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OUR MANDATE
FOR THE BETTERMENT
OF OUR JUSTICE SYSTEM
OUR GOVERNMENT
AND
PEOPLE OF SAINT LUCIA**



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THE RECTIFICATION PROCESS

**Adjudicator's Office
Registry of the Supreme Court**

Important Information on the Rectification Process

The Rectification Process

In order to rectify a civil status or vital record (e.g. a Birth Certificate, Baptism Certificate or Marriage Certificate), one should take the following steps:

Step 1:

Book an interview with the Adjudicator's Office. This can be done by either calling 451-9957 or by visiting the office between 9:00 am and 12:00 noon, Monday to Friday.

Step 2:

Prepare for your interview by ensuring that you have all the documents you will need (please refer to the section below headed "*What must I bring to my appointment?*").

Step 3:

Arrive for your interview *at least* 15 minutes early. You will be given an application form and affidavit to complete. You may refer to the sample application form and sample affidavit posted on the office wall should you require any assistance with filling these out. *Please note that if you are not present in the waiting area when you are called in for your interview, you will be required to book another appointment.*

If you have made any previous rectification applications or have had any rectification applications made on your behalf in the past, *you must let the interviewer know this.*

Step 4:

After your interview, which should last no longer than 20 minutes, you must pay the EC\$50.00 rectification fee at the High Court Registry on Peynier Street. Please ensure that you keep your receipt – you will need to present it at the Adjudicator’s Office both when you return your completed application for processing and when you subsequently return to the office to follow up on your application.

Any affidavits that form part of your application must be sworn before a Notary Royal or Justice of the Peace.

Step 5:

Return your completed application to the Adjudicator’s Office for processing. There, your application will be filed and a unique application number will be recorded on your receipt before it is returned to you.

Once your application has been approved, the Adjudicator’s Office will produce a Rectification Order in respect of your application and you will receive a call confirming that your Order is ready.

Step 6:

Return to the Adjudicator’s Office (with appropriate ID) to collect your Rectification Order when you are called upon to do so. Before leaving the office, make a thorough check of your Order to ensure that it covers all the rectifications you requested. You will then be required to take your Order to

the Registry of Civil Status and apply for your rectified record. The Registry of Civil Status is located on Brazil Street opposite the Derek Walcott Square.

Step 7:

The Registry of Civil Status will advise you as to when you should go to the Collections Department on High Street to collect your rectified record. You will also receive a call confirming that your certificate has been delivered there, once this has been done. Please ensure that you take your original Rectification Order with you to the Collections Department, as well as some appropriate form of ID. If the person collecting the rectified record is neither the applicant nor the record holder, he¹ will also need to bring a letter authorising him to collect the certificate. After receiving your certificate, it is important that you check to ensure that your record has been properly rectified.

“What must I bring to my appointment?”

1. The *original* civil status record you require to be rectified (a copy or certified copy will not suffice);
2. *Certified copies* of your supporting documents. You must however ensure that your supporting documents do not have errors; if they do, you will be required to submit the originals of these records so that these also can be rectified. (See the next section for the documents you will need depending on your rectification issue);

¹ ‘He’, as used here in a general sense, should be taken to mean either ‘he’ or ‘she’.

3. Your ID card, passport or driver's licence;
4. Unless you are the mother of the record holder who is a minor (i.e. under 18), you will need a letter from the record holder signed by him before a Notary Royal or Justice of the Peace, authorising you to request the rectification on his behalf. A standard authorisation letter may be obtained from the Adjudicator's Office. You will also need a copy of some appropriate form of ID for the record holder that bears his signature. For a mother rectifying her child's record (where the child is under 18), the mother-son link must be evident from the vital record being rectified.

Frequently Asked Questions

"What should I do if on my Birth Certificate..."

1. *...my birth-date is incorrect or incomplete?"*
Submit:
 - (1) Your Birth Certificate;
 - (2) Your Baptism Certificate;
 - (3) The record of your birth from the hospital where you were born or if you were not born at a hospital, some form of ID (your ID card, passport or driver's licence) that bears the birth-date you consider to be correct.
 - (4) If you do not have the documents listed at either (2) or (3) above you may submit an affidavit from your mother, father or a sibling attesting to the birth date you consider to be correct.

2. *...my gender is incorrectly noted?"* Submit:

- (1) Your Birth Certificate;
- (2) Your Baptism Certificate;
- (3) Some form of ID that shows your gender.

3. *...my name has not been entered on the certificate?"* Submit:

- (1) Your Birth Certificate;
- (2) Your Baptism Certificate.
- (3) If you do not have a Baptism Certificate, you may submit an affidavit from your mother, father or a sibling in attestation of the omission of your name and of the correct details to be entered. You must also submit some form of ID that bears your name. The submission of a health card for a minor (which clearly shows the child's full name) is acceptable.

4. *...my name has not been correctly spelt on the certificate?"* Submit:

- (1) Your Birth Certificate;
- (2) Your Baptism Certificate (showing the correct spelling of your name);
- (3) Some form of ID that bears the correct spelling of your name.

5. *...my father's/mother's name is incorrectly spelt?"*
Submit:

- (1) Your Birth Certificate;
- (2) Your Baptism Certificate;

- (3) Your father's/mother's birth or Baptism Certificate (with his/her correct name).

6. *...the name entered on the certificate for my father/mother is incorrect?"* Submit:

- (1) Your Birth Certificate;
- (2) Your Baptism Certificate;
- (3) Your father's/mother's Birth or Baptism Certificate (with his/her correct name);
- (4) Some form of ID for your father/mother that bears his/her correct name. A statutory declaration providing a detailed explanation of the inconsistencies in your father's/mother's name must also be prepared as part of your application. This will be put together by the Adjudicator's Office, either at or following your interview. Alternatively, you may wish to engage the services of an attorney to have this statutory declaration prepared.

7. *...my father's name does not appear on the certificate and I would like to have it inserted?"*

Note that, in accordance with the law, it is only possible to insert a father's name on an illegitimate child's Birth Certificate by way of rectification if the child was born on or after January 1, 1974. Submit:

- (1) Your Birth Certificate;
- (2) Your Baptism Certificate;
- (3) Your father's Birth or Baptism Certificate;
- (4) An affidavit from your mother attesting that you are your father's child;

- (5) An affidavit from your father attesting that you are his child. The Adjudicator's Office will provide you with the necessary affidavits to be filled out and sworn before a Notary Royal or Justice of the Peace. Alternatively, you may wish to engage the services of an attorney to have these affidavits prepared.

8. *...someone other than my father has been recorded as my father and I would like to have my true father's name inserted on the certificate instead?"* Submit:

- (1) Your Birth Certificate;
- (2) Your Baptism Certificate;
- (3) An affidavit from your mother setting out the particulars of the situation;
- (4) An affidavit from your true father attesting that you are his child;
- (5) An affidavit from the individual whose name was wrongly inserted on your Birth Certificate attesting that he was wrongly named as your father on your certificate;
- (6) A paternity test for your true father;
- (7) Your true father's Birth or Baptism Certificate. An application such as this one will be referred to a High Court Judge, due to its sensitive nature.

9. *...my mother's maiden name is entered in the column headed "Parents, Mother, Name..." although my parents were married at the time of my birth?"*

Submit:

- (1) Your Birth Certificate;
- (2) Your Baptism Certificate;
- (3) Your parents' Marriage Certificate.

PLEASE NOTE: The preceding section is only meant to serve as a guide. Depending on your case, you may be required to submit additional supporting documents in order that your rectification can be properly processed.

Applications involving the re-registration of one or more persons

Some applications involve the re-registration of one or more persons. An individual *must* be re-registered if he was born before his parents were married. The re-registration process allows one to legitimately carry one's father's surname, or mother's married name. Please be advised that having to do a re-registration may lengthen the rectification process since for certain applications, re-registrations must be carried out before rectifications can be approved.

Re-registrations are handled by the Registry of Civil Status.

Other important things to note:

- **Office opening hours:** The Adjudicator's Office is open to the public between the hours of 9:00 am and 12:00 noon *only*. Closing this early is *essential* if the office is to operate efficiently, as office staff must be given time to process the rectification applications

which have been received. Therefore, please ensure that you arrive at the office in good time if you are visiting the office to:

- Submit your completed application after having paid the rectification fee;
- Submit further documents in support of your application;
- Request a document which was submitted with an application that is currently being processed;
- Follow up on an application that is currently being processed;
- Collect a completed Rectification Order;
- Book an appointment;
- Prepare a statutory declaration;
- Enquire about the rectification process or any other matter.

Please note that office staff will not entertain any enquires after 12 noon.

- **Applicants are entitled to one certificate per rectification, at no extra charge:** Often, a Rectification Order would list several certificates to be amended. An applicant is entitled to receive one copy of any of these certificates as part of the rectification package. Should the applicant require a copy of any additional certificates however, he/she must apply for these separately at the Registry of Civil Status. The cost of a standard certificate is EC\$8.00; the cost of an

urgently needed certificate is EC\$13.00. Proof of emergencies must be shown.

- **Rectifications are not instantaneous:** Civil status records must go through a rigorous and thorough *process* in order to be rectified. An application must first be approved after the relevant supporting documents have been analysed. The Civil Status Registry's own records must then be amended in accordance with the rectification which has been approved by the Adjudicator's Office. Next, the rectified civil status record must be prepared. The production of a corrected vital record is therefore *not* something which happens instantaneously.
- **All vital record inconsistencies must be corrected:** The Adjudicator's Office is under a duty to correct all inconsistencies on an applicant's civil status records. Therefore even if someone applies only to correct a specific mistake on his vital record, should another mistake be revealed, the office will proceed to correct the second mistake as well.
- **Rectification processing times cannot be guaranteed:** The Adjudicator's Office and Registry of Civil Status will continue to make every effort to process all rectification applications as efficiently as possible. However, due to the nature of the rectification process, it is simply not possible for applicants to be guaranteed that they will receive their rectified civil status records by specific dates; only estimated processing times can be given. It is therefore not advisable for an applicant, for instance,

to prematurely make travel plans in the hope that this will hasten the rectification process.

- **The function of the Adjudicator:** The Adjudicator is responsible for making a determination on all rectification applications that are submitted to the Adjudicator's Office. *His decisions must have a clear evidential basis.* The Adjudicator does not, therefore, make name changes on civil status records of his own volition. Neither can he simply accept, for instance, an applicant's word on how a particular name should be spelt in the absence of supporting documents which can be made available to confirm the correct spelling of the name.
- **The importance of conducting reasonably thorough rectifications:** We aim in our work to conduct reasonably thorough rectifications for all rectification applicants. While the Adjudicator's Office will always give due consideration to an applicant's personal circumstances the quality of work produced by the office cannot be sacrificed for the sake of completing a rectification speedily. The name carried by an individual is of extreme importance as it provides him with a unique identity. This will in turn affect the name carried by future generations of his family. It will also affect his ability to travel, receive employment, get paid a salary, receive a pension, receive an inheritance, reside in a foreign country and much more.
- **Several persons may be affected by a rectification that is applied for:** Please be advised

that a given rectification *may ultimately affect several members of your family, perhaps even your entire family.* In such cases it is important that you notify all affected persons of the implications of the rectification, as soon as possible.