

Serial Number 1940/307.



THE LEGITIMATION REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 4th day of
December, 1940.

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL.

PURSUANT to the Legitimation Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

- (1) These regulations may be cited as the Legitimation Regulations 1940.
- (2) These regulations shall come into force on the day following notification in the *Gazette* of the making thereof.*
- (3) In these regulations, unless inconsistent with the context,—
 - (a) “ Act ” means the Legitimation Act, 1939 :
 - (b) “ Registrar ” means a Registrar of Births and Deaths appointed under the Births and Deaths Registration Act, 1924 (and, where necessary, includes a Registrar of Births and Deaths of Maoris appointed under the Maori Births and Deaths Registration Regulations 1935).

REGULATION 2.—APPLICATION FOR REGISTRATION.

- (1) Application to the Registrar-General for the registration of particulars of the birth of any person legitimated under the Act showing that person as the lawful issue of his parents shall be made in such one of the forms numbered 1, 2, or 3, set out in the Schedule hereto, as may be appropriate.
 - (2) Every such application shall be supported by a statutory declaration by the applicant, or by each applicant where both parents apply, in such one of the forms numbered 4, 5, or 6, set out in the Schedule hereto, as may be appropriate :
- Provided, however, that where there are two applicants the Registrar-General may in his discretion require or accept a declaration from one only of such applicants.

* See end note.

(3) There shall be exhibited to such statutory declaration a certified copy of the entry of marriage of the parents of such person, and, where the birth of such person has already been registered, whether in New Zealand or elsewhere, a certified copy of the entry of birth :

Provided that it shall not be necessary in respect of any application to exhibit such documents to more than one such declaration, and provided, further, that the Registrar-General may in his discretion dispense with the production of a certified copy of the entry of birth.

(4) Whenever pursuant to subsection (3) of section 5 of the Act the Registrar-General requires the parents or surviving parent to make application for registration the application shall be made in the manner prescribed in the foregoing clauses of this regulation.

(5) The Registrar-General may require further evidence in support of an application either from the applicant or applicants or from any other person or persons with a knowledge of material facts ; and such further evidence shall be given by way of statutory declaration or otherwise as the Registrar-General may require.

REGULATION 3.—REGISTRATION.

(1) (a) Where the birth of the person legitimated has already been registered in New Zealand, registration pursuant to the Act shall be effected at the office of the Registrar having custody of the record of such previous registration.

(b) Where the birth of the person legitimated has not already been registered in New Zealand, then, if the birth of such person occurred in New Zealand, registration shall be effected at the office of the Registrar for the district wherein the birth occurred ; otherwise if the birth of such person occurred out of New Zealand, then registration shall be effected at the office of the Registrar in Wellington.

(c) The Registrar-General may, however, in his discretion direct registration to be effected at the office of such Registrar as he shall appoint.

(2) Whenever the Registrar-General directs registration pursuant to either subsection (5) or subsection (10) of section 5 of the Act he shall give notice to the applicant (in the form numbered 7 set out in the Schedule hereto), or, if there are two applicants then to one of them, requiring him to attend personally at the office of the Registrar, there to sign the entry in the register in the presence of such Registrar.

(3) The Registrar-General may (as the case may require) authorize a person nominated by the applicant or applicants or one of them or may himself appoint some suitable person to sign the entry in the register—

(a) Where he is satisfied that it is impracticable for the applicant or, where both parents have applied, for either applicant to attend at the office of the Registrar ; or

(b) Where the person to whom notice has been given pursuant to the last preceding clause of this regulation has failed to attend; or

(c) Where the applicant is the person legitimated,—
and the Registrar-General shall give notice to attend at the office of the Registrar as provided in the last preceding clause of this regulation to every person so authorized or appointed.

(4) When, pursuant to this regulation, the Registrar-General gives notice to a person to attend at the office of the Registrar to sign the entry in the register, he shall at the same time forward to the Registrar, Acting-Registrar, or Deputy Registrar (as the case may be) his direction that registration be effected in accordance with the Act in the presence of that person, and he shall with such direction supply details of the particulars required to be registered.

(5) On the attendance of the person required to attend as aforesaid the Registrar shall enter the particulars as supplied by the Registrar-General in the register in accordance with the provisions of the Births and Deaths Registration Act, 1924, or of the Maori Births and Deaths Registration Regulations 1935* (as the case may require), and the person attending for that purpose as aforesaid shall sign the register in the appropriate column of such entry in the presence of the Registrar.

(6) The Registrar shall enter between the entry of date of registration and his signature in the appropriate column the words "On the authority of the Registrar-General" (and in the case of an entry in the Register of the Births of Maoris he shall also enter, in such manner as the Registrar-General shall direct, across the foot of the columns relating to the parents of the child, particulars of the marriage of the parents).

(7) (a) Where there has been any previous registration in New Zealand of particulars relating to the birth of a legitimated person the Registrar, Acting-Registrar, or Deputy Registrar (as the case may be) shall, on direction by the Registrar-General, cause the previous entry of the birth (other than a re-registration entry made pursuant to subsection (3) of section 27 of the Births and Deaths Registration Act, 1924, relating to the registration of adoptions) to be endorsed with the words "Subsequent entry under the Legitimation Act, 1939, Entry No., of", and shall append his signature to such endorsement.

(b) Such endorsement shall be deemed to be part of such entry, and any certified copy thereafter issued of such entry shall include such endorsement.

(8) Where prior to registration under the Act the person legitimated has been the subject of an adoption order the entry made pursuant to the Act shall, if so directed by the Registrar-General, be endorsed as provided in subsection (2) of section 27 of the Births and Deaths Registration Act, 1924.

(9) Where the birth of any person in respect of whom an application for registration under the Act is made has not previously been registered or, if previously registered, where the entry or a certified copy thereof is not available, the Registrar-General may refuse to direct registration unless and until satisfactory documentary evidence as to the fact, time, and place of such birth has been submitted to him.

* *Gazette*, 7th February, 1935, Vol. I, page 210.

(10) Where any entry is made under the Act the Registrar shall make a corresponding duplicate entry; and where any endorsement is made under these regulations on any previous entry under the Births and Deaths Registration Act, 1924, or as provided by clause (8) of Regulation 3, the Registrar-General shall make or cause to be made a corresponding endorsement on the duplicate of such previous entry.

REGULATION 4.—GENERAL.

(1) If any matter arises for which no form of procedure has been provided by the Act or by these regulations, such matter shall be disposed of as the Registrar-General shall direct as nearly as may be in accordance with the provisions of the Act or of these regulations.

(2) Whenever it is necessary for the Registrar-General or for any Registrar to give to or to serve upon a person any notice for the purpose of giving effect to the Act or to any provision of these regulations, such notice may be served upon such person by forwarding it by prepaid registered post to the last known address of such person.

(3) In the case of an applicant outside the Dominion the appropriate prescribed declaration shall be so executed and attested and, if necessary, modified as to form that, according to the law of the place where it is made, the person making it is criminally liable if the declaration is known to him to be false or untrue in any material particular or, if made in a place outside British dominions, protectorates, and mandated territories, may be made before a British representative pursuant to section 21 of the Statutes Amendment Act, 1939.

SCHEDULE.

[Form 1.]

APPLICATION FOR REGISTRATION OF PARTICULARS OF BIRTH

(By Parents of Legitimated Person).

The Legitimation Act, 1939.

WE, [*Full name and occupation*] (father), and [*Full name*] (mother), of [*Full residential address*], hereby apply, pursuant to the Legitimation Act, 1939, for registration of particulars of the birth of, who was born on the day of, 19.., at, showing (him) (her) as our lawful issue, on the grounds that we are (his) (her) parents and that we were married on the day of, 19.., at

Set out hereunder are detailed particulars required for the purpose of registration.

Dated at, this day of, 19..

Signature of Father :

Signature of Mother :

To the Registrar-General, Wellington.

Particulars required for Registration.

1. Legitimated person—

When born :

Where born :

Christian or first names :

Sex :

2. Father of legitimated person—

Age at date of birth of legitimated person :

Birthplace :

- 3. Marriage of parents of legitimated person—
When married :
- Where married :
- 4. Previous issue of marriage—
If living—Ages of each sex : M., F.
If dead—Number of each sex : M., F.
- 5. Mother of legitimated person—
Maiden surname :
Age at date of birth of legitimated person :
Birthplace :

[Form 2.

APPLICATION FOR REGISTRATION OF PARTICULARS OF BIRTH
(By Surviving Parent of Legitimated Person).

The Legitimation Act, 1939.

I, [Full name and occupation], of [Full residential address], hereby apply, pursuant to the Legitimation Act, 1939, for registration of particulars of the birth of, who was born on the day of, 19.., at, showing (him) (her) as the lawful issue of me this applicant and of, now deceased, on the grounds that I and the said deceased are (his) (her) parents and that we were married on the day of, 19.., at

Set out hereunder are detailed particulars required for the purpose of registration.

Dated at, this day of, 19..
Signature of Applicant :

To the Registrar-General, Wellington.
Particulars required for Registration.

- 1. Legitimated person—
When born :
Where born :
Christian or first names :
Sex :
- 2. Father of legitimated person—
Age at date of birth of legitimated person : /.....
Birthplace :
- 3. Marriage of parents of legitimated person—
When married :
Where married :
- 4. Previous issue of marriage—
If living—Ages of each sex : M., F.
If dead—Number of each sex : M., F.
- 5. Mother of legitimated person—
Maiden surname :
Age at date of birth of legitimated person :
Birthplace :
- 6. Date and place of death of deceased parent :

[Form 3.

APPLICATION FOR REGISTRATION OF PARTICULARS OF BIRTH
(By Legitimated Person or by one of his Parents or by other Person).

The Legitimation Act, 1939.

I, [Full name and occupation], of [Full residential address], hereby apply, pursuant to the Legitimation Act, 1939, for registration of particulars of the birth of myself (of) born on the day of, 19.., at showing (me) (him) (her) as the lawful issue of (me, the said) and of, on the grounds that (they) (I, and the said) (are) (or were) (my) (his) (her) parents and that (they) (we) were married on the day of, 19.., at

Set out hereunder are detailed particulars required for the purposes of registration.

Dated at, this day of, 19..

Signature of Applicant :

.....

To the Registrar-General, Wellington.

Particulars required for Registration.

1. Legitimated person—

When born :
Where born :
Christian or first names :
Sex :

2. Father of legitimated person—

Age at date of birth of legitimated person :
Birthplace :

3. Marriage of parents of legitimated person—

When married :
Where married :

4. Previous issue of marriage—

If living—Ages of each sex : M., F.
If dead—Number of each sex : M., F.

5. Mother of legitimated person—

Maiden surname :
Age at date of birth of legitimated person :
Birthplace :

[Form 4.]

STATUTORY DECLARATION IN SUPPORT OF APPLICATION FOR REGISTRATION OF PARTICULARS OF BIRTH

(By each Parent of Legitimated Person).

The Legitimation Act, 1939.

I,, of, do solemnly and sincerely declare as follows:—

1. That I am an applicant for registration of the particulars of the birth of, a legitimated person pursuant to the provisions of the Legitimation Act, 1939.
2. That I am the (father) (mother) and is the (mother) (father) of the said
3. That the said was born on, at (and that the birth has been registered at on, as No.), (as appears from a certified copy of such entry hereunto annexed and marked "A").
4. That I and were married on, at (as appears from a certified copy of the entry of such marriage hereunto annexed and marked "B").
5. That to the best of my knowledge and belief the particulars required for registration as set out in the accompanying application are true and correct in every particular.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1927.

.....

Declared at, this day of, 19.., before me—

.....

Justice of the Peace
(or Solicitor of the Supreme Court).

[Form 5.]

STATUTORY DECLARATION IN SUPPORT OF APPLICATION FOR REGISTRATION OF PARTICULARS OF BIRTH

(By Surviving Parent of Legitimated Person).

The Legitimation Act, 1939.

I,, of, do solemnly and sincerely declare as follows:—

1. That I am an applicant for registration of the particulars of the birth of, a legitimated person pursuant to the provisions of the Legitimation Act, 1939.
2. That I am the (father) (mother) and that was the (mother) (father) of the said
3. That the (mother) (father) aforementioned, died at on
4. That the said was born on, at (and that the birth has been registered at on as No.), (as appears from a certified copy of such entry hereunto annexed and marked "A").
5. That I and were married on, at (as appears from a certified copy of the entry of such marriage hereunto annexed and marked "B").
6. That to the best of my knowledge and belief the particulars required for registration as set out in the accompanying application are true and correct in every particular.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1927.

Declared at, this day of, 19.., before me—

.....
Justice of the Peace
(or Solicitor of the Supreme Court).

[Form 6.]

STATUTORY DECLARATION IN SUPPORT OF APPLICATION FOR REGISTRATION OF PARTICULARS OF BIRTH

(By Legitimated Person or by one of his Parents or by other Person).

The Legitimation Act, 1939.

I,, of, do solemnly and sincerely declare as follows:—

1. That I am an applicant for registration of the particulars of the birth of (myself) (of), (and that I am guardian or of the said), a legitimated person pursuant to the provisions of the Legitimation Act, 1939.
2. That (I) (the said) was born on at (and that the birth has been registered at on as No.), (as appears from a certified copy of such entry hereunto annexed and marked "A").
3. That (late) of (deceased), and (late) of (deceased) (are) (were) (my) (the) parents and that (we) (they) were married on at (as appears from a certified copy of the entry of such marriage hereunto annexed and marked "B").
4. That to the best of my knowledge and belief the particulars required for registration as set out in the accompanying application are true and correct in every particular.
5.
6.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1927.

Declared at, this day of, 19.., before me—

.....
Justice of the Peace
(or Solicitor of the Supreme Court).

[Form 7.

NOTICE TO ATTEND TO REGISTER.

The Legitimation Act, 1939.

You are hereby required to attend within days from the date hereof at the Office of the Registrar of Births at, there to sign in the presence of the Registrar the registration entry and duplicate thereof of particulars of the birth of (a person legitimated under the Legitimation Act) showing such person as the lawful issue of and

Given under my hand at Wellington, this day of, 19..

.....
Registrar-General.

To
.....
.....

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 12th day of December, 1940.
These regulations are administered in the Justice Department.