

# REPRINT

## **BIRTHS AND DEATHS (REGISTRATION) ACT (CAP. 168)**

**As in force at: 5 February 2024**

<b>STATUS:</b> <b>CURRENT</b>
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For details see Endnotes
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**AN ACT TO PROVIDE FOR THE REGISTRATION OF BIRTHS AND DEATHS  
AND FOR OTHER CONNECTED PURPOSES**

## **BIRTHS AND DEATHS (REGISTRATION) ACT (CAP. 168)**

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# BIRTHS AND DEATHS (REGISTRATION) ACT (Cap. 168)

As in force at: 5 February 2024

## PART I PRELIMINARY

### 1 Short title

This Act may be cited as the *Births and Deaths (Registration) Act*.

### 2 Application of Act

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*.

### 3 Interpretation

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*;

“**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*;

“**Registrar**” means the Registrar referred to in section 6; and

“**report**” means report of birth or death made under this Act.

## PART II REGISTRAR AND STAFF

### 4 Registry

For the purposes of this Act, there shall be established and

maintained a registry of births and deaths.

**5 Appointment of Registrar and other officers**

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*.

**6 Registrar may engage services of other persons or body**

(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,

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.

**7 Functions**

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.

## **8 Register and inspection**

- (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 III REGISTRATION OF BIRTHS AND DEATHS**

### **9 Births to be reported**

- (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 Deaths to be reported**

- (1) A responsible person shall, as soon as reasonably after the death of a person, report the death to the Registrar.
- (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 Responsible person may be required to report**

Where the Registrar has reasonable cause to believe that a birth or death has occurred and no report has been made under sections 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 sections 9 or 10, as the case may be.

## **12 Registration of births and deaths**

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 IV            OFFENCES**

### **13            Non-compliance with certain provisions**

A person who fails to comply with sections 9(1), 10(1), or 11 is guilty of an offence.

### **14            False particulars**

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.

### **15            Altering particulars**

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.

### **16            Destruction or damage of report or register**

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.

### **17            False reports**

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

### **18            Penalty**

A person guilty of an offence under this Act is liable to a fine of one hundred penalty units or to imprisonment for six months or to both such fine and imprisonment.



## **PART V                    MISCELLANEOUS**

### **19                    Regulations**

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.

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 168 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

### 2

#### LIST OF LEGISLATION

***Births and Deaths (Registration) Act (Cap. 168)***

*Constituent legislation:* 18 of 1988 (Commenced 1 October 1993)

***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

***Legislation Amendment, Repeal and Validation Act 2023 (No. 17 of 2023)***

Assent date	29 December 2023
Gazetted	29 December 2023
Commenced	5 February 2024

### 3

#### LIST OF AMENDMENTS

s 7	amd by Act No. 17 of 2023
s 18	amd by Act No. 14 of 2009