

## BIRTHS AND DEATHS REGISTRATION BILL.

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### EXPLANATORY MEMORANDUM.

THIS Bill was originally prepared by Sir Frederick Chapman in his capacity as the Compiler of Statutes. Certain new matter has since been incorporated on the recommendation of the Registrar-General, who administers the present Act. All new matter is marked in the usual way by side- or under-lines. The principal alteration of the law is provided for in clause 24 of the Bill. It enables the Registrar-General (but not a local Registrar) to register a birth notwithstanding that the prescribed time for registration may have expired. The fact that the Registrar-General may register any birth after the prescribed time will not operate, however, to relieve any person from the liability he may have incurred by failure to register the birth within the proper time. A special form of "Coroner's Order to bury" is prescribed by section 31 of the present Act, but has been omitted from the Bill, a more suitable form being prescribed by the Schedule to the Coroners Act, 1908.

No. 72—1.

Hon. Mr. Bollard.

## BIRTHS AND DEATHS REGISTRATION.

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## A BILL INTITULED

Title.	AN ACT to consolidate and amend certain Enactments of the General Assembly relating to the Registration of Births and Deaths.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title.	1. This Act may be cited as the Births and Deaths Registration Act, 1924, and shall come into operation on the first day of April, nineteen hundred and <i>twenty-five</i> .	
Interpretation. 1908, No. 16, sec. 2	2. In this Act, if not inconsistent with the context.— “Burial,” and all references thereto, include cremation and any other lawful mode of disposing of the dead: “Coroner” includes a Justice lawfully acting as Coroner: “Registrar” means a Registrar of Births and Deaths appointed under this Act.	10 15
Registrars' districts. Ibid., sec. 5	3. The Governor-General may from time to time, by Proclamation,— (a.) Divide New Zealand for the purposes of this Act into districts, as he thinks fit, and every such district shall be called by a distinct name, and shall be a Registrar's district: (b.) Alter the boundaries of any district, as he thinks fit.	20
Appointment of Registrar-General, Registrars, and Deputies. Ibid., sec. 3 1912, No. 18, sec. 2 1915, No. 56, sec. 3	4. (1.) The Governor-General may from time to time, by Warrant under his hand, appoint a fit person to be the Registrar-General under this Act, and may from time to time in like manner appoint a Deputy of the Registrar-General. (2.) There shall from time to time be appointed such fit persons as may be required to be Registrars under this Act. Every such Registrar shall be appointed for a particular district, and the number of Registrars who may be appointed for a district shall not be limited. (3.) The Registrar-General may from time to time, by writing under his hand, appoint a fit person to be the Deputy of any Registrar.	25 30
Powers, &c., of Deputies. Ibid., sec. 2	5. (1.) The Deputy of the Registrar-General or the Deputy of any Registrar shall, under the control of the Registrar-General or such Registrar, perform such general official duties as he is called upon to perform under this Act or by the Registrar-General or such Registrar. (2.) On the occurrence from any cause of a vacancy in the office of the Registrar-General or any Registrar, and in case of the absence from duty of the Registrar-General or any Registrar, and so long as any such vacancy or absence continues, the Deputy of the Registrar-General or the Deputy of such Registrar shall have and may exercise all the powers, duties, and functions of the Registrar-General or such Registrar, as the case may be. (3.) The fact of the Deputy of the Registrar-General or the Deputy of any Registrar exercising any power, duty, or function as aforesaid shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorizing him to do so.	35 40 45
Appointment and powers of Acting-Registrar.	6. Notwithstanding that there may at any time be a Deputy of any Registrar, there may be appointed a fit person to be Acting-Registrar during a vacancy in the office of such Registrar or in case	50

of the absence from duty of such Registrar, and such person while so acting shall have and may exercise all the powers, duties, and functions of the Registrar. While an Acting-Registrar is in office the Deputy of the Registrar shall be deemed to be the Deputy of the Acting-Registrar.

- 5 7. All births and deaths shall be registered according to the provisions of this Act in the district in which they respectively occur by a Registrar of that district :

Births and deaths to be registered.  
1908, No. 16, sec. 6

Provided that the Registrar of any district other than the district in which any birth or death has occurred may register such birth or death, if it is shown to his satisfaction that the person whose duty it is to give the information herein required could not, without considerable difficulty, delay, or expense, attend at the office of a Registrar of the district in which the birth or death occurred.

- 10 8. Every Registrar shall dwell within the district of which he is Registrar, and shall cause the words "Registrar of Births and Deaths" to be placed in some conspicuous place on or near the outer door of his office for registration.

Registrars to dwell in their districts.  
Ibid., sec. 7

- 15 9. The Registrar-General and every Registrar are hereby respectively empowered to receive and take the several fees specified in this Act; and all fees so received shall be accounted for by them to the Minister of Finance, at such times and in such manner as he from time to time directs.

Fees.  
Ibid., sec. 8

- 20 10. The Governor-General may from time to time by Order in Council make regulations (not being repugnant to the provisions of this Act) for the general management of the Registry Offices, and the preparation and transmission of all returns required from Registrars, and for more effectually carrying out the provisions of this Act.

Regulations.  
Ibid., sec. 9

- 25 11. The Registrar-General shall from time to time, at the public expense, furnish to all persons requiring the same such registers, books, and forms as may be requisite for the purposes of this Act.

Books, forms, &c.  
Ibid., sec. 10

- 30 12. Every Registrar shall in every case inform himself carefully of the particulars touching births and deaths required to be registered by him, and shall without fee or reward, except where otherwise specially provided by law, enter and register in duplicate all such particulars (if not already registered) in the form numbered (1) or in the form numbered (2) in the *First* Schedule hereto, as the case may be.

Entries in register.  
Ibid., sec. 11

- 35 13. (1.) Every Registrar shall, in the months of January, April, July, and October in each year, transmit to the Registrar-General the duplicates, certified under his hand as such, of all entries of births and deaths made in the register-books in his office during the three months then last past, or a certificate under his hand that there have been no such entries, as the case may be.

Quarterly returns.  
Ibid., sec 12

- 40 (2.) Every Registrar who refuses or neglects to comply with the provisions of this section is liable to a fine not exceeding *ten* pounds.

- 45 14. Where any of the aforesaid duplicates are lost or mislaid the Registrar shall, at the request of the Registrar-General, make and transmit to the Registrar-General true copies, certified under his hand, of the entries, the duplicates of which have been so lost or mislaid, and such copies shall be substituted by the Registrar-General for the duplicates aforesaid.

In case of the loss of any of the duplicate registrations, Registrar may send certified copies of his register to Registrar-General.  
Ibid., sec. 13

Registrars not liable to serve on juries. 1908, No. 16, sec. 14

15. The Registrar-General and every Registrar or Acting-Registrar, and the Deputy of the Registrar-General or of any Registrar while legally acting for the officer whose Deputy he is, shall be exempt from serving on any jury or inquest.

REGISTRATION OF BIRTHS.

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Notice of birth to be given to Registrar of Births.

Ibid., sec. 15  
1912, No. 18, sec. 3

16. (1.) It shall be the duty of the occupier of any house in which a child is born to give notice, according to the best of his knowledge and belief, of the fact of the birth, the date on which it occurred, and the name and address of the mother or father of the child to the Registrar of the district in which the birth took place.

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(2.) Such notice shall be in writing, signed by the occupier and endorsed by some person, if any (other than the occupier), in attendance at the confinement, and shall be delivered or posted to the Registrar within forty-eight hours after the birth if in a borough, or twenty-one days in any other case.

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(3.) If the occupier fails to comply with the provisions of this section, he shall be liable to a fine not exceeding *five* pounds.

(4.) The Registrar shall keep a register of the births of which notice is so given, but such register shall be open for inspection by such persons only as are authorized by the Minister of Internal Affairs.

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Parents and others required to give information of births within sixty-two days.

1908, No. 16, sec. 16  
1912, No. 18, sec. 5

17. (1.) In addition to the notice required by the *last preceding* section to be given by the occupier, the father or mother of every child born in New Zealand, or, in case of the death, absence, or inability of the father or the mother, the occupier of the house in which any such child is born, and each person present at the birth of that child, shall within sixty-two days following the day of birth give information to the Registrar of the district in which the child was born, according to the best of his or her knowledge and belief, of the several particulars mentioned in the form numbered (1) in the *First* Schedule hereto, and hereby required to be made known and registered touching the birth.

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(2.) Every person hereby required to make known the said particulars, and becoming responsible under this Act for the truth of the same, who refuses or without reasonable excuse neglects to give information thereof as aforesaid, either by himself or by an agent duly authorized in writing, is liable to a fine not exceeding *ten* pounds:

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Provided that such fine may be remitted if the birth of the child is registered pursuant to the *next succeeding* section, and provided also that if any of the persons required by this section to give information shall give such information no penalty shall be imposed on the others for not giving the information.

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Limit of time for registration of births.

1908, No. 16, sec. 17  
1912, No. 18, sec. 6

18. (1.) After the said period of sixty-two days following the day of the birth of any child born in New Zealand, a Registrar shall not register that birth unless one of the parents, or some person who was present at the birth, makes a statutory declaration, according to the best of his knowledge and belief, of the particulars required to be registered.

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(2.) At any time after sixty-two days, and not later than six months next after the birth, the Registrar may, by notice in writing, require one of the parents or some person present at the birth to attend personally at his office within the time specified in the notice, being

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not less than seven days after the receipt of the notice, and not more than six months after the birth, and make before him a statutory declaration as aforesaid.

(3.) Upon such declaration being made the Registrar before whom such declaration is made may register the birth according to the information of the person making the same.

(4.) A fee of *five* shillings shall be payable on each such registration.

(5.) Every person summoned to appear before the Registrar who fails to appear, or having appeared refuses to make such declaration, so as to enable the birth of the child to be registered, is liable to a fine not exceeding *ten* pounds.

19. Where a child born out of New Zealand arrives in New Zealand before attaining the age of eighteen months, and the parents or other persons having lawful charge of the child are about to take up their abode in New Zealand, the Registrar shall, at any time within six months next following the day of the child's arrival, on the making of a statutory declaration by one of the parents, or by a person having lawful charge as aforesaid of the child, of the particulars required to be registered, register without fee or reward the birth of the child in the manner provided for the registration of births taking place within New Zealand.

Children born out of New Zealand.  
1908, No. 16, sec. 18

20. (1.) A Registrar shall not register the birth of any child—  
(a.) If born in New Zealand, after the expiration of six months following its birth (except as provided by section *twenty-two* hereof); and

Further limitation of time  
Ibid., sec. 19

(b.) If born out of New Zealand, after the expiration of six months following the arrival of the child in New Zealand.

(2.) Every person who knowingly registers or causes to be registered the birth of any child, except as herein provided, after the expiration of six months following the birth or arrival of the child in New Zealand, is liable to a fine not exceeding *twenty* pounds.

(3.) No register or certified copy of any entry of registration shall be received in evidence in relation to the birth of any child whose birth has been registered in contravention of the provisions of this section.

21. Where any living new-born child is found exposed or abandoned, it shall be the duty of any person in whose charge such child may be placed to give to the Registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses, and to sign the register in the presence of the Registrar.

Information respecting foundlings to be given to Registrar.  
Ibid., sec. 20

22. (1.) Where the birth of a child is not duly registered, and any person whose duty it was to give information of the birth to enable it to be registered is duly convicted before a Magistrate or two Justices of failing so to do, the Registrar, upon production to him of a certificate signed by the convicting Magistrate or Justices, or by the Clerk of the Court, of the conviction of the said person, and on proof of the birth of the child, may, within one month of the date of the conviction, register the birth of the child without fee or reward; and the Registrar shall in such case, after the entry of the date of registration in the register-book, state the fact and date of the conviction.

Registration of birth within one month after conviction for non-registration.  
Ibid., sec. 21  
1912, No. 18, sec. 7

(2.) If any such birth is not registered within fourteen days after the date of such conviction as aforesaid, the convicting Magistrate or Justices may authorize some person to give to the Registrar the information required to enable him to register the birth, and to sign as informant the entry in the register in respect thereof, and on receipt of such information the Registrar may register the birth accordingly. 5

(3.) Proceedings against any person for failing to give information of the birth of any child may be commenced at any time within two years next after the date of the birth of that child.

Registration of name or additional name after registration of birth. 1908, No. 16, sec. 22

23. (1.) If any child whose birth has been registered under this Act without a first or Christian name has any such name given to it after such registration, or if any additional first name or Christian name be given to a child to whom a first name or Christian name was given at the time when its birth was registered, or if another name be given to any child in place of the registered name, one of the parents or the guardian of the child, or any person authorized in writing by such parent or guardian, may at any time within twelve months after the date of the original registration of the birth, (or in the case of an adopted child, within two years after that date), but not afterwards, cause the name so given to be registered on payment of a fee of *two shillings and sixpence*. 10 15 20

(2.) The person on whose information any such name is added in the register-book shall sign his or her name to the record of such addition in the column headed "Name, if added or altered after Registration of Birth." 25

(3.) Where the registered name of any child is altered at the baptism of that child or at the ceremony at which a first name is given, a certificate in the form numbered (3) in the *First* Schedule hereto, or to the like effect, signed by the minister or person who performed the rite of baptism or conducted the ceremony at which the name was given, shall be given to the Registrar at the time application is made to alter the name of the child in the register; and the Registrar shall notify underneath the altered name that such certificate has been received. 30

Registrar-General may at any time register births not registered by the Registrar of a district within time limited.

Cf. 1920, No. 69, sec. 2

24. (1.) Notwithstanding anything in the foregoing provisions of this Act, it shall be lawful for the Registrar-General to register the birth of any person born in New Zealand (whether before or after the commencement of this Act), but whose birth has not been registered as required by this Act or by any Act repealed by this Act: 35

Provided that satisfactory evidence on oath and such other proof as he may deem necessary of the fact, time, and place of birth, and of the particulars of the parents, shall first be received by the Registrar-General, and that on application to have such birth registered a fee of *five shillings* shall be paid to the Registrar-General. 40

(2.) The particulars of the birth and of the nature of the evidence produced shall be entered by the Registrar-General in a separate book to be kept by him for that purpose. 45

(3.) Nothing in this section shall relieve any person from liability to prosecution for failing to give notice of such birth or to register the same within the time limited by the foregoing provisions of this Act or by any Act repealed by this Act. 50

*Registration of Birth of Illegitimate Child.*

25. (1.) On registering the birth of an illegitimate child, the Registrar shall enter the word "Illegitimate" in the sixth column of the form numbered (1) in the *First Schedule* hereto.

Mode of registration.  
1908, No. 16, sec. 23

5 (2.) The father of an illegitimate child shall not be required to give information under this Act concerning the birth of that child.

10 (3.) Except as provided in section fifteen of the Destitute Persons Act, 1910, the Registrar shall not enter in the register the name of any person as father of any such child unless at the joint request of the mother and of the person acknowledging himself to be the father; and that person shall in such case sign the register together with the mother.

*Registration of Still-born Children.*

15 26. (1.) The provisions of this Act relating to the notification and registration of births shall apply in the case of a still-born child, but it shall not be necessary to register the death of any such child.

Still-births to be notified and registered.  
1912, No. 18, sec. 4  
1915, No. 56, sec. 4

(2.) A still-born child shall be deemed to be a child which has issued from its mother after the expiration of the twenty-eighth week of pregnancy, and which was not alive at the time of such issue.

## 20 REGISTRATION OF ADOPTIONS.

25 27. (1.) Whenever an order of adoption is made under Part III of the *Infants Act, 1908*, it shall be the duty of the Clerk of the Court by which such order was made forthwith to send to the Registrar-General notice, in the prescribed form, setting forth the following particulars so far as they are known to the Court:—

Special provisions as to registration of adopted children.  
Ibid., sec. 8

(a.) The full name of the child as before the making of the order:

(b.) The date and place of birth of the child:

(c.) The sex of the child:

30 (d.) The names, addresses, and occupations of the natural parents of the child:

(e.) The name or names and the occupation and address of the adopting parent or adopting parents:

(f.) The name of the *Stipendiary Magistrate* by whom the order of adoption was made, and the date of the order:

35 (g.) Such other particulars as may be prescribed.

40 (2.) On receipt of such particulars the Registrar-General shall, if the duplicate of the entry as to the birth of the child has been transmitted to him pursuant to section *thirteen* of this Act, forthwith note and sign on such duplicate a memorial in the following form—namely, "Order of adoption of [*Name of child*], dated the day of \_\_\_\_\_, 19\_\_\_\_, made by [*Name of Magistrate*] in favour of [*Name or names, address, and occupation of adopting parent or adopting parents*]."

45 (3.) The Registrar-General shall in every case forthwith send to the Registrar by whom the birth was registered a copy of the notice received by him from the Clerk of the Court; and the Registrar shall forthwith note and sign on the original entry as to the birth of the child, and on the duplicate entry in cases where the duplicate has not been transmitted to the Registrar-General, a memorial in the form prescribed by the *last preceding* subsection; and shall also re-register, in duplicate, particulars as to the birth of the child,



substituting the name by adoption for the natural name of the child, and substituting particulars as to the adopting parent or parents for particulars as to the natural parents; and shall transmit the duplicate or such entry to the Registrar-General as if it were a duplicate of an entry made by him pursuant to section *twelve* of this Act. 5

(4.) Whenever a copy of the entry as to the birth of any child to whom this section relates is required for any purpose the Registrar or the Registrar-General, as the case may be, shall supply a copy of the entry made pursuant to the *last preceding* subsection in lieu of a copy of the original entry unless the applicant certifies, and the Registrar or the Registrar-General is satisfied, that the particulars recorded in the original entry are material for the purpose for which the copy is required. 10

(5.) Nothing in this section shall be deemed to dispense with the obligation to register the birth of any child in the manner prescribed by the foregoing provisions of this Act. 15

(6.) The foregoing provisions of this section relating to the registration of particulars as to adopted children shall apply in the case of children in respect of whom orders of adoption under Part III of the Infants Act, 1908, or the corresponding provisions of any former Act, were made before the eleventh day of October, nineteen hundred and fifteen (being the date of the passing of the Births and Deaths Registration Amendment Act, 1915), if the Registrar-General is satisfied, by certificate under the hand of the Clerk of the Court or otherwise, as to the truth of the particulars required to be registered. 20 25

#### REGISTRATION OF DEATHS.

Undertaker to give particulars of death to Registrar.  
1908, No. 16, sec. 24  
1912, No. 18, sec. 8

28. When any person dies it shall be the duty of the undertaker or other person having charge of the burial, according to the best of his knowledge and belief, within three days after the day of the death if in a borough or seven days in any other case, to inform the Registrar of the particulars required to be registered concerning the death, and to attend at the Registrar's office and sign the register: 30

Provided that the person so required to give information may, by writing under his hand, depute some person (being a person acquainted with and becoming responsible under this Act for the truth of the particulars required to be registered touching the death) to attend at the Registrar's office to inform the Registrar of the said particulars, and to sign the register. 35

Case of a dead body being found exposed.  
1908, No. 16, sec. 25

29. When any dead body is found exposed, any constable to whom the fact is known shall forthwith inform the Registrar thereof, and of the place where such dead body was found. 40

On inquest Coroner to notify Registrar.  
Ibid., sec. 26  
1912, No. 18, sec. 10  
1915, No. 56, sec. 5

30. When an inquest is held on any dead body, the Coroner holding the same shall, within three days after the holding of the inquest if in a borough or seven days in any other case, notify to the Registrar of the district the finding of the Coroner or of the jury, as the case may be, with all other particulars required to be registered concerning the death; and the Registrar shall make the entry in his register-book accordingly, and the same shall be signed by the Coroner or by some person duly authorized in writing by the Coroner. 45

Notice of death of member of House of Representatives.  
1908, No. 16, sec. 29

31. (1.) The Registrar by whom the death of any member of the House of Representatives is registered shall, within twelve hours after making such registration, notify the fact by telegraph in the manner prescribed by the Legislature Act, 1908, to the Speaker of the 50

House, or if there is no Speaker, or if the Speaker is absent from New Zealand, then to the Governor-General.

(2.) Every Registrar who neglects so to do is liable to a fine of five pounds for every day or part of a day after the expiry of the said period of twelve hours during which he neglects to forward such notice.

32. (1.) No person shall bury, or permit to be buried, or take part in the burial of the body of any deceased person unless and until there has been obtained in respect of that deceased person either—

No burial without certificate or order. 1912, No. 18, sec. 12

10 (a.) A certificate of cause of death signed by a duly registered medical practitioner; or

(b.) A Coroner's order to bury the body; or

(c.) A Registrar's certificate of registration of the death.

15 (2.) Every person who commits a breach of this section is liable to a fine not exceeding ten pounds.

33. (1.) The Registrar-General shall compile a register in the prescribed form, containing so far as practicable, the particulars hereinafter specified with respect to all persons who are proved to the satisfaction of the Registrar-General to have died while out of New Zealand on service in some capacity in connection with the war with Germany, and who at the time of their deaths were domiciled in New Zealand.

Provision for the registration of the deaths out of New Zealand of members of the New Zealand Expeditionary Forces, and others. 1916, No. 13, sec. 18

25 (2.) The register compiled under this section shall, with respect to each person whose death is registered therein, contain particulars (so far as may be ascertained) as to—

30 (a.) The name of the deceased person;

(b.) His occupation and usual place of abode prior to his departure from New Zealand;

(c.) His birthplace and parentage;

(d.) His age at date of death;

(e.) The cause of death;

(f.) The date and place of death;

(g.) The place of burial;

35 (h.) The condition of deceased at the time of his death (whether married or single, or a widower, or divorced);

(i.) Particulars as to his military or naval rank or rating (if any);

(j.) Particulars as to the source of the information from which the aforesaid particulars are obtained; and

40 (k.) Particulars as to such other matters as may from time to time be prescribed.

(3.) In proof of the death in any place out of New Zealand of any person to whom this section relates, the Registrar-General may accept the fact that the Supreme Court has ordered probate or administration, or may accept a certificate under the hand of an officer of the Defence Forces or of any other person authorized in that behalf by the Minister of Defence, or may accept such other proof of death, and of the several particulars required to be registered under this section, as he deems sufficient.

50 (4.) A certified copy of any entry in the register compiled under this section, made or given and purporting to be signed by the Registrar-General, shall be received in any Court of Justice as prima facie evidence of the fact of the death to which the same relates.

(5.) The Governor-General may from time to time, by Order in Council gazetted, make regulations prescribing the matters as to which particulars may be registered under this section, in addition to the matters specified in subsection *two* hereof, and generally for the purpose of giving effect to this section.

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*Certificates of Death and Burial.*

Certificate of death.  
1908, No. 16, sec. 30

34. Every Registrar, immediately on registering any death, or as soon thereafter as he is required so to do, shall without fee or reward give or cause to be given to the undertaker or other person having charge of the burial a certificate under his hand, according to the form numbered (4) in the *First* Schedule hereto, that the death has been duly registered. 10

Coroner's order to bury.  
Ibid., sec. 31

35. (1.) The Coroner holding an inquest on any dead body may, if he thinks fit, order the same to be buried before registration of the death. 15

(2.) Every such order shall be in writing under the Coroner's hand, addressed to the undertaker or other person having charge of the burial.

(3.) Except as provided by this section, it shall not be lawful for a Coroner to authorize the burial of any dead body before registration of the death. 20

Delivery of certificate or order.  
Ibid., sec. 32

36. (1.) Every certificate by the Registrar or order of the Coroner as aforesaid shall be delivered by the undertaker or other person having charge of the burial to the minister or person who is to perform any religious or funeral service for or at the burial. 25

(2.) Every person to whom any such certificate or order has been given who fails to deliver the same as aforesaid is liable to a fine not exceeding *two* pounds.

Certificate of burial.  
Ibid., sec. 33

37. (1.) Every undertaker or other person who buries any dead body shall forthwith sign and transmit to the Registrar of the district wherein the death occurred a burial certificate in the form numbered (5) in the *First* Schedule hereto or to the like effect. 30

(2.) Every burial certificate shall be countersigned by the minister or other person officiating at the burial, or by two respectable witnesses of the burial, being householders. 35

(3.) The particulars stated in the burial certificate shall be entered in the register of deaths as part of the entry of the death of the person buried.

(4.) Every undertaker or other person who buries any dead body and fails to cause a burial certificate to be transmitted as aforesaid is liable,— 40

(a.) If a certificate by the Registrar of the death of the person buried or an order of the Coroner for the burial of the body has been duly given or made, then to a fine not exceeding *five* pounds; and 45

(b.) If no such certificate or order has been duly given or made, then to a fine not exceeding *ten* pounds.

When minister bound to give notice of burial.  
Ibid., sec. 34  
1912, No. 18, sec. 13

38. (1.) Where no certificate by the Registrar or order of the Coroner as aforesaid is delivered to the minister or other person who is to perform any religious or funeral service for or at the burial of 50

any dead body, such minister or person shall, unless he countersigns a burial certificate as aforesaid, be bound to give or forward, within forty-eight hours, written notice of the burial to the Registrar of the district wherein the death occurred.

5 (2.) If he fails so to do, he shall be liable to a fine not exceeding ten pounds.

39. (1.) Forthwith upon the receipt of a report from a constable of the death of any person, as hereinbefore provided, or on receipt of a notice of the burial of a dead body in respect of which no certificate of registration of death has been given under section *thirty-four* hereof, the Registrar shall make inquiry as to the person liable to give information touching the death so reported or so remaining unregistered, and give or cause to be given to that person a written notice to furnish the information at the office of the Registrar within three days after the receipt of the notice if in a borough or seven days in any other case.

Registrar to give notice to proper person to furnish information.  
1908, No. 16, sec. 35  
1912, No. 18, sec. 14

15 (2.) Every Registrar who neglects to comply with this section is liable to a fine not exceeding *two* pounds; and every person who neglects or refuses to give information after notice so to do is liable to a fine not exceeding *ten* pounds.

Neglecting to issue notice or refusing to give information.

20 40. (1.) It shall be unlawful wilfully to bury or procure to be buried the body of any deceased child as if it were still-born.

Burial of deceased children as still-born.  
1908, No. 16, sec. 36

(2.) A person who has control over any burial-ground, or who ordinarily buries bodies therein, shall not bury or permit to be buried therein the body of any deceased child as if it were still-born, and shall not bury or permit to be buried therein the body of any still-born child unless there is delivered to him either—

30 (a.) A written certificate that such child was not born alive, signed by a registered medical practitioner who was in attendance at the birth or has examined the body of such child; or

(b.) A statutory declaration signed by some person required by this Act to give information concerning the birth, to the effect that no registered medical practitioner was present at the birth, or that his certificate cannot be obtained, and that the child was not born alive; or

35 (c.) If there has been an inquest, an order for the burial of the body given by the Coroner.

(3.) Every person who commits a breach of this section is liable to a fine not exceeding *ten* pounds.

40 41. (1.) On the death of any person who has been attended during his last illness by a registered medical practitioner, that practitioner shall forthwith sign and deliver to the person required by this Act to give information concerning the death a certificate, on the printed form to be supplied for that purpose by the Registrar-General, stating to the best of his knowledge and belief the causes of the death both primary and secondary, the duration of the last illness of the deceased, the date on which he last saw the deceased alive, and such other particulars as may be required by the Registrar-General.

Certificate of cause of death.  
Ibid., sec. 37  
1912, No. 18, sec. 15

50 (2.) The person receiving such certificate shall, when giving information concerning the death, deliver the certificate to the

Registrar, and the particulars stated therein shall be entered in the register, together with the name of the certifying medical practitioner.

Neglecting to give certificate.

(3.) Every medical practitioner required to give a certificate as aforesaid who refuses or neglects to give the same, and any person to whom any such certificate is given who fails to deliver the same to the Registrar, is liable to a fine not exceeding *two* pounds.

5

#### MISCELLANEOUS PROVISIONS.

Occupier, who deemed.

1908, No. 16, sec. 38

42. For the purposes of this Act the person for the time being in charge of any prison, reformatory institution, hospital, mental hospital or other place where mental defectives are received, or any public or charitable institution shall be deemed to be the occupier thereof.

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Correction of errors.

Ibid., sec. 39

43. (1.) Any clerical error that may at any time be discovered in any register of births or deaths may be corrected by a person duly authorized in that behalf by the Registrar-General, and if the duplicate of the entry requiring to be corrected has been then received by the Registrar-General, such duplicate may be corrected by him on receipt of a notice that the correction has been made in the register.

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(2.) Any error of fact or substance in any such register may, within three months of the discovery of the error, be corrected as follows:—

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(a.) The person requiring such error to be corrected shall produce to the Registrar a statutory declaration made by him setting forth the nature of the error and the true facts of the case:

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(b.) The Registrar shall thereupon make a new entry in the register-book, referring to the original entry, and shall write across the original entry a reference to the new entry, and shall add to such reference the date of the correction:

30

(c.) The new entry shall be signed by the person requiring the correction to be made, and by two credible witnesses, who shall respectively sign the register; of the said three persons one at least shall be a person who was required under this Act to give information of the birth or death, as the case may be.

35

(3.) Save as aforesaid, or as otherwise specially provided in this Act, no alteration in any register of births or deaths shall be made.

Searches of register and certified copies.

Ibid. sec. 40

1912, No. 18, sec. 16

1915, No. 56, sec. 7

44. (1.) Every Registrar who has in his keeping for the time being any register-book of births or deaths shall, at all reasonable hours on all days except Sundays and public holidays, on payment of the appropriate fee, allow searches of any such register-book to be made, and shall, if called upon to do so, give a copy, certified under his hand, of the entry of any birth or death registered therein or a certificate in the prescribed form of the date of any birth or death.

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(2.) For every such search in the register-book extending over a period of not more than one year there shall be paid a fee of *two* shillings and *sixpence*, and for every additional year *one* shilling; and for every single certified copy of an entry, a fee of *two* shillings and *sixpence*; or, if such certified copy be under the seal of the Registrar, then a fee of *five* shillings; and for every certificate of the date of any birth or death, a fee of *one* shilling.

50

45. (1.) The Registrar-General shall cause indexes of the certified duplicates transmitted to him by the Registrars under this Act to be made and kept in his office, and shall permit any person on payment of the appropriate fee to search any such index, and to have a copy, certified under the Registrar-General's hand, of any entry of a birth or death duly returned and certified to him by any Registrar or a certificate in the prescribed form of the date of any birth or death.

General Registry indexes.  
1908, No. 16, sec. 41  
1915, No. 56, sec. 6

(2.) For every search in any index or records in the office of the Registrar-General a fee of *five* shillings shall be paid by the person requiring such search; and for every certified copy of any entry in the records of his office there shall be paid a fee of *two* shillings and *sixpence*; or, if such certified copy be under the seal of the Registrar-General, then a fee of *five* shillings; and for every certificate of the date of any birth or death, a fee of *one* shilling.

46. (1.) Notwithstanding anything in the foregoing provisions of this Act, where a certified copy of any entry in a register-book or a certificate as to any such entry is required for the purposes of any Department of State the Registrar or the Registrar-General may, on payment of a fee to be prescribed by regulations in that behalf, issue such certified copy or a special certificate in the prescribed form.

Special certificates for purposes of Departments of State.

(2.) Every certified copy or certificate issued pursuant to the *last preceding* subsection shall indicate thereon the purpose for which it was issued, and shall not be available for any other purpose, and shall be retained by the Department for whose purposes it was required.

47. (1.) Every person by whom the information contained in any register under this Act is given shall sign his name in the register, to which shall be added, either by himself or by the Registrar in his presence, his description and place of abode.

Entry to be signed by informant.  
1908, No. 16, sec. 28

(2.) If the person whose signature is required is unable to write, he may in the presence of the Registrar make a cross or other mark, and the Registrar shall annex the designation of such person to such cross or other mark, which shall in all respects be as binding and effectual as the signature of such person would have been.

(3.) No register of births or deaths under this Act shall be given in evidence unless signed as aforesaid by some person professing to be the informant of the Registrar.

(4.) Nothing in the foregoing provisions of this section shall apply to a register kept by the Registrar-General pursuant to section *twenty-four* or section *thirty-three* hereof.

48. A certified copy of any register or entry made or given and purporting to be signed by the Registrar-General or any Registrar, shall be received in any Court of Justice as *prima facie* evidence of the fact of the birth or death to which the same relates.

Certified copies of entries to be received as *prima facie* evidence.

Ibid., sec. 42

49. Where by reason of distance from a post-office or Registrar's office, or from any other sufficient cause, any act, matter, or thing required by this Act cannot be done within the time limited by or in strict compliance with the conditions imposed by this Act, it shall be sufficient if such act, matter, or thing be done within a reasonable time thereafter, or if the conditions imposed be complied with so far as is reasonably possible.

Relaxation of conditions in certain cases.

1912, No. 18, sec. 22

50. (1.) The Registrar-General or any Registrar may take and receive any statutory declaration required by this Act, and every such declaration may be made in the form numbered (6) in the *First* Schedule hereto or to the like effect.

Who may take declarations under this Act.

1908, No. 16, sec. 48

- (2.) Every person commits perjury who wilfully and corruptly makes and subscribes any such declaration knowing the same to be untrue in any material particular.
- Registrar may refuse to act until fee paid. 1912, No. 18, sec. 18 (2) 51. Any Registrar required by this Act to do any act for which a fee is payable may refuse to do such act until the fee is paid. 5
- Registrar-General may remit fee. Ibid., sec. 23 52. The Registrar-General may in any case dispense with payment of any fee payable under this Act.
- Refusing or neglecting to give information. 1908, No. 16, sec. 43 1912, No. 18, sec. 17 53. Every person who refuses or neglects to give any notice or information required under this Act or commits a breach of any of the provisions of this Act, is liable to a fine not exceeding *ten* pounds, except where otherwise specially provided by this Act. 10
- Penalties on Registrars. 1908, No. 16, sec. 44 54. Every Registrar who refuses or without reasonable excuse omits to register any birth or death of which he has due notice and information as aforesaid, and every person having the custody of any register-book or certified copy or duplicate thereof, or of any part thereof, who negligently loses or injures the same, or negligently allows the same to be injured while in his keeping, is liable to a fine not exceeding *twenty* pounds. 15
- Punishment for false statements. Ibid., sec. 45 55. Every person commits a crime, punishable by *two years'* imprisonment with or without hard labour, or by a fine not exceeding *fifty* pounds, who wilfully makes or causes to be made, for the purpose of being inserted in any register-book of births or deaths, any false statement touching any of the particulars required to be known and registered under this Act. 20
- No prosecution without authority of Registrar-General. 1912, No. 18, sec. 24 56. No prosecution for an offence against this Act shall be commenced without the authority of the Registrar-General. 25
- Recovery of fines. 1908, No. 16, sec. 46 57. All fines imposed by this Act shall, save in the case of indictable offences, be recovered in a summary way before a Magistrate or any two Justices, upon the information or complaint of any person duly authorized in writing by the Registrar-General. 30
- Recovery of fees. 1912, No. 18, sec. 18 (1) 58. Any fee required by this Act to be paid shall be recoverable summarily in the same manner as fines are recoverable. 30
- Application of fines and fees. 1908, No. 16, sec. 47 59. All fines recovered and all fees received under this Act shall be paid into the Public Account and form part of the Consolidated Fund. 35
- Regulations as to registration of births, &c., of Natives. 1912, No. 18, sec. 20
- REGISTRATION OF BIRTHS AND DEATHS OF NATIVES.
60. (1.) The Governor-General may from time to time, by Order in Council, make such regulations as he thinks fit providing for the registration of births and deaths of Natives.
- (2.) Such regulations may impose a fine not exceeding *five* pounds for the breach of any regulation. 40
- (3.) Such regulations may apply either to the whole of New Zealand or to such specified parts thereof as the Governor-General from time to time thinks fit, or may apply to any such specified part with such modifications as the Governor-General by Order in Council directs. 45
- (4.) All regulations and Orders in Council made under this section shall be laid before Parliament within twenty-eight days after the making thereof if Parliament is then sitting, or, if Parliament is not then sitting, within twenty-eight days after the commencement of the next ensuing session, and shall be referred to the Native Affairs Committee of each House of Parliament for report. 50
- (5.) Except as provided in this section, nothing in this Act shall apply to Natives.
- (6.) For the purposes of this section the term "Native" means a person belonging to the aboriginal race of New Zealand, and includes a half-caste and a person intermediate in blood between half-castes and persons of pure descent from that race. 55

REPEALS AND SAVINGS.

61. The enactments mentioned in the *Second* Schedule hereto are hereby repealed, and with respect to those enactments the following provisions shall apply:—

Repeals and savings.  
1908, No. 16, sec. 1

- 5 (a.) All Proclamations, districts, offices, appointments, registers, registrations, records, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.
- 10 (b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.
- 15

SCHEDULES.

Schedules.

FIRST SCHEDULE.

(1.) BIRTHS IN THE DISTRICT OF [Auckland], NEW ZEALAND.

Sections 12, 17, 25.

No.	Child.		Sex (M. or F.)	Parents.			Informant.	Registrar.	Child. Name, if added or altered after Registration of Birth.
	1. When born.	Christian or First Names (only). (If child still-born, to be noted in this column.)		Father.	1. When married. 2. Where married. 3. Previous issue of Existing Marriage:	Mother.			
(1.)	(2.)	(3.)	(4.)	1. Name and Surname. 2. Rank or Profession. 3. Age. 4. Birthplace.	(a.) Living—Ages each Sex. (b.) Dead—Number each Sex.	1. Name and Surname. 2. Maiden Surname. 3. Age. 4. Birthplace.	(8.)	1. When registered. 2. Signature of Registrar.	(10.)
64	1. 1919, 20th February. 2. 27 Wakefield Street, Auckland.	Edith Elizabeth.	F.	1. Thomas Edwards. 2. Miner. 3. 37 years. 4. Redruth, Cornwall, England.	1. 1905, 20th June. 2. Thames. 3. (a.) M. 8 years. 4. 4 years. (b.) M. 1. F. 1.	1. Mary Edwards. 2. Lucas. 3. 33 years. 4. Plymouth, England.	1. Thomas Edwards. 2. Father. 3. Graham Street, Thames.	1. 1919, 6th March. 2. James Kirk, Registrar.	

(2.) DEATHS IN THE DISTRICT OF [Wellington], NEW ZEALAND.

Section 12.

1. When died. 2. Where died.	Description of Deceased. 1. Name and Surname. 2. Rank, Profession, or Occupation.	1. Sex. (M. or F.) 2. Age.	Cause of Death. 1. Cause of Death. 2. Duration of Last Illness. 3. Medical Attendant by whom certified. 4. When he last saw Deceased (i.e., before death).	Parents. 1. Name and Surname of Father. 2. Name and Surname of Mother. 3. Maiden Surname of Mother. 4. Rank or Profession of Father.	Burial.		Where born. 1. Where born. 2. How long in New Zealand.	If Deceased was married.		Informant.	Registrar.
					1. When buried. 2. Where buried.	1. Name of Minister (or Names of Witnesses). 2. Religion of Minister.		1. Where married. 2. At what Age married. 3. To Whom married. 4. Age of Widow, if living.	If Issue living, state Ages each Sex.		
(2.)	(3.)	(4.)	(5.)	(6.)	(7.)	(8.)	(9.)	(10.)	(11.)	(12.)	(13.)
1919, 3rd January. 46 Tinakori Road, Wellington.	1. Edward Williams. 2. Carpenter.	1. M. 2. 52 years.	1. Pneumonia. 2. 2 months. 3. Dr. J. H. Thompson. 4. 3rd January, 1919.	1. James Williams. 2. Jane Williams. 3. O'Neill. 4. Carpenter.	1. 5th January, 1919. 2. Karori.	1. John Smith. 2. Presbyterian.	1. Belfast, Ireland. 2. 18 years.	1. Carlow, Ireland. 2. 28 years. 3. Martha Fitzpatrick. 4. 48 years.	M. 22 years. F. 20 years. 16 years.	1. John Brown. 2. Undertaker. 3. Wellington.	1. Thomas Ward, Registrar. 2. 6th January, 1919.



## Section 23.

(3.) CERTIFICATE OF NAME GIVEN IN BAPTISM [*or at other Ceremony*].

I, \_\_\_\_\_, of \_\_\_\_\_, in the \_\_\_\_\_, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I baptized by the name of \_\_\_\_\_ a male child [*or as the case may require*], produced to me by \_\_\_\_\_ as the child of \_\_\_\_\_ and \_\_\_\_\_, and declared by the said \_\_\_\_\_ to have been born at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[*Signature of Officiating Minister.*]

## Section 34.

## (4.) CERTIFICATE OF REGISTRATION OF DEATH.

I, A. B., Registrar of Births and Deaths in the District of \_\_\_\_\_, do hereby certify that the death of [*Henry Hastings*] was duly registered by me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A. B., Registrar.

## Section 37.

## (5.) BURIAL CERTIFICATE.

I, A. B., of \_\_\_\_\_, undertaker, do hereby certify that the body of \_\_\_\_\_ was on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, duly buried [*If cremated or otherwise lawfully disposed of, state the fact*] at \_\_\_\_\_ in my presence.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A. B., Undertaker.

*Signature of Minister or other witnesses of burial:*

{ G. H., Minister.  
[or C. B., Householder  
F. F., Householder].

## Section 50.

## (6.) FORM OF DECLARATION.

I, A. B. [*Insert place of abode and occupation*], do solemnly and sincerely declare that [*Insert facts*].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the General Assembly of New Zealand intituled the Births and Deaths Registration Act, 1924.

A. B.

Taken and declared before me, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

C. D.,

Registrar of Births and Deaths for \_\_\_\_\_ District.

## Section 61.

## SECOND SCHEDULE.

## ENACTMENTS REPEALED.

- 1908, No. 16.—The Births and Deaths Registration Act, 1908.
- 1912, No. 18.—The Births and Deaths Registration Amendment Act, 1912.
- 1915, No. 56.—The Births and Deaths Registration Amendment Act, 1915.
- 1916, No. 13.—The War Legislation Amendment Act, 1916, section 18.
- 1920, No. 69.—The Births and Deaths Registration Amendment Act, 1920.