

BIRTHS AND DEATHS (REGISTRATION) BILL 1988

(NAME OF BILL)

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Objects and Reasons

Notice of Presentation

Covering letter from Minister to Clerk to Parliament

~~(Authorisation from Ministers of Finance under s.60 of Constitution)~~

✓ FROM

Attorney General's Chambers

TO

Minister of Home Affairs - Provincial Government
(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

TO

Minister of Finance

(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)

TO

Clerk to National Parliament
(for certificate by Speaker)

Forwards 19.9.88

TO

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(for printing)

TO

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(for reference during 1st, 2nd and 3rd Readings)
(Date passed 12.10.88 Act No. 18)

TO

Attorney General's Chambers
(for checking before Assent)

TO

Governor-General
(for Assent)

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TO

Clerk to National Parliament

(for distribution: 4 copies - Attorney General's Chambers
1 copy - Ministry
1 copy - Parliament Office
1 - Registrar of the High Court)



BIRTHS AND DEATHS (REGISTRATION) ACT 1988

(NO. 18 OF 1988)



BIRTHS AND DEATHS (REGISTRATION) ACT 1988

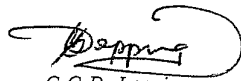
(NO. 18 OF 1988)

Passed by the National Parliament this twelfth day of October 1988.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.


J.M. Tuhaika
Clerk to the National Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this twenty-seventh day of October 1988.


G.G.D. Lepping
Governor-General

Date of commencement: see section 1.

AN ACT to provide for registration of births and deaths and for other connected purposes.

ENACTED by the National Parliament of Solomon Islands.

BIRTHS AND DEATHS (REGISTRATION) ACT 1988

ARRANGEMENT OF SECTIONS

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PART I - PRELIMINARY

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1. This Act may be cited as the Births and Deaths (Registration) Act 1988, and shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

Short title
and commencement.

2. This Act does not apply to a person whose birth or death is required to be registered under the Births, Marriages and Deaths Registration Act.

Application of
Act.
Cap. 43.

3. In this Act, unless the context otherwise requires -
“birth” means a birth other than still-birth;
“nurse” means a person registered as a nurse, midwife or auxilliary nurse under the Nursing Council Act, 1987;
“provincial authority” means the Premier of a province, a Provincial Secretary, the President of an area council in a province, or a church minister in a province;
“Public Service Commission” means the Public Service Commission established under section 115 of the Constitution; and
“Registrar” means the registrar referred to in section 6; and
“report” means report of birth or death made under this Act.

Interpretation.

No. 13 of 1987.

PART 2 - REGISTRAR AND STAFF

4. For the purposes of this Act, there shall be established and maintained a registry of births and deaths.

Registry.

5. A Registrar of births and deaths and such other officers as may be necessary for the due administration of this Act shall be appointed by the Public Service Commission in accordance with section 116 of the Constitution.

Appointment of
Registrar and
other officers.

6. (1) The Registrar may -
(a) with the approval of the Minister and a provincial authority; and
(b) on such terms and conditions as may be approved by the Public Service Commission,

Registrar may
engage services
of other persons
or body.

arrange for the use of the services of any staff, or of any facilities, of the provincial authority.

(2) With the approval of the Minister and on such terms and conditions as may be approved by the Public Service Commission, the Registrar may, for a particular purpose and otherwise than under a contract of service, appoint and employ any person, body or organisation considered by the Registrar to be capable of providing services or information that would assist in the exercise of the functions of the Registrar under this Act or any other Act.

Functions.

7. The functions of the Registrar shall be -
- (a) to register births and deaths occurring in Solomon Islands;
 - (b) to report and provide information to, and advise, the Minister with respect to the number of births and deaths occurring in Solomon Islands during any period;
 - (c) to perform such other functions as the Minister may direct him to perform in relation to registration of births and deaths in Solomon Islands; and
 - (d) to perform such other functions conferred or imposed on him by or under this or any other Act.

Register and inspection.

8. (1) The Registrar shall keep and maintain a register of births and deaths.
- (2) A person is, on payment of such fee as may be prescribed, entitled to inspect the register and to obtain a copy of any particulars recorded in the register.
- (3) If any matter concerning the birth or death of a person comes before a court, the Registrar shall, if requested to do so by the court or any of the parties to the proceedings, make the official records relating to the birth or the death available for production to the court without charge.

PART 3 - REGISTRATION OF BIRTHS AND DEATHS

Births to be reported.

9. (1) A responsible person shall, as soon as reasonably practicable after the birth of a child, report the birth to the Registrar.
- (2) A report under subsection (1), -
- (a) if made by a medical practitioner or nurse, shall be in writing; or
 - (b) if made by the father or mother of the child, may be in writing or by word of mouth; and
 - (c) in either case, shall specify -
 - (i) the name and sex of the child;
 - (ii) the place where the birth occurred; and
 - (iii) the names and address of the parents of the child.
- (3) In this section, "responsible person" means -
- (a) in the case where the birth occurred in the presence of -
 - (i) a medical practitioner only, the medical practitioner;
 - (ii) a medical practitioner and a nurse, the medical practitioner or, where the medical practitioner is, on reasonable grounds, unable to do so, the nurse;
 - (iii) a nurse only, the nurse; and
 - (b) in any other case, the father or, in his absence, the mother of the child.

10. (1) A responsible person shall, as soon as reasonably after the death of a person, report the death to the Registrar.

Deaths to be reported.

- (2) A report under subsection (1), -
- (a) if made by a medical practitioner or nurse, shall be in writing; and
 - (b) if made by a responsible person other than a medical practitioner or nurse, may be in writing or by word of mouth; and
 - (c) in either case, shall specify -
 - (i) the name and sex of the deceased;
 - (ii) the place of residence of the deceased immediately before his death;
 - (iii) the place where the deceased died;
 - (iv) the cause of his death (if known); and
 - (v) the place where he was buried (if known).
- (3) In this section, "responsible person" means -
- (a) in the case where the death occurred in the presence of -
 - (i) a medical practitioner only, the medical practitioner;
 - (ii) a medical practitioner and a nurse, the medical practitioner or, where the medical practitioner is unable on reasonable grounds to do so, the nurse;
 - (iii) a nurse only, the nurse;
 - (b) in the case where the death did not occur in the presence of a medical practitioner or nurse but where the burial had been conducted by a Church minister, the minister;
 - (c) in any other case, the following persons (as alternates where the persons referred to in paragraphs (a) and (b) are unable on reasonable grounds to report the death) -
 - (i) the spouse of the deceased;
 - (ii) the eldest surviving adult child of the deceased;
 - (iii) the father of the deceased;
 - (iv) the mother of the deceased;
 - (v) the eldest surviving adult brother of the deceased; or
 - (vi) the eldest surviving adult sister of the deceased.

11. Where the Registrar has reasonable cause to believe that a birth or death has occurred and no report has been made under section 9 or 10, the Registrar may require any of the appropriate responsible persons to make a report on the birth or death in accordance with section 9 or 10, as the case may be.

Responsible person may be required to report.

Registration of births and deaths. 12. Where the Registrar receives a report under this Act, he shall record in the register of births and deaths the particulars contained in the report.

PART 4 - OFFENCES

Non-compliance with certain provisions. 13. A person who fails to comply with section 9(1), 10(1), or 11 is guilty of an offence.

False particulars. 14. A person who, when making a report under this Act, includes in the report a particular which he knows to be false is guilty of an offence.

Altering particulars. 15. A person who fraudulently alters any particulars contained in - (a) a written report made under this Act; or (b) a register of births and deaths kept under this Act, is guilty of an offence.

Destruction or damage of report or register. 16. A person who wilfully and maliciously destroys or damages - (a) a written report made under this Act; or (b) a register of births and deaths kept under this Act, is guilty of an offence.

False reports. 17. A person who makes or purports to make a false report under this Act is guilty of an offence.

Penalty. 18. A person guilty of an offence under this Act is liable to a fine of one hundred dollars or to imprisonment for six months or to both the fine and imprisonment.

PART 5 - MISCELLANEOUS

Regulations. 19. The Minister may make regulations - (a) prescribing any matter that by this Act is required to be prescribed; (b) with respect to keeping of records of births and deaths; (c) prescribing the procedure for reporting of births and deaths to the Registrar; (d) with respect to division of Solomon Islands into registration areas; and (e) generally for giving effect to the purposes and provisions of this Act.