

ANTIGUA AND BARBUDA



CIVIL REGISTRY ACT, 2019

No. 30 of 2019

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**ANTIGUA AND BARBUDA
CIVIL REGISTRY ACT, 2019
ARRANGEMENT OF SECTIONS**

SECTION

PART I

PRELIMINARY

1.	Short title and commencement.....	5
2.	Interpretation.....	5

PART II

ESTABLISHMENT OF THE CIVIL REGISTRY

3.	Civil Registry and seal of office.....	6
4.	Objects and Purpose of the Civil Registry	6
5.	Electronic system for the Civil Registry	7
6.	Storage of records and backup	7

PART III

APPOINTMENTS AND ADMINISTRATIVE FUNDAMENTALS

7.	Appointment of Registrar, other professionals and administrative staff	8
8.	Duties of the Registrar	7
9.	Duties of the Deputy Registrar, Assistant Registrars and administrative staff.....	9
10.	Correction of errors.....	9
11.	Confidentiality	10

PART IV

OFFENCES AND PENALTIES

12. Wilful destruction, counterfeiting or forging of record.....	10
13. Penalty for false statement	11
14. Regulations	11

[L.S.]



I Assent,

Rodney Williams,
Governor-General.

15th January, 2020.

ANTIGUA AND BARBUDA
CIVIL REGISTRY ACT, 2019
No. 30 of 2019

AN ACT to make provision for the establishment of the Antigua and Barbuda Civil Registry for the recording of information regarding vital statistics, change of names, deeds and records, and for the comprehensive recording of information relating to information identity and for other connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

PART I
PRELIMINARY

1. Short title and commencement

(1) This Act may be cited as the Civil Registry Act, 2019.

(2) This Act shall come into force on a date which is to be fixed by the Minister by Order published in the *Gazette*.

2. Interpretation

In this Act, unless the context permits otherwise –

“civil penalty” means a sum of money payable to the Registrar, Civil Registry by a person who fails to perform a mandatory administrative duty or obligation under this Act;

“Civil Registry” means the Office of the Civil Registry established by section 3 of this Act;

“Data” means representations of facts, information or concepts that are being prepared or have been prepared in a form suitable for use in an electronic system including electronic program, text, images, sound, video and information within a database or electronic system;

“index” means a physical index related to register or electronic identifiers together with search criteria and search routines;

“Minister” means the Minister responsible for Legal Affairs;

“Registrar” means the Registrar for the Civil Registry appointed under section 7;
register” means an entry in the electronic register or the physical register; but where the electronic register is required, or vice versa, this must be stated;

“relevant enactment” means one or more of the statutes listed in Schedule I;

PART II ESTABLISHMENT OF THE CIVIL REGISTRY

3. Civil Registry and seal of office

(1) There is hereby established an Office to be known as the Civil Registry.

(2) The Registrar is responsible for the administration of the Civil Registry and shall be assisted by a Deputy Registrar and such number of Assistant Registrars as maybe appointed by the Registrar.

(3) The seal of the Registry shall be authenticated by the signature of the Registrar or Deputy Registrar.

4. Objects and Purpose of the Civil Registry

The objects for which the Civil Registry is established are to –

- (a) develop and maintain an accurate electronic database of the life events occurring within Antigua and Barbuda or involving citizens and residents of Antigua and Barbuda;
- (b) provide accurate information about civil status events such as births, adoptions, marriages, divorces, nullities and deaths;

- (c) provide accurate information about the demographic distribution throughout Antigua and Barbuda, the rate of social change and civil status trends;
- (d) facilitate study and research for social and economic development;
- (e) provide easy access to the Civil Registration System to other ministries, departments and agencies of the Government to enhance the standard of decision-making and public administration;
- (f) promote access to information and support the democratic process.

5. Electronic system for the Civil Registry

(1) The Minister, with the approval of the Cabinet, may having regard to the purposes and functions of the Civil Registry, acquire a suitable up-to-date and reliable information system for the Civil Registry, together with the attendant software and hardware backup.

(2) The backup of data for the purpose of safety must be stored at such place, other than the Civil Registry, as the Minister determines.

6. Storage of records and backup

All registers, books, court orders and other documents transferred to the Civil Registry from the High Court must be stored in a secure environment recommended by the Registrar and approved by the Minister.

PART III APPOINTMENTS AND ADMINISTRATIVE FUNDAMENTALS

7. Appointment of Registrar, other professionals and administrative staff

(1) The Registrar shall be an Attorney-at-Law with a minimum of 10 years post call experience and shall be appointed by the Judicial and Legal Services Commission (hereinafter “the Commission”).

(2) The Commission shall appoint a Deputy Registrar.

(3) The Public Service Commission shall appoint such number of persons as Assistant Registrar as may be necessary for the purposes of the Registry.

8. Duties of the Registrar

(1) The Registrar shall be responsible for the administration of the Civil Registry and the implementation of the objectives of this Act.

(2) Without limiting the generality of the foregoing, the Registrar shall –

- (a) maintain the Register of Births and Deaths in accordance with the laws of Antigua and Barbuda;
- (b) maintain the Register of Marriages, marriage officers, church buildings and related matters in accordance with the Marriage Act;
- (c) maintain the Register of Deeds in accordance with the Registration and Records Act
- (d) Recording of Bills of Sale
- (e) Registration of membership in a Professional Body as authorised by any enactment governing the profession;
- (f) issue certificates of membership and matters related thereto for Professionals required to be registered at the Civil Registry;
- (g) manage and supervise the operations and staff of the Civil Registry, Deputy Registrars and Marriage Officers;
- (h) conduct or organise training and periodic reviews of the operational systems and work programmes of the Civil Registry and the Assistant Registrars and provides recommendations and solutions for improvement
- (i) Ensures the renewal of the worn out Registers of Civil Registry.
- (j) conduct hearings and interviews with applicants and deponents with a view to determining the final outcome.
- (k) Administers oaths, take affidavits and issues notices or orders requiring the attendance of such persons or production of such documents as he/she may consider necessary for carrying out the adjudication, approval and rectification of orders.
- (l) supervise the digitalization of the records of the Civil registry;
- (m) supervise the use, operation, and maintenance of the database at the Civil Registry;
- (n) alter records of the Civil Registry in accordance with a civil registry legislation;

- (o) issue written or oral directives to administrative staff concerning entries in the database;
- (p) ensure that this Act is administered in the way best calculated to achieve its objectives;
- (q) share vital statistics and personal data where appropriate with private and public agencies, members of the public, from within and outside of the State once appropriate agreements are formed to govern such arrangements.

9. Duties of the Deputy Registrar, Assistant Registrars and administrative staff

The Deputy Registrar, Assistant Registrar and administrative staff shall perform such duties as the Registrar may assign.

10. Correction of errors

(1) If the Registrar is satisfied that an entry in any Register maintained at the Civil Registry was made by the Registrar or someone acting on the instructions of the Registrar or on behalf of the Registrar, the Registrar shall by notice in writing given to a qualified informant in relation to the birth, death, marriage, adoptions, divorce or nullity require him—

- (r) to attend at the office of the Civil Registry, or at any other convenient place specified in the notice, within the time specified in the notice; and
- (s) to give to the Registrar evidence on oath or by statutory declaration specifying the error and, to the best of his knowledge and belief, the relevant facts, and such other information as the Registrar may reasonably require.

(2) Where a person complies with subsection (1), the Registrar shall correct the error in the Register.

(3) If, in relation to the matters set out in subsection (1), neither a qualified informant referred to in subsection (1) nor two other credible persons having knowledge of the facts can be found, the Registrar shall direct any member of the Registry staff to make a correction of the error in the entry in the Register, and the direction shall be complied with and the original entry shall be retained in the Register.

(4) Where the Registrar is satisfied that two or more entries have been made in any Register in respect of the same event, the Registrar or an officer authorised by the Registrar may cancel the entries as the Registrar shall specify, and the direction shall be complied with and the cancelled entry or entries shall be retained in the Register.

(5) No person shall make any amendment to any entry in the register except the amendment is made with the consent of the registrar and in accordance with the provisions of a relevant enactment.

11. Confidentiality

(1) The Registrar, Deputy Registrar and all members of staff of the Civil Registry, as well as, consultants, advisers or subcontractors, shall sign a confidentiality agreement when in the service of the Civil Registry.

(2) A document to be entered in the register must be an original or certified copy of the original, unless a relevant enactment provides otherwise.

(3) No member of staff of the Civil Registry or other person having access to the data or other information contained in any register shall accept any fee, payment or other gift from any person in connection with the provision or disclosure of any information on any register unless it is a lawful fee relating to a transaction in the Civil Registry and accepted by the staff member assigned to accept fees and other payments;

(4) No person having access to the data or information on any register shall share such access with an unauthorized person;

(5) No verbal assertions may be accepted by an officer of the Civil Registry, unless it is entirely supported by original or certificated copy of such relevant document.

PART IV OFFENCES AND PENALTIES

12. Wilful destruction, counterfeiting or forging of record

A person who –

- (t) wilfully destroys or injures or causes to be destroyed or injured any register or any part thereof or any sheet or forms upon which any entry is made under this Act or a relevant enactment;
- (u) falsely makes or counterfeits part of such register or cause to be falsely made or counterfeited part of such register or certified extract thereof or any entry in such sheet or form;
- (v) wilfully inserts or causes to be inserted in any register or sheet of forms any false entry knowing the same to be false;

- (w) certifies any writing to be a copy or extract of any register knowing the same register to be false in any respect; or
- (x) forges or counterfeits the signature of the Registrar or any other person authorised to sign documents on behalf of the Registrar,

commits an offence and is liable on summary conviction to a fine not exceeding Five Thousand (\$5,000.00) Dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

13. Penalty for false statement

Any person who –

- (y) wilfully makes any false answer to any question put to him or her by the Registrar relating to the particulars required to be noted on any register;
- (z) wilfully gives to the Registrar or a Deputy or Assistant Registrar any false information concerning any live event;
- (aa) wilfully swears or makes any false affidavit, certificate or other document relating to the registration of any birth or death, or forges or falsifies any such affidavit, certificate or other document;
- (bb) knowingly makes any false statement in any affidavit, certificate or other document to be filed at the Civil Registry or falsely uses the same as true, or gives or sends the same as true to any person; or
- (cc) wilfully makes or causes any one to make any false statement with intent to have the same entered in the register,

is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months; or on indictment to a term not exceeding 5 years, with or without hard labour.

14. Regulations

The Minister may make regulations for the better management and administration of this Act.

Passed by the House of Representatives on the
6th December, 2019.

Passed by the Senate on the 17th
December, 2019.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams-Grant,
President.

A. Peters
Clerk to the House of Representatives. (Ag)

A. Peters
Clerk to the Senate. (Ag)