d) any medical practitioner or midwife in attendance after the birth and having personal knowledge of the birth having occurred;
- (e) any person having charge of the child.

Information concerning birth to be given to registrar within 10 days

**10.** In the case of every 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 such other qualified informant,

to give to the registrar before the expiration of 10 days from the date of birth, information of the particulars required to be registered concerning the birth:

Provided that—

- (i) the giving of information by any one qualified informant shall act as a discharge of any duty under this section of every other qualified informant;
- (ii) this section shall not apply if before the expiration of the said period and before the birth has been registered, an inquest is held at which the child is found to have been still-born.

Information concerning finding of new-born child to be given within 42 days

**11.** Where any living new-born child is found exposed, it shall be the duty of the person finding the child, and of any person in whose charge the child may be placed, to give to the best of his knowledge and belief to the registrar before the expiration of 42 days from the date on which the child was found, such information of the particulars required to be registered concerning the birth of the child as the informant possesses:

Provided that the giving of information by any one of the said persons shall act as a discharge of any duty under this section of any other of them.

Registrar's power to require information concerning birth

**12.** Where, after the expiration of 10 days from the date of the birth of any child or from the date when any living newborn child is found exposed, the birth of the child has, owing to the default of the persons required to register it, not been registered, the registrar may by notice in writing require any qualified informant—

- (a) to attend personally at the registrar's office (or, if such office is more than 20 miles distant from the informant's usual place of business or abode, at some other place which is not so distant appointed by the registrar within his district) before such date (being not less than 7

days after the receipt of the notice nor more than 3 months after the date of the birth or finding) as may be specified in the notice; and

- (b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the birth to the registrar or to some person designated by him:

Provided that any such notice shall cease to have effect if, before the date specified in the notice and before the person to whom the notice is given complies with it, the birth is duly registered.

13. Where the registrar receives personally from any qualified informant at any time before the expiration of 3 months from the date of the birth of any child or from the date when any living new-born child is found exposed, information of the particulars required to be registered concerning the birth of the child, then, subject as may be prescribed in the case of an alleged still-birth where no certificate such as is mentioned in section 20 (1) is delivered, he shall forthwith register the birth and the particulars, if not previously registered, in the prescribed form and manner without any fee or reward from the informant.

Registration of births free of charge

14. (1) Where on the expiration of 3 months and before the expiration of 12 months from the date of the birth of any child or from the date where any living new-born child is found, the birth has not been registered, the registrar may by notice in writing require any qualified informant—

Registration between 3 and 12 months from date of birth

- (a) to attend personally at the registrar's office (or, if such office is more than 20 miles distant from the informant's usual place of business or abode, at some other place which is not so distant appointed by the registrar within his district) before such date (being not less than 7 days after the receipt of the notice nor more than 12 months after the date of the birth or finding) as may be specified in the notice; and
- (b) to make before the registrar, or some person designated by him, a declaration according to the best of the declarant's knowledge and belief of the particulars required to be registered concerning the birth.

(2) Upon any qualified informant attending before the registrar, whether in pursuance of a requirement or not, and making such a declaration as aforesaid and giving information concerning the birth the registrar shall then and there register the birth

according to the information of the declarant and the registrar shall sign the entry of the birth.

Late  
registration  
assessors

**15.** For the purposes of sections 16 and 17 the Minister shall appoint from among those persons appointed as magistrates persons to be known as late registration assessors.

Registration  
after 12  
months from  
date of birth

**16.** Where after the expiration of 12 months from the date of the birth of any child or from the date when any living new-born child is found exposed, the birth of the child has not been registered, the birth shall not be registered except upon an order of a late registration assessor made in accordance with section 17 and in such manner as may be prescribed.

Late  
registration  
order

**17.** (1) Subject to the provisions of subsection (2) an application for an order under section 16 shall be made to a late registration assessor by a qualified informant and shall be accompanied by an affidavit setting out to the best of such qualified informant's information and belief the particulars required to be registered.

(2) Notwithstanding the provisions of subsection (1), where any person of full age desires the registration of his own birth but in respect of which no qualified informant able to give the particulars required to be registered is available, he may himself make application to a late registration assessor for an order under section 16 and any such application shall be accompanied by an affidavit setting out to the best of the applicant's information and belief the particulars of his birth required to be registered and the reasons why no qualified informant is available to give such particulars.

(3) An applicant for an order under this section shall, at the same time as he makes application to a late registration assessor, cause a copy of the application and of any affidavit accompanying the application to be served upon the Registrar-General.

(4) Upon receipt of an application under the provisions of this section, a late registration assessor may order the Registrar-General, or his representative, and the applicant to appear before them on such day, not being earlier than 42 days after the date of the application, as the assessor may determine.

(5) When an applicant appears before a late registration assessor in pursuance of an order made under subsection (4) in that behalf—

(a) subject to the provisions of paragraph (b) the assessor may for the purpose of satisfying himself regarding any ques-



tion of fact summon and examine on oath any person who the assessor has reason to believe is able to give material evidence relating to such question;

- (b) the applicant may call witnesses in support of his application;
- (c) the Registrar-General, or his representative, may call witnesses in rebuttal of any fact alleged by the applicant whether in any affidavit made by him for the purposes of this section or in any evidence given by him or by any witness called by him in support of his application;
- (d) the applicant and any witness called by the applicant and any witness called by the Registrar-General may be cross-examined by the Registrar-General, or his representative, or by the applicant as the case may be.

(6) After hearing any evidence in accordance with the provisions of subsection (5) a late registration assessor may grant or refuse to grant an order that the birth in respect of which the application is made shall be registered:

Provided that a late registration assessor shall not grant an order for the registration of the birth of an applicant requiring his own birth to be registered unless he is satisfied that no qualified informant is available able to give evidence of the particulars required for registration of the birth.

**18.** Save as provided in sections 14 or 16 a registrar shall not register the birth of any child after the expiration of 3 months from the date of birth or in the case of a living new-born child found exposed, from the date of the finding, and any person who registers any birth or causes any birth to be registered in contravention of this section shall be liable to a fine of \$100 and to imprisonment for 6 months.

Penalty for improper registration

**19.** Notwithstanding anything in this Part, in the case of an illegitimate child no person shall, as father of the child, be required to give information concerning the birth of the child, and the registrar shall not enter in the register the name of any person as father of the child except at the joint request made in writing and signed by both the mother and the person acknowledging himself to be the father of the child.

Provision as to father of illegitimate child

**20.** (1) Any qualified informant giving information to the registrar of the particulars required to be registered concerning a still-birth shall upon giving that information either—

Special provision as to registration of still-birth

- (a) deliver to the registrar a written certificate that the child

was not born alive signed by a medical practitioner or a mid-wife who was in attendance at the birth or who has examined the body of the child; or

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

(2) The registrar upon registering a still-birth, shall if so required give either to the informant or to the person who has control over, or who ordinarily effects the disposal of bodies at, the place where it is intended to dispose of the child's body, a certificate under his hand in the prescribed form that he has registered the still-birth, but may on receiving written notice of the still-birth accompanied by such a certificate as is mentioned in subsection (1) (a) before registering the still-birth give to the person sending the notice a certificate that he has received notice of the still-birth; and any certificate given under this subsection shall be given without fee.

(3) A registrar by whom a certificate has been given under subsection (2) may upon receiving a satisfactory explanation of any circumstances by reason of which the certificate is not available for the purpose of any law for the time being in force relating to the disposal of the bodies of dead persons, issue on payment of the prescribed fee, a duplicate thereof either to the person to whom the original certificate was given or to the person effecting the disposal.

Certificate of  
registration  
of birth

21. At the time of registering the birth of any child the registrar shall if so required by the informant of the birth and upon payment to him by the informant of such fee as may be prescribed, give to the informant a certificate under his hand in the prescribed form that he has registered the birth.

Change  
of name

22. Where the birth of any child has been registered before the child has received a name or the name by which any child was registered is altered, the registrar may upon the application of the parent or guardian of the child within 2 years of the date of the registration, and on payment of the prescribed fee and on receipt of such evidence as the registrar may require, without any erasure of the original entry, enter in the register the name given to the child or the alteration in the name as the case may be.

## PART III

## REGISTRATION OF DEATHS

**23.** Subject to this Part, the death of every person dying in the Gilbert Islands and the cause thereof shall be registered by the registrar for the district in which the death occurred by entering in a register kept for that district such particulars concerning the death as may be prescribed:

Particulars  
of deaths to  
be registered

Provided that where a dead body is found and no information as to the place of death is available, the death shall be registered by the registrar for the district in which the body is found.

**24.** (1) The following provisions of this section shall have effect where a person dies in a house.

Information  
concerning  
death in a  
house

(2) The following persons shall be qualified to give information concerning the death, that is to say—

- (a) any relative of the deceased person present at the death or in attendance during his last illness;
- (b) any other relative of the deceased residing or being in the district where the death occurred;
- (c) any person present at the death;
- (d) the occupier of the house if he knew of the happening of the death;
- (e) any inmate of the house who knew of the happening of the death;
- (f) the person causing the disposal of the body.

(3) It shall be the duty—

- (a) of the nearest relative such as is mentioned in subsection (2) (a);
- (b) if there is no such relative, of each such relative as is mentioned in paragraph (b) of that subsection;
- (c) if there are no such relatives, of each such person as is mentioned in paragraph (c) or (d) of that subsection; or
- (d) if there are no such relatives or persons as aforesaid, of each such person as is mentioned in paragraph (e) or (f) of that subsection,

to give to the registrar, before the expiration of 5 days from the date of the death, information to the best of his knowledge and belief of the particulars required to be registered concerning the death:

Provided that—

- (i) the giving of information by any one qualified infor-

mant shall act as a discharge of any duty under this subsection of every other qualified informant;

- (ii) this subsection shall not have effect if an inquest is held on the body or touching the death of the deceased person.

Information concerning other deaths

**25.** (1) The following provisions of this section shall have effect where a person dies elsewhere than in a house or where a dead body is found and no information as to the place of death is available.

(2) The following persons shall be qualified to give information concerning the death, that is to say—

- (a) any relative of the deceased who has knowledge of any of the particulars required to be registered concerning the death;
- (b) any person present at the death;
- (c) any person finding or taking charge of the body;
- (d) any person causing the disposal of the body.

(3) It shall be the duty—

- (a) of each such relative as is mentioned in subsection (2)(a); or
- (b) if there are no such relatives, of each other qualified informant,

to give to the registrar, before the expiration of 5 days from the date of the death or of the finding of the body, such information of the particulars required to be registered concerning the death as the informant possesses:

Provided that—

- (i) the giving of information by any one qualified informant shall act as a discharge of any duty under this subsection of every other qualified informant;
- (ii) this subsection shall not have effect if an inquest is held on the body or touching the death of the deceased person.

Notice preliminary to information of death

**26.** If, before the expiration of 5 days from the date of the death or of the finding of the dead body of any person, a qualified informant of that person's death gives to the registrar a written notice of the person's death or of the finding of the body accompanied by a notice given under section 30 (2) of the signing of a certificate of the cause of death, the information of the particulars required to be registered concerning the death need not be given before the expiration of the said 5 days, but shall, notwithstanding the notice, be given before the expiration of 14 days from the date

aforesaid by the person giving the notice or by some other qualified informant.

27. (1) Where, after the expiration of the relevant period from the date of the death or finding of the dead body of any person, the death of that person has, owing to the default of the persons required to give information concerning it, not been registered, the registrar may by notice in writing require any qualified informant—

Registrar's power to require information concerning death

- (a) to attend personally at the registrar's office (or, if such office is more than 20 miles distant from the informant's usual place of business or abode, at some other place which is not so distant appointed by the registrar within his district) before such date (being not less than 7 days after the receipt of the notice nor more than 12 months from the date of the death or of the finding of the body) as may be specified in the notice; and
- (b) to give information to the best of the informant's knowledge and belief of the particulars required to be registered concerning the death to the registrar, or to some person designated by him:

Provided that any such requirement shall cease to have effect if, before the date specified in the notice and before the person to whom the notice is given complies with it either—

- (i) the death is duly registered; or
- (ii) an inquest is held on the body or touching the death of the deceased person.

(2) In this section, the expression "the relevant period" means—

- (a) where notice has been duly given to the registrar in accordance with the provisions of section 26, 14 days; and
- (b) in any other case, 5 days.

28. Where the registrar receives personally from any qualified informant, at any time before the expiration of 12 months from the date of the death or finding of the dead body of any person, information of the particulars required to be registered concerning that person's death, then, so soon as he has received any particulars required to be registered concerning the cause of the death which are required to be given by any person other than the informant, he shall forthwith register the death and the particulars, if not previously registered, in the prescribed form and manner without any fee or reward from the informant.

Registration of death free of charge

Registration  
of death after  
12 months

**29. (1)** After the expiration of 12 months from the date of the death or finding of the dead body of any person, the death of that person shall not be registered except with the written authority of the Registrar-General and in such manner and subject to such conditions as may be prescribed, and the fact that the authority of the Registrar-General has been obtained shall be entered in the register.

(2) When any death is registered under this section upon the giving of information by a qualified informant that informant shall pay a fee of \$1 to the Registrar-General and, except where the delay was caused by the failure of the registrar to make a requirement under section 27 or otherwise by the registrar's default, a like fee to the registrar.

Certificate of  
cause of death

**30. (1)** In the case of the death of any person who has been attended during his last illness by a medical practitioner, that practitioner shall sign a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death and shall forthwith deliver that certificate to the registrar.

(2) On signing a certificate of the cause of death under subsection (1), the medical practitioner shall give in the prescribed form to some qualified informant of the death, notice in writing of the signing of the certificate and that person shall, except where an inquest is held on the body or touching the death of the deceased person, deliver the said notice to the registrar.

(3) Except when an inquest is held on the body or touching the death of the deceased person a registrar to whom a certificate of cause of death is delivered under subsection (1) shall enter in the register the cause of death as stated in the certificate together with the name of the certifying medical practitioner.

Furnishing of  
information  
by magistrate  
holding  
inquiry

**31. (1)** When an inquiry is held on any dead body or touching any death the magistrate holding the same shall send to the registrar within 5 days after the finding of the inquiry is given a certificate under his hand giving information concerning the death and specifying the finding with respect of the particulars required to be registered concerning the death and specifying the time and place at which the inquiry was held.

(2) On receiving a certificate under subsection (1) the registrar shall in the prescribed form and manner register the death and the particulars as found at the inquiry and if the death has been

previously registered the said particulars shall be entered in the prescribed manner without any alteration of the original entry.

32. (1) The registrar upon registering any death shall forthwith give to the person giving information concerning the death a certificate under his hand that he has registered the death; but may, before registering the death and subject to such conditions as may be prescribed, upon receiving written notice of the occurrence of a death in respect of which he has received a certificate under section 30, give to the person sending the notice, if required to do so, a certificate under his hand that he has received notice of the death; and any certificate given under this subsection shall be given without fee.

Certificate as  
to registration  
of death

(2) Where the body of a deceased person has been removed into the Gilbert Islands from some place outside the Islands for disposal and no order has been given by a magistrate in respect thereof the registrar of the district in which it is intended to dispose of the body if it appears that the death is not required by law to be registered in the Islands shall upon application by the person procuring the disposal and upon payment of the prescribed fee give a certificate to that effect in the prescribed form.

(3) A person to whom any certificate issued by the registrar under this section is delivered shall transmit it to the person effecting the disposal of the body of the deceased person.

(4) A registrar by whom a certificate has been given under this section may upon receiving a satisfactory explanation of any circumstances by reason of which the certificate is not available for the purposes of any enactment relating to the disposal of the bodies of dead persons issue on payment of the prescribed fee a duplicate thereof either to the person to whom the original certificate was given or to the person effecting the disposal of the body; and any such duplicate certificate shall be in a distinctive form.

(5) Where on the expiration of the prescribed period after the issue in respect of any deceased person of a certificate under this section no notification as to the date, place and means of disposal of the body has been received by the registrar from the person effecting its disposal, the registrar shall make inquiry of the person to whom the certificate or order was issued and it shall be the duty of that person to give information to the best of his knowledge and belief as to the person having the custody of the certificate or order, the place in which the body is lying or, if the body has been disposed of, the person effecting the disposal.

## PART IV

## MARRIAGES

Duties of Registrar-General, registrars, certain ministers, etc., with regard to registration, etc., of marriages

**33.** It shall be the duty of the Registrar-General, and of every registrar, to accept, keep in safe custody, maintain, and make any register, certificate, copy, entry or quarterly return, and to do, or act in or upon, any other matter or thing connected with the registration of marriages as he or they may be required by this or any other Ordinance for the time being in force to be accepted, kept, maintained, made, done or acted in or upon.

## PART V

## GENERAL

Duty of registrar to send certified copies of entries to Registrar-General

**34.** Every registrar shall in the months of January, April, July and October on such days as may be appointed by the Registrar-General—

- (a) make and deliver to the Registrar-General in the prescribed form a true copy, certified by him in the prescribed manner of all the entries of births, deaths and marriages made in the registers kept by him during the period of 3 months ending with the last day of the month immediately preceding that in which the copy is required by this section to be made;
- (b) if no birth, death or marriage has been registered in his district during that period, deliver to the Registrar-General in the prescribed form a certificate to that effect under his hand.

Custody of registers, etc.

**35.** (1) Every registrar shall keep safely all registers of births, deaths and marriages which are in his custody and, when not in use, the registers shall be kept in the register box provided by the Registrar-General for the purpose.

(2) When a register of births, deaths or marriages is filled, the registrar shall deliver it to the Registrar-General.

(3) The certified copies sent to the Registrar-General under section 34 and the registers delivered to him under subsection (2) shall be kept in the General Registry Office in such order and manner as the Registrar-General, subject to the direction of the Minister, may think fit.



**36.** (1) No alteration shall be made in any register of births or deaths except as authorised by this or any other Ordinance. Correction of errors in registers

(2) A clerical error, other than an error of fact or substance, in any register may, subject to any direction of the Registrar-General, be corrected by entry in the margin (without any alteration of the original entry) by the officer having custody of the register free of charge.

(3) Notwithstanding the provisions of section 43 (4), an error of fact or substance in any such register may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register upon payment to him by the person requiring the error to be corrected of a fee of 50 cents and on 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 by two qualified informants of the birth or death with reference to which the error has been made, or in default of two qualified informants then by two credible persons having knowledge of the truth of the case; and such statutory declarations shall be filed separately and maintained and preserved as a supplement to the register to which they relate.

(4) Where an error of fact or substance (other than an error relating to the cause of death) occurs in the information given in a magistrate's certificate concerning a dead body upon which or a death touching which he has held an inquiry, the magistrate if satisfied on oath or statutory declaration that such error exists, may certify under his hand to the officer having the custody of the register in which the information is entered 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 that officer in the register by entering in the margin (without any alteration of the original entry) the facts so certified by the magistrate.

(5) Any correction in a register made in accordance with this section or of section 43 (4) must be attested by the initials of the person making it.

**37.** (1) The Registrar-General shall cause indexes of all certified copies of entries in registers sent to him under the provisions of this Ordinance or any other law for the time being in force in the Gilbert Islands to be made and kept in the General Registry Office. Searches of indexes kept by the Registrar-General

(2) Any person shall be entitled to search the said indexes at any time when the General Registry Office is open for the purpose and to have a certified copy of any entry in the said certified copies on payment to the Registrar-General of the prescribed fee.

Search in registers kept by registrars

**38.** Every registrar shall at any time when his office is required to be open for the transaction of public business allow searches to be made in any register of births, register of deaths or register of marriages in his keeping and shall give a copy certified under his hand of any entry therein on payment of the prescribed fee.

Short certificate of birth

**39.** (1) Any person shall on payment of the prescribed fee and on furnishing the prescribed particulars be entitled to obtain from the Registrar-General or from a registrar a short certificate of the birth of any person.

(2) Any such certificate shall be in the prescribed form and shall be compiled in the prescribed manner from the records and registers in the custody of the Registrar-General or from the register in the custody of the registrar, as the case may be, and shall register such particulars as may be prescribed:

Provided that any particulars prescribed in addition to name, surname, sex and date of birth shall not include any particulars as to parentage or adoption contained in any such records or registers.

Entry in register as evidence of birth, death or marriage

**40.** (1) The following provisions shall have effect in relation to entries in registers under this Ordinance or under any provisions of any Ordinance repealed by this Ordinance.

(2) Where more than 3 months have intervened between the date of birth of the child, or the date when any living new-born child was found exposed, and the date of registration of the birth of that child, the entry or a certified copy of the entry in the register, or a certified copy of the register shall not be evidence unless—

- (a) if it appears that not more than 12 months have so intervened, the entry purports to be signed by the registrar;
- (b) if more than 12 months have so intervened the entry purports to have been made on the authority of an order of a late registration assessor:

Provided that this subsection shall not apply in any case when the original entry in the register was made before the date of commencement of this Ordinance.

(3) Where more than 12 months have intervened between the date of the death, or the finding of the dead body of any person, and the date of the registration of that person's death, the entry or a certified copy of the entry of the death in the register, or a certified copy of the register, shall not be evidence of the death unless the entry purports to have been made with the authority of the Registrar-General:

Provided that this subsection shall not apply in any case when the original entry in the register was made before the date of commencement of this Ordinance.

(4) A certified copy of an entry in a register or in a certified copy of a register shall be deemed to be a true copy notwithstanding that it is made in a form different from that on which the original entry was made if any difference in the column headings under which the particulars appear in the original entry and the copy respectively are differences of form only and not of substance.

(5) The Registrar-General shall cause any certified copy of an entry given in the General Registry Office to be sealed or stamped with the prescribed seal of that office, and subject to the foregoing provisions of this section any certified copy of an entry purporting to be sealed or stamped with the seal of that office shall be received as evidence of the birth, death, or marriage to which it relates without any further or other proof of the entry, and no certified copy purporting to have been given in the said office shall be of any force or effect unless it is sealed or stamped as aforesaid.

(6) The Registrar-General may cause to be transferred to the General Registry Office all registers of marriages and all records of births and deaths under any law or Ordinance no longer in force, and subsections (4) and (5) shall apply to copies of entries in such transferred registers or records issued by the Registrar-General.

41. If any person commits any of the following offences, that is to say—

Offences relating to registers

- (a) if, being a registrar, he refuses, or without reasonable cause omits, to register any birth or death or particulars concerning which information has been tendered to him by a qualified informant and which he is required by or under this Ordinance to register; or
- (b) if, being a registrar, he fails or neglects to maintain any register in the manner prescribed in this Ordinance;
- (c) if, being a person having the custody of any register of births or register of deaths, he carelessly loses or injures the register or carelessly allows the register to be injured; or
- (d) being a deputy registrar appointed under section 44 without reasonable cause, he—
  - (i) refuses to receive information concerning any birth,

death or marriage tendered to him by any qualified informant, or

- (ii) having so received such information as aforesaid, omits to record or transmit it to the registrar of the district in the form and manner provided by this Ordinance;

he shall be liable to a fine of \$50.

Penalties for failing to give information, etc.

**42.** If any person commits any of the following offences, that is to say—

- (a) if, being required by or under this Ordinance to give information of any birth or death or of any living new-born child found exposed or of any dead body, he wilfully refuses to answer any question put to him by the registrar relating to the particulars required to be registered concerning the birth or death or, save as is provided in this Ordinance, fails to comply with any requirement of the registrar made thereunder;
- (b) if he refuses or fails without reasonable excuse to give, deliver or send any certificate which he is required by this Ordinance to give, deliver or send;
- (c) if, being a parent and save as provided in this Ordinance, he fails to give information concerning the birth of his child as required by this Ordinance;
- (d) if being a person upon whom a duty to give information concerning a marriage is imposed by section 33, he fails to give that information; or
- (e) if being a person upon whom a duty to give information concerning a death is imposed by section 25 (3) (a) he fails to give that information and that information is not given,

he shall be liable to a fine of \$10 for each offence.

False statements, etc., as to births and deaths

**43.** (1) If any person—

- (a) wilfully makes any false answer to any question put to him by any registrar relating to the particulars required to be registered of any birth or death, or of any living new-born child found exposed or of the finding of a dead body, or wilfully gives to any registrar any false information concerning the aforesaid matters; or
- (b) wilfully makes any false certificate or declaration under or for the purposes of this Ordinance or knowing or having reason to believe such certificate or declaration to be false, uses the same as genuine; or

(c) wilfully makes, gives or uses any false statement or declaration as to a child born alive or having been still-born, or as to disposal of the body of a deceased person or a still-born child, or falsely pretends that any child born alive was still-born; or

(d) makes any false statement with intent to have the same inserted in any register of births or deaths,

he shall be liable to a fine of \$600 and to imprisonment for 3 years.

(2) A prosecution for an offence under this section shall not be commenced more than 3 years after the date of the commission of the offence.

(3) When any particulars relating to any birth or death or to a living new-born child found exposed or to the finding of a dead body are received by a registrar for the purposes of this Ordinance and the registrar has reason to believe that such particulars are not, or may not be, true, the registrar shall forthwith report the matter to the Registrar-General, together with his reasons for so believing.

(4) Where in any proceedings under subsection (1) the court is satisfied that by reason of the offence charged an error of fact or substance has been made in any register, the court may certify to the officer having custody of the register that such error exists and the true facts of the case so far as may have been ascertained by the court and the error may thereupon be corrected by that officer in the register by entering in the margin (without any alteration of the original entry) the facts so certified by the court; and such a correction shall be free of charge and the certificate of the court shall be filed separately and maintained and preserved as a supplement to the register to which it relates.

**44.** (1) It shall be lawful for the Registrar-General to appoint fit and proper persons to be deputy registrars of births, deaths and marriages in and for any part of a district for the purpose of receiving from any person on behalf of the registrar of births, deaths and marriages appointed for such district any information required by any of the provisions of sections 10, 11, 20, 24, 25, 26, 30, 31 or 33 or by the provisions of section 18 of the Marriage Ordinance to be given by such person to the registrar and the giving of any such information to a deputy registrar of births, deaths and marriages in and for any part of a district shall be deemed to be the giving thereof to the registrar of such district.

Deputy registrars may be appointed to receive information on behalf of registrars

Cap. 54

(2) It shall be the duty of each and every deputy registrar of births, deaths and marriages appointed under the provisions of

the preceding subsection to receive any information given to him thereunder and to record, and transmit, the same to the registrar of births, deaths and marriages for the district in question in such form and manner as may for the time being be prescribed, or, if no such prescription shall have been made, as the Registrar-General may direct.

Forms  
Schedule 1

**45.** Subject to the provisions of section 47, the forms in Schedule 1, or forms to the like effect, shall be used in the cases to which they refer, with such variation as circumstances may require.

Fees  
Schedule 2

**46.** The fees specified in Schedule 2 shall, until replaced, varied or revoked by regulations made under section 47, be charged for the various matters and things enumerated in the said Schedule.

Regulations

**47.** The Minister may make regulations for the better carrying into effect of the provisions of this Ordinance and, without prejudice to the generality of the foregoing power, such regulations may—

- (a) prescribe forms or fees or replace, revoke, vary, or add to any of the forms or fees prescribed by this Ordinance;
- (b) direct by whom and in what manner fees payable under this Ordinance are to be collected and accounted for; and
- (c) provide for the furnishing of information required to be given under this Ordinance.

Saving

**48.** Any registration effected, certificate issued, notice or information given, order, regulation or return made or other things done under the law making provision for the registration of births, deaths and marriages in force immediately before the commencement of this Ordinance shall continue in force and have effect as if effected, issued, given, made or done under the corresponding provision of this Ordinance.

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SCHEDULE 1—*see overleaf*









[FORM 4]

SHORT CERTIFICATE OF BIRTH  
THE GILBERT ISLANDS

BIRTHS, DEATHS AND MARRIAGES  
REGISTRATION ORDINANCE (CAP. 5)  
(Section 39)

SHORT CERTIFICATE OF BIRTH

No.

I HEREBY CERTIFY that, according to the record of birth in my office

.....  
was born at ..... , in the Gilbert  
Islands, on the ..... day of ..... 19 .....

REGISTRAR [GENERAL]  
OF BIRTHS, DEATHS AND MARRIAGES  
[FOR ..... DISTRICT]

Dated at ..... this ..... day of ..... 19 .....

SCHEDULE 2  
(Section 46)

FEEs

- |   |       |
|---|-------|
|   | \$ c. |
| 1. For a general search in any index .....  | 25    |
| Provided however that no fee shall be payable if such general search is made solely for the purpose of ascertaining the age of any person to enable information or proof relating thereto to be given to any school or other educational institution. |       |
| 2. For each certified copy of any entry relating to the death or marriage of any person (including any necessary search) .....  | 50    |
| 3. For each certified copy of any entry relating to the birth of any person (including any necessary search) .....  | 30    |
| 4. For each short certificate of birth .....  | 10    |
| 5. For each late entry of any birth .....   | 1 00  |

[Subsidiary]

## SUBSIDIARY LEGISLATION

**Designation of districts and appointment by office of registrars under section 5** L.N. 57/72  
L.N. 27/74

For the purposes of the Ordinance the Gilbert Islands are divided into the several districts specified in Column 1 of the following Table and for each of those districts the person for the time being holding the office specified in the corresponding entry in Column 2 is appointed to be the registrar of births, deaths and marriages for that district.

TABLE

Column 1 District	Column 2 Registrar
1. The area of authority of every local government council with the exception of the Betio Town Council	Executive officer or clerk to the council
2. The area of authority of the Betio Town Council	Registrar-General for Births, Deaths and Marriages
3. Ocean Island	District Officer, Ocean Island
4. Those parts of every administrative district for which no other registrar of births, deaths and marriages is hereby appointed	The administrative officer in charge of the district

**Regulations under section 47****BIRTHS, DEATHS AND MARRIAGES (PRESCRIPTION OF FORMS AND SEAL) REGULATIONS** L.N. 56/68

1. These Regulations may be cited as the Births, Deaths and Marriages (Prescription of Forms and Seal) Regulations. Citation
2. The forms set out in Schedule 1 shall be the forms to be used in the cases to which they refer for the purposes of the Births, Deaths and Marriages Registration Ordinance. Forms
3. The seal described in Schedule 2 shall be the seal of the General Registry Office and an impression of it made with ink by means of a wooden block shall constitute a sufficient sealing. Seal

[Subsidiary]

SCHEDULE 1  
FORM 1

[s. 20 (1) (b)]

DECLARATION AS TO STILL-BIRTH

I , do solemnly and sincerely declare that no medical practitioner or midwife was present at the birth of the child of Mrs. , nor has a medical practitioner or midwife examined the body, and that a certificate of a medical practitioner or midwife cannot be obtained, but that the child which was born on the day of , 19 , was not born alive.

Dated the day of , 19 .

.....  
*Informant*

Before me

.....  
*Magistrate*

FORM 2

[s. 20 (2)]

CERTIFICATE OF REGISTRATION OF STILL-BIRTH

I do hereby certify that I have this day of , 19 , registered the birth of the child of Mrs. , which child was not born alive as evidenced by—

\*(a) the certificate of

(medical practitioner/midwife)

Dated the day of , 19 .

\*(b) the declaration made by

(name of declarant)

Dated the day of , 19 .

.....  
*Registrar for (name of district)*

\*Delete whichever is not applicable

FORM 3

[s. 21]

CERTIFICATE OF REGISTRATION OF BIRTH

(District of )

Name of child .....  
Sex .....  
Date of birth .....  
Date registered .....  
Name of mother .....  
Address at birth .....  
Signature of Registrar .....

[Subsidiary]

COUNTERFOIL

FORM 4  
MEDICAL CERTIFICATE OF THE CAUSE OF DEATH [s. 30 (1)]

I HEREBY CERTIFY that I attended ..... during the last illness; that such person's age was stated to be ..... that I last saw h ..... on the ..... day of ..... 19 .....; that ..... \*died ..... on the ..... day of ..... 19 ..... at ..... and that, to the best of my knowledge and belief the cause of h ..... death was as hereunder written.  
 \*Should the medical attendant not feel justified in taking upon himself the responsibility of certifying the fact of death, he may here insert the words "as I am informed"

CAUSE OF DEATH

I. Disease or condition directly leading to death†  
 (a) ..... due to (or as a consequence of)  
 Antecedent causes  
 Morbid conditions, if any giving rise to the above cause, stating the underlying condition last  
 (b) ..... due to (or as a consequence of)  
 (c) .....

CAUSE OF DEATH

(a) ..... due to (or as a consequence of)  
 (b) ..... due to (or as a consequence of)  
 (c) ..... other significant conditions

†This does not mean the mode of dying, e.g., heart failure, asthenia, etc. It means the disease, injury, or complication which caused death.

Signed ..... Date, the ..... day of  
 Deceased's place of death ..... Signature .....

Registered qualification .....  
 N.B.—THIS CERTIFICATE IS INTENDED SOLELY FOR THE USE OF THE REGISTRAR

[Subsidiary]

FORM 5

[s. 30 (2)]

NOTICE OF THE SIGNING OF THE CERTIFICATE OF CAUSE OF DEATH

To:

(Informant)

This is to notify that I have this day of , 19 , signed the medical certificate of the cause of death of (name of deceased)

..... Medical Practitioner

[Subsidiary]

FORM 6

[s. 34 (a)]

\*CERTIFIED COPY OF ENTRIES IN BIRTHS REGISTER

No.	CHILD		PARENTS						REGISTRATION			
	Where born and when; if still-born state in this column	Name Sex	FATHER			MOTHER			Name, occupation and place of residence	When and where notified	Name if added after registration	
			Occupation	Age	Birth Place	When and where married	Previous Issue Living and deceased	Name	Age	Birth Place		
1.												
2.												

I, \_\_\_\_\_, do hereby certify that the above is a true copy of entries made by me in the Births Register at \_\_\_\_\_ for the period  
 1st \_\_\_\_\_, 19\_\_\_\_, to 30/31st \_\_\_\_\_, 19\_\_\_\_.†  
 Extracted this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ Registrar.

\* Quarterly returns to be furnished to Registrar-General under section 34 (a) of the Births, Deaths and Marriages Registration Ordinance in months of January/April/July/October as appropriate.

† To be filled in to cover appropriate period of three months, e.g. 1st January to 31st March, 1st April to 30th June, 1st July to 30th September, 1st October to 31st December.

[Subsidiary]

[s. 34 (a)]

FORM 7

\*CERTIFIED COPY OF ENTRIES IN THE DEATHS REGISTER

No.	Date of Death and where it occurred	Name and occupation	Sex	Age	Cause of death	Duration of last illness	Medical Practitioner by whom certified	When he last saw deceased	Name of Father	Occupation of Father	Name of Mother	Name, occupation and place of residence of informants	When buried and where	Where born and how long in the Gilbert Islands	Was dec'd ever married? If so state when and to whom	Issue in order of births, the names and ages
1.																
2.																

I, \_\_\_\_\_, do hereby certify that the above is a true copy of entries made by me in the Deaths Register at \_\_\_\_\_ (District) for the period 1st \_\_\_\_\_ 19 \_\_\_\_\_ to 30/31st \_\_\_\_\_, 19 \_\_\_\_\_, Extracted this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ Registrar.

\* Quarterly returns to be furnished to Registrar-General under section 34 (a) of the Births, Deaths and Marriages Registration Ordinance in months of January/April/July/October as appropriate.

† To be filled in to cover appropriate period of three months, e.g., 1st January to 31st March, 1st April to 30th June, 1st July to 30th September, 1st October to 31st December.



FORM 8

[s. 34 (a)]

\*CERTIFIED COPY OF ENTRIES IN THE MARRIAGES REGISTER

No.	PARTICULARS OF PARTIES						PARTICULARS OF MARRIAGE			
	Name	Occupation	Age	Place of Residence at time of marriage	Condition	Father's name, occupation and Place of Birth	Date of Marriage	Place of Marriage	By whom Performed	Witnesses of Marriage
1	Husband									
	Wife									
2	Husband									
	Wife									

I, \_\_\_\_\_, do hereby certify that the above is a true copy of entries made by me in the Marriages Register at \_\_\_\_\_ (District) for the period 1st \_\_\_\_\_ to 30/31st \_\_\_\_\_, 19\_\_\_\_. †  
 Extracted this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ Registrar.

\* Quarterly returns to be furnished to Registrar-General under section 34 (a) of the Births, Deaths and Marriages Registration Ordinance in months of January/April/July/October as appropriate.

† To be filled in to cover appropriate period of three months, e.g. 1st January to 31st March, 1st April to 30th June, 1st July to 30th September, 1st October to 31st December.

[Subsidiary]

FORM 9

[s. 34 (b)]

CERTIFICATE OF NIL RETURN\* OF ENTRIES IN THE †BIRTHS,  
DEATHS AND MARRIAGES REGISTERS

I, \_\_\_\_\_, do hereby certify that no †birth/death/marriage was registered  
by me in \_\_\_\_\_ for the period 1st \_\_\_\_\_ to 30/31st \_\_\_\_\_, 19\_\_\_\_  
(District)

.....  
Registrar

\*To be furnished quarterly.  
†Delete whichever is inapplicable.

—————  
SCHEDULE 2

[s. 40 (5)]

SEAL OF GENERAL REGISTRY OFFICE

THE GILBERT ISLANDS

—————  
GENERAL REGISTRY OFFICE

## NOTES

G.N. 66/76

1. *The exercise of the powers conferred and the performance of the duties imposed on the Minister by this Ordinance have been delegated by the Minister to—*

*the Secretary to the Chief Minister  
the Deputy Secretary to the Chief Minister (External and General)  
the District Officer, Ocean Island  
the District Officer, Line Islands.*

2. *For the exercise of the powers of the Registrar-General in the event of his inability to act, see G.N. 31/76.*

CAP. 27 - BIRTHS, DEATHS AND MARRIAGES REGISTRATION  
(CAP. 5 OF 1977).

Births, Deaths and Marriages Ordinance

Amendment  
No.

- 1  
(Sch.3) Section 3 (1977, S. 3)  
Omit "The Governor",  
substitute "Subject to section 99 of the Constitution, the  
Minister".
- 2  
Section 5 (1977, S. 5)  
Insert after "may appoint" the words ", subject to section 99 of  
the Constitution,".
- Section 44 (1977, S. 44)  
Omit from subsection (1) "It shall be lawful",  
substitute "Subject to section 99 of the Constitution, it  
shall be lawful".
- 4  
(Sch.3) Section 47 (1977, S. 47)  
Omit "The Governor in Council",  
substitute "The Beretitenti, acting in accordance with the  
advice of the Cabinet,".

CAP. 29 - MARRIAGE  
(CAP. 54 OF 1977).  
Marriage Ordinance

Amendment  
No.

- 1  
Section 21 (1977, S. 21)  
Omit "in the United Kingdom",  
substitute "in a place outside Kiribati".
- 2  
Section 22 (1977, S. 22)  
Omit the section.
- 3  
Section 23 (1977, S. 23)  
Omit the section.
- 4  
Section 24 (1977, S. 24)  
Omit the section.

# KIRIBATI GAZETTE

No. 1

29 JANUARY, 1993

## Supplement No. 1

LN. 1

### BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT OF SCHEDULE) REGULATIONS 1993

In exercise of the powers conferred by section 47 of the Births, Deaths and Marriages Ordinance (Cap. 5) the Beretitenti, acting in accordance with the advice of the Cabinet, hereby makes the following Regulations -

5. For each notice of marriage 1.00
6. For each certificate of marriage 2.00
7. For each special licence to marry 50.00

#### Repeal

3. The Births, Deaths and Marriages Registration (Amendment of Schedule) Regulations 1987 is hereby repealed.

Dated this 1st day of January, 1993.

T. TEANNAKI  
BERETITENTI

#### Short title and commencement

1(1) These Regulations may be cited as the Births, Deaths and Marriages Registration (Amendment of Schedule) Regulations 1993.

(2) These Regulations shall be deemed to have come into operation on 1 January 1993.

Amends Schedule 2 to Cap. 5

2. Schedule 2 to the Births, Deaths and Marriages Registration (Amendment of Schedule) Regulations 1987 is hereby revoked and replaced by the following new Schedule 2 -

#### SCHEDULE 2

##### FEEES

1. For a general search 1.00
2. For each certified copy of Death or Marriage Certificate 2.00
3. For each certified copy of Birth Certificate 2.00
4. For each late entry of any Birth, Death or Marriage 4.00

Published by exhibition at the Public Office of the Beretitenti this 1st day of January, 1993.

T. MAAMAU  
for Secretary to the Cabinet

LN. 2

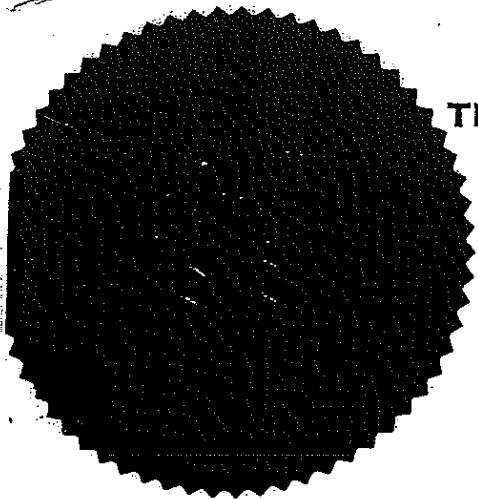
#### PRICES ORDINANCE, 1977 (Cap. 75)

#### PRICES REGULATION ORDER NO. 1 OF 1993

In exercise of the powers conferred by section 3(1) of the Prices Ordinance (Cap. 75), I hereby make the following Order:-

#### Short title

1. This Order may be cited as the Prices Regulation Order No. 1 of 1993.



**THE REPUBLIC OF KIRIBATI**  
**(No. 4 of 1997)**

I ass

*Tels*

Beretite

04/7/1

**AN ACT TO AMEND THE BIRTHS, DEATHS AND MARRIAGES ORDINANCE (CAP. 5**

Commenceme  
19

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short Title

1. This Act may be cited as the Births, Deaths and Marriages (Amendment) Act 1997.

Insertion of new section 22A

2. The Births, Deaths and Marriages Ordinance (Cap. 5) is hereby amended by insertion, immediately after section 22, a new section 22A as follows -

"Children born outside Kiribati may be registered

22A. Subject to the provisions of this Part of this Ordinance, any child with either or both parents who are I-Kiribati, born outside Kiribati, not registered thereat, if registered thereat the birth certificate of such child has been lost, shall be registered by the Registrar on production to him an order of a late registrar assessor made in accordance with section 17 and in such manner as may be prescribed."

**Amendment of section 17**

3. The Births, Deaths and Marriages Ordinance (Cap. 5) is hereby amended by -

(a) inserting in section 17(1) between the words "section 16" and the word "shall be made" the words "or section 22A"; and

(b) deleting the full stop appearing at the end of section 17(1) and adding the following:

" , and in the case of an application for an order under section 22A the following additional information:

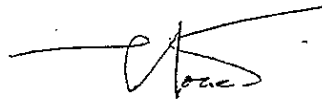
(a) the nationality of both the parents of the child; and

(b) whether or not the child has not been registered in another country; and

(c) if the child has been registered in another country but the birth certificate has been lost, the circumstances surrounding the loss of that birth certificate".

**CERTIFICATE OF THE CLERK OF THE MANEABA NI MAUNGATABU**

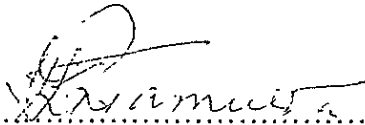
The printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 17th of June, 1997 and is found by me to be a true and correctly printed copy of the Bill.



.....  
Clerk  
of the Maneaba ni Maungatabu

**CERTIFICATE OF THE SPEAKER OF THE MANEABA NI MAUNGATABU**

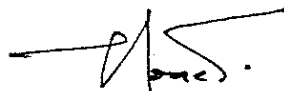
I certify that the above Act was on 17 June 1997, passed by the Maneaba ni Maungatabu on a Certificate of Urgency under section 68(3)(a) of the Constitution.



.....  
Speaker  
of the Maneaba ni Maungatabu

PUBLISHED BY EXHIBITION AT THE MANEABA NI MAUNGATABU THIS 17<sup>th</sup> 1997

<sup>July</sup>  
4<sup>th</sup> DAY OF JUNE



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CLERK  
OF THE MANEABA NI MAUNGATABU

THE BIRTHS, DEATHS AND MARRIAGES (AMENDMENT) ACT 1997

EXPLANATORY MEMORANDUM

The purpose of this Act is to allow for registration of the birth of a child where one or both parents are Kiribati, and the child is born outside Kiribati.

Section 2 of the Act adds to the Births, Deaths and Marriages Ordinance (Cap. 5) ("the principal Ordinance") a new section 22A which provides for the registration of a child where:

1. one or both the parents are I-Kiribati; and
2. the child was born outside Kiribati; and
3. the child's birth was not registered overseas; or
4. the overseas birth certificate has been lost.

The section provides for the production of an order from a late registration assessor as a pre-requisite of registration of such a child.

Section 3 of the Act amends section 17 of the principal Ordinance to provide for orders under the new section 22A to be dealt with under the existing procedures under section 17, which currently deals with orders for late registration.

Michael N. Takabwebwe  
Attorney General  
13 June 1997



REPUBLIC OF KIRIBATI  
(No 2 of 2007)

I assent,

*Auto Tang*

Beretitenti

04/09/2007

AN ACT TO AMEND THE *BIRTHS, DEATHS AND MARRIAGES REGISTRATION ORDINANCE*; TO PROVIDE A MORE EFFECTIVE SYSTEM FOR EVIDENCING CHANGES OF NAME; TO PROVIDE FOR REGISTRATION OF CUSTOMARY ADOPTIONS; AND TO PROVIDE FOR KEEPING OF RECORDS CONCERNING MARRIAGES SOLEMNISED AND DEATHS OCCURRING OUTSIDE KIRIBATI

Commencement:

2007

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

1. Short title

This Act may be cited as the *Births, Deaths and Marriages Registration (Amendment) Act 2007*.

2. Meaning of 'principal Act'

In this Act 'the principal Act' means the *Births, Deaths and Marriages Registration Ordinance (Cap.5)*

3. Amendment of section 17

Section 17 of the principal Act is amended by inserting a new paragraph (ba) as follows—

"if the child has been registered in another country by attaching a birth certificate (or a duly certified copy thereof) from the country in which the child was born; or".

#### 4. Substitution of section 22

Section 22 of the principal Act is repealed and the following section is substituted—

##### “22. Change of name

- (1) Where the birth of any child has been registered before the child has received a name the registrar may upon the application of the parent or guardian of the child within one year of the date of the registration, and on payment of the prescribed fee and on receipt of such evidence as the registrar may require, without any erasure of the original entry, enter in the register the name given to the child.
- (2) Where the name by which any person was registered is changed, the registrar may upon the application of—
  - (a) where the person has not yet attained the age of 18 years, the parent or guardian of the child; or
  - (b) in any other case, the person,on payment of the prescribed fee and on production to him of a statutory declaration made by the applicant setting forth such information as the registrar may require, without any erasure of the original entry, enter in the register particulars of the change of name.
- (3) The registrar must not approve an application under subsection (2) if he reasonably suspects that the change of name is sought for a fraudulent or other improper purpose.
- (4) A statutory declaration lodged with the registrar under subsection (2) shall be filed separately and maintained and preserved as a supplement to the register to which it relates.
- (5) Any person who makes an application under subsection (2) with intent to defraud any person commits an offence and is liable upon conviction to imprisonment for not more than seven years.”

#### 5. New section 22B

After section 22A of the principal Act (as inserted by section 2 of the *Births, Deaths and Marriages (Amendment) Act 1997*) the following section is inserted—

##### “22B. Registration of customary adoptions

- (1) Where a registrar receives a certificate issued by a magistrates' court under this section that a person whose birth is recorded in a register of births under this Ordinance has been adopted in accordance with customary law he shall, without any erasure of the original entry, enter in the register such particulars of the adoption as may be prescribed.

- (2) An application for a certificate that a person has been adopted in accordance with customary law shall be made to the magistrates' court for the district in which the person is ordinarily resident.
- (3) An application under this section is a land matter, and the magistrates' court hearing the application shall be composed (or deemed to be composed) in accordance with section 7(4) of the *Magistrates' Courts Ordinance*.
- (4) On the hearing of an application under this section, after considering such evidence as the applicant may tender in support of the application, if the magistrates' court is satisfied that—
  - (a) the person to whom the application relates and the prospective adoptive parent or parents are of I-Kiribati descent;
  - (b) where the person to whom the application relates is under the age of 18 years—
    - (i) the natural parents of the person;
    - (ii) where one of the natural parents has died, the surviving natural parent; or
    - (iii) where both natural parents have died, the guardian or guardians of the person,
 consent to the application; and
  - (c) the adoption of the person is in accordance with customary law, the magistrates' court may issue a certificate to the effect that the adoption is in accordance with customary law.
- (5) On receipt of a certificate issued under subsection (4) the registrar shall, without any erasure of the original entry, enter in the register the particulars of the customary adoption.
- (6) The fact that a customary adoption has not been registered under this section does not affect the validity of that customary adoption.
- (7) This section does not affect the application of clause 9 of the *Gilbert and Phoenix Islands Code*.
- (8) In this section 'customary law' has the meaning given by section 5 of the *Laws of Kiribati Act 1989*."

## 6. New section 32A

After section 32 of the principal Act, the following section is inserted in Part III—

### "32A. Registration of deaths occurring outside Kiribati"

- (1) Where a person of I-Kiribati descent has died outside Kiribati the Registrar-General may, on an application made under this section and on payment of the prescribed fee, enter the particulars of the death in the register of deaths as if the death had occurred in Kiribati.

- (2) An application under this section may be made by the father, mother, brother, sister, spouse or child of the deceased.
- (3) No application under this section shall be considered except on provision to the satisfaction of the Registrar-General of the death certificate (or a duly certified copy thereof) from the country in which the person died certifying that the death has been registered in accordance with the laws of that country.
- (4) All documents lodged with the Registrar-General under this section shall be filed separately and maintained and preserved as a supplement to the register to which it relates.”.

#### 7. New section 33A

After section 33 of the principal Act, the following section is inserted in Part IV—

##### “33A. Registration of marriages solemnised outside Kiribati

- (1) Where a marriage has been solemnised outside Kiribati and at least one of the persons married is of I-Kiribati descent the Registrar-General may, on an application made under this section and on payment of the prescribed fee, enter the particulars of the marriage in the register of marriages as if the marriage had been solemnised in Kiribati under the *Marriage Ordinance*.
- (2) An application under this section may be made by one or both of the parties to the marriage.
- (3) No application under this section shall be considered except on provision to the satisfaction of the Registrar-General of the marriage certificate (or a duly certified copy thereof) from the country in which the marriage was solemnised certifying that the marriage has been solemnised in accordance with the laws of that country.
- (4) All documents lodged with the Registrar-General under this section shall be filed separately and maintained and preserved as a supplement to the register to which it relates.”.

# BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL 2006

## EXPLANATORY MEMORANDUM

The object of the Bill is to have legal mechanism to formalize—

- (a) a change of name;
- (b) registration of customary adoption;
- (c) registration of deaths occurring outside Kiribati; and
- (d) registration of marriages solemnized outside Kiribati.

Clause 3 amends section 17 of the *Births, Deaths and Marriages Ordinance* (“the principal Ordinance”) to strengthen the provisions for registration of overseas births, to prevent possible abuse.

Clause 4 repeals section 22 and inserts a new section addressing the change of name. While it is accepted that the need for a change of name may sometimes be for illegal or unlawful purposes, the amendment of subsections (3) and (5) empowers the Registrar not to approve applications if he or she reasonably suspects that the change of name is sought for fraudulent or other improper purpose and the person making an application with intent to defraud commits an offence and is liable for imprisonment for up to 7 years.

Clause 5 inserts a new section 22A allowing for registration of customary adoptions. A customary adoption not registered is still valid (subsection (6)). The registration of customary adoption does not affect the application of clause 9 of the *Native Lands Code* dealing with the right of adopted children to inherit land from their adoptive parents.

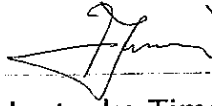
Clause 6 inserts a new section 32A dealing with registration of deaths occurring outside Kiribati. This is vital for statistics, record-keeping and for reference for those who may need it.

Clause 7 inserts a new section 33A dealing with registration of marriages solemnized outside Kiribati. Again this is vital for statistics, record-keeping and reference for those who need it.

Titabu Tabane  
Attorney-General  
19 October 2006

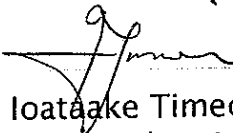
**CERTIFICATE OF THE CLERK OF THE MANEABA NI MAUNGATABU**

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 31 May 2007 and is found by me to be a true and correctly printed copy of the said Bill.



Ioataake Timeon  
Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this 04<sup>th</sup> day  
of September, 2007.



Ioataake Timeon  
Clerk of the Maneaba ni Maungatabu