

1962/67



## THE COOK ISLANDS BIRTHS AND DEATHS REGISTRATION REGULATIONS 1962

COBHAM, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 21st day of May 1962

Present:

THE HON. J. R. HANAN PRESIDING IN COUNCIL

PURSUANT to the Cook Islands Act 1915, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Cook Islands Births and Deaths Registration Regulations 1962.

(2) These regulations shall come into force—

- (a) In the Cook Islands (other than Niue), on the day after the date on which they are publicly notified by the Resident Commissioner for the Cook Islands:
- (b) In the Island of Niue, on the day after the date on which they are publicly notified by the Resident Commissioner of Niue.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“Informant” means any person required by these regulations to furnish to the Registrar particulars of births or deaths:

“Register” means the Register of Births or the Register of Deaths, as the case may be:

“Registrar” means a Registrar of Births and Deaths appointed under these regulations; and includes a Deputy Registrar so appointed:

“The Registrar” means the Registrar by whom the birth or death, as the case may be, is required to be or has been registered.

### PART I—REGISTRATION GENERALLY

**3. Appointment of Registrars**—There shall from time to time be appointed pursuant to the provisions of Part III of the Cook Islands Amendment Act 1957 such fit and proper persons as may be required to be Registrars and Deputy Registrars under these regulations.

**4. Place of registration of births and deaths in Cook Islands (including Niue)**—All births and deaths occurring in the Cook Islands (including Niue) shall be registered by the Registrar whose office is nearest to the place where the birth occurred or to the place where the death occurred, as the case may be.

**5. All births and deaths in the Cook Islands (other than Niue) to be registered also with Registrar at Rarotonga**—(1) All births and deaths occurring in the Cook Islands (other than Niue) shall, in addition to being registered as required by regulation 4 hereof, be registered with the Registrar at Rarotonga also.

(2) For the purpose of subclause (1) of this regulation, the Registrar in each island in the Cook Islands (other than Niue) shall, in the months of January, April, July, and October in each year, or so soon thereafter as may be practicable transmit to the Registrar at Rarotonga duplicate sheets of all registrations of births and deaths effected by the first-mentioned Registrar during the preceding three months, and shall certify on each sheet that the entries therein are a correct copy of the corresponding entries in the Register of Births or Register of Deaths, as the case may be.

#### PART II—REGISTRATION OF BIRTHS

**6. Particulars of births required for registration**—(1) For the purposes of these regulations, the following particulars of a birth occurring in the Cook Islands (including Niue) shall be furnished to the Registrar:

- (a) The date and place of birth:
- (b) The Christian or first name and the sex of the child:
- (c) The names of the father and mother respectively, their ages, and their place of residence:
- (d) The description of the father and mother (race to be stated in detail) [*For example, European, Maori, half European and half Maori, etc.*]:
- (e) The name and description of the informant:

(2) The particulars of birth specified in subclause (1) of this regulation shall—

- (a) In the case of a birth in the Cook Islands (other than Niue), be furnished to the Registrar within one month after the date of birth of the child:
- (b) In the case of a birth in Niue, be furnished to the Registrar within one week after the date of birth of the child.

**7. Persons responsible for furnishing particulars of births**—The following persons shall be responsible for furnishing to the Registrar the particulars of births specified in regulation 6 hereof, namely:

- (a) The father or mother of the child:
- (b) Every occupier of the house or building in which the child was born:
- (c) Any person present at the birth of the child:

Provided that if any of the persons specified herein duly furnishes the required information, the others of those persons shall thereupon be freed from the obligation of so doing.

**8. Entry in Register of Births**—(1) Upon receipt of the particulars of birth of any child born in the Cook Islands (other than Niue) the Registrar shall enter those particulars in the Register of Births and on the duplicate sheet to be supplied to the Registrar at Rarotonga under regulation 5 hereof:

Provided that the Registrar may, notwithstanding that the full particulars required by these regulations have not been furnished, upon being satisfied with the particulars furnished to him, register the birth of any child in the Register of Births and on the duplicate sheet aforesaid.

(2) Upon the receipt of the particulars of birth of any child born in Niue, the Registrar shall enter those particulars in the Register of Births:

Provided that, notwithstanding that the full particulars required by these regulations have not been furnished, the Registrar, upon being satisfied with the particulars furnished to him may register the birth of any child in the Register of Births.

**9. Registration of births not previously registered**—Notwithstanding anything in these regulations, the Registrar may register the birth of any person born in the Cook Islands, whether before or after the commencement of these regulations, whose birth has not been previously registered in the Cook Islands:

Provided that before so doing 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 of any such person shall first be received by the Registrar.

**10. Registration of change of name**—(1) Any person whose birth is registered in the Cook Islands, and who has attained the age of 21 years or is married or has at any time been married, may change his name, whether as to his surname or as to any first name or Christian name.

(2) The parents of any child who has not attained the age of 21 years and has never been married may change the name of the child, whether as to his surname or any first name or Christian name:

Provided that where the child has attained the age of 18 years his consent shall be required to the change of name:

Provided also that for the purposes of this subclause the term "parents"—

- (a) Where one of the parents has deserted the child or is dead or unknown or missing or of unsound mind, means the other parent:
- (b) Where the child has been adopted, according to the law in force for the time being, means the adoptive parents:
- (c) Where the child has a legal guardian, means or includes that guardian.

(3) For the purposes of this regulation, any change of name shall be effected by deed poll in form 3 in the First Schedule to these regulations or to the effect thereof.

(4) Any change of name shall be registered at the Registrar's office at Rarotonga or at Niue, as the case may be, upon payment of the prescribed fee set out in the Second Schedule to these regulations.

(5) Upon the registration of any change of name of any person whose birth is registered in the Cook Islands (other than Niue) the Registrar at Rarotonga shall send to the Registrar by whom the birth was registered particulars of the change of name, and the last-mentioned Registrar shall forthwith note and sign on the entry as to the birth, and on the duplicate of any entry in cases where the duplicate has not been transmitted to the Registrar at Rarotonga, a memorial of the change of name.

(6) Every certificate of the date of birth issued under these regulations shall show the name as changed and no other name.

**11. Informant may sign Register of Births**—Upon completing the entries in the Register of Births, the Registrar shall request the informant, if then present, to sign the entries, but the informant shall not be obliged to sign the entries.

**12. Form of Register of Births**—The Register of Births shall be in form 1 in the First Schedule to these regulations or to the effect thereof.

**13. Entry of father's name**—Unless the informant states that the child was born in lawful wedlock, or is the posthumous child of lawfully married persons, or unless the father together with the mother attends personally at the Registrar's office and makes an admission that he is the father of the child and the mother agrees to the father's name being entered in the Register of Births, or unless an affiliation order has been made under Part XX of the Cook Islands Act 1915 in respect of the child, the Registrar shall not enter in the Register of Births the name of any person as the father of the child.

**14. Notice to attend on Registrar**—Notwithstanding that the birth of any child has not been registered within the period specified in regulation 6 hereof, the Registrar may at any time after one month and not later than six months after the birth of the child, by notice in writing, require the parent or some person present at the birth of the child to attend personally at his office within the time specified in the notice and give information of the particulars required to be registered, and the Registrar shall thereupon register the birth according to the information so given.

**15. Registration of birth of legitimated child**—(1) Upon the inter-marriage of the parents of an illegitimate child born in the Cook Islands and upon application being made to the Registrar in whose office the birth of the child is registered, the Registrar may register the particulars of the father, and, in the case of a birth registered in the Cook Islands (other than Niue), shall advise the Registrar at Rarotonga of that entry:

Provided that satisfactory evidence by statutory declaration or other such evidence as he may deem necessary of the paternity of that child shall have been first given to the Registrar.

(2) Notwithstanding anything in subclause (1) of this regulation, in every case where it is not practicable for the natural parents to attend personally at the office of the Registrar in whose office the birth was

registered the application shall be made in writing to the Registrar at Rarotonga or the Registrar of Niue, as the case may be, who may authorise the registration of the particulars relating to the father.

**16. Registration of births of children born out of the Cook Islands—**Where a child born out of the Cook Islands arrives in the Cook Islands before attaining the age of 18 months, and the parents or other persons having lawful charge of the child are ordinarily resident in or about to take up their abode in the Cook Islands, a Registrar, on application being made at any time within six months from the date of the child's arrival by one of the parents, or by a person having lawful charge of the child as aforesaid, containing the particulars required to be registered concerning the birth shall register the birth of the child in the manner provided by these regulations for the registration of births taking place in the Cook Islands.

PART III—REGISTRATION OF DEATHS

**17. Particulars of deaths required for registration—**(1) For the purposes of these regulations, the following particulars of deaths occurring in the Cook Islands shall be furnished to the Registrar:

- (a) The date and place of death:
- (b) The name and residence of the deceased:
- (c) The sex of the deceased:
- (d) The age of the deceased (if known):
- (e) If married, the name of deceased's husband or wife:
- (f) The number and sex of children living (if any):
- (g) Whether deceased was attended by Medical Officer during last illness, and, if so, the certified cause of death:
- (h) The name and residence of the father and mother respectively of the deceased:
- (i) The description of the father and mother of deceased (race to be stated in detail) [*For example, European, Maori, half European half Maori, etc.*]:
- (j) The name and description of the informant.

(2) The particulars of deaths specified in subclause (1) of this regulation shall—

- (a) In the case of a death in the Cook Islands (other than Niue), be furnished to the Registrar within one month from the date of death:
- (b) In the case of a death in Niue, be furnished to the Registrar within one week from the date of death.

**18. Persons responsible for furnishing particulars of deaths—**The following persons shall be responsible for furnishing to the Registrar the particulars of deaths specified in regulation 16 hereof, namely:

- (a) Every occupier of the house or building in which the death took place:
- (b) Any person present at the death:

Provided that if any of the persons specified herein duly furnishes the required information, the others of those persons shall thereupon be freed from the obligation of doing so.

**19. Entry in Register of Deaths**—(1) Upon the receipt of the particulars of the death of any person dying in the Cook Islands (other than Niue) the Registrar shall enter those particulars in the Register of Deaths, and on the duplicate sheet to be supplied to the Registrar at Rarotonga under regulation 5 hereof:

Provided that the Registrar may, notwithstanding that the full particulars required by these regulations have not been furnished, upon being satisfied with the particulars furnished to him, register the death of any person in the Register of Deaths and on the duplicate sheet aforesaid.

(2) Upon the receipt of the particulars of death of any person dying in Niue, the Registrar shall enter those particulars in the Register of Deaths:

Provided that, notwithstanding that the full particulars required by these regulations have not been furnished, the Registrar, upon being satisfied with the particulars furnished to him, may register the death of any person in the Register of Deaths.

**20. Informant may sign Register of Deaths**—Upon completing the entries in the Register of Deaths, the Registrar shall request the informant, if then present, to sign the entries, but the informant shall not be obliged to sign the entries.

**21. Form of Register of Deaths**—The Register of Deaths shall be in form 2 in the First Schedule to these regulations or to the effect thereof.

**22. Certificate by Medical Officer**—(1) On the death of any person who has been attended during his last illness by a Medical Officer, that Medical Officer shall sign and deliver or cause to be delivered to the Registrar a certificate in form 4 in the First Schedule to these regulations or to the effect thereof, stating to the best of his knowledge and belief the causes of death (both primary and secondary) and the duration of the last illness of the deceased.

(2) The particulars set forth in the said certificate shall in the Cook Islands (other than Niue) be entered, together with the name of the certifying Medical Officer, in the Register of Deaths and on the duplicate sheet.

(3) The particulars set forth in the said certificate shall in Niue be entered, together with the name of the certifying Medical Officer, in the Register of Deaths.

**23. Deaths of persons not attended by Medical Officer**—(1) On the death in any island of the Cook Islands where there is for the time being a Medical Officer of any person who has not been attended by a Medical Officer as aforesaid, the Chief Medical Officer of the Cook Islands or the Chief Medical Officer of Niue, as the case may be, or other Medical Officer authorised by him in that behalf, shall sign and deliver, or cause to be delivered, to the Registrar a certificate in form 5 in the First Schedule to these regulations or to the effect thereof, stating to the best of his knowledge and belief the causes of death (both primary and secondary) of the deceased.

(2) For the purpose of enabling him to give such a certificate, the Medical Officer shall have the right to make such examination of the body of the deceased as he thinks fit, and any person who without reasonable cause prevents a Medical Officer from making such an examination or who without reasonable cause obstructs or interferes with a Medical Officer in such an examination is liable to a fine not exceeding £5:

Provided that if any relative of the deceased objects to such an examination being made, he may appeal to the Resident Commissioner, whose decision shall be final.

(3) On the receipt by the Registrar of a medical certificate under this regulation, the Registrar shall issue to such person as he deems entitled thereto an authority for the burial of the deceased. Every such authority shall be in form 7 in the First Schedule to these regulations or to the effect thereof.

(4) Where in any case to which subclause (1) of this regulation applies any person, without an authority in form 7 aforesaid having been first obtained, buries or causes to be buried any person who has died in any island of the Cook Islands, he is liable to a fine not exceeding £5.

**24. Failure by Medical Officer to give certificate**—Every Medical Officer required under the provisions of regulations 22 and 23 hereof to give a certificate in form 4 or form 5 in the First Schedule to these regulations concerning any death who refuses or neglects to give that certificate, and any person to whom any such certificate is given who fails to deliver the certificate to the Registrar of Births and Deaths in the island where the death occurred is liable to a fine not exceeding £2.

**25. Notice by Minister of religion, etc.**—Every Minister of religion or other person who performs any religious or funeral service for or at the burial of any dead body, or the person who conducts the burial of any dead body, shall give or forward within seven days written notice of the burial in form 6 in the First Schedule to these regulations or to the effect thereof, to the Registrar of Births and Deaths in the island where the death occurred.

#### PART IV—GENERAL

**26. Registers open to public, and Registrar to issue certificate of any entry**—(1) The Registers to be kept under these regulations shall at all reasonable times be open to the public for search on payment of the appropriate fee prescribed in the Second Schedule to these regulations.

(2) The Registrar shall, on the application of any person, and on payment of the appropriate fee prescribed in the Second Schedule to these regulations, issue certificates of any entry made in the said Registers.

(3) Notwithstanding the provisions of this regulation, the Registrar may dispense with the payment of any fee payable under these regulations in cases of genuine hardship.

**27. Issue of certified copies of entries to Government Departments**—(1) Notwithstanding anything in regulation 26 hereof, where a certified copy of any entry in a Register kept under these regulations or a

certificate as to any such entry is required for the purposes of any Government Department, the Registrar at Rarotonga or Niue, as the case may be, shall issue the certified copy or special certificate in the prescribed form, free of any charge.

(2) Every certified copy or certificate issued under subclause (1) of this regulation 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.

**28. Certified copy of any entry in Registers to be received in Court—**A certified copy of any entry in a Register, made or given and purporting to be signed by any Registrar and sealed and stamped with his seal, or made or purporting to be signed by any Deputy Registrar, shall be received in any Court in the Cook Islands as prima facie evidence of the birth or death to which it relates.

**29. Failure to furnish required particulars—**(1) Every person required by these regulations to furnish particulars in respect of any matter who, without sufficient cause fails to furnish those particulars is liable for a first offence to a fine not exceeding £1, and for a second or any subsequent offence to a fine not exceeding £2; and any person who wilfully furnishes false particulars is liable to a fine not exceeding £5.

(2) Where any person who is convicted under these regulations for failure to furnish the particulars required for the registration of any birth or death, the Court shall direct the Registrar forthwith to register the birth or death, and if the birth or death has not been previously registered the Registrar shall forthwith register the birth or death accordingly.

**30. Fees—**For the purposes of these regulations the fees specified in the Second Schedule to these regulations shall be payable to the Registrar.

**31. Custody of Registers—**The Registers shall be safely kept by the Registrar in whose custody they are placed, and shall be deemed to be the property of the Crown. Upon the death, dismissal, transfer, or resignation of any Registrar, the custody of those Registers shall pass to his successor in office.

**32. Correction of errors—**(1) Any clerical error or any error of fact or substance or any omission of any material fact in any Register may be corrected by the Registrar.

(2) Instead of making any correction as aforesaid, the Registrar may, if he thinks fit, direct a new entry to be made in the Register. 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 these regulations to give the particulars of birth or death, as the case may be, or by such other person as may be authorised by the Registrar.

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



(4) Except as otherwise provided in these regulations, no alteration in any Register shall be made.

**33. Regulations to apply to stillborn child**—The provisions of these regulations relating to the registration of births shall apply in the case of a stillborn child, but the Registrar may dispense with the registration of the death of any such child. A stillborn child shall be a child that has issued from its mother after the expiration of the twenty-eighth week of pregnancy and was not alive at the time of such issue.

**34. Registrar at Rarotonga to keep indexes**—The Registrar at Rarotonga shall cause indexes of the certified copies transmitted to him by Registrars in the Cook Islands (other than Niue) as hereinbefore provided to be made and kept in his office, and shall permit any person, on payment of the appropriate fee prescribed in the Second Schedule to these regulations, to search any such index and have a copy, certified under the hand of the said Registrar at Rarotonga, of any entry of a birth or death duly certified to him by any Registrar under these regulations.

**35. Failure of Registrar to register information**—Every Registrar who refuses or without reasonable cause omits to register any birth or any death of which he had due notice and information as aforesaid, and every person having the custody of any Register or certified copy thereof, or 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 £5.

**36. Discretion of Registrar**—Where for any sufficient cause shown to the satisfaction of the Registrar any act, matter, or thing required by these regulations cannot be done within the time limited by or in strict compliance with the conditions imposed by these regulations, it shall be sufficient if that act, matter, or thing is done within a reasonable time thereafter, or if the conditions imposed are complied with so far as is reasonably possible.

**37. Language of forms**—The forms in the Second Schedule to these regulations, except the Register of Births and the Register of Deaths, shall be printed both in English and in Maori for use in the Cook Islands (other than Niue) and in English and in Niuean for use in Niue. Translations of those forms into Maori and Niuean, as the case may be, shall be provided by the Secretary of Island Territories and shall be deemed to be authentic translations for the purposes of these regulations.

**38. Revocations**—The following regulations are hereby revoked:

- (a) Regulations relating to the registration of Births and Deaths in the Cook Islands made by Order in Council on the 19th day of June 1916:\*
- (b) Regulations amending those specified in paragraph (a) of this regulation made by Order in Council on the 25th day of June 1917†.

\**Gazette*, 29 June 1916, p. 2211

†*Gazette*, 12 July 1917, p. 2774

## SCHEDULES

## FIRST SCHEDULE

## REGISTER OF BIRTHS

Form 1

Reg. 12

Registered at . . . . ., in the Island of . . . . ., Cook Islands

Entry Number	Date of Birth	Place of Birth	Christian or First Name	Sex	Parents of Child			Signature	Residence and Occupation	Degree of Relationship to Child	Date of Registration	Signature of Registrar
					Father	Mother	Informant					

\*State race in detail (e.g., European, Maori, half European, and half Maori, etc.).



FIRST SCHEDULE—continued

Reg. 10

Form 3

DEED POLL

TO ALL TO WHOM THESE PRESENTS SHALL COME

WHEREAS I, [Full name, address, and occupation], am desirous of abandoning and renouncing the use of the name of ..... NOW KNOW ALL MEN BY THESE PRESENTS that I hereby absolutely abandon and renounce the use of the name ..... and adopt in lieu thereof the name ..... and I HEREBY DECLARE that at all times hereafter I shall use and subscribe the name ..... in lieu of the name ..... in all deeds and documents and in all acts and proceedings and in all transactions and matters and things and upon all occasions, AND I HEREBY AUTHORISE all persons at all times hereafter to describe and address me by the name of .....

IN WITNESS WHEREOF I have hereunto subscribed the name of ..... and also my assumed name of ..... this ..... day of ..... 19.....

Signed by the said ..... hereafter to be known as ..... in the presence of—

[Signatures in old and new names.]

Witness: ..... Address: ..... Description: .....

Reg. 22

Form 4

Registrar to enter Number of death entry .....

Cook Islands

CERTIFICATE OF DEATH BY MEDICAL OFFICER

To the Registrar of Births and Deaths at .....

I, the undersigned, a duly qualified Medical Officer, hereby certify that I attended ..... deceased, in his (her) last illness.

Date of death .....

Place ..... Age .....

I last saw him (her) on the ..... day of ..... 19.....

To the best of my knowledge and belief the causes of death were---

- 1. (a) ..... Duration: ..... (b) ..... Duration: ..... (c) ..... Duration: ..... 2. .... Duration: .....

Witness my hand this ..... day of ..... 19.....

..... Medical Officer.

FIRST SCHEDULE—continued

Reg. 23 (1)

Form 5

CERTIFICATE OF DEATH BY MEDICAL OFFICER OR PERSON NOT ATTENDED  
BY A MEDICAL OFFICER

To ....., Registrar of Births and Deaths at ..... I, the under-  
signed, hereby certify that I have examined the body of ....., who is  
reported to have died at ..... on the ..... day of .....  
19.....

To the best of my knowledge and belief the causes of death were—

Primary—

Secondary—

Witness my hand this ..... day of ..... 19..... at .....

.....  
Medical Officer.

Reg. 25

Form 6

NOTICE TO PERSON IN CHARGE OF BURIAL

I hereby give notice that I have this day delivered to the Registrar of  
Deaths a medical certificate of the cause of death of ..... deceased.

Signature: ..... Date: .....

CERTIFICATE AS TO BURIAL

I, ....., of ....., hereby certify that the body of .....  
was duly buried on the ..... day of .....19..... in my presence.

Witness my hand this ..... day of ..... 19.....

.....  
Minister and Denomination.

Please advise the family that this death must be registered in one  
month.

Reg. 23 (3)

Form 7

AUTHORITY TO BURY

To ....., of .....

I, ....., the Registrar of Births and Deaths at ..... hereby  
authorise the burial of the body of ..... who died at ..... on  
the ..... day of ..... 19.....

Witness my hand this ..... day of ..... 19.....

.....  
Registrar of Births and Deaths.

## SECOND SCHEDULE

FEES TO BE TAKEN BY REGISTRARS, AND BY THEM PAID OR TRANSMITTED  
TO THE TREASURER AT RAROTONGA OR NIUE

	s.	d.
Search fee (for each entry to be perused) .....	2	6
For every certified copy of any entry, including search not extending beyond three years .....	3	0
For a certificate as to the date and place of any birth .....	2	0
Verification of any date of birth or death .....	1	0
Registration of a change of name .....	2	6

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations replace with amendments the existing regulations as to the registration of births and deaths in the Cook Islands. The most important new provisions are—

- (a) Provision is made for the registration of births not previously registered (reg. 9).
- (b) A change of name is to be registered (reg. 10).
- (c) The conditions that must exist before the name of the father of a child is entered in the Register of Births are specified (reg. 13).
- (d) Provision is made for the alteration of the register on the legitimation of a child by the marriage of its parents (reg. 15).
- (e) A child born out of the Cook Islands and arriving in the Cook Islands while under the age of 18 months may be registered (reg. 16).
- (f) Provisions as to a Medical Officer's certificate in the case of the death of a person who was not attended by a Medical Officer, which at present apply only in Niue, now apply generally in any island of the Cook Islands where there is a Medical Officer (reg. 23).
- (g) Fees may be waived in cases of hardship (reg. 26 (3)).
- (h) Provision is made for the issue of certificates to Government Departments free of charge (reg. 27 (1)).
- (i) Provision is made with respect to stillborn children (reg. 33).

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 May 1962.

These regulations are administered in the Department of Island Territories.