

## BIRTHS AND DEATHS REGISTRATION BILL

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### EXPLANATORY NOTE

THIS Bill is a consolidation of the Births and Deaths Registration Act 1924 and its amendments.

*Part I* provides for the appointment of officers by whom the Act is to be administered and prescribes their functions. At present New Zealand is divided into Registrar's districts with a Registrar appointed for each district. All births and deaths are now registered in the district where they occur. It is proposed to abolish the districts and to appoint Registrars who will exercise their functions in respect of all births and deaths notified to them under the proposed Act.

Births and deaths are to be registered by the Registrar whose office is nearest to the place of birth or the place of burial, as the case may be.

*Part II*, which relates to the registration of births, contains substantially the same provisions as the existing legislation.

*Part III* relates to the registration of adoptions. *Clause 22* is new and provides that an adoption of a Maori child shall be registered in the same manner as the adoption of a European child unless the adoption order is made under the Maori Land Act 1931.

*Part IV* relates to the registration of deaths. New provisions are contained in *clause 27*, which prohibits the burial at sea of a person dying in New Zealand except upon the authority of a Coroner, and in *clause 31*, which provides for the registration of the death of a person whose body is removed for anatomical examination under Part II of the Medical Act 1908 or is removed for burial outside New Zealand.

The provision in the existing legislation requiring a Registrar to notify the Speaker of the House of Representatives of the death of any member of Parliament has been omitted, as there is an identical provision in the Electoral Act 1927.

*Part V* contains miscellaneous provisions similar to those contained in existing legislation.

*Hon. Mr. Webb*

## BIRTHS AND DEATHS REGISTRATION

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## A BILL INTITULED

Title. AN ACT to consolidate and amend the law 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:—

Short Title and commencement.

1. (1) This Act may be cited as the Births and Deaths Registration Act 1951.

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-two.

## PART I

## PRELIMINARY

Interpretation. 1924, No. 13, ss. 2, 42

2. In this Act, unless the context otherwise requires,—  
 “ Burial ” and all references thereto include cremation and any other lawful mode of disposing of the dead: 15

“ Coroner ” includes a Justice lawfully performing the functions of a Coroner:

“ Funeral director ” includes any person in charge of a burial:

“ Occupier ” includes any 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: 20

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5 “Maori” 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:

“Minister” means the Minister of Justice:

“Registrar” means a Registrar of Births and Deaths appointed under this Act:

10 “Stillborn child” means 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 the issue.

3. (1) There shall be appointed an officer of the Public Service, to be called the Registrar-General, who shall be charged with the general administration of this Act.

Appointment of Registrar-General and Deputy Registrar-General.

20 (2) There shall also be appointed an officer of the Public Service, to be called the Deputy Registrar-General, who shall, under the control of the Registrar-General, perform such general official duties as he is called upon to perform under this Act or by the Registrar-General.

1924, No. 13, ss. 4, 5

25 (3) Where for any cause a vacancy occurs in the office of Registrar-General, or in case of the absence from duty of the Registrar-General, and so long as any such vacancy or absence continues, the Deputy Registrar-General shall have and may exercise all the powers, duties, and functions of the Registrar-General.

30 4. (1) There shall from time to time be appointed such fit persons as may be required to be Registrars and Deputy Registrars under this Act.

Appointment of Registrars and Deputy and Acting Registrars.

35 (2) During a vacancy in the office of any Registrar or in case of the absence from duty of any Registrar there may be appointed to act for the Registrar a fit person to be Acting Registrar, and any such person while so acting shall have and may exercise all the powers, duties, and functions of the Registrar.

1924, No. 13, ss. 4, 5, 6

40 (3) Any appointment to the office of Registrar, Deputy Registrar, or Acting Registrar shall be made in accordance with the Public Service Act 1912 in the case

See Reprint of Statutes, Vol. VII, p. 522

of persons who are, or after the appointment will be, employed in the Public Service, and by the Registrar-General by writing under his hand in all other cases.

(4) Where for any cause there is a vacancy in the office of any Registrar, or in case of the absence from duty of any Registrar, and so long as any such vacancy or absence continues and no Acting Registrar has been appointed to act for the Registrar, the Deputy Registrar shall have and may exercise all the powers, duties, and functions of the Registrar. 5 10

Fact of deputies acting conclusive evidence of authority to do so.  
1924, No. 13, s. 5 (3)

5. The fact that the Deputy Registrar-General or any Deputy Registrar or Acting Registrar exercises any power, duty, or function under this Act 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. 15

Place of registration of births and deaths.  
1924, No. 13, s. 7

6. (1) Subject to the provisions of this Act, all births and deaths occurring in New Zealand shall be registered by the Registrar whose office is nearest to the place where the birth occurred or to the place of burial, as the case may be: 20

Provided that any other Registrar may register any birth or death if it is shown to his satisfaction that the person whose duty it is to give the information required by this Act for the registration of a birth or a death could not, without difficulty, delay, or expense, attend at the aforesaid office. 25

(2) Where by this Act any notice or information in respect of any birth or death is required to be given to a Registrar, the notice or information shall be given to the Registrar by whom the birth or death is required to be or has been registered, as the case may be. 30

Entries in registers.  
1924, No. 13, s. 12

7. Every Registrar shall in every case inform himself carefully of the particulars touching births and deaths required to be registered by him, and shall enter and register in duplicate all such particulars in the form No. 1 or in the form No. 2 in the *First* Schedule to this Act, as the case may be. 35

8. (1) Every Registrar shall, within the first ten days of each of 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 5 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.  
1924, No. 13,  
s. 13

(2) Every Registrar who refuses or neglects to 10 comply with the provisions of this section commits an offence against this Act.

9. Where any of the duplicates referred to in section *eight* of this Act are lost or mislaid the Registrar shall, at the request of the Registrar-General, make and 15 transmit to the Registrar-General true copies, certified under the hand of the Registrar, of the entries the duplicates of which have been lost or mislaid, and any such copies shall be substituted by the Registrar-General for the aforesaid duplicates.

In case of loss of duplicate registrations, Registrar may send copies to Registrar-General.  
1924, No. 13,  
s. 14

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PART II

REGISTRATION OF BIRTHS

10. (1) The occupier of any premises in which a child is born shall give notice to the Registrar according to the best of the knowledge and belief of the occupier 25 of the fact of the birth, the date on which it occurred, the name and address of the mother or father of the child, and of such other particulars as the Registrar-General may require.

Notice of births to be given to Registrar.  
1924, No. 13,  
s. 16

(2) Any such notice shall be in writing, signed by 30 the occupier and endorsed by some other person, if any, 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 seven days in any other case.

(3) Where a child is born immediately before admis- 35 sion to any premises, the occupier thereof shall give notice to the Registrar in accordance with the provisions of subsection *one* of this section.

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

Responsibility for providing information required for registration of birth.

1924, No. 13, s. 17

**11.** (1) The father and the mother of any child born in New Zealand, or, in case of the death, absence, or inability of the father and the mother, the occupier of the premises in which the child is born, and each person present at the birth of the child, shall be responsible for informing the Registrar of the particulars required to be registered concerning the birth of the child. 5 10

(2) Every person responsible as aforesaid shall, within two months after the date of the birth, attend at the office of the Registrar and inform the Registrar, according to the best of the knowledge and belief of the informant, of the several particulars required to be registered concerning the birth, and sign the register: 15

Provided that any such person may, by writing under his hand, authorize any other person to act as his agent for the purpose of carrying out his obligations under this subsection. 20

(3) If any of the persons responsible as aforesaid or the authorized agent of any such person attends at the office of the Registrar in accordance with subsection *two* of this section and gives the information required by that subsection and signs the register, no other person shall be required to carry out any of the requirements of this section in respect of that birth. 25

See Reprint of Statutes, Vol. II, p. 351

(4) Notwithstanding anything to the contrary in the Justices of the Peace Act 1927, any information for an offence against this section may be laid at any time within two years from the date of the birth in respect of which the offence was committed. 30

(5) The requirements of this section are in addition to the requirements of section *ten* of this Act in respect of the notification of births. 35

Limitation of time for registration of births.

1924, No. 13, s. 18

**12.** Except as otherwise provided by this Act, registration of the birth of a child born in New Zealand shall be effected after a period of two months from the date of the birth of the child only upon payment of the prescribed fee, and after one of the parents of the child or some person present at the birth attends personally at the office of the Registrar and makes before him a 40

statutory declaration containing, to the best of the knowledge and belief of the declarant, the particulars required to be registered:

5 Provided that registration under this section shall not be effected after a period of six months after the date of the birth of the child, except upon the direction of the Registrar-General, who may authorize registration in any case within two years after the date of birth.

10 **13.** (1) If any person required under section *eleven* of this Act to give to the Registrar information in respect of any birth refuses or neglects to do so, the Registrar-General may, at any time within two years after the date of the birth of the child, authorize some person to give the Registrar the information required to enable  
15 him to register the birth, and to sign as informant the entry in the register in respect thereof.

Authorization of registration in case of neglect to register.  
1924, No. 13, s. 22

(2) On receipt of any such information the Registrar shall register the birth accordingly.

20 **14.** (1) Notwithstanding anything in the foregoing provisions of this Act, the Registrar-General may register the birth of any person born in New Zealand, whether before or after the commencement of this Act, whose birth has not been previously registered in New Zealand:

Registrar-General may at any time register births not registered by Registrar.  
1924, No. 13, s. 24

25 Provided that satisfactory evidence by statutory declaration and such other evidence as he may deem necessary of the several particulars required to be registered concerning the birth shall first be received by the Registrar-General.

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

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

40 **15.** 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, a Registrar to whom application is made  
45 shall, at any time within six months from the date of the

Registration of births of children born out of New Zealand.  
1924, No. 13, s. 19



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 concerning the birth, register the birth of the child in the manner provided for the registration of births taking place in New Zealand: 5

Provided that the birth of a child over the age of eighteen months but not over the age of three years at the date of arrival in New Zealand may be registered in accordance with this section if the Registrar-General 10 authorizes the registration.

Information  
respecting  
foundlings to  
be given.  
1924, No. 13,  
s. 21

**16.** Where any living new born child is found exposed or abandoned, any person in whose charge the child may be placed shall give to the Registrar, within seven days after the date of the finding of the child, such 15 information of the particulars required to be registered concerning the birth of the child as the informant possesses, and shall sign the register.

Registration of  
name after  
registration of  
birth.  
1924, No. 13,  
s. 23

**17.** (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 the registration, or if any additional first name or Christian name is 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 is given to any child in place of the registered 25 name, the parents of the child, at any time within two years after the date of the original registration of the birth, may in writing request the Registrar to register the name so given and the Registrar shall register the name accordingly: 30

Provided that the Registrar may make an alteration or addition to the register under this section on the application of one parent if the other is dead or if the parents are divorced or legally separated and the parent making the application has the sole custody of the child. 35

(2) A memorial of any alteration or addition to the register under this section shall be entered on the appropriate birth registration entry and signed by the Registrar.

(3) Except upon the authority of the Registrar-General 40 not more than one alteration or addition to the register in respect of the name of any child shall be made under this section.

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

Registration of birth of illegitimate child.

(2) The Registrar shall not enter in the register the name of or any other particulars relating to any person as the father of any such child except on the joint request of the mother and of the person acknowledging himself to be the father; and that person shall in any such case sign the register together with the mother:

1924, No. 13, s. 25

1936, No. 58, s. 13

10 Provided that if the mother is dead or cannot be found it shall be sufficient if the request is made by the father alone, and the signature of any other person required to give information as to the birth may be accepted in place of the mother's signature.

15 19. In the case of a birth of any illegitimate child registered pursuant to section *fourteen* of this Act, the name of or any other particulars relating to the father shall not be entered in the register unless the Registrar-General is satisfied that both the mother and the person acknowledging himself to be the father of the child consent thereto:

Registration by Registrar-General of birth of illegitimate child.

Provided that if the mother is dead or cannot be found, the consent of the father alone shall be sufficient.

25 20. (1) The provisions of this Act relating to the notification and registration of births shall apply in the case of a stillborn child, but it shall not be necessary to register the death of any such child.

Registration of stillborn children.

1924, No. 13, s. 26

(2) Where in the case of any stillbirth required to be registered under this Act, or in the case of a foetal death where the child has issued from its mother after the twentieth week of pregnancy, a medical practitioner or a midwife is in attendance at the confinement, the medical practitioner or, if there was no medical practitioner in attendance, the midwife, shall forthwith sign and deliver to the Registrar a certificate, on the printed form to be supplied for that purpose, stating to the best of his or her knowledge and belief the cause of the stillbirth or the cause of the foetal death, as the case may be, and such other particulars as may be required by the Registrar-General.

1946, No. 40, s. 15

(3) Every such certificate received by the Registrar shall be sent by him to the Registrar-General.

(4) The Registrar-General shall keep such records as he deems expedient in respect of certificates received by him under this section, and those records shall be open for inspection by such persons only as are authorized in that behalf by the Minister. 5

(5) No particulars contained in any certificate under this section shall be entered in any register of births kept under this Act.

(6) Any certificate or record as aforesaid may be destroyed after a period of ten years. 10

(7) Every medical practitioner or midwife required to give a certificate under this section who refuses or neglects to do so commits an offence against this Act.

### PART III

#### REGISTRATION OF ADOPTIONS 15

Registration of adoptions.

1924, No. 13, s. 27

1943, No. 20, s. 2

See Reprint of Statutes, Vol. III, p. 1073

**21.** (1) Where an order of adoption is made under Part III of the Infants Act 1908, the Registrar of the Court by which the order was made shall forthwith send to the Registrar-General notice setting forth the following particulars so far as they are known to the Court:— 20

(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:

(d) The names of the natural or last preceding adopting parents of the child: 25

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

(f) The name of the Magistrate by whom the order of adoption was made, and the date of the order: 30

(g) Such other particulars as may be required by the Registrar-General.

(2) On receipt of the particulars referred to in subsection *one* of this section 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 *eight* of this Act, forthwith note and sign on the duplicate a memorial in the form No. 3 in the *First Schedule* to this Act. 40

(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 Registrar of the Court; and the Registrar by whom the birth was registered shall forthwith note and sign on the original entry and on any subsequent re-registration entry as to the birth of the child, and on the duplicate of any such entry in cases where the duplicate has not been transmitted to the Registrar-General, a memorial in the form referred to in subsection *two* of this section; and shall also re-register, in duplicate, particulars as to the birth of the child, substituting the name conferred by adoption for the name of the child prior to adoption, and recording the name, address, and description of each adopting parent in substitution for the particulars as to the natural or last adopting parents.

(4) The duplicate of the re-registration entry shall be transmitted to the Registrar-General as if it were a duplicate of an entry made pursuant to section *seven* of this Act.

(5) In any case where the birth of the adopted child has not been registered in New Zealand, the Registrar-General, upon being satisfied as to the correctness of the information supplied to him as to the date and place of birth of the child, shall send a copy of the notice received by him under subsection *one* of this section to the Registrar at Wellington, who shall register particulars as to the birth of the child in accordance with subsection *three* of this section.

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

(7) No person shall be permitted to inspect any such original or former entry, unless that person certifies, and the Registrar-General or the Registrar is satisfied, that

the particulars recorded in the original or former entry are material for the purpose for which the inspection is required.

Adoption of  
Maori children.  
See Reprint  
of Statutes,  
Vol. III,  
p. 1073

**22.** (1) Where an adoption order is made under Part III of Infants Act 1908 for the adoption of a Maori child, the re-registration of the birth of the child shall be effected in accordance with section *twenty-one* of this Act, and the provisions of that section, as far as they are applicable and with the necessary modifications, shall apply in all respects as if the child were a child born of European parents. 5 10

*Ibid.*, Vol. VI,  
p. 179

(2) Where an adoption order is made pursuant to Part IX of the Maori Land Act 1931 in respect of a child of Maori descent who is not a Maori, re-registration of the birth of the child shall be effected in accordance with regulations under this Act for the time being in force relating to the registration of adoptions of Maoris adopted under the Maori Land Act 1931, and the provisions of any such regulations, as far as they are applicable and with the necessary modifications, shall apply as if the child were a Maori. 15 20

Consequences  
of variation,  
reversal, or  
discharge of  
adoption order.  
1924, No. 13,  
s. 27  
1950, No. 91,  
s. 4

**23.** (1) Where an order is made varying, reversing, or discharging any adoption order, the Registrar of the Court in which the order is made as aforesaid shall forthwith send a copy of the order to the Registrar-General, who shall cause a memorial of the order of variation, reversal, or discharge to be made on— 25

(a) The original entry of birth relating to the child to whom the order relates, and the duplicate of that entry; and 30

(b) The entry of re-registration in respect of that child made under subsection *three* of section *twenty-one* of this Act, and the duplicate of that entry.

(2) In the case of the variation of an order of adoption, the Registrar-General may, if he considers it expedient to do so, cause the particulars as to the birth of the child as so varied to be re-registered in the manner provided by the said subsection *three*. 35

(3) Where a certified copy of the entry of birth of any child in respect of whom an adoption order has been reversed or discharged is required for any purpose, 40

and no other adoption order is for the time being in force in respect of that child, the Registrar-General or the Registrar, as the case may be, shall supply a certified copy of the original entry of birth, omitting the memorial mentioned in subsection *two* of section *twenty-one* of this Act and also omitting the memorial of the reversal or discharge of the adoption order; and every such certified copy, if otherwise correct, shall be deemed to be a true copy of the entry:

10 Provided that, in any case where the applicant certifies and the Registrar-General or the Registrar is satisfied that the memorials on the original entry of birth are material for the purpose for which the certified copy is required, the Registrar-General or the Registrar  
15 may issue the certified copy of that entry, including the memorials:

20 Provided also that, in any case where the applicant certifies and the Registrar-General or the Registrar is satisfied that the re-registration entry made under subsection *three* of section *twenty-one* of this Act is material for the purpose for which the certified copy is required, the Registrar-General or the Registrar may issue a copy of that entry, including the memorial.

25 **24.** The foregoing provisions of this Part of this Act 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 under the Maori Land Act 1931, or the corresponding provisions of any former Acts,  
30 were made at any time before the commencement of this Act, if the Registrar-General is satisfied as to the truth of the particulars required to be registered.

Provisions of this Part to apply to adoptions prior to commencement of Act.

1924, No. 13, s. 27 (6)

See Reprint of Statutes, Vol. III, p. 1073  
Ibid., Vol. VI, p. 179

## PART IV

### REGISTRATION OF DEATHS

35 **25.** (1) Except as provided by subsection *five* of this section, 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 make available to the funeral director having charge of

Medical certificate as to causes of death.

1936, No. 58, s. 11

the burial 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 death, and such other particulars as may be required by the Registrar-General.

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(2) If the deceased was at the time of his death suffering from any infectious disease, that fact shall be stated on the certificate.

(3) The person receiving the 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.

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(4) In any case where, in the opinion of the medical practitioner, the death has occurred under any circumstances of suspicion, the medical practitioner shall forthwith report the case to the Coroner.

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(5) In any case where, pursuant to subsection *four* of this section, the medical practitioner notifies a death to the Coroner, and in every other case where the medical practitioner has reasonable cause to suspect that the deceased person has died either a violent or an unnatural death, the practitioner shall not issue a certificate unless the Coroner decides that no inquest is necessary.

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(6) Every medical practitioner required to give a certificate as aforesaid, or to report to the Coroner as provided by subsection *four* of this section, who refuses or neglects to do so, and any person to whom any such certificate is given who fails to deliver the same to the Registrar, commits an offence against this Act.

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No burial  
without medical  
certificate or  
Coroner's order  
1924, No. 13,  
s. 32

**26.** (1) No person shall bury or permit to be buried the body of any deceased person, or remove a body for anatomical examination or for burial outside New Zealand unless and until the funeral director or the person in charge of the removal, as the case may be, has obtained in respect of that deceased person either—

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(a) A certificate of causes of death, signed by a duly registered medical practitioner, in the form referred to in subsection *one* of section *twenty-five* of this Act; or

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

(2) Every person who fails to comply with any provision of this section commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

5 **27.** It shall be unlawful to bury at sea the body of a person who dies in New Zealand, except under the authority of an order in writing under the hand of a Coroner. Burial at sea.

10 **28.** (1) Every funeral director in charge of a burial shall forthwith after the burial sign and transmit to the Registrar a burial certificate in the form No. 4 in the *First Schedule* hereto. Certificate of burial.  
1924, No. 13,  
s. 37  
1946, No. 40,  
s. 53 (6)

15 (2) Every burial certificate shall be countersigned by the minister or other person officiating at the burial, or by two witnesses of the burial if no minister or other person so officiated.

(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.

20 (4) Every funeral director who buries any dead body and fails to cause a burial certificate to be transmitted as aforesaid commits an offence against this Act.

25 (5) Nothing in this section shall be construed to apply with respect to the burial or cremation of any human remains removed for anatomical examination pursuant to Part II of the Medical Act 1908. See Reprint of Statutes,  
Vol. V, p. 664

30 **29.** Except as provided in sections *thirty* and *thirty-one* of this Act, every funeral director having charge of the burial of any deceased person shall, according to the best of his knowledge and belief, within three days after the day of the burial, inform the Registrar of the particulars required to be registered concerning the death, and attend at the Registrar's office and sign the register. Funeral director to give particulars of death to Registrar.  
1924, No. 13,  
s. 28

35 **30.** Where an inquest is held on the body of any deceased person, the Coroner holding the same shall, within three days after the holding of the inquest, notify to the Registrar whose office is nearest to that of the Coroner the finding of the Coroner, with the date of On inquest, Coroner to notify Registrar.  
1924, No. 13,  
s. 30



the finding and all other particulars required to be registered concerning the death and the Coroner shall attend at the Registrar's office and sign the register.

Removal of body out of New Zealand or for anatomical examination. See Reprint or Statutes, Vol. V, p. 664

**31.** Before the body of any deceased person in respect of whose death an inquest has not been held is removed for the purposes of anatomical examination under Part II of the Medical Act 1908, or is removed for burial outside New Zealand, the funeral director or other person proposing to remove the body or to cause it to be removed shall, within three days after the date of the death, inform the Registrar whose office is nearest to the place from which the body is to be removed, according to the best of his knowledge and belief, of the particulars required to be registered concerning the death, and shall attend at the Registrar's office and sign the register. 5 10 15

Persons responsible may authorize deputies to give information necessary for registration of death.

**32.** Any person who, under the provisions of sections *twenty-nine, thirty, or thirty-one* of this Act, is required to inform the Registrar of the particulars required to be registered concerning any death may, by writing under his hand, depute some other person to carry out those requirements in respect of the death: 20

Provided that, until the person so deputed gives to the Registrar the information required and signs the register, the obligations imposed on any person in respect of the death by any of the said sections shall not be deemed to be discharged. 25

Certificate of registration. 1924, No. 13, s. 34

**33.** Every Registrar who has registered any death shall upon request and without fee give to the person signing the entry in the register relating to the death, a certificate under his hand, in the form No. 5 in the *First* Schedule to this Act, that the death has been duly registered. 30

Burial of deceased children as stillborn. 1924, No. 13, s. 40

**34.** (1) No person shall wilfully bury or procure to be buried the body of any deceased child as if it were stillborn. 35

(2) No person who has control over any burial ground, or who ordinarily buries bodies therein, shall bury or permit to be buried therein the body of any

deceased child as if it were stillborn, and no person shall bury or permit to be buried therein the body of any stillborn child unless there is delivered to him either—

- 5 (a) A written certificate that the child was not born alive, signed by a registered medical practitioner who was in attendance at the birth or has examined the body of the child or by a midwife present at the birth if there was no medical practitioner in attendance; or
- 10 (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 or midwife was present at the birth, or that his or her certificate cannot be obtained, and that the child was
- 15 not born alive; or
- (c) An order for the burial of the body given by the Coroner.

35 **35.** (1) The Registrar-General shall compile a register containing, so far as practicable, particulars 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 with any Commonwealth force within the meaning of the Army Act 1950 and who at the time

Register to be compiled in respect of deaths of servicemen while out of New Zealand.

25 of their deaths were domiciled in New Zealand.  
 (2) The register compiled under subsection *one* of this section shall, with respect to each person whose death is registered therein, contain particulars (so far as may be ascertained) as to—

1947, No. 12, ss. 2, 3, 4, 6  
 1950, No. 39

- 30 (a) The name and sex of the deceased person;
- (b) The force or unit in which he was serving at the time of his death, his rank, and his official number;
- 35 (c) His occupation and usual place of abode prior to his departure from New Zealand;
- (d) His birthplace and parentage;
- (e) His age at date of death;
- 40 (f) The condition of deceased at the time of his death (whether married or single, or a widower, or divorced);

- (g) The date and place of death;
- (h) The cause of death;
- (i) The place of burial; and
- (j) The source of the information from which the aforesaid particulars are obtained. 5

(3) For the purposes of the said register the Registrar-General may accept in proof of the death of any person the fact that the Supreme Court has granted probate or administration or has granted leave to swear to the death, or may accept a certificate signed by an officer of any Commonwealth force or by 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 as aforesaid, as he deems sufficient. 10 15

(4) The Registrar-General shall cause an index of the entries in the said register to be compiled and kept in his office, and shall cause a search of the index to be made and shall furnish to any person a copy certified under the hand of the Registrar-General or under his seal of any entry in the register. 20

(5) No fee shall be payable in respect of any search made or certified copy supplied under this section.

## PART V

### MISCELLANEOUS

Correction of errors in registers.  
1924, No. 13, s. 43  
1944, No. 25, s. 3  
1947, No. 12, s. 5

**36.** (1) Any clerical error or any error of fact or substance, or any omission of any material fact, in any register of births or deaths may be corrected in the manner authorized by the Registrar-General. 25

(2) Instead of making any correction as aforesaid, the Registrar-General may, if he thinks fit, direct a new entry to be made in the register book. Any such entry shall contain a reference to the original entry, and the original entry shall contain a reference to the new entry together with the date of the correction. Any such new entry shall be signed by a person who is required under this Act to give information of the birth or death, as the case may be, or by such other person as may be authorized by the Registrar-General. 30 35

(3) For the purpose of this section the Registrar-General may, if he thinks fit, require to be produced a statutory declaration and such other evidence as to the facts as he may deem necessary.

5 (4) Except as otherwise provided by this section or as otherwise specially provided in this Act, no alteration in any register of births or deaths shall be made.

10 **37.** Every Registrar who has in his keeping for the time being any register book of births or deaths shall, upon request, cause a search of any such register book to be made, and shall permit any person to inspect any entry and to have a copy, certified under his hand, of the entry of any birth or death registered therein or a  
15 certificate in the prescribed form of the date of any birth or death.

Searches of register and certified copies. 1924, No. 13, s. 44

20 **38.** 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, upon request, cause a search to be made of any such index or of any register kept by him, and permit any person to inspect any entry and to have a copy, certified under his hand or under his seal, of any entry of a birth or death duly returned and certified to him by any  
25 Registrar or included in any register kept by the Registrar-General under this Act, or a certificate in the prescribed form of the date of any birth or death.

General registry indexes. 1924, No. 13, s. 45

30 **39.** (1) All entries in any register made pursuant to the provisions of subsection one of section twenty-five of the Births and Deaths Registration Act 1924, or the corresponding provisions of any former Act, shall be deemed to be expunged and deleted.

Provisions as to entries of births of illegitimate children. 1930, No. 19, s. 2

35 (2) In making a certified copy of the entry in any register relating to the birth of an illegitimate child, the Registrar-General or the Registrar, as the case may be, shall omit from the copy the word "illegitimate" in any case where that word appears or formerly appeared in the register.

40 (3) In making a certified copy of the entry in any register relating to the birth of any child who has been legitimated, the Registrar-General or the Registrar, as

the case may be, shall omit from the copy any note in the entry made pursuant to paragraph (b) of section six of the Legitimation Act 1908 or the corresponding provisions of any former Act.

(4) Every certified copy made under subsection *two* or subsection *three* of this section shall, if otherwise correct, be deemed to be a true copy of the original entry in the register. 5

Special certificates for purposes of Government Departments. 1924, No. 13, s. 46

**40.** (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 Government Department, the Registrar-General or a Registrar may issue the certified copy or special certificate in the prescribed form. 10 15

(2) Every certified copy or certificate issued under subsection *one* of this section 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. 20

Certified copies of entries as *prima facie* evidence. 1924, No. 13, s. 48  
1947, No. 12, s. 9 (d)

**41.** A certified copy of any entry in a register, made or given and purporting to be signed by the Registrar-General or sealed or stamped with his seal, or made or given and purporting to be signed by any Registrar or Acting Registrar or the Deputy Registrar-General or any Deputy Registrar, shall be received in any Court as *prima facie* evidence of the birth or death to which it relates. 25

Relaxation of conditions in certain cases. 1924, No. 13, s. 49

**42.** 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, with the consent of the Registrar-General, any such act, matter, or thing is done within a reasonable time thereafter, or if, with the like consent, the conditions imposed are complied with so far as is reasonably possible. 30 35

43. Any person for the time being holding the office of Registrar-General or Deputy Registrar-General or the office of Registrar or Acting Registrar or Deputy Registrar shall, in respect of any statutory declaration  
5 required for the purpose of this Act, be deemed to be a person duly authorized to take and receive a statutory declaration under section three hundred and one of the Justices of the Peace Act 1927.

Who may take declaration under Act. 1924, No. 13, s. 50

44. (1) The Governor-General from time to time,  
10 by Order in Council, may make regulations for any purpose for which regulations are contemplated or required by this Act, and may make all such other regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this  
15 Act and for the due administration thereof.

See Reprint of Statutes, Vol. II, p. 442 Regulations. 1924, No. 13, s. 10

(2) All regulations under this Act shall be laid before Parliament within twenty-eight days after the making thereof if Parliament is then in session, and if not, shall be laid before Parliament within twenty-eight days after  
20 the commencement of the next ensuing session.

45. (1) Every person who refuses or neglects to give any notice or information required under this Act or who fails to comply with any of the provisions of this Act commits an offence.

Offences and penalties.

25 (2) Any person who commits an offence against this Act for which no specific penalty is elsewhere provided shall be liable on summary conviction to a fine not exceeding ten pounds.

46. Every Registrar who refuses or, without reasonable excuse, omits to register any birth or death of which he has due notice and information under this Act, 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  
30 negligently allows the same to be injured while in his keeping, commits an offence and shall be liable on summary conviction to a fine not exceeding twenty  
35 pounds.

Penalties on Registrars. 1924, No. 13, s. 24

Punishment for false statements. 1924, No. 13, s. 55

**47.** Every person commits an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred 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. 5

No prosecution without authority of Registrar-General.

**48.** No prosecution for an offence against this Act shall be commenced without the authority of the Registrar-General. 10

Fees.

**49.** (1) There shall be paid to the Registrar-General and to every Registrar such fees as may from time to time be prescribed in that behalf by regulations under this Act. 15

(2) Where the Registrar-General or any Registrar is empowered by this Act to do any act for which a fee is payable, he may refuse to do the act until the fee is paid.

(3) Notwithstanding the provisions of any regulations under this Act, the Registrar-General may dispense with the payment of any fee payable under this Act. 20

Application of fines and fees. 1924, No. 13, s. 59

**50.** All fines recovered and all fees received under this Act shall be paid into the Public Account and form part of the Consolidated Fund, except such fees as the Minister may from time to time authorize any Registrar to retain as remuneration. 25

Registration of births and deaths of Maoris. 1924, No. 13, s. 50

**51.** (1) The Governor-General may from time to time, by Order in Council under section *forty-four* of this Act, make such regulations as he thinks fit providing for the registration of births and deaths of Maoris. 30

(2) Any such regulations may impose a fine not exceeding ten pounds for the breach of any regulation.

(3) Any 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. 35

(4) Except as provided in this section and in sections *twenty-one, twenty-two, twenty-three, and thirty-five* of this Act, nothing in this Act shall apply to Maoris. 40

52. (1) The enactments specified in the *Second* Repeals and savings.  
Schedule to this Act are hereby repealed.

5 (2) All Orders in Council, regulations, offices, appointments, registers, registrations, records, instru-  
ments, and generally all acts of authority which origi-  
nated under any of the said enactments, and are subsisting  
or in force at the commencement of this Act, shall  
enure for the purposes of this Act as fully and effectually  
as if they had originated under the corresponding  
10 provisions of this Act, and accordingly shall, where  
necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under  
any such enactments and pending or in progress at the  
commencement of this Act may be continued, completed,  
15 and enforced under this Act.



Form No. 1

SCHEDULES

Section 7

FIRST SCHEDULE

New Zealand—The Births and Deaths Registration Act 1951

BIRTHS REGISTERED IN THE OFFICE OF THE REGISTRAR OF BIRTHS AND DEATHS AT (WELLINGTON)

No.	Child.		Parents.				Informant.	Registrar.	Child. Name, if Added or Altered After Registration of Birth. (10)
	1. When Born. 2. Where Born.	Christian or First Names (only). (If a twin state whether elder or younger.) (If child stillborn, to be noted in this column.) (3)	Father.	When Married, Where Married, of Existing Marriage: (a) Living—Ages Each Sex. (b) Dead—Number Each Sex. (6)	Mother.	1. Name and Surname. 2. Maiden Surname. 3. Age. 4. Birthplace. (7)			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

NOTE.—In entries made pursuant to section twenty-one, insert in column (5) the words "adopting parents" and in column (8) the words "This entry is made under the authority of section twenty-one of the Births and Deaths Registration Act 1951."

FIRST SCHEDULE—continued  
 Section 7  
 New Zealand—The Births and Deaths Registration Act 1951  
 DEATHS REGISTERED IN THE OFFICE OF THE REGISTRAR OF BIRTHS AND DEATHS AT (WELLINGTON)

Form No. 2

Description of Deceased.		Parents.	If Burial Registered.	Where Born.	If Deceased was Married.	Informant.	Registrar.					
No.	1. When Died.	1. Name and Surname of Father. 2. Name and Surname of Mother. 3. Maiden Surname of Mother. 4. Profession or Occupation of Father.	1. Where Buried. 2. Where Buried.	1. Name of Minister (or Names of Witnesses). 2. Religion of Minister.	1. Where Born. 2. How Long in New Zealand.	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.	1. Signature. 2. Description. 3. Residence.	1. When Registered. 2. Signature of Registrar.			
	2. Where Died.									1. Causes of Death and Intervals Between Onset and Death. 2. Medical Attendant by Whom Certified. 3. When He Last Saw Deceased Before Death.	1. Sex (M. or F.). 2. Age.	1. Name and Surname, or Profession or Occupation.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

## FIRST SCHEDULE—continued

Section 21 Form No. 3

MEMORIAL OF ADOPTION TO BE ENDORSED ON BIRTH ENTRY  
 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*]. Name conferred by Order. [            ]

Section 28 Form No. 4

## BURIAL CERTIFICATE

I, A. B., of           , funeral director (or other person having  
 charge of the burial), do hereby certify that the body of  
 was on the            day of            19   , in my presence, duly  
 buried at            (or placed in the crematorium at  
 for the purpose of cremation).

Witness by hand, this            day of            19   .

A. B., Funeral Director (or  
 person as aforesaid).

*Signature of Minister or other*  
*witnesses of burial*

{ G. H., Minister  
 (or C. B., Witness  
 { F. F., Witness).

Section 33 Form No. 5

## CERTIFICATE OF REGISTRATION OF DEATH

I, A. B., Registrar of Births and Deaths at           , do hereby  
 certify that the death of            was duly registered by me  
 on the            day of            19   .

Witness my hand, this            day            19   .

A. B., Registrar.

**SECOND SCHEDULE**

**ENACTMENTS REPEALED**

**Section 53**

- 1924, No. 13—  
The Births and Deaths Registration Act 1924. (Reprint of Statutes, Vol. VIII, p. 36.)
- 1930, No. 19—  
The Births and Deaths Registration Amendment Act 1930. (Reprint of Statutes, Vol. VIII, p. 58.)
- 1936, No. 58—  
The Statutes Amendment Act 1936: Sections, 10, 11, 12, and 13.
- 1939, No. 39—  
The Statutes Amendment Act 1939: Section 5.
- 1940, No. 18—  
The Statutes Amendment Act 1940: Section 2.
- 1943, No. 20—  
The Statutes Amendment Act, 1943: Section 2.
- 1944, No. 25—  
The Statutes Amendment Act 1944: Section 3.
- 1946, No. 40—  
The Statutes Amendment Act 1946: Sections 15 and 53 (6).
- 1947, No. 12—  
The Births and Deaths Registration Amendment Act 1947.
- 1950, No. 91—  
The Statutes Amendment Act 1950: Section 4.