

CAYMAN ISLANDS



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**THE BIRTHS AND DEATHS
REGISTRATION LAW, 1978
(Law 14 of 1978)**

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THE BIRTHS AND DEATHS REGISTRATION LAW, 1978

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CAYMAN ISLANDS

Law 14 of 1978.

T. RUSSELL

Governor

22nd June, 1978

L. S.

A LAW to replace the existing law for the registration of births and deaths.

ENACTED by the Legislature of the Cayman Islands.

Preliminary

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| Short title. | 1. This Law may be cited as the Births and Deaths Registration Law, 1978. |
| Interpretation. | 2. In this Law unless the context otherwise requires — |
| Second Schedule. | <p>“appointed fee” means the fee appointed in the Second Schedule;</p> <p>“civil status registers” means and includes all registers containing records or transcripts of records relating to births, baptism, marriages, deaths and burials;</p> <p>“counterfoil” means the duplicate portion of the registration form which is bound in the registration form book and which remains in the registration form book after the registration form has been separated;</p> <p>“general search” means a search during any number of successive hours, not exceeding six, without stating the object of the search;</p> <p>“Governor” means the Governor in Council;</p> <p>“Medical Officer for Health” has the meaning ascribed to it in the Schedule to the Health Services Law;</p> <p>“occupier” includes the keeper, master, superintendent or other chief</p> |

Cap. 148.

resident officer, of any public institution, and, where a house is let in separate apartments or lodgings, includes any person residing in such house who is the person under whom such lodgings or separate apartments are immediately held, or his agent;

"old law" means the Registration (Births and Deaths) Law repealed by this Law;

"particular search" means a search over any period not exceeding five years for any given entry;

"prescribed form" in any section means the form prescribed for the purpose of that section by regulations under section 66;

"private hospital" means any hospital or nursing home, not being a public institution;

"public institution" means a prison, lock-up, mental or other hospital, and any prescribed public or charitable institution conducted by the Government;

"register" means the general register of births or the general register of deaths, as the case may be;

"Registrar" means a person for the time being holding an appointment as such under section 39 and in connection with any birth or death or other event the Registrar for the district within which such birth, death or other event took place;

"Registrar-General" means the holder of the office established by section 4;

First Schedule.

"registration form" means a birth, death or still-birth registration form in accordance with Forms A, B, or C respectively in the First Schedule;

"Registry" means the Registry of Births and Deaths established by section 3;

"relative" includes a relative by marriage; and

"still-born" and "still-birth" applies to any 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 signs of life.

The Registry.

3. There is hereby established the Registry of Births and Death for the Cayman Islands wherein shall be kept and maintained all public records of births and deaths in the Islands.

The Registrar-General

The Registrar-General.

4. The Governor may appoint a suitable person to the office of the Registrar-General who is responsible for keeping a register of all births, marriages and deaths in the Islands and have charge and control of the Registry.

Appointment and salaries of clerks, etc.

5. The Governor may from time to time appoint such officers, clerks and servants, as he may deem necessary for carrying on the business of the

Registry.

Payment of salaries, etc.

6. The salaries of the officers, clerks and servants, and all such salaries and all other expenses of carrying this Law into execution are to be paid out of funds provided for the purpose by the Legislative Assembly.

Deputy to the Registrar-General.

7. The Governor may appoint a Deputy Registrar-General to exercise the functions of the Registrar-General in his absence.

Regulations.

8. The Governor may make regulations for the management of the Registry and for the discharge of the duties of the Registrar-General, officers, clerks and servants of the said office.

Fees of Registrar-General to be paid out.

9. All fees received by or on account of the Registrar-General under the provisions of this Law are to be accounted for and paid into the Treasury.

Publication of acts required to be done in registering births and deaths.

10. The Registrar-General is required by notices to be placed on the outside of the several churches and chapel doors and in other public and conspicuous places within the respective registration districts, to inform the public of the several acts required to be done for the purpose of registering any birth or death under the provisions of this Law.

Registration of Births

Whose duty it is to inform Registrar of birth.

11. Subject to section 12 in the case of every child born alive in the Islands, it is the duty of the father and mother of the child, and, in default of the father and mother, of the occupier of the house in which to his knowledge the child is born, and of each person present at the birth, and of the person having charge of the child, to give to the Registry, within forty-two days next after such birth, information of the particulars required to be registered concerning such birth, and indicate in Form A of the First Schedule, and in the presence of a Registrar to sign the registration form and counterfoil.

First Schedule.

Birth in public institution or private hospital.

12. (1) In the case of any child born alive in any public institution or in any private hospital it is not necessary for the person in charge of such institution or private hospital to attend personally before a Registrar to give information of the particulars required to be registered concerning such birth or to sign the registration form and counterfoil; but it is the duty of the chief resident officer of any such institution and of the person in charge of such private hospital within fourteen days of the birth to send to the Registry a certificate in the prescribed form giving the particulars required to be registered concerning such birth and thereupon the Registrar shall, if the birth has not been previously registered, register the same.

(2) The parent or other person furnishing the particulars required to be registered must subscribe his signature to the said particulars on the certificate provided under this section.

Power of Registrar to require persons to attend.

13. Where a birth has, from the default of the parents or other persons required to give information concerning it, not been duly registered, the Registrar may, at any time after the end of forty-two days from such birth, by notice in writing require any of the persons required by this Law to give information concerning such birth to attend personally at the Registry, or at the District Registry, within such time (not less than seven days after the receipt of such notice and not more than three months from the date of the birth) as may be specified in such notice, and to give information to the best of such person's knowledge and belief of the particulars required to be registered concerning

such birth, and to sign the registration form and counterfoil in the presence of the Registrar, and it is the duty of such person, unless the birth is registered before the expiration of the time specified in such requisition, to comply with such requisition.

Whose duty it is to inform as to birth of a new-born child found exposed.

14. In case any living new-born child is found exposed, it is the duty of any person finding such child, and of any person in whose charge such child may be placed, to give to the best of his knowledge and belief to the Registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses, and in the presence of the Registrar to sign the registration form and counterfoil.

Midwife to notify Registrar of birth.

15. In the case of any birth, other than a birth in a public institution or private hospital, at which a midwife is in attendance, it is the duty of the midwife, within forty-eight hours of such birth, to serve notice thereof in writing to the Registrar.

Duty of Registrar as to births and registering same.

16. It is the duty of a Registrar to inform himself carefully of every birth which happens within his district, and upon receiving personally from the informant, at any time within three months from the date of the birth of any child or the finding of any living new-born child, information of the particulars required to be registered concerning the birth of such child, forthwith in the prescribed form and manner to register the birth and the said particulars (if not previously registered), without fee or reward from the informant, except that if in pursuance of a written requisition he registers the same at the residence of the person making such requisition, or at the house in which the birth took place, he shall, unless the birth took place in a public institution be entitled to the appointed fee.

Registration of a birth.

17. (1) After the expiration of three months after the birth of any child a Registrar shall not register such birth except as in this section provided; that is to say, in case the birth of any child has not been registered in accordance with this Law the Registrar may, after three and not later than twelve months next after the birth, by notice in writing, require any of the persons required by this Law to give information concerning the birth to attend personally at the Registry within such time (not less than seven days after receipt of the notice, and not more than twelve months after the date of the birth) as may be specified in the notice, and make before him and some Justice, or in default of a Justice some other respectable witness, a solemn declaration, according to the best of the declarant's knowledge and belief, of the particulars required to be registered concerning the birth, and sign the registration form and counterfoil in the presence of the Registrar and Justice or other witness; and upon any of the said persons attending before a Registrar and Justice or other witness, whether in pursuance of a requisition or not, and making such a declaration as aforesaid, and giving information concerning the birth, the Registrar shall then and there in the presence of such Justice or witness register the birth according to the information of the declarant, and the Justice or witness before whom the declaration is made shall, as well as the Registrar and declarant, sign the entry of the birth.

(2) After the expiration of twelve months next after the birth of any child that birth may not be registered, except with the written authority of the Registrar-General for registering the same, and except in accordance with the prescribed rules, and the fact of such authority having been given must be entered on the registration form and counterfoil. Such authority may not, however, be given by the Registrar-General after any child is ten years of age,

unless the Registrar-General is satisfied by evidence that there were good and sufficient reasons to account for the delay in registration.

(3) Every person who registers or causes to be registered the birth of any child in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

How a person who has removed from the proper district may give information.

18. (1) Whoever required by this Law to give information concerning a birth removes before such birth is registered out of the district in which he resides in which such birth has taken place, may within three months after such birth give information by making and signing before the Registrar a declaration in writing of the particulars required to be registered concerning such birth; and such Registrar, on payment of the appointed fee, is to receive and attest the declaration and send the same to the Registrar of the district in which the birth took place; and the last-mentioned Registrar must in the prescribed manner enter the birth on the registration form and counterfoil and the entry so made is deemed, for the purposes of this Law, to have been signed by the person who signed the declaration.

(2) A person making a declaration in pursuance of this section in the case of any birth is deemed to have complied with the provisions of this Law as to giving information concerning that birth, and with any requisition of the Registrar made under this Law within the said three months to attend and give information concerning that birth.

Name of father of illegitimate child to be entered by Registrar.

19. The name of the father of the child of a single woman is to be entered by the Registrar on the registration form and counterfoil in the following circumstances --

(a) if the mother and the person acknowledging himself to be the father of such child attend personally before the Registrar and request him to make such entry, in which case the mother and the person acknowledging himself to be the father must both sign the form and the counterfoil; or

(b) if the Registrar is furnished with a declaration in the prescribed form signed by the mother and by the person acknowledging himself to be the father of such child, and by a Justice, the Clerk of the Court, a registered medical practitioner, an attorney-at-law, or a marriage officer taking the declaration of the mother and of the person acknowledging himself to be the father; or

(c) if the mother or the person acknowledging himself to be the father attends personally before the Registrar and requests the Registrar in writing to enter the name of the person alleged or acknowledging himself to be the father and presents a declaration from the other of the two parents signed in accordance with paragraph (b), and the request and declaration are both to the same effect.

Registry of name or altered name of child given since first registration.

20. (1) When the birth of any child has been registered and the name (if any) by which it was registered is altered, or if it was registered without a name, when a name is given to it, the parent or guardian of such child, or other person procuring such name to be altered or given, may within twelve months next after the registration of the birth deliver to the Registrar such certificate as is hereinafter mentioned; and the Registrar on receipt of such certificate, and on payment of the appointed fee, must forthwith, if he still has in his possession the registration form book containing the counterfoil of the registration of such child, without any erasure of the original entry, enter on such counterfoil the

name mentioned in the certificate as having been given to the child, and state on the certificate the fact of such entry having been made, and send the certificate to the Registrar-General, who must thereupon, without any erasure of the original entry, enter into the general register of births, at the place where the birth of such child is registered, the name mentioned in the certificate as having been given to the child, and write upon such certificate the fact of such entry having been made, and if the registration form book containing the counterfoil of the registration of such child is in his possession, do such acts and things as are hereinbefore required to be done by the Registrar in cases where such book is in his possession. And the Registrar-General must, without any erasure, cause the index book, in cases where the birth of such child is already indexed, to be altered accordingly.

(2) Every minister or person who performs the rite of baptism must deliver a certificate in the prescribed form of name given in baptism within two days of demand being made, on payment of a fee not exceeding ten dollars, and this is the certificate required under subsection (1):

Provided that in the case of the death, absence or removal of the minister who performed the rite of baptism, the minister or person in charge of the church, chapel or place of worship at which such baptism was performed must on such demand and on payment of such fees furnish a copy of the record of such baptism from the Register of such church, chapel or place of worship and endorse thereon a certificate in the prescribed form.

(3) Where a child has not been baptised or where it is proved to the satisfaction of the Registrar-General that the record of baptism has been lost or destroyed the certificate required under subsection (1) becomes a certificate of naming in the prescribed form and must be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered. No fee is payable by any person procuring a name of a child to be given, if such person delivers a certificate of naming to the Registrar within forty-two days of the birth of such child:

Provided that after the expiration of twelve months next after the registration of the birth of any child, the name (if any) by which it was registered must not be altered on, or if it was registered without a name, and a name has since been given, such name must not be added to the registration entry, except with the written authority of the Registrar-General, and the fact of such authority having been given must be entered on the registration form and counterfoil. In every such case the parent or guardian of the child must deliver to the Registrar-General such certificate as is required by this section, and on payment of the appointed fee, the Registrar-General is to enter or cause to be entered on the registration form and counterfoil containing the registration of birth of such child, the name mentioned in the certificate as having been given to the child, and the Registrar-General is to cause the index book of births to be altered. Such authority may not, however, be given by the Registrar-General after any child is ten years of age unless the Registrar-General is satisfied by evidence that there were good and sufficient reasons to account for the delay in registration.

Registrar's certificate of registration and fee.

21. A Registrar must, upon demand made at the time of registering any birth by the person giving the information concerning the birth and upon payment of the appointed fee, deliver to such person a certificate under his hand, in the prescribed form, of having registered that birth.

Registration of Deaths

Death and cause of

22. The death of every person dying in the Islands and the cause of such death,

death to be registered.

must be registered by the Registrar in the manner directed by this Law.

Information and registry of any death in a house.

23. When a person dies in any house it is the duty of the nearest relative of the deceased present at the death or in attendance during the last illness of the deceased, and, in default of such relatives, of every other relative of the deceased dwelling or being in the same Registrar's district as the deceased, and in default of such relatives, of each person present at the death, and of the occupier of the house in which to his knowledge the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such house, and of the person causing the body of the deceased person to be buried or cremated, to give to the best of his knowledge and belief to the Registrar, within the five days next following the day of such death, information of the particulars required to be registered concerning such death, and in the presence of the Registrar to sign the registration form and counterfoil.

Information of any death or of any body found elsewhere than in a house.

24. Where a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, it is the duty of every relative of such deceased person having knowledge of any of the particulars required to be registered concerning the death and, in default of such relative, of every person present at the death, and of any person finding, and of any person taking charge of the body, and of the person causing the body to be buried or cremated, to give to the Registrar, within the five days next after the death or the finding, such information of the particulars required to be registered concerning the death as the informant possesses, and in the presence of the Registrar to sign the registration form and counterfoil.

Extension of time if written notice, etc. sent.

25. If a person required to give information concerning any death sends to the Registrar a written notice of the occurrence of the death, accompanied by such medical certificate of the cause of the death as is required by this Law to be delivered to a Registrar, the information of the particulars required by this Law to be registered concerning the death need not be given within the said five days but must, notwithstanding such notice, be given within fourteen days next after the day of the death by the person giving such notice, or some other person required by this Law to give the information.

Powers of Registrar to require persons to attend.

26. Where any death has, from the default of the person required to give information concerning it, not been registered, or notice has not been given under section 25, a Registrar may, at any time after the expiration of five days and within twelve months from the day of such death or from the finding of the dead body elsewhere than in a house, by notice in writing require any person required by this Law to give information concerning such death to attend personally at the Registrar's office or house within such time (not less than seven days after the receipt of the notice, nor more than twelve months after the death or finding of the dead body) as may be specified in the notice, and to give the said information to the best of the informant's knowledge and belief, and to sign the registration form and counterfoil in the presence of the Registrar; and it is the duty of such person, unless the death is registered before the expiration of the time specified in the requisition to comply with the requisition.

Duty of Registrar as to deaths and registering them.

27. It is the duty of a Registrar to inform himself carefully of every death which happens within his district and upon receiving personally from the informant, at any time within twelve months after the date of any death or of the finding of any dead body, information of the particulars required to be registered concerning the death from any person required by this Law to give the same, forthwith in the prescribed form and manner to register the death

and the said particulars (if not previously registered) without a fee or reward from the informant, except that if in pursuance of a written requisition he registers the same at the residence of the person making such requisition or at the house where the deceased died he is, unless the death took place in a public institution, entitled to the appointed fee.

Certificate of death for friendly society.

Cap. 59.

28. If a Registrar at the time of entering the death of any person is informed that the deceased was a member of a friendly society registered under the Friendly Societies Law, he must give on demand and on payment of the appointed fee a certificate under his hand in the prescribed form that he has registered the death of the said deceased.

Registration of a death after twelve months.

29. (1) After the expiration of twelve months next after any death or after the finding of any dead body elsewhere than in a house, that death may not be registered except with the written authority of the Registrar-General for registering the same, and except in accordance with the prescribed rules, and the fact of such authority having been given must be entered on the registration form and counterfoil.

(2) Every person who registers or causes to be registered any death in contravention of this section is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

Coroner to certify as to inquest and finding, registration thereof.

30. (1) When an inquest is held on any death or dead body the Coroner is to inquire of and find the particulars required by this Law to be registered concerning the death, and send to the Registrar for the district, within five days after the finding is given, a certificate under his hand giving information concerning the death, and specifying any finding with respect to the said particulars and to the cause of death, and specifying the time and place at which the inquest was held; and the Registrar is required, if the death has not been previously registered, to register the same and enter on both the form and counterfoil the date of the inquest, the name of the Coroner or other officer holding the same, and the verdict; and attach the said certificate to the said form and send them in due course to the Registrar-General.

(2) If the death has been previously registered, and the registration form book containing the counterfoil of such registration is still in his possession, the Registrar is to enter on such counterfoil the above particulars, and send the certificate to the Registrar-General.

(3) The Registrar-General in any such case must, in addition to the things by this Law required to be done in ordinary cases, cause the abovementioned particulars touching the inquest to be entered on the registration form in his possession, and in the event of the registration form book having been sent to the Registry, cause such particulars to be entered also on the counterfoil containing the entry, and cause the said certificate to be put away with the registration form, in such place as may be provided.

(4) Where an inquest is held on any death or dead body, no person, with respect to such death or dead body, is liable to attend on a requisition of a Registrar, or be subject to any other provision of this Law.

Registration of still-births.

First Schedule.

31. (1) The birth of every still-born child is to be registered by the Registrar in a Register of Still-births containing the heads of information prescribed in Form C of the First Schedule.

(2) In the case of every still-birth, it is, unless there has been an inquest, the duty of the person who would, if the child had been born alive, have been

required by this Law to give information concerning the birth, to give information to the Registrar of the particulars required to be registered concerning the still-birth; and every person upon giving such information must either —

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

(ii) make a declaration in the prescribed form to the effect that no registered medical practitioner or certified midwife 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.

(3) The provisions of sections 13, 14, 16, 41, 42, 43, 44, 46, 53, 63 and 64 apply to the registration and entry of a still-birth in like manner as they apply to the registration or entry of the birth of a child born alive and the word "birth" in the said sections includes still-birth unless such construction is inconsistent with the context.

Registrar's certificate and order for burial.

32. (1) A Registrar, upon registering any death, or upon receiving such written notice of the occurrence of a death accompanied by a medical certificate as is before provided by this Law, must forthwith give, without fee or reward, to the person giving information concerning the death or sending the notice, a certificate under his hand in the prescribed form that he has registered or received notice of the death, as the case may be.

(2) In the case of the death of any person in which a Coroner must either —

(a) direct a medical practitioner to make a post mortem examination under the Coroner's Law of the body of the deceased person and upon the receipt of the report of such examination authorize the burial of the body; or

(b) decide, after investigation, that the circumstances of the death are not such as require the making of a post mortem examination under the Coroner's Law,

the said Coroner is to deliver to the person causing the body to be buried an order for burial in the prescribed form and notify the Registrar in writing within forty-eight hours that the said order has been delivered to such person.

(3) Every certificate of a Registrar and every order for burial issued under this section must be delivered to the person effecting the burial of the body of the deceased person, and any person to whom such certificate is given by the Registrar who fails so to deliver or cause the same to be delivered is guilty of an offence and liable on summary conviction to a fine not exceeding thirty dollars.

(4) The body of a deceased person may not be buried before a certificate of the Registrar or an order for burial issued under this section has been delivered to the person effecting the burial, that is to say —

(a) in the case of burial in a burial ground, to the person who has control over or ordinarily buries bodies in such burial ground;

(b) in the case of burial not in a burial ground, to the relative, friend or legal representative having charge of or being responsible for the burial;

(c) in the case of burial in a public cemetery to the keeper of the

Law 26 of 1975.

Law 26 of 1975.

cemetery:

Provided that a person effecting the burial may proceed with the burial if he satisfies himself by obtaining a written declaration in the prescribed form that a Registrar's certificate or order for burial has in fact been issued in respect of the deceased.

(5) The person effecting the burial of the body of a deceased person must within ninety-six hours of the burial, deliver to the Registrar in the prescribed manner a notification as to the date and place of the burial.

(6) Whoever effects the burial of the body of a deceased person in contravention of this section or fails to deliver to the Registrar a notification of the date and place of the burial as required by this section is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

Burial of still-born child.

33. (1) A Registrar, upon registering any still-birth or upon receiving a written certificate or a written declaration concerning a still-birth as before provided by this Law, must forthwith, if requested so to do, give, without fee or reward, to the person giving information concerning the still-birth a certificate under his hand in the prescribed form that he has registered or received notice of the still-birth as the case may be.

(2) A person who has control over or ordinarily buries bodies in any burial ground may not permit to be buried or bury in such burial ground any still-born child before there is delivered to him a Registrar's certificate as provided under this section, or an order for burial under section 32. Whoever contravenes this subsection is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

As to burial of two bodies in one coffin.

34. (1) Where there is in the coffin in which any deceased person is brought for burial the body of any other deceased person, or the body of any still-born child, the undertaker or other person who has charge of the funeral must deliver to the person who buries or performs any funeral or religious service for the burial of such body or bodies, notice in writing, signed by such undertaker or other person, and stating to the best of his knowledge and belief with respect to each such body the following particulars —

- (a) if the body is the body of a deceased person, the name, sex and place of abode, of the said deceased person;
- (b) if the body has been found exposed and the name and place of abode are unknown, the fact of the body having been so found and of the said particulars being unknown; and
- (c) if the body is that of a deceased child without a name or a still-born child, the name and place of abode of the father, or, if it is illegitimate, of the mother of such child.

(2) Whoever fails to comply with the requirements of this section is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

Certificate of Cause of Death

As to certificate of cause of death.

35. (1) (a) The Registrar-General is required from time to time to furnish to every Registrar printed forms of certificates of cause of death by registered Medical Practitioners, and every Registrar is to furnish such forms gratis to any registered medical practitioner residing in such Registrar's district.

(b) In the case of the death of any person who has been attended during

his last illness by a registered medical practitioner that practitioner is to sign, and give to some person required by this Law to give information concerning the death, a certificate stating to the best of his knowledge and belief the cause of death, and such person must, upon giving information concerning the death, or giving notice of the death, deliver that certificate to the Registrar, and the cause of death as stated in that certificate must be entered in the register, together with the name of the certifying medical practitioner. The cause of death in such certificate is to be stated as nearly as may be in plain English.

Law 26 of 1975.

(c) When a post mortem examination is made on the body of any deceased person under the Coroner's Law it is not necessary that the cause of death as stated in a medical certificate of death be entered in the register, but there shall be entered —

(i) in case where an inquest is held concerning the death of such person, the cause of death stated in the certificate of the Coroner under section 30;

(ii) in case where no inquest is held, the cause of death stated in the certified copy of the medical report sent to the Registrar by the Coroner under the provisions of the Coroner's Law.

Law 26 of 1975.

(2) Whoever is given a medical certificate by a registered medical practitioner in pursuance of this section and fails to deliver it to the Registrar is guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars.

As to uncertified death.

Law 26 of 1975.

36. (1) In the case of any death in respect of which no medical certificate of the cause of such death can be obtained and no post mortem examination under the Coroner's Law has been made, the person required to give information concerning the death must deliver to the Registrar a written declaration that no medical practitioner attended the deceased during his last illness or, if the deceased were so attended, declare in writing the reasons why a medical certificate cannot be obtained. On receipt of such declaration the Registrar may register the death or, if it appears to him that it will be possible in the future to obtain a medical certificate of the cause of death of the deceased, the Registrar may, without registering the death, issue a certificate under section 32 that he has received notice of the death of the said deceased:

Provided that where there is reasonable cause to suspect that the deceased has died either a violent or an unnatural death, or has died a sudden death of which the cause is unknown or has died in such place or under such circumstances as to require an inquest in pursuance of any law, such death may not be registered until investigation under the Coroner's Law has been made.

Law 26 of 1975

Law 26 of 1975.

(2) In any case where the Registrar has received notice of a death in respect of which no medical certificate of cause of death can be obtained and in which no post mortem examination under the Coroner's Law has been ordered, he must forthwith send notice in writing of such death to the Medical Officer for Health, and if as a result of investigations into the circumstances of the death the Medical Officer for Health at any time within forty-two days of the date of death, sends a written certificate of the cause thereof, the Registrar must enter the particulars of such cause on the counterfoil of the registration form, or on the form and counterfoil if both are still in his possession, and send such certificate to the Registrar-General.

Births or Deaths on Ships in Caymanian Waters

Report of births and

37. In the case of births or deaths on board any ship moored in port or harbour

deaths on board ships or coasting vessels.

or other water within the limits of the Islands, the master or chief officer is bound to report such birth or death in like manner, and is guilty of an offence and subject to the like penalties in case of disobedience, as is required of the occupier of a house on shore, and the master or chief officer of any Caymanian craft must also in like manner, and subject to the like penalties as aforesaid, report in like manner every birth or death on board any such craft, whether moored or on any coasting or other voyage within the Islands.

Registrars

Registrar's districts; their formation and alteration.

38. The Governor may, for purposes of this Law, divide the Islands into such districts as he shall think fit; and every such district is called by a distinct name, and is a Registrar's district; and the Governor may from time to time if it seems to him fit, alter the districts of Registrars, by the alteration of the boundaries of districts, by the formation of new districts, or by the union of districts, and may take or cause to be taken all measures which seem to him to be necessary for carrying such alteration into effect, and such alteration shall be made and measures taken accordingly; and every such division of the Islands or change in the district of a Registrar is to be published in the Gazette, and by advertisement or otherwise as the Registrar-General may direct.

Appointment, etc. of Registrars.

39. The Governor may appoint fit persons, with such qualifications as he may by any general rule declare to be necessary, to be Registrars of births and deaths within each Registrar's district in the Islands, and in every case of vacancy.

Appointment and duties, etc., of deputies of Registrars.

40. Every Registrar may, subject to the approval of the Registrar-General, appoint by writing under his hand a fit person to act as his deputy in case of his illness or unavoidable absence, and every such deputy while so acting has all the powers and duties, and is subject to all the penalties, herein declared concerning Registrars, and in case of the death or resignation of a Registrar is to act as Registrar until another Registrar is appointed, and every Registrar is civilly responsible for the acts and omission of his deputy.

Registrar and Deputy Registrar to reside or have an office within his district.

41. (1) Every Registrar and Deputy Registrar is either to dwell in or have a known office within the district of which he is Registrar or Deputy Registrar.
(2) Every Registrar shall, if so directed by the Registrar-General, appoint within or contiguous to his district a station or stations as may be directed by the Registrar-General; every such station shall, for the purposes of the provisions of this Law with respect to the attendance of persons and registration of births and deaths at the office of the Registrar, be deemed to be his office.

(3) Every Registrar and Deputy Registrar shall attend at his dwelling-house or office, and at each such station, on the days and at the hours approved by the Registrar-General, for the purpose of registering births and deaths.

(4) Every Registrar shall cause to be placed, in some conspicuous place, on or near the outer door of the dwelling-house or office which he has within his district, his name, with the addition of Registrar for the district for which he is Registrar, and the hours of his attendance as approved by the Registrar-General; and a list of such Registrars in any Island, with their residences, shall be kept at each police station, and at each post office within such Island.

Registrar to furnish certified returns as required.

42. (1) Every Registrar, when and as required by or under the authority of any Law for the time being in force, or of any general or special order to be

made by the Governor, is to transmit by post or otherwise a return, certified under his hand to be a true return, of such of the particulars registered by him concerning any birth or death as may be specified in any requisition addressed to him by any public officer or government department by or under any such authority.

(2) The officer or government department may, by any such requisition, supply a form for the purpose of the return, and in that case the return shall be made in the form so supplied.

(3) A Registrar making such return is entitled to the appointed fee therefor which fee is to be paid by the officer or government department requiring the return:

Provided that no fee is payable for the particulars required to be supplied by the Registrar to the Medical Officer for Health under subsection (2) of section 36.

Register books and forms to be provided.

First Schedule.

How births and deaths to be registered.

First Schedule.

Transmission monthly of registration forms as filled up

Custody of registration form book by Registrars.

Registration form books to be examined by the Registrar-General.

Examination and custody thereof, by Registrar-General.

Constitution of

43. The Registrar-General must provide for the use of the Registrars such number of books, herein called registration form books, for registering births and deaths respectively, and of forms, as shall be necessary for the execution of this Law. Each page of such books contains one form attached to a counterfoil as shown in Forms A, B and C of the First Schedule, and the said form and counterfoil have such matter printed thereon as is indicated in the said Schedule. Each form thus constituting a separate page in the said book together with its counterfoil is numbered progressively from the beginning to the end of the book, beginning with number one, and shall moreover have, before or after such number, letters or figures to distinguish the book to which they respectively belong. Each form and counterfoil is printed on one side only.

44. The registration of any birth or death under the provisions of this Law is effected by the Registrar filling up, on one of the forms contained on one page of the said book, and on the counterfoil thereof, the information required by this Law to be given respecting a birth or death and indicated in Forms A, B and C of the First Schedule, and by procuring the said form and counterfoil to be signed in his presence in cases where it is required to be signed.

45. Within the first three days of every calendar month the Registrar is to separate from the counterfoil aforesaid the registration forms that have been filled up during the preceding month, and send the same by post to the Registrar-General, who then causes the said forms to be filed and safely preserved in the Registry.

46. Every Registrar must keep safely the births and deaths registration form books supplied to him for the purposes of this Law until every place of entry therein is filled, or until he ceases to be a Registrar, and shall then return them to the Registrar-General.

47. The registration form books are, on receipt thereof, to be compared with the registration forms filed and preserved in the Registry in accordance with the provisions of section 45, and further be examined by the Registrar-General in such way as may appear necessary.

48. The Registrar-General after making such examination of the said registration form books as appears necessary, is to retain them for safe custody in the Registry.

49. The birth registration forms and death registration forms which have been

general register of births and deaths.

filled up during any period and which have been filed and preserved in the Registry in accordance with the provisions of section 45 constitute the general register of births and the general register of deaths respectively for that period.

Transfer of books, etc. to successor in office of Registrar.

50. In every case in which a Registrar dies, or otherwise ceases to hold his office, all register boxes, keys, books, documents and papers, in his possession as such Registrar, or which come into the possession of his representatives, are to be given up as soon as conveniently may be to his successor in office; and whoever contravenes this section is guilty of an offence and liable upon summary conviction to a fine not exceeding \$500 or to a term of imprisonment not exceeding one year or both.

Correction of Errors

How errors to be corrected.

51. (a) No alteration may be made in any book or register kept under this Law except as authorized by this Law.
- (b) Any clerical error which may from time to time be discovered in any book or register may be corrected by any person authorized in that behalf by the Registrar-General, subject to the prescribed rules.
- (c) An error of fact or substance in any such book or register may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of such book or register, upon payment of the appointed fee, and upon production to him by the person requiring such error to be corrected of a statutory declaration setting forth the nature of the error and the true facts of the case, and made by two persons required by this Law to give information concerning the birth or death with reference to which the error has been made, or in default of such persons then by two credible persons having knowledge of the truth of the case.

Re-registration of birth of legitimated persons.

52. (1) The Registrar-General may, on production of such evidence as appears to him to be satisfactory, and, subject to subsection (3), on payment of the appointed fee, authorize at any time the re-registration of the birth of a legitimated person whose birth is already registered under this Law, and such re-registration shall be effected in such manner and at such place as the Governor may by regulations prescribe:

Provided that the Registrar-General shall not authorize the re-registration of the birth of any legitimated person in any case where information with a view to obtaining such re-registration is not furnished to him by both parents, unless --

- (a) the name of the person acknowledging himself to be the father of the legitimated person has been entered in the register in pursuance of section 19; or
- (b) the paternity of the legitimated person has been established by an affiliation order under the Affiliation Law or otherwise by an order of a court.

Law 10 of 1973.

(2) It is the duty of the parents of a legitimated person, or, where one of the parents is dead, of the surviving parent, within three months, to furnish to the Registrar-General information with a view to obtaining the re-registration of the birth of that person.

(3) No fee for the re-registration of a legitimated person under this Law is payable if the necessary information for the purpose is furnished within the time above specified.

(4) Upon the re-registration of the birth of a legitimated person the

Registrar-General is to cause a note of the fact of such registration to be entered in the margin of the original entry of such birth in the general register of births and in the margin of the entry in the registration form book deposited in accordance with section 48, and thereafter no certified copy of such original registration may be issued under section 55 except on the order of a court.

Report

Registrar-General to report annually to the Legislative Assembly.

53. The Registrar-General once in every year is to lay before the Legislative Assembly a general report of the working of the department, and as to births and deaths registered during the foregoing year, in such form, and dealing with such particulars, and comprising such analytical and other tables, and at such date, as may from time to time be prescribed.

Indices

Indices to registers in registry; searching and office copies.

54. The Registrar-General is to cause indices of all registers of births and deaths and of all civil status registers kept by him to be made and kept in the Registry; and every person shall, subject to such rules as shall from time to time be made by the Registrar-General with the approval of the Governor, and on payment of the appointed fee, be entitled to search the said indices between the hours of half past nine in the morning and half past three in the afternoon of every Government working day.

Certified Copies

Certified copy of entry in registers.

55. (1) Whoever makes application in the prescribed form and upon payment of the appointed fee is entitled to obtain from the Registrar-General a certified copy of any entry in the registers of births and deaths or in the civil status registers kept by the Registrar-General and such copy must show all particulars which appear on the original entry and all corrections or additions thereto made under the provisions of this Law.

(2) Whoever makes application in the prescribed form and pays the appointed fee is entitled to obtain from the Registrar-General a certificate in the prescribed form of the birth of any person compiled from the register of births and no certificate issued under this subsection may include any particulars except the name, surname, sex and date and place of birth and such other particulars, if any, as may be prescribed, not being particulars relating to parentage:

Provided that the Registrar-General may refuse to issue a certified copy or a certificate under this section in any case where there are reasonable grounds to suspect that such certified copy or certificate will be used for an unlawful purpose.

Periodical Accounts

Registrar to forward account to Registrar-General

56. Every Registrar is to make out an account for such periods as shall from time to time be appointed by the Registrar-General of the number of births, deaths, and still-births which he has registered and of the number of other entries made under this Law for which a fee payable by the Registrar-General from the public revenues is appointed, and forward the said account to the Registrar-General, who, if satisfied with the correctness of such account, is to authorize the Treasury to pay the appointed fees to the said Registrar:

Provided that no fee may be paid for any registration or for any other entry

made unless such registration or entry has been made in accordance with the instructions of the Registrar-General.

Seal of Office

Seal of office; its use.

57. The Registrar-General has charge of the seal of the Registry for sealing all certified copies of entries given therein; and every certified copy of an entry purporting to be sealed or stamped with such seal (which seal it shall not be necessary to prove) is admissible, subject to section 58 as evidence of the birth or death to which the same relates, without any further or other proof of such entry, and no certified copy purporting to be given in the said office shall be of any force or effect unless it is sealed or stamped as aforesaid.

Evidence

How far certified copies evidence.

58. (1) An entry of a birth or death in a registration form book may not be given in evidence of such birth or death unless it purports to be signed by some person professing to be the informant, and such person purports to be such a person as is required by law at the date of such entry to give to the Registrar information concerning such birth or death, or unless such entry purports to have been made upon a certificate from a Coronor or from some other person duly authorized to give the same.

(2) When from any such entry as aforesaid it appears that more than three months intervened between the day of the birth and the day of the registration of the birth of any child, such entry is not evidence of such birth unless the same purports —

(a) if it appears that not more than twelve months have so intervened, to be signed by the witnesses by this Law required to witness the entry as well as by the Registrar; or

(b) if more than twelve months have so intervened, to have been made with the authority of the Registrar-General and in accordance with the prescribed rules.

(3) When more than twelve months have intervened between the day of a death or the finding of a dead body and the day of the registration of the death or the finding of such body, the entry made of the death in any registration form book under this Law is not evidence of such death unless such entry purports to have been made with the authority of the Registrar-General and in accordance with the prescribed rules.

(4) In the case of a certified copy of an entry in any register under this Law, such entry may be assumed to be accurately taken from a registration form in manner required by this Law; but such copy may not be given in evidence as aforesaid unless it purports to be a copy of an entry taken from a registration form signed or made as above stated.

Exemption from Stamp Duty

Exemption from stamp duty.

59. Certified copies of registers under this Law are exempt from stamp duty.

Financial

Expenses of carrying out this Law.

60. All expenses of carrying this Law into execution not herein otherwise provided for, are payable out of the moneys provided for the purpose by the

Legislative Assembly.

Civil Status Records

Registrar-General to keep civil status registers.

61. The Registrar-General has custody of and is responsible for the safe keeping of all Civil Status Registers and documents relating thereto.

Refusal or omission to register, or losing or injuring register books.

62. Subject to section 58, every copy of an entry in a Civil Status Register regarding births and deaths, sealed and stamped with the seal of the Registry is admissible as evidence of the facts therein set forth.

Omission to Register

Refusal or omission to register, or losing or injuring register books.

63. Every Registrar who refuses or without reasonable cause omits to register any birth or death, or particulars concerning which information has been tendered to him by an informant and which he ought to register, and every person having the custody of any register book of births and deaths who negligently loses or injures or allows the injury of the same is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars.

Omissions to give information or certificate required by this Law and general penalty.

64. (1) Whoever being required by this Law to give information concerning any birth and death, or any living new-born child, or any dead body, wilfully refuses to answer any question put to him by the Registrar relating to the particulars required to be registered concerning such birth or death, or fails to comply with any requisition of the Registrar made in pursuance of this Law, or refuses or fails without reasonable excuse to give or send any certificate in accordance with the provision of this Law, or being the parent of any child fails to give information concerning the birth of such child as required by this Law is guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars.

(2) Whoever contravenes any provision of this Law for which no penalty is specifically provided by this or any other Law is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

Miscellaneous

Forms in First Schedule incorporated.

65. The forms in the First Schedule or forms as nearly resembling the same as circumstances admit are to be used in all cases in which they are applicable, and when so used are valid in law.

Powers to alter forms, and make and alter rules.

66. (1) The Governor may by order alter from time to time all or any of the forms contained in the First Schedule, or in any order under this section, in such manner as may appear best for carrying this Law into effect, or to prescribe new forms for that purpose, and from time to time make rules prescribing any matters authorized by this Law to be prescribed.

(2) Orders and rules made in pursuance of this section are to be published in the Gazette.

(3) Every form when altered in pursuance of this section has the same effect as if it had been contained in a Schedule, and every rule made in pursuance of this section has, while in force, the same effect as if it were enacted in this Law.

Fees payable and

67. (1) The fees prescribed in the Second Schedule are payable in respect of

power to alter,
delete or add to such
fees.
Second Schedule.
Repeal of Cap. 148.
Savings.

the services rendered under the sections of this Law therein specified.
(2) The Governor may by order from time to time alter, delete or add to the fees prescribed in the Second Schedule.
68. The old law is hereby repealed.
69. All records held under the old law continue to be held under this Law and merge with the records made under this Law as the official records of the Islands and the offices and office staff employed under the old law continue to be employed under this Law with such new designations, if any, as may be appropriate.

Form A FIRST SCHEDULE

BIRTH REGISTRATION FORM

BIRTH IN THE DISTRICT OF (Sections 2, 11, 31, 43, 44, 65)
No.

Place of Birth Date of Birth Name of Child Physician or registered midwife in attendance Name and Surname Age at time of the birth Occupation Birthplace		Sex Town or Village No. of Children previously born to mother Father Name and Surname Age at time of the birth Occupation Birthplace		Usual Residence of Mother Mother Name and Maiden Surname Age at time of the birth Occupation Birthplace	
Name and Surname Qualification		Informant Residence Town or Village			
Signed in my presence by the said informant (or) Entered by me from the particulars on a certificate received from (Witness) Date		Registrar's Certificate Signed Registrar			
Name if added after Registration of Birth		Name if added after Registration of Birth			
Name Authority		Date added			

Form B DEATH REGISTRATION FORM

DEATH IN THE DISTRICT OF No.

Place of Death		Usual Residence of Deceased	
Town or Village		Town or Village	
Particulars of Deceased		Cause of Death	
Date of Death		I (Immediate Cause)	(a)
Full Name			(b) due to
Sex	Condition	II (Contributory)	(c) due to
Age	years. months. days		
Occupation or calling			
Birthplace		Certified by	Qualification

Informant	
Name and Surname	Residence
Qualification	Town or Village

Signed in my presence by the said informant (or) Registrar's Certificate

Entered by me from the particulars on a certificate received from (Witness) Signed Registrar

Date

Form C STILL-BIRTH REGISTRATION FORM

STILL-BIRTH IN THE DISTRICT OF No.

Place of Still-Birth		Usual Residence of Mother	
Town or Village		Town or Village	
Date of Still-Birth		(a) Foetal Cause	Cause of Still-Birth
Sex		(b) Maternal Cause
Certificate or Declaration upon which registered		Did child die before or during labour?	
Father		Mother	
Name and Surname	Name and Maiden Surname	Age at time of the still-birth	
Age at time of the still-birth	years	Occupation	
Occupation		Birthplace	
Birthplace			

Informant	
Name and Surname	Residence
Qualification	Town or Village

Signed in my presence by the said informant (or) Registrar's Certificate

Entered by me from the particulars on a certificate received from (Witness) Signed Registrar

Date

SECOND SCHEDULE
(Sections 2 and 67)

Section of Law	Service performed or other occasion for fee	Amount of fee \$
	Part I FEEES PAYABLE FROM THE PUBLIC REVENUE TO REGISTRARS WHO ARE NOT CIVIL SERVANTS A- By the Registrar-General	
56.	Registration of each birth, death and still-birth - For every registration	2.00
19.	Entering the name of the father of the child of a single woman	1.00
20.	Entering a name mentioned in a certificate of naming if such certificate be delivered to the Registrar within forty-two days of the birth	2.00
	B - By other Public Officers or Government Departments	
42.	Furnishing upon requisition to any public officer or government department a return of particulars concerning any birth or death registered —	
	For each separate birth or death in such return	1.00
	For furnishing a return when no birth or death required by the return has been registered	1.00
	Part II FEEES PAYABLE TO REGISTRARS (OR TO THE REGISTRAR-GENERAL) BY PRIVATE PERSONS	
16. & 27.	Attending, in pursuance of a written requisition, at the residence of the person making such requisition or at the house in which a birth or death took place and there registering such birth or death (payable by the person making the requisition)	10.00
17.	Registering a birth after the expiration of three months from the date of birth, in the presence of a Justice of the Peace or other witness (payable by the informant; unless the Registrar, having knowledge of the birth, failed to issue a requisition within three months of the date thereof or unless the delay was due to the Registrar's default)	1.00
17.	Registering a birth after the expiration of twelve months on the	

	authority of the Registrar-General (payable by the informant or declarant)	20.00
18.	Taking, attesting and transmitting a declaration of particulars of a birth required to be registered in another district (payable by the informant)	2.00
20.	Entering the baptismal or other name on the registration form and counterfoil (or on the counterfoil only) of a birth already registered (payable by the informant except in case of a name entered on the authority of a certificate of naming within forty-two days of the date of birth) —	
	(i) if entered within twelve months of the date of registration	1.00
	(ii) if entered, on the authority of the Registrar-General, after the expiration of twelve months from the date of registration	10.00
21.	Delivering a certificate of having registered a birth upon demand to the person giving information concerning the birth (payable by the person demanding the certificate)	1.00
28.	Delivering a certificate of having registered the death of a deceased person who was a member of a friendly society (payable by the person demanding the certificate)	1.00
29.	Registering a death after the expiration of twelve months, on the authority of the Registrar-General, (payable by the informant or declarant unless the Registrar, having knowledge of the death, failed to issue a requisition or unless the delay was due to the Registrar's default)	10.00
51.	Correcting an error of fact in the register or registration form book, to be paid by the person requiring the error to be corrected to the officer to correct the same	5.00
	Part III FEEES PAYABLE TO THE REGISTRAR-GENERAL ONLY	
52.	Re-registration of birth of legitimated person after specified time	5.00
55.	For every search (to be paid by the applicant for the search) —	
	If a general search, for each day or portion thereof	5.00
	If a particular search	1.00
55.	For a certified copy of an entry in a register (to be paid by the applicant)	3.00
55.	For a certificate of birth (to be paid by the applicant)	3.00

Passed the Legislative Assembly this 15th day of June, 1978.

T. RUSSELL
President

SYBIL McLAUGHLIN
Clerk of the Executive Council