

SAINT LUCIA

No. 10 of 2014

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I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

April 29, 2014.

SAINT LUCIA

No. 10 of 2014

AN ACT to amend the Civil Status Act, No.9 of 2010.

[12th May, 2014]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Civil Status (Amendment) Act, 2014.

Interpretation

2. In this Act,
 ‘principal Act’ means the Civil Status Act, No. 9 of 2010; and
 ‘Civil Code’ means the Civil Code of Saint Lucia, Cap.4.01.

Amendment of section 2

3. Section 2 of the principal Act is amended —
- (a) by deleting the definition for ‘Civil Status Officer’ and substituting the following new definition –
 “‘Civil Status Officer’ means –
 (a) the Registrar of Civil Status;
 (b) a District Registrar;
 (c) a Marriage Officer; or
 (d) a status officer as defined under the Civil Code.”; and
- (b) by inserting the following definitions in their correct alphabetical sequence -
 “‘record of baptism or dedication’ means a record of the baptism or dedication of a person from a faith-based organisation and includes a ‘baptism and birth certificate’;
 “Birth Certificate” means a record of birth that is issued by the State and is the only officially recognised birth record of a person;
 “date” where the context permits, means a day of the month as specified by a number, a month and a year;
 “faith-based organisation” includes a church or other religious denomination or institution that is registered with the Ministry responsible for registering a church or other religious denomination or institution;

“Deed Poll” means a change of name by notarial instrument that is registered at the office of the Registrar and the Registry of Deeds and Mortgages.”.

Amendment of section 3

4. Section 3 of the principal Act is amended by deleting subsection (1) and substituting the following -

“(1) Records of civil status are –

- (a) records of births;
- (b) records of adoptions;
- (c) records of marriages;
- (d) records of deaths;
- (e) records of burials; and
- (f) records of baptisms or dedications.”.

Amendment of section 4

5. Section 4 of the principal Act is amended -

(a) by deleting subsection (1) and substituting the following –

“(1) There shall be -

- (a) a Registrar of Civil Status;
 - (b) Deputy Registrars of Civil Status; and
 - (c) Assistant Registrars of Civil Status;
- appointed by the Judicial and Legal Services Commission”;
and

(b) by inserting a new subsection (6) as follows -

“(6) Where the position of Registrar is vacant, the Registrar of the High Court who is appointed under the Supreme Court Act, Cap 2.01 may perform the duties of the Registrar under this Act.”.

Amendment of section 5

6. Section 5 of the principal Act is amended by deleting subsection (2) and by substituting the following –

“(2) Subject to subsection (5), Cabinet may, upon the recommendation of the Minister, appoint a District Registrar for a maximum term of up to six years and such person is eligible for re-appointment.”.

Amendment of section 6

7. Section 6 of the principal Act is amended -

(a) by deleting subsection (1) and substituting the following -

“(1) The Registers of Civil Status include the following:

- (a) a register of births;
- (b) a register of marriages;
- (c) a register of deaths;
- (d) a register of burials;
- (e) a register of baptisms or dedications; and
- (f) a register of adoptions.”;

(b) by deleting subsection (2) and substituting the following –

“(2) The Registers of Civil Status must be in the form prescribed and must be kept in triplicate as follows –

- (a) two copies of each Register of Civil Status must be kept at the office of the Registrar as follows;
 - (i) one copy comprising all handwritten documents;
 - (ii) one electronic record; and
- (b) one copy which may be electronic or otherwise kept in a place other than at the office of the Registrar.”; and
- (c) by inserting a new subsection (5) as follows –

“(5) The Minister responsible for civil status may, by Order published in the Gazette, set a date on which a depositary shall not be required to deposit records of baptisms or dedications or records of burials with the Registrar.”.

Insertion of section 6A

8. The principal Act is amended by including immediately after section 6 the following new section 6A –

“Register of Births

6A. The Register of Births shall have a designated area for an entry to

be made with respect to –

- (a) the Register –
 - (i) the district;
 - (ii) the year;
 - (iii) the page number;
 - (iv) the number of the register;
- (b) the person, his or her -
 - (i) birth registration number;
 - (ii) date and place of birth;
 - (iii) the name;
 - (iv) the sex;
 - (v) where applicable, whether the person was stillborn;
- (c) the parents of the person -
 - (i) the name, surname and dwelling place of the father;
 - (ii) the occupation of the father;
 - (iii) the name, surname and dwelling place of the mother;
 - (iv) the occupation of the mother;
 - (v) the age;

- (d) the full name of the informant, his or her signature, occupation and dwelling place;
- (e) registration –
 - (i) the date when the person was registered;
 - (ii) the signature of the Registrar;
 - (iii) the signature of the District Registrar;
 - (iv) the name, if added after registration of birth and date when added; and
- (f) remarks.”.

Amendment of section 10

9. Section 10 of the principal Act is amended by deleting subsection (1) and substituting the following –

“(1) A person shall, not later than six months after the birth of a child, apply to register the birth of that child.”.

Amendment of section 15

10. The principal Act is amended by deleting section 15 and substituting the following –

“Change of name by registration of notarial instrument

15. From the date of commencement of this Act, a change of name by notarial instrument in Saint Lucia must not be given effect unless the notarial instrument is registered at the office of the Registrar and the Registry of Deeds and Mortgages.”.

Amendment of section 17

11. Section 17 of the principal Act is amended -

- (a) by deleting subparagraph 17(1)(b)(i) and substituting the following –

“(i) a Minister of Religion recognised under Article 94 of the Civil Code, Cap.4.01; or”; and

(b) by inserting a new subsection (8) as follows-

“(8) Cabinet may revoke the authorization of a District Registrar under subsection 1(a) where a request for revocation is made by the Registrar.”.

Amendment of Part 7

12. Part 7 of the principal Act is amended -

(a) by deleting Part 7 and substituting the following -

**“PART 7
RECTIFICATION OF RECORDS OF CIVIL STATUS**

Rectification by Registrar

25. — (1) The Registrar may, at his or her instance or at the instance of an interested party, rectify incorrect or incomplete records of civil status.

(2) The Registrar may delegate his or her functions pursuant to this section to one or more Assistant Registrars or Adjudicators appointed by the Judicial and Legal Service Commission.”; and

(b) by inserting immediately after section 25 the following new sections 25A, 25B, 25C, 25D and 25E –

“Rectification of a clerical error in a record of civil status

25A.—(1) The Registrar may, at the instance of an applicant or at his or her instance, rectify a clerical error in a record of civil status.

(2) In this section, “clerical error” means an error made in an entry in a record of civil status with respect to -

- (a) the sex of the person;
- (b) the year of the record;
- (c) the date of birth of the person;
- (d) the number of the register;
- (e) the page number;
- (f) the date of registration; and
- (g) any other clerical error, as determined by the Registrar.

Insertion of a person's name on a Birth Certificate

25B.—(1) Subject to subsections (2) and (3), where there is no entry or a partial entry made with respect to the name of a person in his or her Birth Certificate, the Registrar may, at the instance of the person who seeks to have his or her name inserted on the birth certificate, insert the name of that person in his or her Birth Certificate as recorded and entered in his or her record of baptism or dedication.

(2) Where the Registrar inserts the name of a person in his or her Birth Certificate under subsection (1), he or she shall record and enter the name of that person in the Register of Civil Status and any other record books kept by the Registrar to reflect the same.

(3) A person shall submit the following –

- (a) his or her record of baptism or dedication;
- (b) the prescribed fee; and
- (c) any other document as requested by the Registrar.

Change of an entry in a record of civil status

25C.—(1) Subject to subsection (4), a person who wishes to change an entry to his or her record of civil status with respect to his or her forename or surname shall provide satisfactory evidence to the Registrar of consistently using, from the time of his or her birth, the forename or surname that he or she wishes to have registered.

(2) In support of an application to change an entry in a record of civil status in accordance with subsection (1), a person shall submit the following-

- (a) his or her Birth Certificate;
- (b) his or her record of baptism or dedication;
- (c) the prescribed fee; and
- (d) any other documents requested by the Registrar.

(3) A change in an entry in a record made by the Registrar under subsection (1) to a record of civil status may be made only once.

(4) A person who wishes to change his or her name, after a rectification by the Registrar under subsection (1), must do so by a Deed Poll.

(5) For the purposes of this section “satisfactory evidence” includes-

- (a) an affidavit from the person who wishes to correct his or her record of civil status;
- (b) an affidavit from two persons who have known the person for a period of time as prescribed by the Registrar; and
- (c) where the person is an adult, a valid national identification document in the form of –
 - (i) a national identification card;
 - (ii) a passport; or
 - (iii) a driver’s licence.

Rectification process

25D.—(1) A person who wishes to rectify his or her record of civil status shall apply to the Registrar in the prescribed form.

(2) A parent or guardian may apply, in the prescribed form, to rectify a record of civil status of a person who is their issue.

(3) (a) Subject to paragraph (3) (b), a person who wishes to rectify a record of civil status of another person, shall apply to the Registrar in the prescribed form, supported by an authorisation letter in the prescribed form.

(b) Where a person is unable to produce an authorization letter as referred to in paragraph (3) (a), the Registrar may accept any other document or information as required.

(4) Where information is not readily available to support an application to rectify a record of civil status, the Registrar may accept any other document or information as required.

(5) The Registrar may refer an application to rectify an error in an entry in a record of civil status to a Judge of the High Court for determination.

Rectification Order

25E. The Registrar shall issue an Order to rectify a record of civil status which shall be recorded and entered in the Register of Civil Status and any other record books kept by the Registrar to reflect the same.”.

Amendment of section 28

13. Section 28 of the principal Act is amended -

- (a) by deleting the full stop after subsection (1)(d) and by inserting a semi-colon;
- (b) by inserting immediately after subsection (1)(d) the following new subsections (e) and (f)-
 - “(e) wilfully provide false information or fraudulent documents to the Registrar in an application to rectify his or her record of civil status;
 - (f) wilfully provide false information or fraudulent documents to the Registrar in an application to register a child or to include information of the parental details of a child.”.

Amendment of section 30

14. The principal Act is amended by deleting section 30 and substituting the following -

“30. The Minister may make Regulations -

- (a) for the management, conduct and control of the offices of the Registrar and of the District Registrars and for the discharge of the duties of the Registrar and of a District Registrar;
- (b) for any prescribed forms, matter or thing; and
- (c) generally for carrying out the provisions of this Act.”.

Insertion of section 30A

15. The principal Act is amended by inserting a new section 30A, as follows -

“Amendment of Schedule

30A. The Minister may, by Order published in the Gazette, amend the Schedule to the Act.”.

Amendment of the Schedule

16. The Schedule to the Act is amended by deleting the Schedule and inserting the following –

“SCHEDULE

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| Civil Code, Cap.4.01 | Book Second, Chapter Second on records of baptisms or dedications is amended by deleting Article 41 and substituting the following – “41 Special provisions which apply in respect of the registration of births are provided in the Civil Status Act, No. 9 of 2010.”. |
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Passed in the House of Assembly this 01st day of April, 2014.

PETER I. FOSTER,
Speaker of the House of Assembly.

Passed in the Senate this 03rd day of April, 2014.

CLAUDIUS J. FRANCIS,
President of the Senate.