

SAINT LUCIA

No. 8 of 2014

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I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

April 29, 2014.

SAINT LUCIA

No. 8 of 2014

AN ACT to amend the Civil Code, Cap.4.01.

[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 Code (Amendment) Act, 2014.

Interpretation

2. In this Act, “principal Act” means the Civil Code, Cap. 4.01.

Amendment of Book Second Chapter First

3. The principal Act is amended in Book Second, Chapter First -

(a) by deleting Article 24, and substituting the following -

“24. Records of civil status are those of births, baptism and birth or baptisms or dedications, marriages, adoptions, burials and deaths.

Marriages are termed civil when they take place before a civil officer, and religious when solemnized by a minister of religion.”;

(b) by deleting Article 25 and substituting the following -

“25.— (1) Registers for records of birth, civil marriages and deaths are kept by the District Registrars for the district in which they serve.

(2) The Registers of births, deaths and civil marriages may be kept and maintained in electronic form.

(3) Special provisions respecting status officers and the manner in which their duty is performed, are contained in the Civil Status Act, No. 9 of 2010.”;

(c) by deleting Article 26 and substituting the following -

“26. Registers of records of baptisms or dedications, religious marriages and burials are required to be kept by the following depositaries -

(a) The Cure of each Roman Catholic parish or the resident minister in charge of a Church in a parish where there is more than one Church with a resident minister in such

parish;

- (b) The minister in charge of each Anglican congregation;
- (c) The minister in charge of each Methodist congregation;
- (d) The minister in charge of each Presbyterian congregation;
- (e) The minister in charge of any congregation of any other religious denomination who is authorised by the Governor General to perform baptisms or dedications, marriages and burial ceremonies.”;

(d) by deleting Article 27 and substituting the following –

“27. Each depositary keeps two registers of the same tenor; and every record of civil status is inscribed in both, in the same terms and with the same formalities; each inscription being authentic.

The duplicate registers for acts of civil status may be divided into special parts or volumes to, record acts of baptisms or dedications, acts of marriage and acts of burials.

As prescribed by the Registrar, such parts or volumes of the duplicate registers may be either blank, or may be prepared with printed forms, running consecutively through each part or volume; but when one part or volume is used for acts of baptisms or dedications or of marriages, the first portion of such part or volume shall contain, in consecutive order, the forms for acts of baptisms or dedications, and the second portion thereof, the forms for acts of marriages.”;

(e) by deleting Article 32 and substituting the following –

“32.— (1) Within the first month of each year every depositary shall deposit in the office of the Registrar of Civil Status, one of the duplicate registers containing all the records of the previous year. The deposit is acknowledged by a receipt which the Registrar gives free of charge.

(2) 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 burials in the office of the Registrar of Civil Status.”; and

(f) by deleting Article 34 and substituting the following –

“34.—(1) The Registrar of Civil Status and the Status Officers are bound to give extracts from the registers in their charge to any person requiring them on being paid the prescribed fees for the extract of each record; any such extract bearing the seal of the Registry of Civil Status and signed by the Registrar of Civil Status or Status Officer is authentic.

(2) The prescribed fees for the purposes of this Article and for the purposes of the Civil Status Act shall be the fees prescribed under the Civil Status Act, No.9 of 2010.”.

Amendment of Book Second Chapter Second

4. The principal Act is amended in Book Second Chapter Second —

(a) by deleting the words ‘RECORDS OF BIRTH’ where it appears immediately after ‘CHAPTER SECOND’ and by substituting the words “RECORDS OF BAPTISMS OR DEDICATIONS”;

(b) by deleting the subheading with respect to ‘SECTION I’ and substituting the following subheading “REGISTRATION OF BAPTISMS OR DEDICATIONS”; and

(c) by inserting Articles 38, 39 and 40 immediately after Article 37 —

“38. Records of baptisms or dedications are required to be kept by ministers of religion only in respect to persons baptised by them.

39. Records of baptisms or dedications set forth the day of the birth of the person, that of his or her baptism, if performed, the sex of the person and the names given to him or her, the names, surnames, occupation and domicile of the father and mother and also of the sponsors, if there be any.

40. Records of baptisms or dedications are signed in both registers, by the status officer officiating, by the father and mother if present and by the sponsors if there be any; if any of them cannot sign, their declaration to that effect is noted.”.

Amendment of Article 45

5. The principal Act is amended by deleting Article 45 and substituting the following:

“45.— (1) The Registrar may, on application by an interested party served upon the depositary of the register and other interested parties, order such register to be rectified or such omission to be entered. The Registrar may order any person to be summoned whom he or she deems interested in the application.

(2) The Registrar of Civil Status may rectify a record of civil status as defined under this Code by using the rectification process provided under the Civil Status Act, No.9 of 2010.”.

Amendment of Article 45A

6. The principal Act is amended by deleting Article 45A and substituting the following -

“45A. An Order for a rectification must contain an Order for the inscription of such an Order upon the registers, and no copy of the act rectified can thereafter be delivered without the corrections thus ordered to be made.”.

Amendment of Article 46

7. Article 46 of the principal Act is amended by deleting Article 46 and substituting the following -

“46. The depositary of a register, on receipt of a copy of the Order for rectification, is bound to inscribe the same on the margin of the register, at the place where the record so rectified appears, or where the record so omitted ought to have been entered, and if there be no margin, then on a sheet of paper which remains annexed to the register.”.

Amendment of Article 47

8. The principal Act is amended by deleting Article 47 and substituting the following -

“47. A rectification Order cannot, at any time, be set up against those who did not seek it, or who were not duly notified.”.

Insertion of Article 95

9. The principal Act is amended by inserting Article 95 immediately after Article 94 –

“95. Marriages may be celebrated –

- (a) by licence granted by the Attorney General;
- (b) in the case of a religious marriage, after publication of banns or notice; and
- (c) in the case of a civil marriage, after publication of notice.”.

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.