TITLE 26 – FAMILY
CHAPTER 4 - BIRTHS, DEATHS AND MARRIAGES REGISTRATION

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1988

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BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1988

AN ACT to make provision for registration of births, and deaths and marriages and for matters connected therewith.

Commencement:			*March 21, 1988*
Source:			*P.L. 1988-10*
Amended By:	*P.L. 1992-4*	*P.L. 1994-99*	*P.L. 2002-49*
P.L. 2009-17	*P.L. 2009-26*		

PART I - PRELIMINARY

§401. Short title.

This Chapter may be cited as the Births, Deaths and Marriages Registration Act 1988. **[P.L. 1988-10, §1.]**

§402. Interpretation.

In this Chapter unless context otherwise requires the words:

(a) "**birth**" includes live-birth and still-birth;

(b) "**disposal**" in relation to a dead body means disposal by burial, cremation or by any other means;

(c) "**live birth**" means the birth of a child born alive;

(d) "**Minister**" means Minister in charge of the Ministry of Internal Affairs;

(e) "**occupier**" in relation to a public institution means the officer responsible for the superintendence of that institution, and in relation to a house means any person residing in that house;

(f) "**public institution**" means prison, hospital or other public institution as may, be prescribed;

(g) "**qualified informant**" in relation to birth or death means a person who is qualified to give information by this Chapter, and in relation to a marriage means a person on whom a duty is imposed to give information by this Chapter;

(h) "**Registrar-General**" means the Registrar-General of Births, Deaths and Marriages appointed under this Chapter;

(i) "**relative**" includes a relative by marriage; and

(j) "**still born child**" means a child issued from its mother after at least seven (7) months of pregnancy and at any time after being expelled from its mother which does not breath or show any other signs of life. **[P.L. 1988-10, §2; reference to Ministry updated by Reviser to reflect name change to "Internal Affairs"]**

§403. Appointment of Registrar -General.

(1) The Secretary of Internal Affairs shall be ex officio the Registrar-General of Births, Deaths and Marriages. The Registrar-General shall exercise the powers and perform the duties conferred or imposed by or under this Chapter and the powers and duties of the Registrar with respect to Majuro Atoll.

(2) The Registrar-General may appoint a Deputy Registrar-General who shall be a member of the public service. There may also be appointed a person or persons to be the Registrars of Births, Deaths and Marriages for any Atoll or Atolls. The Registrar-General may also assign other appropriate duties to such person or persons.

(3) A Registrar may exercise such powers and perform such duties vested or imposed under the Chapter, except those that are specifically provided in the Chapter to be exercised or performed by the Registrar-General.

(4) All duties and responsibilities as set out in the *Registration of Persons Act 1989*, 7 MIRC 16, shall be assumed by the Registrar-General and

coordinated with the existing records and responsibilities of the Registrar-General. **[P.L. 1988-10, §3; amended by P.L. 1992-4, §2(1).]**

§404. Registry office.

(1) The office of the Registrar-General shall be known as the Registrar-General or as the Registrar-General's Office and shall be located in Majuro.

(2) Every Registrar shall, as far as practicable, maintain an office in the Atoll for which he is appointed.

(3) The office of the Registrar shall be opened to the public on such days and at such hours as may be prescribed. **[P.L. 1988-10, §4.]**

§405. Registers of births, deaths and marriages.

(1) The Registrar-General shall maintain separate General Registers with respect to births, deaths and marriages for the whole of the Marshall Islands; and in addition maintain separate registers with respect to Majuro Atoll.

(2) Every Registrar shall maintain separate registers with respect to births, deaths and marriages in the Atoll for which he is appointed.

(3) It shall be the duty of the Registrar General to ensure that each Registrar is supplied and kept supplied with sufficient numbers of registers in the prescribed form. **[P.L. 1988-10, §5.]**

§406. Delivering up of books, etc.

Where a person ceases to hold office of the Registrar for any Atoll, all registers, books, documents and other material in the possession of the holder of that office, shall be delivered up to his successor in office or, if there is no successor, to such person as the Registrar-General may designate. Failure to deliver up such books as stated above shall constitute an offense under this Chapter. **[P.L. 1988-10, §6.]**

PART II- REGISTRATION OF BIRTHS

§407. Particulars of births to be registered.

(1) Subject to the provisions of this Part, the birth of every child born in the Marshall Islands shall be registered by the Registrar for the Atoll in which the child was born by entering in a register kept for that Atoll such particulars concerning the birth as may be prescribed; provided, that where a living newborn child is found and no information as to the place of birth is available, the birth shall be registered by the Registrar for the Atoll in which the child was found.

(2) The following persons shall be qualified to give information concerning a birth:

(a) the father and mother of the child;

(b) any person present at the birth;

(c) any person having personal knowledge of the birth;

(d) any medical practitioner, midwife in attendance and having personal knowledge of the birth having occurred; or

(e) any person having charge of the child. **[P.L. 1988-10, §7.]**

§408. Information concerning birth.

In the case of every birth it shall be the duty:

(a) of the father and mother of the child;

(b) in the case of death or inability of the father and mother, of such other qualified informant, to give to the Registrar before the expiration often (10) days from the date of the birth information of the particulars required to be registered concerning the birth. **[P.L. 1988-10, §8.]**

§409. Finding of new born child.

Where any living new-born child is found, it shall be the duty of the person finding the child, and of any other person in whose charge the child may be placed, to give to the best of his knowledge and belief to the Registrar before the expiration of one month from the date on which the child was found, such information of the particulars required to be registered concerning the birth of the child as the informant possesses. **[P.L. 1988-10, §9.]**

§410. Registrar's power to require information.

Where after the expiration of ten (10) days from the date of the birth of any child or from the date that any new-born child is found, the birth of the child has, owing to the default of the person required to register it, not been registered, the Registrar may, by notice in writing, require any qualified informant:

(a) to attend personally at the Registrar's office before such date as may be specified in the notice; and

(b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the birth to the Registrar or to some person designated by him. **[P.L. 1988-10, §10.]**

§411. Registration of births.

Where the Registrar receives personally from any qualified informant at any time before the expiration of three (3) months from the date of the birth of any child or from the date when any living new-born child is found, information of the particulars required to be registered concerning the birth of the child, then he shall forthwith register the birth and the particulars, if not previously registered, in the prescribed from and manner. **[P.L. 1988-10, §11.]**

§412. Registration between 3 and 12 months.

(1) Where on the expiration of three (3) months and before the expiration of twelve (12) months from the date of the birth of any child or from the date when any living newborn child is found, the birth has not been registered, the Registrar may by notice in writing require any qualified informant:

(a) to attend personally at the Registrar's office before such date as may be specified in the notice; and

(b) to make before the Registrar, or some person designated by him, a declaration according to the best of the declarant's knowledge and belief of the particulars required to be registered concerning the birth.

(2) Upon any qualified informant attending before the Registrar, whether in pursuance of requirement of not, and making such a declaration as aforesaid and giving information concerning the birth,

the Registrar shall then register the birth according to the information of the declarant. **[P.L 1988-10, §12.]**

§413. Registration after twelve months.

Where after the expiration of twelve (12) months from the date of the birth of any child or from the date when any living new-born child is found exposed, the birth of the child has not been registered, the birth shall not be registered except upon an order of court made in accordance with Section 414 of this Chapter. **[P.L. 1988-10, §13.]**

§414. Procedure in Court.

(1) Subject to the provisions of Subsection (2) of this Section an application for an order under Section 413 of this Chapter shall be made to court by a qualified informant and shall be accompanied by an affidavit setting out to the best of such person's information and belief the particulars required to be registered.

(2) Notwithstanding the provisions of Subsection (1) of this Section, where any person of over 18 years of age desires the registration of his own birth but with respect to which no qualified informant is available to give the particulars required for registration, he may himself make an application to court for an order under Section 413 of this Chapter, and any such application shall be accompanied by an affidavit setting out to the best of his information and belief the particulars of his birth required to be registered and the reason why no qualified informant is available to give such particulars.

(3) An applicant for an order under this Section shall, at the same time as he makes the application to court, cause a copy of the application and of any affidavit to be served upon the Registrar.

(4) Upon the receipt of an application the court may order the Registrar or his representative to appear before the court on such date as the court may determine.

(5) After hearing any evidence, the court may grant or refuse to grant an order that the birth with respect to which the application was made, be registered. **[P.L. 1988-10, §14.]**

§415. Penalty for improper registration.

Except as provided in section 412 or 413 of this Chapter, a Registrar shall not register the birth of any child after the expiration of three (3) months from the date of birth, or in the case of a living new-born child found, from the date of finding, and any person who registers any birth or causes any birth to be registered in contravention of this Section shall be guilty of an offense and shall upon conviction be liable to a fine not exceeding $500 or to a term of imprisonment not exceeding six (6) months. **[P.L. 1988-10, §15.]**

§416. Provision as to father of illegitimate child.

Notwithstanding anything in this Part, in the case of a child born out of wedlock, whether legal or customary, no person shall, as father of the child, be required to give information concerning the birth of the child, and the Registrar shall not enter in the register the name of any person as father of the child except at the joint request made in writing signed by both the mother and person acknowledging himself to be the father of the child. **[P.L. 1988-10, §16.]**

§417. Registration of still-birth.

(1) Any qualified informant giving information to the Registrar of the particulars required to be registered concerning a stillbirth shall upon giving that information either:

(a) deliver to the Registrar a written certificate that the child was not born alive, signed by a medical practitioner or a mid-wife who was in attendance at the birth or who has examined the body of the child; or

(b) make a declaration in the prescribed form to the effect that no medical practitioner or mid-wife was present at the birth or has examined the body or that his or her certificate cannot be obtained and that the child was not born alive.

(2) The Registrar upon registering a still birth shall, if so required, give either to the informant or to the person who has control over the body, a certificate under his hand in the prescribed form that he has registered the still-birth. **[P.L. 1988-10, §17.]**

§418. Certificate of Registration of birth.

At the time of registering the birth of any child the Registrar shall (if so required by the informant of the birth and upon payment to him by the informant of such fees as may be prescribed), give to the informant a certificate under his hand in the prescribed form that he has registered the birth. **[P.L. 1988-10, §18.]**

§419. Change of name.

Where the birth of any child has been registered before the child has received a name or the name by which any child was registered is altered, the Registrar may upon the application of the parent or guardian of the child within three (3) years of the date of the registration, and on payment of the prescribed fee and on receipt of such evidence as the Registrar may require, without any erasure of the original entry, enter in the register the name given to the child or the alteration in the name as the case may be. **[P.L. 1988-10, §19.]**

§419A. Corrected Certificates of Live Birth of Adopted Children.

Where a child of Marshallese citizenship has been adopted in the High Court of the Republic, the Registrar shall enter in the register and issue a corrected certificate of live birth containing all the information from the original certificate of live birth, and additionally the name(s) of the adoptive parent(s) and the adoptive name, if any, of the child." **[P.L. 2002-49]**

PART ILL - REGISTRATION OF DEATHS

§420. Particulars of deaths to be registered.

Subject to this Part, the death of every person dying in the Republic and the cause thereof shall be registered by the Registrar for the Atoll in which the death occurred by entering in the register kept for that Atoll such particulars concerning the death as may be prescribed; provided, that where a dead body is found and no information as to the place of death is available the death shall be registered by the Registrar for the Atoll in which the body is found. **[P.L. 1988-10, §20.]**

§421. Information concerning death in a house.

(1) The following persons shall be qualified to give information concerning the death where a person dies in a house:

(a) any person present at the death;

(b) any relative residing or being on the Atoll where the death occurred and who is aware of the death;

(c) the occupier or any inmate of the house where the death occurred and who is aware of the death; or

(d) the person causing the disposal of the body.

(2) It shall be the duty of the nearest relative or if there is no such relative of each such person as is mentioned above to give to the Registrar, before the expiry of five (5) days from the date of death, information to the best of his knowledge and belief of the particulars required to be registered concerning the death. **[P.L. 1988-10, §21.]**

§422. Information concerning other deaths.

(1) The following persons shall be qualified to give information concerning the death where a person dies other than in a house or where a dead body is found and no information as to the place of death is available:

(a) any relative of the deceased who has knowledge of any of the particulars required to be registered concerning the death;

(b) any person present at the death;

(c) any person finding or taking charge of the body;

(d) any person causing the disposal of the body.

(2) It shall be the duty of each such relative or if there are no such relatives, of each other qualified informant, to give to the Registrar, before the expiration of five (5) days from the date of the death or of the finding of the body, such information of the particulars required to be registered concerning the death as the informant possesses. **[P.L. 1988-10, §22.]**

§423. Registrar's power to require information concerning death.

Where, after the expiration of the relevant period from the date of the death or finding of the dead body of a person, the death of that person has, owing

to the default of the persons required to give information concerning it, not been registered, the Registrar may by notice in writing require any qualified informant:

(a) to attend personally at the Registrar's office before such date as may be specified in the notice; and

(b) to give information to the best of the informant's knowledge and belief of the particulars required to be registered concerning the death to the Registrar or to some person designated by him.

Provided, that any such requirement shall cease to have effect if, before the date specified in the notice, and before the person to whom the notice is given complies with it, the death is duly registered. **[P.L. 1988-10, §23.]**

§424. Registration of death.

Where the Registrar receives personally from any qualified informant (at any time before the expiration of twelve (12) months from the date of the death or finding of the dead body of any person), information of the particulars required to be registered concerning that person's death, then, he shall forthwith register the death and the particulars, if not previously registered, in the prescribed form and manner. **[P.L. 1988-10, §24.]**

§425. Registration of deaths after 12 months.

After the expiration of twelve (12) months from the date of the death or finding of the death of any person, the death of that person shall not be registered except upon an order by court. **[P.L. 1988-10, §25.]**

§426. Certificate of cause of death.

(1) In the case of the death of any person who has been attended during his last illness by a medical practitioner, that practitioner shall sign a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death and shall forthwith deliver that certificate to the Registrar and a copy thereof to a qualified informant of the death, who shall deliver the said copy to the Registrar.

(2) The Registrar, to whom a certificate of cause of death or a copy thereof is delivered as above, shall enter in the register the cause of

death as entered in the certificate together with the name of the certifying medical practitioner. **[P.L. 1988-10, §26.]**

§427. Certificates as to registration of death.

The Registrar upon registering any death shall forthwith give to the person giving information concerning the death a certificate under his hand in the prescribed form, that he has registered the death. **[P.L. 1988-10, §27.]**

PART III(A) –REGISTRATION OF DEATH – MISSING PERSONS.

§427A. Missing Persons to be Presumed Dead After Five years.

A person who is missing for a continuous period of five years, during which, after diligent search, he or she has not been seen or heard of or from, and whose absence is not satisfactorily explained, may be presumed, to have died five years after the date such unexplained absence commenced.

§427B. Missing Persons Exposed to a Specific Peril of Death or Catastrophic Accident.

(1) A person who, after being exposed to a specific peril of death or catastrophic accident, is subsequently missing, and has not been seen or found after a diligence search, may, at any time after the exposure to such specific peril of death or catastrophic accident, be presumed to have died on the date of, or any time after, exposure to such specific peril of death or catastrophic accident.

(2) "specific peril of death" or "catastrophic accident" refer generically to circumstances that expose a person to imminent danger, and includes:

(a) terrorist activities;

(b) any criminal activities;

(c) accidents involving aircrafts;

(d) accidents involving ships, sailboats and other types of watercrafts at sea;

(e) danger posed by typhoons, hurricanes, tsunamis or any other form of natural phenomena;

(f) fire;

(g) any other circumstances that the Court, in its discretion, may characterize as constituting a "specific peril of death" or a "catastrophic accident", based on the evidence before it.

§427C. Authority to Issue Declaration of presumption of Death.

(1) The authority to issue a declaration that the presumption of the death of a person missing under the circumstances set forth in Sections 427(A) and 427(B) herein above is established, is hereby vested in the competence of the High Court.

(2) Accordingly, the Registrar shall not register the death of a person whose death is presumed under Sections 427(A) or 427(B) herein-above, except upon the Order of the High Court.

§427D. Petition for Declaration of Death.

(1) Where a person is missing in the circumstances set forth under Section 427(A) above, any interested person may petition the High Court, at any time after the expiration of the fifth year of the said person's absence, for an Order declaring that the missing person is presumed dead, for all purposes under the law.

(2) Where a person missing in the circumstances set forth under Section 427(B) above, any interested person may petition the High Court, at any time after the exposure of the missing person to the specific peril of death or catastrophic accident, for an Order declaring that the missing person is presumed to have died on the date of, or after, exposure to such specific peril of death or catastrophic accident.

§427E. Hearing and Order.

(1) The burden of proof shall lie with the interested person, who shall set forth all the facts that are necessary to establish the presumption that the missing person is dead.

(2) The High Court shall, upon the hearing of the petition, and if satisfied that the presumption has been established on the balance of probabilities:

(a) issue an Order declaring that the missing person is for all purposes under the law, presumed dead; and

(b) direct the Registrar to so register the death of the said person, and to issue a certificate attesting to that fact, under his hand, to the interested person.

(3) The High Court may, in its Order, make a determination, based on the evidence, as to the date of death.

(4) "Interested person" as used herein means, the spouse of the missing person, any one of the children of the missing person, any sibling or parent of the missing person, any other person related by consanguinity to the missing person, a person entitled to share in the estate of the missing person under the laws of the Republic, any creditor, or any other person determined by the court to be competent to file a petition.

(5) "High Court" as used herein means the High Court of the Republic.

§427F. Competency of Witnesses.

No person shall be disqualified to testify in support of a petition under this Part by reason of relationship as the surviving spouse, or by reason of an interest in the missing person's property.

§427G. Registration and Issuance of Certificate.

(1) Upon issuance of the Order from the High Court, the Registrar shall proceed to register the death of the person presumed dead in the register and issue a certificate attesting to that fact, under his hand, to the interested person.

(2) A certificate issued by the Registrar under this Section shall constitute conclusive proof of the presumption of death of any such person, for all purposes under the laws of the Republic.

§427H. Vacation of Order declaring the Presumption of Death.

The High Court, at any time after the issuance of the Order under Section 427(E), and upon satisfactory proof that the person who was presumed dead is in fact alive, shall vacate the Order establishing the presumption of his death.

PART IV - MARRIAGES

§428. Requisites of a marriage.

In order to contract a valid marriage it shall be necessary:

(a) that the male at the time of contracting the marriage be not less than eighteen (18) years of age and the female be not less than sixteen (16) years of age;

(b) that where the female is not less than sixteen (16) years of age but less than eighteen (18) years of age one of her parents or her guardian shall consent to her marriage;

(c) that the marriage between the two parties is not within the prohibited degrees of marriage by law or custom; and

(d) that where either of the parties were married earlier, the former spouse of that party has died, or the prior marriage of that parry was annulled or dissolved by a court of competent jurisdiction. **[P.L. 1988-10, §28.]**

§429. Performance and solemnization of marriage.

(1) A marriage may only be performed and solemnized by a Registrar, an ordained minister of church, a judge of the High Court or District Court, or by any person authorized by any other law to perform and solemnize a marriage. The person performing and solemnizing a marriage may receive a fee as may be prescribed.

(2) No marriage shall be performed or solemnized except in the presence of two witnesses.

(3) Where the marriage is between two non-citizens or between a non-citizen and a citizen, no marriage shall be performed or solemnized except upon a license granted under the hand of the Secretary of Foreign Affairs. This subsection (3) does not apply to marriages at sea.

(4) Marriages at sea may be performed and solemnized by the vessel's Master, or other person authorized by law. Such marriages shall not require a license granted under the hand of the Secretary of Foreign Affairs.

(5) For the purposes of this Chapter, "marriages at sea" shall mean marriages performed aboard vessels of the Republic registered with the Maritime Administrator. **[P.L. 1988-10, §29.][subsection (3) amended and subsection (4) and (5) inserted by P.L.2009-17]["Minister" replaced with Secretary by P.L. 2009-26]**

§430. License to marry.

(1) The Secretary of Foreign Affairs is hereby authorized to grant a license for marriage between two non-citizens or between a non-citizen and a citizen, except for marriages at sea.

(2) Upon the application for a license under Subsection (1) of this Section, in such form as may be prescribed, the Secretary may (after inquiry and where he or she is satisfied that the parties are free to marry) grant a license, on payment of a prescribed fee. The license granted under this Subsection shall be valid only for a period of three (3) months. **[P.L. 1988-10, §30.][amended by P.L. 2009-17]["Minister" replaced with Secretary by P.L. 2009-26]**

§431. Marriage to be registered.

(1) The marriage of every person marrying in the Republic shall be registered by the Registrar of the Atoll in which the marriage took place by entering in the register kept for that Atoll such particulars concerning the marriage

(2) The Maritime Administrator shall maintain the register of all marriages at sea and shall be the Registrar for all such marriages. **[P.L. 1988-10, §31.][subsection (2) inserted by P.L. 2009-17]**

§432. Duties of the Registrar.

(1) It shall be the duty of the Registrar to accept, keep in safe custody, maintain and make any certificate, copy entry, and to do, act in or upon, any other matter or thing connected with the registration of marriages as he may be required by this or any other Act to be accepted, kept, made, done or acted in or upon.

(2) The Registrar shall upon receipt of any certificate with respect to the marriage from any person or authority entitled to perform marriage under Section 429 of this Chapter, or on receipt of a copy thereof under Section 433(2) of this Chapter, register the particulars contained in the certificate. **[P.L. 1988-10, §32.]**

§433. Duties of person solemnizing the marriage.

(1) It shall be the duty of every person or authority who is entitled to solemnize a marriage to preserve a record of every marriage performed by him and to forward a certificate of the record within fourteen (14) days, or within thirty (30) days for marriages at sea, of the solemnization of the marriage to the Registrar, containing particulars required to be registered concerning the marriage as may be prescribed.

(2) A copy of the certificate referred to in Subsection (1) of this Section, shall be given in the prescribed form to the parties who were married, and it shall be the duty of the said parties to forward the copy to the Registrar for information and return. **[P.L. 1988-10, §33.][subsection (1) amended by P.L. 2009-17]**

§434. Customary marriages.

The provisions of this Part shall not apply to marriages contracted between citizens in accordance with recognized customary practice. And a marriage contracted between citizens in accordance with recognized customs, shall be valid. **[P.L. 1988-10, §34.]**

PART V - GENERAL

§435. Duty of Registrars to send returns.

Every Registrar shall in the months of January, April, July and October:

(a) make and deliver to the Registrar General in the prescribed form, a correct return, certified by him of all the entries of births, deaths, and manages made in the registers kept by him during the period of three (3) months preceding the month the return is required to be delivered; and

(b) if no birth, death or marriage has been registered in his Atoll during that period, deliver to the Registrar-General in the prescribed form a return to that effect under his hand. **[P.L. 1988-10, §35.]**

§436. Custody of Registers.

(1) Every Registrar shall keep safely all registers of births, deaths, and marriages which are in his custody.

(2) When a register of births, deaths, or marriages is filled, the Registrar shall deliver it to the Registrar-General for safe custody and reservation.

(3) The particulars of returns sent to the Registrar-General under Section 435 of this Chapter shall be duly entered by the Registrar General in the registers maintained by him for the whole of the Marshall Islands and the registers delivered to him under Subsection (2) of this Section shall be kept in the registry office in such manner and order as may be prescribed. **[P.L. 1988-10, §36.]**

§437. Correction of errors in the registers.

(1) No alternation shall be made in any register of births or deaths except as authorized by this or any other Chapter.

(2) A clerical error, other than an error of fact or substance, in any register may, subject to any direction of the Registrar-General, be corrected by the Registrar having custody of the register free of charge.

(3) Any correction in a register made in accordance with this Section or of Section 442(3) of this Chapter, must be attested as evidenced by the initials of the person making it. **[P.L. 1988-10, §37.]**

§438. Certified copies of entries.

(1) Any person shall be entitled to have a certified copy of any entry in any register of births, deaths, or marriages kept by the Registrar-General on payment to him of the prescribed fee.

(2) Any person shall be entitled to have a true copy of any entry in any register of births, deaths, or marriages kept by the Registrar on payment to him of the prescribed fee. **[P.L. 1988-10, §38.]**

§439. Certified copies evidence of birth, death or marriage.

(1) The Registrar-General shall cause any certified copy of an entry given by the Registrar-General's Office to be sealed or stamped with the

prescribed seal of that office, and any certified copy of an entry purporting to be sealed or stamped with the seal of that Office shall be received as evidence of birth, death or marriage to which it relates without any further or other proof of the entry.

(2) A true copy of an entry in a register kept by the Registrar shall be deemed to be a true copy of entry in the register kept by him and shall be prima facie proof of the facts stated therein. **[P.L. 1988-10, §39.]**

§440. Offenses relating to registers.

If any person:

(a) being a Registrar, refuses, or without reasonable cause omits, to register any birth, death or marriage tendered to him by a qualified informant and which he is required by or under this Chapter register;

(b) being a Registrar fails or neglects to maintain any register in the manner prescribed in this Chapter or any regulations issued hereunder;

(c) being a person having the custody of any register of births, deaths or marriages, carelessly allows the register to be damaged; or

(d) being a Registrar fails to transmit to the Registrar-General the returns as required by this Chapter and any regulations, shall be guilty of an offense and shall upon conviction be liable to a fine not exceeding $100. **[P.L. 1988-10, §40.]**

§441. Penalties for failing to give information.

If any person:

(a) being required by or under this Chapter to give information of any birth or death, or willfully refuses to answer any question put to him by the Registrar relating to the particulars required to be registered concerning the birth or death;

(b) refuses or fails without reasonable excuse to give, deliver or send any certificate which he is required by this Chapter to give, deliver or send;

(c) being a parent, and save as provided in this Chapter, fails to give information concerning the birth of his child required by this Chapter; or

(d) being a person upon whom a duty to give information concerning a marriage, fails to give that information, shall be guilty of an offense and shall upon conviction be liable to a fine not exceeding $50. **[P.L. 1988-10, §41.]**

§442. False information, etc.

(1) If any person who:

(a) willfully gives any false answer to any question put to him by any Registrar or willfully gives any false information to the Registrar;

(b) willfully makes any false certificate or declaration under or for the purpose of this Chapter or knowing or having reason to believe such certificate or declaration to be false, uses the same as genuine;

(c) willfully makes, gives or uses any false statement or declaration as to the birth or death of a child or a person; or

(d) makes any false statement with intent to have the same inserted in any register of births or deaths, shall be guilty of an offense and shall upon conviction be liable to a fine not exceeding $1,000 or to a term of imprisonment not exceeding one year, or both.

(2) When any particulars relating to a birth or death are received by a Registrar for the purpose of this Chapter and the Registrar has reason to believe that such particulars are not, or may not be true, he shall forthwith report the matter to the Registrar-General, together with his reasons for so believing.

(3) Where in any proceeding under Subsection (1) of this Section the court is satisfied that by reason of the offense charged an error of fact or substance has been made in the register, the court may certify to the officer having custody of the register the true facts of the case so far as may have been ascertained by the court, and the error shall thereupon be corrected by that officer in the register by entering in

the margin (without any alteration of the original entry) the facts so certified by the court. **[P.L. 1988-10, §42.]**

§443. Regulations.

The Minister may make regulations for proper carrying out and efficient administration of the provisions of this Chapter, and without prejudice to the generality of the foregoing, such regulations may:

(a) prescribe forms or fees that are required to be prescribed by this Chapter;

(b) direct by whom and in what manner fees payable under this Chapter are to be collected and accounted for; and

(c) provide for particulars of information required to be given under this Chapter. **[P.L. 1988-10, §43.]**

§444. Responsibility of the hospital administration.

It shall be the duty of the Chief Administrator of any hospital or a dispensary to collect all information, as may be prescribed concerning all births and deaths occurring in the hospital or any dispensary and assist every medical practitioner or midwife to provide such information to the Registrar as required under this Chapter to be given or delivered. **[P.L. 1988-10, §44.]**