

CAYMAN ISLANDS



**BIRTHS AND DEATHS REGISTRATION
(AMENDMENT) BILL, 2020**

Supplement No. 3 published with Legislation Gazette No. 43 dated 5th June, 2020.

A BILL FOR A LAW TO AMEND THE BIRTHS AND DEATHS REGISTRATION LAW (2007 REVISION) TO EXEMPT A PERSON FROM THE REQUIREMENT TO SIGN A FORM OR COUNTERFOIL FOR THE PURPOSE OF THE REGISTRATION OF THE BIRTH OF A CHILD; TO PROVIDE FOR INFORMATION TO BE SENT BY ELECTRONIC MEANS TO FACILITATE REGISTRATION; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

Sponsoring Ministry/Portfolio: Ministry of Financial Services and Home Affairs
(FSHA)



Memorandum of OBJECTS AND REASONS

This Births and Deaths Registration (Amendment) Bill, 2020 seeks to amend the Births and Deaths Registration Law (2007 Revision) (the “principal Law”) to exempt a person from the requirement to sign a form or counterfoil for the purpose of the registration of the birth of a child, to provide for information to be provided by electronic means to facilitate registration and for incidental and connected purposes.

Clause 1 provides the short title of the legislation.

Clause 2 provides for the amendment of section 2 of the principal Law to insert new definitions required as a consequence of the amendments to the principal Law.

Clause 3 inserts a new section 12A in the principal Law to give the Registrar General the power to exempt a person from the requirement to sign a form or counterfoil under section 11 or subscribe the person’s signature to the particulars on the certificate provided under section 12(1) for the purpose of the registration of the birth of a child or the registration of the particulars of the birth of a child and to give the Registrar General the power to register the birth notwithstanding that the requirement to sign has not been met.

The new section 12A to be inserted in the principal Law also provides that where the Registrar General exempts a person from the requirement to sign a form or counterfoil under section 11 or subscribe the person’s signature to the particulars on the certificate provided under section 12(1), the person must, in the form and manner approved by the Registrar General (including by sending an electronic record by electronic means to the email address provided by a Registrar) —

- (a) confirm that the particulars of the birth are to the best of the person’s knowledge and belief correct; and
- (b) provide the Registrar with a copy of the person’s valid passport or, if the person does not hold or is not in possession of a valid passport, another valid photo identification approved by the Registrar.

Clause 4 amends the principal Law by inserting a new section 69A which provides that any information, particulars or other record required to be sent to the Registrar General, a Registrar or other person under this Law, may be sent by electronic means to the e-mail address provided by that person and in the form of an electronic record. The new section 69A also provides for the Electronic Transactions Law (2003 Revision) to apply in respect of an electronic record sent under that section.

Clause 5 makes transitional provisions so that where a child was born in the Islands on or after 11th February, 2020 and before the commencement of this Law, and the particulars of the birth of the child have not been registered, the Registrar may register the birth in



accordance with the Births and Deaths Registration Law (2007 Revision) as amended by this legislation.



CAYMAN ISLANDS



**BIRTHS AND DEATHS REGISTRATION
(AMENDMENT) BILL, 2020**

Arrangement of Clauses

Clause	Page
1. Short title	7
2. Amendment of section 2 of the Births and Deaths Registration Law (2007 Revision) - definitions	7
3. Insertion of section 12A - power to exempt a person from the requirement to sign	8
4. Insertion of section 69A - sending of information etc. by electronic means	8
5. Savings and transitional	9

CAYMAN ISLANDS



BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL, 2020

A BILL FOR A LAW TO AMEND THE BIRTHS AND DEATHS REGISTRATION LAW (2007 REVISION) TO EXEMPT A PERSON FROM THE REQUIREMENT TO SIGN A FORM OR COUNTERFOIL FOR THE PURPOSE OF THE REGISTRATION OF THE BIRTH OF A CHILD; TO PROVIDE FOR INFORMATION TO BE SENT BY ELECTRONIC MEANS TO FACILITATE REGISTRATION; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the Births and Deaths Registration (Amendment) Law, 2020.

Amendment of section 2 of the Births and Deaths Registration Law (2007 Revision) - definitions

2. The *Births and Deaths Registration Law (2007 Revision)*, in this Law referred to as the “principal Law”, is amended in section 2 by inserting, in the appropriate alphabetical sequence, the following definitions —

“**electronic**” has the meaning assigned to it by section 2 of the *Electronic Transactions Law (2003 Revision)*;

“**electronic record**” has the meaning assigned to it by section 2 of the *Electronic Transactions Law (2003 Revision)*.”

Insertion of section 12A - power to exempt a person from the requirement to sign

3. The principal Law is amended by inserting after section 12 the following section —

“Power to exempt a person from the requirement to sign

12A. (1) Notwithstanding any provision to the contrary in this Law, the Registrar General may, subject to subsection (2) —

- (a) exempt a person from the requirement to sign a form or counterfoil under section 11 or subscribe the person’s signature to the particulars on the certificate provided under section 12(1) for the purpose of the registration of the birth of a child or the particulars of the birth of a child; and
- (b) register the birth notwithstanding that the requirement to sign has not been met.

(2) Where the Registrar General exempts a person from the requirement to sign a form or counterfoil under section 11 or subscribe the person’s signature to the particulars on the certificate provided under section 12(1), the person shall, in the form and manner approved by the Registrar General (including by sending an electronic record by electronic means to the email address provided by a Registrar) —

- (a) confirm that the particulars of the birth are to the best of the person’s knowledge and belief correct; and
- (b) provide the Registrar with a copy of the person’s valid passport or, if the person does not hold or is not in possession of a valid passport, another valid photo identification approved by the Registrar.”.

Insertion of section 69A - sending of information etc. by electronic means

4. The principal Law is amended by inserting after section 69 the following section —

“Sending of information etc. by electronic means

69A. (1) Notwithstanding any provision to the contrary in this Law, any information, particulars or other record required to be sent to the Registrar General, a Registrar or other person under this Law may be sent —

- (a) by electronic means to the e-mail address provided by that person; and



- (b) in the form of an electronic record.
- (2) The *Electronic Transactions Law (2003 Revision)* shall apply in respect of an electronic record sent under subsection (1).
- (3) In this section “**sent**” includes delivered, furnished, given and provided.”.

Savings and transitional

5. Notwithstanding any provision to the contrary in the *Births and Deaths Registration Law (2007 Revision)*, where a child was born in the Islands on or after 11th February, 2020, and the particulars of the birth of the child have not been registered, the Registrar may register the birth in accordance with the *Births and Deaths Registration Law (2007 Revision)* as amended by this Law.

Passed by the Legislative Assembly the day of , 2020.

Speaker

Clerk of the Legislative Assembly

