

CAYMAN ISLANDS



Supplement No.3 published with Gazette No.12 dated
13th June, 2006.

**A BILL FOR A LAW TO AMEND THE BIRTHS AND DEATHS
REGISTRATION LAW (1996 REVISION) IN ORDER TO PROVIDE FOR
THE RE-REGISTRATION OF A CHILD WHOSE PARENTS ARE NOT
MARRIED; FOR A CHANGE IN REGISTRATION AFTER THE
PRODUCTION OF THE RESULTS OF A PARENTAGE TESTING
PROCEDURE; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

MEMORANDUM OF OBJECTS AND REASONS

BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL, 2006

This Bill amends the Births and Deaths Registration Law (1996 Revision) to enable the re-registration of the birth of a child where, because the child's father and mother were not married to each other at the time of the birth, no person was registered as the father of the child, and a request is made thereafter for a person to be registered as the father.

The Bill also provides that the Registrar-General may, on production of a court order or such results of a parentage testing procedure as appear to him to be satisfactory to prove that a person is or is not the father of a child, and, on payment of the appointed fee, authorise at any time a change in registration of the birth of a child whose birth is already registered under the Law, and such change in registration shall be effected in such manner and at such place as may be determined by the Registrar- General.

ARRANGEMENT OF CLAUSES

1. Short title.
2. Amendment of the Births and Deaths Registration Law (1996 Revision)-re-registration where parents are not married; change of registration after parentage testing procedure.
3. Amendment of the First Schedule- forms.
4. Amendment of the Second Schedule- fees.
5. Validation.

CAYMAN ISLANDS

**A BILL FOR A LAW TO AMEND THE BIRTHS AND DEATHS
REGISTRATION LAW (1996 REVISION) IN ORDER TO PROVIDE FOR
THE RE-REGISTRATION OF A CHILD WHOSE PARENTS ARE NOT
MARRIED; FOR A CHANGE IN REGISTRATION AFTER THE
PRODUCTION OF THE RESULTS OF A PARENTAGE TESTING
PROCEDURE; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Islands.

1. This Law may be cited as the Births and Deaths Registration (Amendment) Law, 2006.

Short title

2. The Births and Deaths Registration Law (1996 Revision), in this Law referred to as “the principal Law”, is amended by inserting the following new section after section 52-

Amendment of the
Births and Deaths
Registration Law (1996
Revision)-re-registration
where parents are not
married; change of
registration after
parentage testing
procedure

“Re-registration
where parents not
married

52A.(1) Where the birth of a child has been registered under this Law and the child’s father and mother were not married to each other at the time of the birth and no person has been registered as the father of the child, the Registrar-General shall, on payment of the appointed fee, re-register the birth so as to show a person as the father-

- (a) at the joint request of the mother and that person and, if the child has attained the age of sixteen, together with the written consent of the child; or
- (b) at the request of the mother on production

- of-
- (i) a declaration made by the mother stating that that person is the father of the child; and
- (ii) a declaration made by that person stating himself to be the father of the child; and
- (iii) if the child has attained the age of sixteen, the written consent of the child to the registration of that person as his father; or
- (c) at the request of that person on production of-
- (i) a declaration by that person stating himself to be the father of the child; and
- (ii) a declaration made by the mother stating that that person is the father of the child; and
- (iii) if the child has attained the age of sixteen, the written consent of the child to the registration of that person as his father; or
- (d) at the request of the mother or that person on production of-
- (i) a court order declaring that person to be the father of the child; and
- (ii) if the child has attained the age of sixteen, the written consent of the child to the registration of that person as his father,

but no birth shall be re-registered under this section except in the manner provided in subsection (2).

(2) On the re-registration of a birth under this section-

- (a) the Registrar-General or an officer designated by him shall sign the register; and
- (b) in the case of a request under subsection (1)(a) or (b) or, in the case of a request under subsection (1) (d) made by the mother, the mother shall also sign the

register; and

- (c) in the case of a request under subsection (1) (a), (c) or, in the case of a request under subsection (1) (d) made by the person requesting to be registered as the father of the child, that person shall also sign the register.

(3) Where both the mother and the person requesting to be registered as the father of the child are absent from the Islands and they have both given their written consent that another named person may sign on their behalf the register may be signed by the Registrar-General and that person who shall be over the age of eighteen.

(4) Upon the re-registration of the birth of a person under this section the Registrar-General shall cause a note of the fact of such registration to be entered in the margin of the original entry of such birth, in the general register of births and in the margin of the entry in the registration form book deposited in accordance with section 48, and thereafter, subject to subsection (5), the Registrar-General shall only issue a certificate which shows the re-registration.

(5) After the re-registration of the birth of a person the Registrar-General may only issue a certified copy of his original registration pursuant to the order of a court.

(6) For the purposes of this section “request” means a request in writing.

Change of
registration after
parentage testing
order

52B. (1) Subject to subsection (2), the Registrar-General may, on production of such results of a parentage testing procedure as appear to him to be satisfactory to prove that a person is or is not the father of a child, and, on payment of the appointed fee, authorise at any time a change in registration of the birth of a child whose birth is already registered under this Law, and such change in registration shall be effected in such manner and at such place as the Registrar-General may determine.

(2) Where a person is registered as the father of a

child pursuant to section 52A (d) (i) the Registrar may only change such registration where a court order subsequently stipulates that such person is not the father as previously decided by the court.

(3) Upon the change in registration of a birth in accordance with subsection (1) or (2) the Registrar-General shall cause a note of the fact of such change to be entered in the margin of the original entry of such birth, in the general register of births and in the margin of the entry in the registration form book deposited in accordance with section 48, and thereafter subject to subsection (4), the Registrar-General shall only issue a certificate which shows the change in registration.

(3) After the change in registration of the birth of a person the Registrar-General may only issue a certified copy of his original registration pursuant to the order of a court.”.

Amendment of the First
Schedule- forms

3. The principal Law is amended in the First Schedule as follows-

(a) in Form A –

(i) by deleting the word “Name” and substituting the word “Surname”; and

(ii) by inserting below the words “Name of child” (as amended pursuant to sub sub-paragraph (i)) the following words-

“Given names

(b) by inserting the following form after Form D-

“FORM E	CAYMAN ISLANDS
	BURIAL ORDER
Section 1	CERTIFICATE
I....., Registrar/ Hospital Administrator/ Coroner*	
in the Cayman Islands, hereby certify that I have received on this day a notice of	
death/ still birth* for of.....	
	(Full name) (Place of residence)
who died on..... at.....and	
	(date of death/ still birth) (place of death/ still birth)
whose age is stated to be and authorise the burial or other form of	

disposition of the body.									
Signature..... Date..... <i>* delete where appropriate</i>									
Section 2	RELEASE OF BODY FOR BURIAL								
I....., being..... <div style="display: flex; justify-content: space-between;">(name)(relation to the deceased)</div> take delivery of the body for burial or other form of disposition.									
Signature..... Date..... Address.....									
Section 3	NOTIFICATION OF DISPOSITION								
I....., hereby notify that the body of..... <div style="display: flex; justify-content: space-between;">(name)(name of deceased)</div> was disposed of by.....on..... <div style="display: flex; justify-content: space-between;">(type of disposal)(date)</div> at.....									
Signature..... Date..... Title/ Designation/ capacity/..... Address.....									
<p><i>After disposition of body a copy of this form must be returned by mail or fax to:</i></p> <table style="width: 100%;"> <tr> <td style="width: 50%;">The Registrar</td> <td style="width: 50%;">Fax : 345 949-0969</td> </tr> <tr> <td>The General Registry</td> <td>Tel: 345 949-7900</td> </tr> <tr> <td>Cayman Islands Government</td> <td></td> </tr> <tr> <td>Grand Cayman, Cayman Islands</td> <td></td> </tr> </table>		The Registrar	Fax : 345 949-0969	The General Registry	Tel: 345 949-7900	Cayman Islands Government		Grand Cayman, Cayman Islands	
The Registrar	Fax : 345 949-0969								
The General Registry	Tel: 345 949-7900								
Cayman Islands Government									
Grand Cayman, Cayman Islands									

4. The principal Law is amended in the Second Schedule by inserting the following in Part III of the table after the row relating to “52”- Amendment of the
Second Schedule- fees

“52A	Re-registration of birth where parents not married.	25.00
52B	Change in registration after production of results of parentage testing procedure.	25.00”

5. (1) Any re-registration or change in registration before the commencement of this Law of the birth of a child to whom section 52A or 52B relates that would have been lawful and effective if this Law had been in force at the time when it was done is validated and declared to have been lawfully done and effective. Validation

(2) This Law does not alter any order or determination made by a court before the coming into force of this Law.

(3) If any legal proceedings have been commenced before the coming into force of this Law but are not finally determined before that time, they shall be dealt with and determined as if this Law had not been enacted.

Passed by the Legislative Assembly the day of , 2006.

Speaker.

Clerk of the Legislative Assembly.