

OBJECTS AND REASONS

This Bill would provide for the Electoral and Boundaries Commission to

- (a) compile a database to be known as the National Register in order to provide for the registration of
 - (i) citizens of Barbados; and
 - (ii) persons who are not citizens of Barbados but who are resident in Barbados, for a period of 6 months or more;
- (b) issue new identification cards with new national registration numbers to each person registered in the National Register; and
- (c) provide for related matters.

Arrangement of Sections

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BARBADOS

A Bill entitled

An Act to provide for the Electoral and Boundaries Commission to

- (a) compile a database to be known as the National Register in order to provide for the registration of
 - (i) citizens of Barbados; and
 - (ii) persons who are not citizens of Barbados but who are resident in Barbados, for a period of 6 months or more;

- (b) issue new identification cards with new national registration numbers to each person registered in the National Register; and
- (c) provide for related matters.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *National Registration Act, 2015*.

Interpretation

2. In this Act,

“Chief Registering Officer” has the meaning assigned to it by section 2 of the *Representation of the People Act, Cap. 12*;

“child” includes an adopted child;

“citizen” means a person who has citizenship of Barbados by virtue of the provisions of the *Constitution, Cap. 1966/1455* or the *Barbados Citizenship Act, Cap. 186*;

“Commission” means the Electoral and Boundaries Commission established under section 41A of the *Constitution, Cap. 1966/1455*;

“constituency” means a constituency specified in the *First Schedule* to the *Electoral and Boundaries Commission (Review of Boundaries) Order, 2002 (S.I. 2002 No. 79)*, and described in the *Second Schedule* thereto;

“compulsory school age” has the meaning assigned to it by section 2 of the *Education Act, Cap. 41*;

“documentary evidence” means electronic data, printed or written material, a photograph or any other material which records or shows information which can be used to establish or confirm

- (a) the identity of a person; or

(b) whether that person qualifies for registration;

“enumerator” has the meaning assigned to it by section 2 of the *Representation of the People Act*, Cap. 12;

“identification card” means an identification card, whether a Barbados identification card or a non-citizen identification card of Barbados, issued by the Commission to a person in accordance with section 7 for the purpose of identifying that person;

“legitimate non-immigrant purposes” includes such purposes as touring, recreation, sports, health, family reasons or business;

“National Register” means the register established by the Commission under section 3(2);

“national registration number” means the number issued by the Commission to a person registered in the National Register and affixed to the identification card issued to that person;

“minor” means a person who is under 16 years of age;

“permanent resident” has the meaning assigned to it by section 2 of the *Immigration Act*, Cap. 190;

“registering officer” has the meaning assigned to it by section 2 of the *Representation of the People Act*, Cap. 12;

“student” includes a person attending a tertiary institution;

“tertiary institution” has the meaning assigned to it by section 9(f) of the *Education Act*, Cap. 41;

“visitor” means a person who

(a) enters Barbados for legitimate non-immigrant purposes, in the course of duty, or for purposes connected with their employment for a period of 6 months or more but not exceeding 12 consecutive months; and

- (b) who is not resident in Barbados for the purposes of section 85 of the *Income Tax Act*, Cap. 73.

National Register

- 3.(1) The Commission shall register
 - (a) all citizens of Barbados; and
 - (b) persons who are not citizens of Barbados but who are resident in Barbados for a period of 6 months or more.
- (2) The Commission shall, for the purposes of subsection (1), establish, keep and maintain a register to be known as the National Register to
 - (a) register and record the persons referred to in subsection (1); and
 - (b) provide information to facilitate
 - (i) the issuing of identification cards to the persons registered in the National Register; and
 - (ii) the preparation of a register of electors for the purposes of the *Representation of the People Act*, Cap. 12.
- (3) The National Register shall be in such form and contain such particulars as the Commission may prescribe in respect of the persons to whom section 4 applies.

Persons to be registered in the National Register

- 4.(1) A person who
 - (a) is born in Barbados;
 - (b) is a citizen of Barbados;
 - (c) has an immigrant status certificate issued in accordance with the provisions of the *Immigration Act*, Cap. 190;

- (d) has permanent resident status in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (e) is resident in Barbados for a period of 6 months or more as a student or worker, in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (f) is employed by the Caribbean Development Bank under the provisions of the *Caribbean Development Bank Act*, Cap. 323A;
- (g) has a Right of Establishment Certificate issued in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (h) has a CARICOM Skilled National Certificate, issued in accordance with the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A;
- (i) is the spouse of a person who has a CARICOM Skilled National Certificate issued in accordance with the *Caribbean Community (Movement of Skilled Nationals) Act*, Cap. 186A;
- (j) is the spouse of a person who is resident in Barbados for a period of 12 months or more as a worker in accordance with the provisions of the *Immigration Act*, Cap. 190;
- (k) is entitled by virtue of any other provision of the *Immigration Act*, Cap. 190 to remain as a resident in Barbados for a period of 6 months or more;
- (l) is permitted to remain in Barbados permanently under any other law;
or
- (m) is a minor and the child of a person to whom paragraphs (c) to (l) applies, where that minor is under compulsory school age

shall be registered in the National Register.

- (2) A person who is eligible for registration in the National Register shall provide the registering officer or enumerator with such documentary evidence as

the Commission may prescribe in order to establish the truth of the information to be recorded in relation to that person in the National Register.

(3) Notwithstanding subsection (2), where a person is unable to produce documentary evidence to satisfy the registering officer or enumerator of his

- (a) full name;
- (b) correct date of birth; and
- (c) correct place of birth,

the registering officer or enumerator shall request that the person produce to the Chief Registering Officer a sworn affidavit with supporting exhibits, where relevant, deposing his full name, as well as his correct date of birth, and place of birth, in addition to stating the reason for the unavailability of the required documentary evidence.

(4) The Commission shall take such reasonable steps as may be required to verify the contents of an affidavit submitted in accordance with subsection (3).

(5) A person who is a visitor shall not be eligible for registration in the National Register unless that person is a person to whom subsection (1) applies.

(6) A person who is not registered under this Act shall not

- (a) be added to the National Register;
- (b) be assigned a national registration number;
- (c) be issued with an identification card; and
- (d) qualify to be added to the register of electors or the revised register of electors prepared under the *Representation of the People Act*, Cap. 12.

Registration of persons

5.(1) A person to whom section 4(1) applies, shall register within such a period and in such a manner as the Commission may prescribe for registration in the National Register.

- (2) The Registrar with responsibility for the registration of deaths, under the *Vital Statistics Act*, Cap. 192A, shall between the first and tenth day of each month of the year provide the Commission with a list of the names of persons whose deaths have occurred during the preceding month.
- (3) The Commission shall review the National Register and where necessary delete any entry in respect of any person
- (a) who is deceased;
 - (b) who is not a citizen of Barbados and who is no longer resident in Barbados, and has not been resident in Barbados for a continuous period of more than 5 years; or
 - (c) where the Commission considers that that person ought not to have been registered in the National Register.
- (4) Notwithstanding subsection (1), the Commission may, for the purpose of registering a person specified in section 4, publish at least once in the *Official Gazette* and at least twice, at intervals of not less than 7 days apart, in at least two newspapers in circulation in Barbados, a notice requiring a person or a group of persons to appear before the Chief Registering Officer for registration in the National Register.
- (5) The Commission may, for the purpose of removing a person specified in subsection (3) or section 7(5) from the National Register, publish at least once in the *Official Gazette* and at least twice, at intervals of not less than 7 days apart, in at least two newspapers in circulation in Barbados, a notice of the removal and where relevant, the notice may require a person or a group of persons to attend before the Chief Registering Officer.

Duties of Chief Registering Officer

- 6.(1) The Chief Registering Officer shall perform such functions and duties as the Commission may require, and shall assist the Commission with
- (a) compiling and preparing the National Register;

- (b) registering persons in the National Register;
- (c) the maintenance of the National Register;
- (d) the issuing of identification cards; and
- (e) such other duties as the Commission may consider necessary for the purposes of the Act.

(2) The Chief Registering Officer may, in order to perform his functions under the *Representation of the People Act*, Cap. 12, have access to the information recorded in the National Register.

Issuance of identification cards

7.(1) The Commission shall issue to persons registered in the National Register identification cards in the following categories:

- (a) the Barbados identification card to
 - (i) a citizen of Barbados who is a minor; or
 - (ii) a citizen of Barbados who is 16 years of age or older; and
- (b) the non-citizen identification card of Barbados to
 - (i) a minor who
 - (A) is not a citizen of Barbados; and
 - (B) is resident in Barbados for a period of 6 months or more; or
 - (ii) a person who
 - (A) is 16 years of age or older;
 - (B) is not a citizen of Barbados; and
 - (C) is resident in Barbados for a period of 6 months or more.

(2) A Barbados identification card or a non-citizen identification card of Barbados shall be valid for such a period as the Commission prescribes.

(3) The Commission shall issue to a person registered in the National Register an identification card which shall be in such form as the Commission prescribes, and the identification card shall contain such security features, and perform such other functions as the Commission determines.

(4) A person registered in the National Register shall be issued the identification card for which he is eligible upon the payment of the prescribed fee, where applicable.

(5) The Commission shall, where the Commission is satisfied that a person does not qualify for an identification card under subsection (1), direct the Chief Registering Officer not to issue an identification card to that person, and that person shall be removed from the National Register.

Use of an identification card

8.(1) A person who is issued an identification card may be required to produce his identification card

- (a) to a registering officer, enumerator or any other officer designated by the Commission;
- (b) to a police officer, immigration officer or customs officer;
- (c) to verify his identity for the purpose of voting in an election in Barbados; and
- (d) for any other purpose for which the verification of his identity is required

and that identification card shall be *prima facie* evidence of the identity of the person shown on the identification card.

(2) Where a person is unable to produce his identification card, for the purposes mentioned in subsection (1), the person authorised to require such identification shall, unless another form of identification is authorised by law, defer consideration of the person or refuse access until such time as the relevant identification card is produced.

(3) All identification cards issued by the Commission are the property of the Commission and shall be for the use of the person to whom the card is issued, and any person who finds, or comes into possession of, an identification card which was not issued to him shall return that identification card to the Commission.

Duty of non-disclosure

9.(1) The Commission shall not disclose any of the information obtained under section 4(2) except

- (a) in the exercise of powers or duties conferred under this Act or under the *Representation of the People Act, Cap. 12*;
- (b) in compliance with an official request by an instrument in writing from the Commissioner of Police, Chief of Staff of the Barbados Defence Force, Chief Immigration Officer, Revenue Commissioner, Chief Welfare Officer, Chief Medical Officer or Director of the Barbados Drug Service; or
- (c) in compliance with an order of the court.

(2) Notwithstanding subsection (1)(b), where a person in charge of a Ministry or department, statutory body or any other entity requires information recorded in the National Register in the public interest, that Ministry or department, statutory body or any other entity shall request that information from the Commission by an instrument in writing, and the Commission shall determine whether it is fitting in the public interest to issue that information to the Ministry or department, statutory body or any other entity.

(3) The National Register shall not be open to inspection by members of the public.

Power to inspect and re-issue an identification card

10.(1) The Commission may require a person to submit or surrender the identification card issued to that person under section 7(4) for inspection by the

Commission, and the Commission may cancel and replace the identification card issued to that person where

- (a) the card was issued in reliance on information that was later discovered to be inaccurate or incomplete due to inadvertence on the part of the Commission; and
 - (b) the card is found to be defective by the Commission.
- (2) Where the Commission cancels and replaces an identification card under subsection (1) there shall be no charge for the replacement of that identification card.

Power to waive fees

11.(1) The Commission may by order exempt a person or a group of persons from the payment of any fee prescribed for the issue or replacement of an identification card.

(2) An order made under subsection (1) is subject to negative resolution.

Consolidated Fund

12. All fees and other monies collected or received by the Commission under this Act shall be paid into the Consolidated Fund.

Offences

13. A person who
- (a) wilfully obstructs the Chief Registering Officer, a registering officer, an enumerator or any other officer in the execution of the duties assigned under this Act;
 - (b) without lawful authority issues an identification card to a person who is not entitled to receive an identification card in accordance with the provisions of this Act;

- (c) wilfully gives false information to be recorded in the National Register with regard to himself or another person;
- (d) without lawful authority makes any mark or entry upon or erases, cancels, tampers with, or alters any information on an identification card;
- (e) uses an identification card other than the identification card issued to him intending that some other person would be led to believe that he is the person on that identification card;
- (f) without lawful authority or reasonable excuse knowingly obtains or is in possession of more than one identification card which purport to show his identity;
- (g) wilfully permits another person to use the identification card issued to him knowing that other persons will be led to believe that the person using the identification card is the person represented on the identification card;
- (h) forges or makes a card to replicate an identification card or has in his possession any document which closely resembles an identification card, whether or not he intends to use the card or document to deceive any person into believing that the card or document is an identification card; or
- (i) when required to do so, fails to surrender his identification card for inspection by the Chief Registering Officer;

is guilty of an offence and shall be liable on summary conviction to a fine of \$10 000 or to imprisonment for 3 years or to both.

Regulations

- 14.(1)** The Commission may make regulations
- (a) to prescribe
 - (i) the time for the registration of persons to whom section 4 applies;
 - (ii) the information or particulars to be recorded for each person in the National Register;
 - (iii) the form of the application form for the collection of the information required for the National Register;
 - (iv) the documents to be furnished for the purposes of confirming or verifying the identity of a person and the information to be recorded in the National Register;
 - (v) the manner for the taking of photographs, signatures, finger and thumb prints;
 - (vi) the form of an identification card and the particulars to be entered thereon;
 - (vii) the procedure for the collection of identification cards;
 - (viii) the procedure for issuing replacement identification cards; and
 - (ix) fees to be charged for the issuing of an identification card or the replacement thereof; and
 - (b) generally for carrying out the purposes of this Act.
- (2) All regulations made under this Act shall be subject to negative resolution.

Savings and Transitional provision

- 15.(1)** An identification card authorised under section 25 of the *Representation of the People Act*, Cap. 12 or under the *Statistics Act*, Cap. 192

shall remain valid for a period of 18 months from the date of the commencement of this Act.

(2) A new identification card issued under the *National Registration Act, 2015, (Act 2015-)* to any person who is an existing holder of a valid identification card

(a) authorised under section 25 of the *Representation of the People Act, Cap. 12* and issued under the *Representation of the People (Registration of Electors) Regulations, 1990 (S.I. 1990 No. 8)* ; or

(b) authorised under the *Statistics Act, Cap. 192* and issued under the *Statistics (Registration Census of Barbadian Residents), 1979 (S.I. 1979 No. 47)*

shall be issued free of cost during the period referred to in subsection (1).

(3) For the purposes of this section,

“existing holder” means a person who was registered with the Commission or under the *Statistics Act, Cap. 192*, and issued with an identification card by the Commission prior to the commencement this Act.

Read three times and passed the House of Assembly this
day of _____, 2015.

Speaker

Read three times and passed the Senate this _____ day of
, 2015.

President

NATIONAL REGISTRATION ACT, 2015

EXPLANATORY MEMORANDUM

The *National Registration Act, 2015* would allow the Electoral and Boundaries Commission to

- (a) compile a National Register to for the registration of citizens of Barbados as well as for the registration of non-citizens who are resident in Barbados for a period of 6 months or more; and
- (b) issue new identification cards with new national registration numbers to each person registered in the National Register.

Clause 1: provides for the short title of the Act.

Clause 2: defines certain terms used in the Act.

Clause 3: requires the Commission to establish, keep and maintain a National Register where every citizen of Barbados and every non-citizen who is resident in Barbados for a period of 6 months or more is to be registered. It also provides for that register to be used as a means of providing information to facilitate the issuing of identification cards to those registered in the National Register. This information will also be used to assist with the preparation of a register of electors for the purposes of the *Representation of the People Act, Cap. 12*.

Clause 4: sets out the eligibility requirements for a person to be registered in the National Register and for the provision of such documentary evidence as the Commission may prescribe in order to establish the truth of the information to be recorded in the National Register. In addition, it provides for the submission of affidavit evidence where documentary evidence cannot be produced and such affidavit evidence must

be reasonably verified by the Commission. It also prohibits the registration of persons who fail to meet the requirements for eligibility to be registered.

- Clause 5:** requires a person to register in such manner and within such time frame as stipulated by the Commission. It also requires the Registrar of Deaths to report to the Commission the number of deaths recorded within a given time frame. It allows the Commission to amend the National Register by deleting names as necessary and allows for publishing in the *Official Gazette* and in daily newspapers the names of persons required to present themselves for registration or the names of persons removed from the register, as the case may be.
- Clause 6:** sets out the specific duties of the Chief Registering Officer as it relates to the National Register and allows him to have access to the information recorded in the register in order to perform his functions.
- Clause 7:** sets out the categories under which a Barbados identification card or a non-citizen identification card of Barbados is to be issued. It further sets out the period of validity of such identification cards and provides for payment of the prescribed fee by the person being registered where applicable.
- Clause 8:** sets out when a person issued with an identification card may be required to produce that card and establishes that the identification card is to be viewed as *prima facie* evidence of the identity of the person whose image it bears. Further it is established that the identification card is the property of the Commission for the use of the person to whom it is issued. It also stipulates that if the identification card is found by a

person to whom it has not been issued it should be returned to the Commission.

- Clause 9:** requires that the information obtained to be placed in the National Register not be open to inspection by the public and not be disclosed except under named circumstances.
- Clause 10:** allows the Commission to inspect and re-issue an identification card which was issued in reliance on information later found to be inaccurate or incomplete due to inadvertence on the part of the Commission and where the card is found to be defective by the Commission.
- Clause 11:** allows the Commission to waive, by order, fees for the replacement of an identification card for a person or group of persons. The order made in respect of the waiver is subject to negative resolution.
- Clause 12:** stipulates that any monies collected or received by the Commission shall be paid into the Consolidated Fund.
- Clause 13:** sets out certain acts that will be deemed offences as it relates to the Act and prescribes a penalty for such offences.
- Clause 14:** empowers the Commission to make regulations to prescribe specific requirements relating to the National Register or national identification cards; or to make regulations generally for carrying out the purposes of the Act.
- Clause 15:** stipulates that a valid identification card authorised under section 25 of the *Representation of the People Act*, Cap. 12 or under the *Statistics Act*, Cap. 192 shall remain valid for a period of 18 months from the date of commencement of this Act. It also provides that a new card issued under this Act to any person who held a valid identification card authorised

NATIONAL REGISTRATION ACT,
2015

under section 25 of the *Representation of the People Act*, Cap. 12 or under the *Statistics Act*, Cap. 192 shall be free of cost during the 18 month period that the previous card remains valid.