

**1966/160**



**TOKELAU ISLANDS ADOPTION REGULATIONS 1966**

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**BERNARD FERGUSSON, Governor-General**  
**ORDER IN COUNCIL**

At the Government House at Wellington this 14th day of September 1966

Present:

**HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL**

PURSUANT to the Tokelau Islands Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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**REGULATIONS**

**1. Title**—These regulations may be cited as the Tokelau Islands Adoption Regulations 1966.

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

“Administrator” means the Administrator of the Tokelau Islands:

“Child” means a person who is a Tokelauan and is under the age of 21 years:

“Tokelauan” means a person belonging to the Polynesian race of the Tokelau Islands; and includes a person descended from a Tokelauan.

**3. Adoption by Tokelauan custom invalid**—No adoption by Tokelauan custom, whether made before or after the making of these regulations, shall be of any force or effect, whether in respect of intestate succession or otherwise.

**4. Administrator may issue certificate of adoption**—(1) Subject to the provisions of these regulations, the Administrator may, on the application of any person, being a Tokelauan ordinarily resident in the Tokelau Islands, issue a certificate of adoption of a child in favour of the applicant.

(2) Any such application may be made jointly by a husband and wife, both being Tokelauans, and in such a case the certificate of adoption may be issued in favour of both or either of the applicants.

**5. Conditions of adoption**—The Administrator shall, before issuing a certificate of adoption, be satisfied—

- (a) That the person proposing to adopt the child is a Tokelauan of good repute and a fit and proper person to have the care and custody of the child and of sufficient ability to maintain the child; and
- (b) That the welfare and interest of the child will be promoted by the adoption; and
- (c) That the child, if over the age of 12 years, consents to the adoption; and
- (d) That the natural parents or the surviving parent (if any) of the child, whether that child is legitimate or illegitimate, consent to the adoption:

Provided that the Administrator may, in his discretion, dispense with the consent of any such person who is permanently absent from the Tokelau Islands, or is incapable of giving consent, or in the opinion of the Administrator, is for any reason unfit to have the custody or control of the child, or, being a parent, has deserted the child; and

- (e) Where the child is female and the sole applicant is male, that the applicant is the father of the child or there are special circumstances which justify the issuing of the certificate.

**6. Who may be adopted**—No person other than a Tokelauan (whether legitimate or illegitimate) shall be capable of being adopted under the provisions of these regulations.

**7. Adoptions by more than one person**—No child adopted under these regulations shall, in the lifetime of an adopting parent and while the certificate of adoption remains in force, be adopted by any other person save the husband or wife of that parent.

**8. No premium in respect of adoptions**—It shall not be lawful for any person adopting a child under these regulations to receive any premium or other consideration in respect of such adoption except with the consent of the Administrator.

**9. Effect of certificate of adoption**—(1) A certificate of adoption shall confer the family name of the adopting parent on the adopted child with such first or Christian name as the Administrator may fix, and the adopted child shall, for all purposes civil and criminal and as regards all legal and equitable liabilities, rights, benefits, and privileges and consequences of the natural relation of parent and child, be deemed in law to be the child born in lawful wedlock of the adopting parent.

(2) Upon the issue of a certificate of adoption, every adopting parent shall for all purposes, civil, criminal, or otherwise, be deemed in law to be the parent of the adopted child and be subject to all liabilities affecting the child as if the child had been born to the adopting parent in lawful wedlock; and the certificate of adoption shall

thereby terminate all the rights and legal responsibilities and incidents existing between the child and his natural parents, except the right of the child to take property as heir or next of kin of his natural parents directly or by the right of representation.

**10. Variation or cancellation of certificate of adoption**—The Administrator may, in his discretion, vary or cancel a certificate of adoption, subject to such conditions as he thinks fit.

**11. Effect of cancellation of certificate**—Where a certificate of adoption is cancelled, then, subject to such conditions (if any) as are imposed by the Administrator, the child and his natural parents shall be deemed for all purposes to be restored to the same position *inter se* as existed immediately before the certificate of adoption was issued:

Provided that the cancellation of the certificate of adoption shall not affect anything lawfully done during the period that the certificate was in force.

**12. Register of adoptions**—The Administrator shall keep a register of adoptions, in which shall be entered a record of all applications made under these regulations, a minute of all decisions given and all certificates issued in consequence of any such application, and a record of all variations and cancellations of such certificates.

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

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#### EXPLANATORY NOTE

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

These regulations provide for the issue of certificates of adoption by the Administrator of the Tokelau Islands, and prescribe the conditions on which such certificates may be issued and the effect of such adoptions.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 September 1966.

These regulations are administered in the Department of Island Territories.