



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE  
BRITISH INDIAN OCEAN TERRITORY**

**THE BIRTHS AND DEATHS  
REGISTRATION ORDINANCE 1984**

**CHAPTER A.2**

**Revised Edition**

Showing the law as at 1 September 2020

Published by Authority

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**Revised Edition**

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains a consolidation of the following laws:

The Births and Deaths Registration Ordinance 1984 - Ordinance No.3 of 1984

As amended by:

Ordinance No.3 of 1985  
Ordinance No.1 of 1989  
Ordinance No.3 of 2008  
Ordinance No.4 of 2016

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**REVISED ORDINANCES OF THE BRITISH INDIAN OCEAN  
TERRITORY**

**THE BIRTHS AND DEATHS REGISTRATION  
ORDINANCE 1984**

**CHAPTER A.2**

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**CHAPTER A.2**

*An Ordinance relating to the registration of births and deaths and matters  
connected therewith.*

**PART I**

**GENERAL**

**Citation.**

1. This Ordinance may be cited as the Births and Deaths Registration Ordinance 1984, ROBIOT c.A.2.

**Definitions.**

2. In this Ordinance unless the context otherwise requires –

**birth** includes a live-birth and a still-birth;

**disposal** in relation to a dead body means disposal by burial or any other means or removal from the Territory;

**house** includes any building whether permanent or temporary and any tented accommodation;

**live-birth** means the birth of a child born alive;

**occupier**, in relation to a house occupied by a Government or contractor, includes the governor, keeper, master, matron, superintendent or other chief resident officer, or other person in charge of the house, and where a house is divided into separate apartments or quarters means the person or persons to whom any apartment or quarter is allocated by a person responsible on behalf of a Government or contractor for the housing or quartering of personnel;

**qualified informant**, in relation to any birth or death, means a person who is by this Ordinance required, or stated to be qualified, to give information concerning that birth or death;

**relative** includes a relative by marriage, and, in relation to a person in respect of whom an adoption order has been made, also includes any person who would be

a relative, if the adopted person were the child of the adopter born in lawful wedlock;

**Registrar** means the Registrar of Births and Deaths;

**still-born child** means a child which has issued forth from its mother after the twenty eighth week of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other sign of life.

**Registrar.**

3. The Commissioner's Representative shall be *ex officio* the Registrar of Births and Deaths.

**Existing records.**

4. (1) The Registrar shall maintain separate Registers of Births and Deaths, which may be in the form of loose-leaf books, containing entries relating respectively to all births and deaths registered under this Ordinance. The entries shall be numbered consecutively. The Registers shall be kept in a secure fireproof place.

(2) The Registrar shall keep in the same place all registers, records, books or documents relating to births and deaths in the Territory which are in his possession at the commencement of this Ordinance.

## PART II

### REGISTRATION OF BIRTHS

**Births to be registered.**

5. Subject to the provisions of this Ordinance, the birth of every child born in the Territory shall, upon payment of the appropriate fee set out in Schedule 4 to this Ordinance, be registered by the Registrar by entering in the Register of Births the particulars contained in Schedule 1 to this Ordinance.

**Persons responsible for giving information as to birth.**

6. (1) The following persons shall be qualified to give information concerning a live-birth, that is to say –

(a) the father and mother of the child;

(b) the occupier of the house in which the child was to the knowledge of that occupier born;

(c) any person present at the birth;

(d) any person having charge of the child.

(2) In the case of every live-birth it shall be the duty –

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

(b) in the case of the death or inability of the father and mother, of each other qualified informant, to give to the Registrar, before the expiration of a period of 10 days from the date of birth, information of the particulars required to be registered concerning the birth, and in the presence of the Registrar to sign the Register:

Provided that the giving of information and the signing of the Register by any one qualified informant shall act as a discharge of any duty under this section of every other qualified informant.

#### **Registration of birth of still-born child.**

7. The provisions of section 6, other than in respect of giving information as to the names of the child, shall apply to the birth of a still-born child and every person whose duty it is to give information shall either –

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

(b) make a declaration to the effect that no medical practitioner or midwife 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.

#### **Provisions as to father of illegitimate child.**

8. Whenever information is given to the Registrar of the birth of an illegitimate child, the Registrar shall not enter the name of the father, unless the father consents to such entry by appearing and signing the Register either personally or by an agent authorised by deed to do so, and in the latter case the Registrar shall attach the deed to the entry in the Register.

#### **Certificate of registration of birth.**

9. At the time of registering the birth the Registrar shall, if so required by the informant of the birth, give to the informant, free of charge, a certificate under his hand consisting either of a copy of the entry in the Register relating to the birth as in Schedule 1 to this Ordinance, or, if so requested, of a Short Certificate of Birth as in Schedule 2.

**PART III**  
**REGISTRATION OF DEATHS**

**Deaths to be registered.**

**10.** Subject to the provisions of this Ordinance, the death of every person dying in the Territory shall, upon payment of the appropriate fee set out in Schedule 4 to this Ordinance be registered by the Registrar by entering in the Register of Deaths the particulars contained in Schedule 3 to this Ordinance.

**Information concerning death in a house.**

**11.** (1) The following provisions of this section shall have effect where a person dies in a house.

(2) The following persons shall be qualified to give information concerning the death, that is to say –

- (a) any relative of the deceased person present at the death or in attendance during his last illness;
- (b) any other relative of the deceased residing or being in the Territory;
- (c) any person present at the death;
- (d) the occupier of the house if he knew of the happening of the death;
- (e) any inmate of the house who knew of the happening of the death;
- (f) the person causing the disposal of the body.

(3) It shall be the duty –

- (a) of the nearest relative such as is mentioned in subsection (2)(a);
- (b) if there is no such relative, of each such relative as is mentioned in paragraph (b) of that subsection;
- (c) if there are no such relatives, of each such person as is mentioned in paragraph (c) or (d) of that subsection; or
- (d) if there are no such relatives or persons as mentioned in subsection (2)(a), (b) or (c), of each such person as is mentioned in paragraph (e) or (f) of that subsection, to give to the Registrar,



before the expiration of 5 days from the date of the death, information to the best of his knowledge and belief of the particulars required to be registered concerning the death, and in the presence of the Registrar to sign the Register:

Provided that –

(i) the giving of information and the signing of the Register by any one qualified informant shall act as a discharge of any duty under this subsection of every other qualified informant;

(ii) this subsection shall not have effect if an inquiry is held by a Police Officer touching the death of the deceased person.

### **Information concerning other deaths.**

12. (1) The following provisions of this section shall have effect where a person dies elsewhere than in a house or where a body is found and no information as to the place of death is available.

(2) The following persons shall be qualified to give information concerning the death, that is to say –

(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.

(3) It shall be the duty –

(a) of each such relative as is mentioned in subsection (2)(a); or

(b) if there are no such relatives, of each other qualified informant, to give to the Registrar, before the expiration of 5 days from the date of the death or the finding of the body, such information of the particulars required to be registered concerning the death as the informant possesses, and in the presence of the Registrar to sign the Register:

Provided that –

(i) the giving of information and the signing of the Register by any one qualified informant shall act as a

discharge of any duty under this subsection of every other qualified informant;

(ii) this subsection shall not have effect if an inquiry is held by a Police Officer touching the death of the deceased person.

***Repealed.***

**13.** *Repealed.*

**Medical certificate in certain cases.**

**14.** In the case of death of any person who has been attended, or whose dead body has been examined, by a medical practitioner, that practitioner shall sign a certificate stating to the best of his knowledge and belief the cause of death and hand the same to the person responsible under section 11 or 12, as the case may be, for giving information concerning the death, who shall upon giving such information deliver that certificate to the Registrar, and the cause of death stated in that certificate shall be entered in the Register together with the name of the certifying medical practitioner.

**Prohibition of disposal of body without permit.**

**15.** (1) Subject to the provisions of section 7 of the Visiting Forces Act 1952 as applied to the Territory, the body of a deceased person shall not be buried in the Territory or removed from the Territory before a written permit has been given by the Registrar to the person intending to have the body buried or removed from the Territory, and the Registrar may refuse to give such a permit until he has received the information required to be furnished to him under section 11 or 12 above, as the case may be.

(2) Any person contravening the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine of £1,000.

**PART IV**

**MISCELLANEOUS**

**Searches and fees.**

**16.** (1) The Registrar shall permit any person to search the Register of Births or the Register of Deaths during usual office hours, free of charge.

(2) The Registrar shall hand to any person a certified copy of any entry in either of such Registers upon payment of the appropriate fee set out in Schedule 4 to this Ordinance.

**Proof of birth or death.**

17. A copy of an entry in the Register of Births or the Register of Deaths certified by the Registrar to be a true copy shall be prima facie evidence in all proceedings of the facts contained in such entry.

**Penalties for failure to give information etc.**

18. If any person commits any of the following offences that is to say –

(a) being a person required to give information and sign a Register under section 6(2), 11(3) or 12(3), fails to do either or both of those things, or wilfully 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) being a person required under section 7 to deliver a certificate to the Registrar or to make a declaration, does neither of those things;

(c) being a medical practitioner required under section 14 to sign a certificate and hand it to the person responsible for giving information to the Registrar concerning a death, fails to do either or both of those things; or

(d) being a person who under section 14 has received a certificate from a medical practitioner, fails to deliver it to the Registrar,

he shall be guilty of an offence and shall be liable to a fine of £2,500.

**Penalty for forging certificate etc.**

19. If any person forges or falsifies any certificate or declaration under this Ordinance, or knowingly uses, or gives or sends to any person, as genuine any false or forged certificate or declaration for the purposes of this Ordinance he shall be guilty of an offence and shall be liable on conviction to a fine of £5,000.

(Section 5) SCHEDULE 1  
Particulars of Birth

<b>BIRTH</b>		Entry No.
BRITISH INDIAN OCEAN TERRITORY		
<b>CHILD</b>		
1. Date and place of birth	3. Sex	
2. Name and Surname		
<b>FATHER</b>		
4. Name and surname		
5. Place of birth		
6. Occupation		
<b>MOTHER</b>		
7. Name and surname		
8. Place of birth		
9. (a) Maiden surname		(b) Surname at marriage if different from maiden surname
10. Usual address (if different from place of child's birth)		
<b>INFORMANT</b>		
11. Name and surname (if not the mother or father)		12. Qualification
13. Usual address (if different from that in 10 above)		
14. I certify that the particulars entered above are true to the best of my knowledge and belief.		
.....Signature of informant.		
15. Date of registration		16. Signature of Registrar
17. Name given after registration and surname		

SCHEDULE 2

(Section 9)

Short Certificate of Birth

BRITISH INDIAN OCEAN TERRITORY

Short Certificate of Birth

Section 9.

Name and Surname.....

Sex.....

Date of Birth.....

Place of Birth.....

I.....

Registrar of Births and Deaths for the British Indian Ocean Territory do hereby certify that the above particulars have been compiled from an entry in a register in my custody.

Date.....

.....

Registrar of Births and Deaths

(Section 10)

SCHEDULE 3  
Particulars of Death

DEATH		Entry No.
BRITISH INDIAN OCEAN TERRITORY		
1. Date and Place of Death  2. Name and Surname	3. Sex  4. Maiden surname of woman who has married	
5. Date and Place of Birth		
6. Occupation and usual address		
7. (a) Name and surname of informant  (c) Usual address	(b) Qualification	
8. Cause of Death		
9. I certify that the particulars given by me above are true to the best of my knowledge and belief.		
..... informant		Signature of
10. Date of registration  .....	11. Signature of Registrar  .....	

## SCHEDULE 4

(Section 5, 10 and 16)

### Fees

1.	Registering a birth or death	£20.00
2.	Certified copy of entry relating to birth or death	£10.00
3.	Certified copy of short birth certificate	£10.00

