

# REPRINT

## **BIRTHS, MARRIAGES AND DEATHS REGISTRATION ACT (CAP. 169)**

**As in force at: 5 February 2024**

<b>STATUS:</b> <b>CURRENT</b>
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For details see Endnotes
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**AN ACT TO PROVIDE FOR THE CELEBRATION OF MARRIAGES, FOR THE  
REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS AND FOR THE  
REGISTRATION OF MINISTERS FOR CELEBRATING MARRIAGES**

**BIRTHS, MARRIAGES AND DEATHS REGISTRATION ACT (CAP.  
169)**

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# **BIRTHS, MARRIAGES AND DEATHS REGISTRATION ACT**

## **(Cap. 169)**

**As in force at: 5 February 2024**

### **1 Short title**

This Act may be cited as the *Births, Marriages and Deaths Registration Act*.

### **2 Registration of ministers for marriages**

- (1) Any minister of religion ordinarily officiating as such, or the head of the denomination to which he belongs on his behalf, may forward to the Minister a requisition for registration as a minister for celebrating marriages in Solomon Islands giving the following information:
  - (a) Name of minister;
  - (b) Nationality;
  - (c) Date and place of birth;
  - (d) Denomination;
  - (e) When and where ordained;
  - (f) Usual place of residence;
  - (g) Place where he officiates.
- (2) On the receipt of a requisition under subsection (1) the Minister may, if he shall think fit, register the name of the minister mentioned with the prescribed particulars in a Register Book to be kept for that purpose. No fee shall be payable in respect of any such registration.
- (3) The Minister may at any time, if he shall think fit to do so, remove the name of any minister from the register and shall, upon being satisfied of the facts, so remove the name of any minister who shall die or shall depart permanently from Solomon Islands or shall cease to officiate within Solomon Islands or shall by competent authority be

deprived of his office of minister.

- (4) The Minister shall notify in the *Gazette*, or in some other public manner, the registration of every minister, and the removal of the name of any minister from the register.
- (5) No minister whose name is removed from the register shall after the notification of such removal in the *Gazette* have any authority under this Act to celebrate marriages.

### **3 Persons pretending to be ministers**

Any person not being at the time a minister of religion ordinarily officiating as such who shall cause his name to be registered as such a minister shall be guilty of an offence and liable to a fine of one hundred penalty units or to imprisonment for six months.

### **4 Certificates**

The Minister shall from time to time furnish every minister registered under this Act with a sufficient number of forms of the marriage certificate hereinafter mentioned.

## **CELEBRATION OF MARRIAGES**

### **5 Marriages may be celebrated by registered ministers of religion**

Marriages between person who would if in England be legally competent to contract marriages may be celebrated by any minister of religion ordinarily officiating as such who is at the time of the celebration of the marriage registered in accordance with section 2.

### **6 Declaration precedent to marriage**

No marriage shall be celebrated until each of the parties to the marriage shall have made the following declaration before the minister celebrating the marriage:

“I, A.B., do solemnly and sincerely declare that I believe there is no impediment or lawful objection by reason of any kindred or relationship, any former marriage, or want of consent of parents or guardians, or any other lawful cause, to my being

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married to C.D., of.....daughter of E.F.,  
of.....”

(Signature of A.B.)

“And I, the said C.D., do solemnly and sincerely declare that I believe there is no impediment or lawful objection by any such reason or other lawful cause as aforesaid to my being married to the said A.B.”

(Signature of C.D.)

Declared by both the parties

above-named at this

day of ,

19 , before me,

(Signature and designation of minister.)

## **7 False declaration**

Any person who shall wilfully make any false statement in any such declaration shall be guilty of an offence and liable to a fine of one hundred penalty units or to imprisonment for six months.

## **8 Provisions for special cases**

No marriage, in fact, shall be avoided by reason only of the same having been celebrated by a person not being a duly registered minister, if either of the parties to the marriage *bona fide* believes at the time that he was a duly registered minister.

## **9 Witnesses and certificate**

The presence of two witnesses at least is requisite for the due celebration of marriage, and the minister, the parties to the marriage, and the witnesses shall sign in duplicate a certificate in the following form:

I [minister] being [designation] certify that I have this day at



penalty units or to imprisonment for six months.

## REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS

### **11 Minister to keep registers of births, marriages and deaths**

- (1) The Minister shall keep books for the registry therein of births, marriages and deaths of foreigners occurring within the limits of this Act, and will, as soon as possible after being informed of any such birth, marriage, or death, enter the same respectively in the books in such manner as he may think convenient.
- (2) In the case of a death the Minister will, if possible, also enter the date and place of burial.

### **12 Copies of entries to be prima facie evidence**

A copy of the entry of any birth, marriage, or death signed by the Registrar-General shall be received as *prima facie* evidence of the fact of such birth, marriage, or death. But no registry of any death shall be received as evidence of the fact of such death unless the burial of the person named be also registered.

### **13 Search and copies**

Every person, on payment of the fees hereunder mentioned and on stating in writing the particular entry which he desires to find, shall be entitled, at reasonable hours to be fixed by the Minister, to search the books for such entry, and to have a copy of any such entry certified by the Registrar-General:

- (a) every search (to be paid beforehand) fifty cents;
- (b) every certified copy of any entry, twenty-five cents.

### **14 Notice of births and deaths**

- (1) In every case of the birth of any child of a British subject or foreigner within the limits of this Act, one of the parents shall within sixty days thereafter, and in every case of the death of any British subject or foreigner within the said limits the occupier of the house or place where the death occurred shall within thirty days thereafter, transmit to the Minister a statement of the fact and date of such birth or death;

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giving also in the case of a birth the names, and, as far as possible, particulars of the name, age, and birthplace and nationality of each parent, the name of the child; and in the case of a death the name, age, and parentage (if known) and nationality of the deceased, stating also, as far as known, whether the deceased was married, and to whom, and at what place, together with the names and ages of any children left by the deceased.

- (2) The statement of a death shall include the date and place of burial of the deceased, verified if possible by the signatures of two witnesses present at the burial.

## **15 Corrections of accidental errors**

Upon the discovery of any error in the form or substance of any such entry, the Minister will correct the error by making and signing a new entry in the margin without altering the original entry, adding the date of the correction, and every certified copy of such entry shall show the original entry and the correction.

## **16 Offences**

If any person:

- (a) refuses or neglects to give any notice or information required by this Act; or
- (b) wilfully makes or causes to be made for the purpose of being inserted in any register under this Act any false statement touching any of the particulars hereby required to be registered,

he shall be guilty of an offence and liable to a fine of one hundred penalty units or to imprisonment for six months.

## **17 Marriage of Islanders**

The provisions of this Act regarding the celebration and registration of marriages shall not be compulsory when both parties to any marriage are Islanders

## **18 Saving**

Nothing in this Act shall invalidate any marriage which but for this Act



would have been valid.

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 169 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

### 2

#### LIST OF LEGISLATION

##### ***Births, Marriages and Deaths Registration Act (Cap. 169)***

<i>Constituent legislation:</i>	1 of 1896 (Commenced 16 March 1896)
	13 of 1916
	11 of 1970
	8 of 1974
	LN 46A of 1978
	LN 88 of 1978

##### ***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

##### ***Legislation Amendment, Repeal and Validation Act 2023 (No. 17 of 2023)***

Assent date	29 December 2023
Gazetted	29 December 2023
Commenced	5 February 2024

### 3

#### LIST OF AMENDMENTS

s 3	amd by Act No. 14 of 2009
s 7	amd by Act No. 14 of 2009
s 10	amd by Acts No. 14 of 2009; No. 17 of 2023

s 16

amd by Act No. 14 of 2009