



**THE REGISTRATION OF DEATHS EMERGENCY
REGULATIONS 1941.**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 9th day of
July, 1941.

Present :

THE HON. W. NASH PRESIDING IN COUNCIL.

PURSUANT to the Emergency Regulations 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.

1. (1) These regulations may be cited as the Registration of Deaths Emergency Regulations 1941.

(2) The Registration of Deaths Emergency Regulations 1940* are hereby revoked.

(3) The register compiled under the regulations hereby revoked, and all entries, certificates, and copies, and generally all acts of authority that originated under those regulations, and are subsisting or in force on the commencement of these regulations, shall enure for the purposes of these regulations as if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

(4) All matters and proceedings commenced under the regulations hereby revoked and pending or in progress on the commencement of these regulations may be continued, completed, and enforced under these regulations.

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

“ Registrar-General ” means the Registrar-General under the Births and Deaths Registration Act, 1924† ; and includes any person for the time being authorized to exercise or perform any of the Registrar-General’s powers or functions :

“ War Deaths Register ” means the War Deaths Register compiled under these regulations :

“ Provisional War Deaths Register ” means the Provisional War Deaths Register compiled under these regulations.

* Statutory Regulations 1940, Serial number 1940/87, page 303.

† See Reprint of Statutes, Vol. VIII, page 36.

WAR DEATHS REGISTER.

3. The Registrar-General shall compile a register, to be known as the War Deaths 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 in some capacity in connection with any war in which His Majesty is now or may hereafter be engaged, and who at the time of their deaths were domiciled in New Zealand, but not including members of the New Zealand Naval Forces to whom section 3 of the Births and Deaths Registration Amendment Act, 1930,* applies.

4. The War Deaths Register shall, with respect to each person whose death is registered therein, contain particulars (so far as may be ascertained) as to—

- (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 or rating, and his official number, or (if he was not a member of the forces) the capacity in which he was serving in connection with the war ;
- (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 ;
- (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. For the purposes of the War Deaths 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 His Majesty's Forces 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.

PROVISIONAL WAR DEATHS REGISTER.

6. The Registrar-General shall compile a register, to be known as the Provisional War Deaths Register, in respect of all persons who, while they are domiciled in New Zealand but are out of New Zealand on service in some capacity in connection with any war in which His Majesty is now or may hereafter be engaged, are officially reported to be missing and believed killed, but whose deaths have not been proved to the satisfaction of the Registrar-General.

7. The Provisional War Deaths Register shall, with respect to each person who is entered therein as missing and believed killed, contain particulars (so far as may be ascertained) as to—

- (a) The name and sex of the missing person ;
- (b) The force or unit in which he was serving when he became missing, his rank or rating, and his official number, or (if he was not a member of the forces) the capacity in which he was serving in connection with the war ;

* See Reprint of Statutes, Vol. VIII, page 58.

- (c) His occupation and usual place of abode prior to his departure from New Zealand ;
- (d) His birthplace and parentage ;
- (e) His age when he became missing ;
- (f) The condition of the missing person (whether married or single, or a widower, or divorced) ;
- (g) The date when and the place where he became missing ;
- (h) The finding of any Court of Inquiry ;
- (i) The circumstances in which he became missing and all other relevant circumstances ; and
- (j) The source of the information from which the aforesaid particulars are obtained.

8. For the purposes of the Provisional War Deaths Register the Registrar-General may accept in proof of any fact or particulars a certificate signed by an officer of His Majesty's Forces or by any other person authorized in that behalf by the Minister of Defence, or such other evidence as he deems sufficient.

9. Where the death of any person in respect of whom an entry has been made in the Provisional War Deaths Register is registered (whether in the War Deaths Register or otherwise) the fact of that registration shall be noted in the appropriate entry in the Provisional War Deaths Register.

10. Where any person in respect of whom an entry has been made in the Provisional War Deaths Register is subsequently proved to the satisfaction of the Registrar-General to be alive that fact shall be noted in the entry.

GENERAL PROVISIONS.

11. (1) Any clerical error that may at any time be discovered in the War Deaths Register or the Provisional War Deaths Register may be corrected by the Registrar-General.

(2) Where it is proved to the satisfaction of the Registrar-General that there is any error of fact or substance in any entry in the War Deaths Register or the Provisional War Deaths Register, or that any additional particulars that should be noted in the entry have been ascertained, the Registrar-General may amend the entry by correcting the error or inserting the additional particulars.

(3) Instead of correcting any error or inserting any additional particulars in any entry in the War Deaths Register or the Provisional War Deaths Register, the Registrar-General may if he thinks fit make a new entry in the register (including therein a reference to the old entry), and in every such case he shall write across the old entry a reference to the new entry.

(4) The Registrar-General shall add to every note, correction, or addition made in any entry in the War Deaths Register or the Provisional War Deaths Register, and to every reference written across any such entry, his signature (which may consist of initials) and the date on which it is written. Every such note, correction, addition, reference, signature, and date shall be deemed to be part of the entry.

(5) Except as specially provided in these regulations, no alteration shall be made in any entry in the War Deaths Register or the Provisional War Deaths Register.

12. (1) The Registrar-General shall cause an index of the entries in the War Deaths Register and the Provisional War Deaths Register to be compiled and kept in his office, and shall permit any person on

payment of the appropriate fee to search the index and either of the registers, and to have a copy, certified by the Registrar-General, of any entry in either of the registers.

(2) For every such search there shall be paid a fee of 5s. ; and for every such certified copy there shall be paid a fee of 2s. 6d. or, if it is under the seal of the Registrar-General, a fee of 5s.

13. The Registrar-General may from time to time, without payment of any fee, issue a certificate in form A or form B in the Schedule hereto in respect of any entry in the War Deaths Register or the Provisional War Deaths Register, as the case may be.

14. (1) Every certified copy of any entry in the War Deaths Register and every certificate in form A in the Schedule hereto in respect of any such entry shall, if it purports to be signed by the Registrar-General, be received in any Court as *prima facie* evidence of the fact of the death to which it relates and of the particulars set out in the copy or certificate, as the case may be.

(2) Every certified copy of any entry in the Provisional War Deaths Register and every certificate in form B in the Schedule hereto in respect of any such entry shall, if it purports to be signed by the Registrar-General, be received in any Court as *prima facie* evidence of the fact that the person to whom the entry relates is missing and believed to have been killed and of the particulars set out in the copy or certificate, as the case may be.

15. Sections 31, 46, and 50 to 59 of the Births and Deaths Registration Act, 1924, shall apply, with the necessary modifications, as if these regulations were part of that Act, and as if the War Deaths Register and the Provisional War Deaths Register were registers of deaths under that Act.

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SCHEDULE.

[Form A.

CERTIFICATE OF REGISTRATION OF DEATH PURSUANT TO THE REGISTRATION OF DEATHS EMERGENCY REGULATIONS 1941.

(*Death Entry No.*)

I HEREBY certify that, according to the record of the death in this office, recorded in the War Deaths Register, [*No.*], [*Rank*], [*Name*], of [*Unit or service*], [*Particulars of death*].

Dated at Wellington, this day of, 19..

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Registrar-General.

[Form B.

CERTIFICATE AS TO PERSON REPORTED MISSING AND BELIEVED KILLED.

I HEREBY certify that, according to the Provisional War Deaths Register kept by me pursuant to the Registration of Deaths Emergency Regulations 1941, [*No.*], [*Rank*], [*Name*], of [*Unit or service*], [*Circumstances as appearing in Register*].

Dated at Wellington, this day of, 19..

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Registrar-General.

T. R. AICKIN,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 17th day of July, 1941.
These regulations are administered in the Department of Justice.