

REGISTRATION.

Ordinance No. 12 of 1853.

As amended by No. 1 of 1873, No. 9 of 1893, No. 8 of 1902, No. 6 of 1904, and No. 9 of 1912.

[13th September, 1853.]

Be it enacted by the Governor of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows :—

1. There shall be a Registrar-General's office at Stanley for the registration of all deeds affecting land, and for the registration of births, deaths, and marriages, which shall be called the Registry Office, and the Governor shall from time to time appoint a person to be Registrar, and may revoke any such appointment, and the Governor from time to time may appoint a Deputy Registrar to act in case of the illness, absence, or incapacity of any Registrar, and from time to time may revoke any such appointment; and the Deputy Registrar while so acting shall have all the powers, and discharge the like duties, and be subject to all the provisions and penalties relating to Registrars.

Registry Office.

Governor may
appoint a
Deputy
Registrar.

2. It shall be lawful for the Governor to appoint any qualified person who resides in any district within the jurisdiction of the Falkland Islands to be Registrar of births, deaths and marriages in such district, and for the said purpose such District Registrar shall have all the powers and discharge the like duties, and be subject to all the provisions and penalties relating to Registrars.

Appointment
of District
Registrars.

3. The Registrar shall keep a set of books to be numbered consecutively which shall be called the General Index Books, and the titles in such books shall consist of the numbers consecutively of the grants of land as numbered by the Crown, and each title shall refer to the allotment of the land as numbered and described in the notice of the Crown grant as hereinafter provided, and all instruments relating to the

General Index
Books.

same allotment shall be entered and numbered consecutively under the same title in the order presented for registration in the Form A set out in the First Schedule hereto, and every entry shall be divided from the following entry by a line, and when recorded reference shall be made in the blank space of the form allotted for that purpose to the volume of the Record Book hereinafter referred to, and to the page of the volume where the instrument is recorded; and each General Index Book shall have an index in which shall be stated in alphabetical order the name of every party to every instrument entered in the volume.

Record Book.

4. The Registrar shall keep a set of books to be numbered consecutively which shall be called the Record Book, and shall as soon as practicable cause each instrument in the order presented for registration, together with the certificate of registry placed thereon as hereinafter provided to be copied at full length in one of the volumes of the Record Book, and shall cause every instrument as entered in each book to be numbered consecutively from one upwards, and each volume of the Record Book shall have an index in which shall be stated in alphabetical order the name of every party to every instrument recorded in the volume with a reference to the page of the volume where the instrument is recorded to which the individual is a party.

5. Immediately upon the presentation of any instrument the Registrar shall in the presence of the party presenting such instrument forthwith enter the same as hereinbefore directed in the General Index Books, which entry shall be there signed by the party in the space of the form allotted for that purpose, and the Registrar shall in the presence of the party place upon the instrument a certificate of registry under his signature in the words as near as may be, or to the effect in the Form B set out in the First Schedule hereto, and any such certificate purporting to be signed by the Registrar shall be received as evidence of the registration of the instrument to which the same relates, unless it shall be proved that the same certificate is a forgery, and the date of any such certificate shall be taken to be the date of regis-

tration of the instrument, and the Registrar shall give to the party a receipt in the words or to the effect of the Form C set out in the First Schedule hereto.

6. Any person upon payment of the sum of ten shillings for each search may inspect and peruse the duplicate grant book containing the duplicates on parchment signed by the Governor and preserved in the Governor's office of each grant of land issued by the Crown, and upon payment of two pounds shall be at liberty to have a copy of any duplicate grant therein, and any such copy certified to be a true copy by the Governor on proof of his signature, or the duplicate grant itself shall, in the event of the loss of the original grant, be conclusive evidence of the contents of the original.

Inspection of
duplicate
grants.

7. Within five days after the issue of any Crown grant the officer from time to time appointed by the Governor for that purpose shall transmit to the Registrar a notice which shall express the number of the grant, its date, the quantity and description of the land granted by reference to the number and description of the allotment in the Crown grant and the name of the grantee, and the Registrar shall continue the titles in the General Index Books as hereinbefore directed, according to the particulars stated in such notice; and all notices that have been and shall be sent to the Registrar shall be kept in his office, in such order and manner as he shall think fit, so that the same may be most readily seen and inspected.

Notice of
Crown grant
to be sent to
Registrar.

8. Any clergyman may demand and receive to his own use the fees allowed to him in the Second Schedule hereto, but those payable to the Registrar in the said Schedule shall be received by him and paid into the Colonial Treasury for purposes of General Revenue, and it shall be lawful for the Governor from time to time, with the advice and consent of the Executive Council, to make any alteration in the said Schedule.

Fees (as
amended by
No. 9 of 1893).

9. In the construction of this Ordinance the word "Registrar" shall be understood to include the

Interpretation
clause.

Deputy Registrar and the District Registrar, and the word "land" shall extend to any estate or interest whatever in real property, and the word "will" shall extend to a codicil, and the word "instrument" shall extend to any deed, contract, will, codicil, or any memorial hereby authorised to be registered.

Register books.

10. The Registrar shall keep three sets of books, each set to be numbered consecutively; one set shall be called registers of births, another registers of deaths, and a third registers of marriages; and in them shall be written upon each side of every leaf the heads of information herein required to be known and registered of births, deaths and marriages respectively, and every page of such book shall be numbered progressively from beginning to the end, beginning with No. 1, and every place of entry shall also be numbered progressively from beginning to the end of the book, beginning with No. 1, and every entry shall be divided from the following entry by a line, and each book shall have an index, in which shall be stated, in alphabetical order, the name of every party whose birth, death or marriage respectively shall be registered in that book.

11. The Registrar shall inform himself of every birth and death which shall happen within the Falkland Islands, and register, as soon after the event as conveniently may be done in the appropriate book, the particulars, according to the Forms D and E in the First Schedule hereto respectively, touching every such birth, or every such death, as the case may be, every such entry being made in order, from the beginning to the end of the book.

Parent or
occupier of
house to give
particulars.

12. The father or mother of every child born in the Falkland Islands, or in case of the death, illness, or absence, or inability of the father or mother, the occupier of the house or tenement in which such child shall have been born shall, if in Stanley within ten days, if elsewhere within a reasonable time next after the day of every such birth, give information, upon being requested so to do, to the Registrar, according

to the best of his knowledge and belief, of the several particulars hereby required to be registered, touching the birth of every such child, or shall pay a fine not exceeding five pounds.

13. If any child, whose birth shall have been registered, shall within six months have any name given to it in baptism, the person procuring such name to be given may within seven days after such baptism procure and deliver to the Registrar a certificate, according to the Form F in the First Schedule hereto, which certificate the minister who performed the rite of baptism is hereby required to give, whenever the same shall be demanded, on payment of the fee of one shilling to his use, and the Registrar, on receipt of such certificate, and on payment of the fee of one shilling to his use, shall without any erasure of the original entry forthwith register therein that the child was baptised with such name.

Name of baptism may be added to register within six months.

14. Some person present at the death, or in attendance during the last illness of any person dying in the Falkland Islands, or in case of the death, illness, or inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall within eight days, if in Stanley, if elsewhere, within a reasonable time next after the day of such death, give information, upon being requested so to do, to the Registrar, according to the best of his knowledge and belief, of the several particulars hereby required to be registered, touching the death of such person, or shall pay a fine not exceeding five pounds :

Persons to give particulars of death.

Provided always, that in every case in which an inquest shall be held on any dead body, the jury shall inquire of the particulars herein required to be registered concerning the death, and the Coroner shall inform the Registrar of the finding of the jury, and the Registrar shall make the entry accordingly.

15. (1) The Registrar-General shall from time to time furnish printed forms of certificates of cause of death gratis to any medical practitioner residing or practising in the Colony.

Certificates of cause of death.

(2) In case of the death of any person who has been attended by a medical practitioner, that practitioner shall sign and give to some person required to give information concerning the death a certificate stating to the best of his knowledge and belief the cause of death, and such person shall upon giving information concerning the death or giving notice of the death, 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.

(3) Where an inquest is held on the body of any deceased person a medical certificate of the cause of death need not be given to the Registrar, but the certificate of the finding of the jury given by the Coroner, or the written statement of the Coroner, shall be sufficient.

Books of
Deaths made

16. The register books of baptisms, marriages and burials solemnised by the colonial chaplains since the 27th day of October, 1845, shall be deemed to have been made under the provisions of the Act 52, Geo. III., Cap. 146, and each entry in the said books relating to any baptism, marriage or burial, as the case may be, shall be evidence of the facts stated therein.

Ministers to
keep registers
of baptisms and
burials.

17. Any minister of religion who shall baptise or bury any person shall, as soon as possible after such baptism or burial respectively, record and enter in the proper register book the several particulars described in the Schedules A to C of the said Act 52, Geo. III., Cap. 146, and sign the same, and in no case, unless prevented by sickness or other unavoidable impediment, later than seven days after such baptism or burial shall have taken place.

District
Registrars to
send copies to
Registrar-
General.
(No. 1 of 1873.)

Abstracts to be
sent to
Governor on
16th January
in every year.

18. On or before the 15th day of January in each year every District Registrar shall forward to the Registrar-General's office at Stanley a true copy of all entries contained in the register books of births and deaths for the preceding year, and on or before the same date the Registrar-General shall send to the Governor a general abstract of the number of births, deaths and marriages registered during the

foregoing year, and each minister shall send to the Governor a general abstract of the number of baptisms and burials registered during the foregoing year in such form as the Governor shall from time to time request, and if any Registrar or minister shall refuse, or without reasonable cause shall omit, to send any such copy or general abstract he shall for such offence pay a fine not exceeding ten pounds.

19. The Registrar shall cause indexes of all certified copies of the registers to be made and kept in the registry office, and any person shall be entitled, on payment of the fees hereinafter mentioned, to search the said indexes at reasonable hours, and to have a certified copy of any entry in the said certified copies of the registers.

Registrar to make indexes of all certified copies of the registers.
Right to search.

20. The person by whom the information contained in any register of birth or death under this Ordinance shall have been given shall sign his name, description, and place of abode in the register, and no register of birth or death shall be given in evidence which shall not be signed by some person professing to be the informant, and to be such party as is herein required to give such information to the Registrar.

Register to be signed by informant.

21. The clergyman or Registrar who shall have the keeping of any such register book shall at all reasonable hours allow searches to be made in any such register book, and shall upon demand give a copy, certified under his hand, of any entry in the same; and any such certificate purporting to be signed by the clergyman or Registrar shall be received as evidence of the contents thereof, without any proof of his handwriting, unless it shall be proved that the same certificate is a forgery.

Searching books.

22. If any person shall wilfully make or cause to be made (for the purpose of being inserted in any register) any false statement, touching any of the particulars herein required to be known and registered, he shall be guilty of a misdemeanour, and upon conviction of any such offence he shall be liable, at the discretion of the Court, to pay a fine not exceeding one hundred pounds or be imprisoned, with or without hard labour, for any term not exceeding two years, as the Court shall deem fit.

Penalty for wilful false information.

Wilfully
inserting in a
copy or general
abstract false
entries.

Verifying false
entries.

23. If any person shall knowingly or wilfully insert, or cause or permit to be inserted, in any copy of any register book or general abstract, so directed to be transmitted as aforesaid, any false entry, or shall knowingly or wilfully sign or verify any such copy or general abstract, knowing the same to be false, he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned, with or without hard labour, for any term not exceeding two years.

Penalty for not
duly registering
births, deaths
and marriages
or for losing or
injuring
registers.

24. Any person who shall refuse or without reasonable cause omit to register any marriage solemnised by him, or any baptism or burial which he ought to register, and any Registrar who shall refuse or without reasonable cause omit to register any birth or death of which he shall have had due notice as aforesaid, and any person having the custody of any map, register book, or certified copy thereof, or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding fifty pounds for any such offence.

Penalty for
destroying or
falsifying
register books.

25. Any person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such map or register book, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such map or register book or certified copy thereof, or shall wilfully insert or cause to be inserted in any such map or register book, or certified copy thereof, any false entry of any instrument, land, birth, death, marriage, baptism, or burial, or shall wilfully give or utter any false certificate, or shall certify any writing to be a copy or extract of any such map or register book, or utter any such certificate, knowing the same register to be false in any part thereof, shall be guilty of felony, and shall be liable to penal servitude for any period not exceeding seven years, or to be imprisoned, with or without hard labour, for any period not exceeding two years.

26. No person charged with the duty of registering any birth, death or marriage, who shall discover any error to have been committed in the form or substance of any such entry, shall be therefore liable to any of the penalties aforesaid, if within one month next after the discovery of such error, in the presence of the parent of the child whose birth may have been so registered, or of the parties married, or of two persons attending any person in his last illness whose death may have been so registered, or in case of the death or absence of the respective parties aforesaid, of two credible witnesses, who shall respectively attest the same, he shall correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made :

Accidental errors may be corrected.

Provided that, in the case of a marriage register he shall make the like marginal entry, attested in like manner, in the duplicate marriage register book to be made by him as aforesaid, and in every such case shall make the like alteration in the certified copy of the register book to be made by him as aforesaid; or in case such certified copy shall have been already made, provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therewith made.

27. All maps, books, papers, boxes, keys, documents and other things in the possession of the late Registrar appointed under the Ordinance intituled "An Ordinance to provide for the Registration of Land, Births and Deaths" shall be given as soon as conveniently may be to the first Registrar appointed under this Ordinance, and shall from and after the receipt of the same remain and continue in the custody of the Registrar for the time being under this Ordinance, and the said books, maps and papers may be continued and used by the Registrar for the time being under this Ordinance so far as he can do so and comply with the provisions hereof.

Maps, etc., to be delivered to new Registrar.

28. In every case in which any Registrar shall cease to hold the said office all registers, boxes, keys, books, maps, documents and papers in his possession relating to his office as Registrar shall be given as soon as conveniently may be to his successor in office, and if any Registrar shall refuse to give up any box, key, book, document, map or paper in such case as aforesaid it shall be lawful for any Justice, upon application made for that purpose, to issue a warrant for bringing such Registrar before any two Justices, and upon such Registrar appearing or not being found it shall be lawful for such Justices to hear and determine the matter in a summary way, and if it shall appear to the Justices that any such box, key, book, document, map or paper is in the custody or power of any such Registrar, and that he has without reasonable cause refused or wilfully neglected to deliver up the same, he shall pay a fine not exceeding ten pounds, and the Justices are hereby required to commit such offender to the common gaol there to remain without bail until he shall have delivered up the same, and the said Justices may grant a warrant to search for such box, key, book, document, map or paper, as in the case of stolen goods in any dwelling-house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be, and the same when found shall be delivered to the person in whose custody it ought to be.

Power of
Governor in
Council to alter
forms and
make
regulations.

29. The Governor in Council may, from time to time by order published in the *Gazette*, alter any of the forms contained in the Schedules to this Ordinance, or prescribe new forms for the purpose of carrying into effect the provisions of this Ordinance, and may from time to time make Regulations for carrying into effect the said provisions and revoke and alter such Regulations, and the Governor in Council may impose penalties not exceeding twenty pounds for the breach of such Regulations.

30. This Ordinance may be cited as "The Registration Ordinance, 1853."

FIRST SCHEDULE.

FORM A.

General Index.

Grant No. 1.—Town of Stanley. Allotment No. 20.

No.	Time of Receipt.	Nature of Instrument.	Date of Instrument.	Name of Grantor or Vendor.	Name of Grantee or Vendee.	Quantity of Allotment.	Signature of Party Registering.	Volume and Page of Volume where recorded.
1	1st June, 1842	Conveyance	31st March, 1842	A.B.	C.D.	The whole		

(Signed)

E. F., Registrar.

FORM B.

Registrar's Certificate on Instrument.

Registry Office, Stanley, Falkland Islands.

Year and Date of Receipt.	Volume of General Index Book, and Page of Volume.	Signature of Party by whom registered.

(Signed)

E. F., Registrar.

FORM C.

Receipt.

No.	Time of Receipt.	Nature of Instrument.	Date of Instrument.	Name of Grantor or Vendor.	Name of Grantee or Vendee.	Quantity of Allotment.	Name of Person Registering.
1	1st June, 1842	Conveyance	31st March, 1842	A.B.	E.F.	Two acres	C.D.

(Signed)

G. H., Registrar.

FORM D.

18 BIRTHS.

No.	When Born.	Name, if any.	Sex.	Name and Surname of Father.	Name and Maiden Name of Mother.	Rank or Profession of Father.	Signature, Description, and Residence of Informant.	When Registered.	Signature of Registrar.	Baptismal Name, if added after Registration of Birth.
1	7th January	James	Boy	William Green	Rebecca Green, formerly Jennings	Carpenter	William Green, Father, Carpenter, 17, North Street, Marylebone	9th January	John Cox, Registrar	

FORM E.

18 DEATHS.

No.	When Died.	Name and Surname.	Sex.	Age.	Rank or Profession and Country.	Cause of Death.	Signature, Description, and Residence of Informant.	When Registered.	Signature of Registrar.
7	4th February	William Green	Male	43	Carpenter		Rebecca Green, Widow, 17, North Street, Marylebone	5th February	John Cox, Registrar

FORM F.

I do hereby certify that I have baptised by the
name of a child produced by
as the of
and declared by the said
to have been born at on the
day of
Witness my hand this day of

SECOND SCHEDULE.

REGISTRAR'S FEES.

<i>Land.</i>	£	s.	d.
For the registration and recording of every instrument of not more than five folios of seventy-two words each, including receipt and certificate of registry	0	10	0
For every additional folio of seventy-two words	0	1	0
For every search	0	2	6
For an attested copy of or extract from any recorded instrument or deposited memorial or notice, for every folio of seventy-two words	0	1	0
For an attested copy of or extract from the general index, for every line	0	0	6
For every search or inspection of indexes, recorded instruments, or deposited memorials or notices	0	2	6
For comparing, if required, any instrument with the record thereof by reading over the same with the party registering, for every folio of seventy-two words	0	0	2
For comparing, if required, any copy or extract supplied by the Registry Office by reading over the same with the party requiring such copy or extract, for every folio of seventy-two words	0	0	2
For every other certificate of any description	0	2	6
For searching Crown grant book	0	10	0
For every certified copy of Crown grant	2	0	0

Births.

For registering every birth	0	2	6
For searching the registry books of births—			
For each name within ten years	0	1	0
For every year beyond in addition	0	0	6

Deaths.

For searching the registry books of death—			
For each name within ten years	0	1	0
For every year beyond in addition	0	0	6
For a copy and certificate of each entry in register books of births and deaths	0	2	6

CLERGYMEN'S FEES.

Baptisms.

For searching the registry books of baptisms—			
For each name within ten years	0	1	0
For every year beyond	0	0	6

Burials.

For searching the registry books of burials—			
For each name within ten years	0	1	0
For every year beyond	0	0	6
For a copy and certificate of each entry in registry books of baptisms or burials	0	2	6