



**THE TOKELAU ISLANDS BIRTHS AND DEATHS
REGISTRATION REGULATIONS 1969**

—

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 14th day of July 1969

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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ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Tokelau Islands Births and Deaths Registration Regulations 1969.

(2) These regulations shall come into force on the 1st day of August 1969.

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

“Administrator” means the Administrator of the Tokelau Islands:

“Deputy Registrar” means a Deputy Registrar of Births and Deaths holding office as such under subclause (2) of regulation 3 hereof or appointed under subclause (3) of that regulation; and “the Deputy Registrar” means the Deputy Registrar by whom the birth or death, as the case may be, is required to be or has been registered:

“Informant” means any person required by these regulations to furnish to the Deputy Registrar particulars of a birth or death:

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

“Registrar” means the Registrar of Births and Deaths appointed under these regulations:

A reference to a numbered form is a reference to a form so numbered in the First Schedule to these regulations.

PART I—REGISTRATION GENERALLY

3. Registrar and Deputy Registrars—(1) There shall from time to time be appointed pursuant to the provisions of Part I of the Tokelau Islands Amendment Act 1967 a fit and proper person to be the Registrar of Births and Deaths under these regulations. The office of the Registrar shall be at Apia in Western Samoa.

(2) The persons for the time being holding office as *Faipule* for each of the Islands of Nukunonu, Fakaofu, and Atafu shall, by virtue of their office, be Deputy Registrars of Births and Deaths under these regulations.

(3) There may from time to time be appointed pursuant to the provisions of Part I of the Tokelau Islands Amendment Act 1967 such other fit and proper persons as may be required to be Deputy Registrars of Births and Deaths under these regulations.

4. Place of registration of births and deaths—All births and deaths occurring in the Tokelau Islands shall be registered by the Deputy 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 to be registered also with the Registrar at Apia—(1) All births and deaths occurring in the Tokelau Islands shall, in addition to being registered as required by regulation 4 hereof, be registered with the Registrar at Apia also.

(2) For the purpose of subclause (1) of this regulation, each Deputy Registrar shall, as soon as may be practicable, transmit to the Registrar at Apia duplicate sheets of all registrations of births and deaths effected by that Deputy Registrar, 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. Form of Register of Births—The Register of Births shall be in form 1 or to the effect thereof.

7. Particulars of birth required for registration—For the purposes of these regulations, where a birth occurs in the Tokelau Islands the particulars specified in form 1 shall be furnished to a Deputy Registrar within 1 month after the date of birth of the child.

8. Persons responsible for furnishing particulars of birth—The following persons shall be responsible for furnishing to a Deputy Registrar the particulars of births required by regulation 7 hereof, namely:

- (a) The father or mother of the child:
- (b) The 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.

9. Entry in Register of Births—Upon receipt of the particulars of birth of any child born in the Tokelau Islands, the Deputy Registrar shall enter those particulars in the Register of Births and on the duplicate sheet to be supplied to the Registrar at Apia under regulation 5 hereof:

Provided that the Deputy 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.

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

Provided that before so doing satisfactory evidence by statutory declaration and such other evidence as he thinks necessary of the several particulars required to be registered concerning the birth of any such person shall first be received by the Deputy Registrar.

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

12. 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 Deputy 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, the Deputy Registrar shall not enter in the Register of Births the name of any person as the father of the child.

13. Notice to attend on Deputy Registrar—Notwithstanding that the birth of any child has not been registered within the period specified in regulation 7 hereof, a Deputy Registrar may at any time, 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 Deputy Registrar shall thereupon register the birth according to the information so given.

14. Registration of birth of child born before marriage of parents—(1) Upon the intermarriage of the parents of a child born in the Tokelau Islands before their marriage and upon application being made to the Deputy Registrar in whose office the birth of the child is registered, the Deputy Registrar may register the particulars of the father, and, in the case of a birth registered in the Tokelau Islands, shall advise the Registrar at Apia of that entry:

Provided that satisfactory evidence by statutory declaration or other such evidence as he thinks necessary of the paternity of that child shall have been first given to the Deputy 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 Deputy Registrar in whose office the birth was registered, the application shall be made in writing to the Registrar at Apia, who may authorise the registration of the particulars relating to the father.

15. Registration of births of children born out of the Tokelau Islands—Where a child born out of the Tokelau Islands arrives in the Tokelau 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 Tokelau Islands, a Deputy Registrar, on application being made at any time within 6 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 Tokelau Islands.

16. Registration of change of name—(1) Any person whose birth is registered in the Tokelau 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, includes that guardian.

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

(4) Any change of name shall be registered at the Registrar's office at Apia 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 Tokelau Islands, the Registrar at Apia shall send to the Deputy Registrar by whom the birth was registered particulars of the change of name, and that Deputy 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 Apia, 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.

PART III—REGISTRATION OF DEATHS

17. Form of Register of Deaths—The Register of Deaths shall be in form 2 or to the effect thereof.

18. Particulars of death required for registration—For the purposes of these regulations, where a death occurs in the Tokelau Islands the particulars specified in form 2, except those specified in paragraphs 10 to 12 of that form, shall be furnished to the Deputy Registrar in the island where the death occurred, and shall be so furnished within 1 month after the date of death.

19. Persons responsible for furnishing particulars of death—The following persons shall be responsible for furnishing to the Deputy Registrar the particulars of death required by regulation 18 hereof, namely:

(a) The 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.

20. Entry in Register of Deaths—Upon the receipt of the particulars of the death of any person dying in the Tokelau Islands, the Deputy Registrar shall enter those particulars in the Register of Deaths, and on the duplicate sheet to be supplied to the Registrar at Apia under regulation 5 hereof:

Provided that the Deputy 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.

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

22. Certificate by Medical Officer—(1) On the death in the Tokelau Islands 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 Deputy Registrar in the island in which the death occurred a certificate in form 4 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 be entered, together with the name of the certifying Medical Officer, in paragraphs 10 to 12 of the Register of Deaths and on the duplicate sheet.

23. Death of person not attended by Medical Officer—(1) Where any person dies in any island of the Tokelau Islands where there is for the time being a Medical Officer and that person has not been attended by a Medical Officer as aforesaid, any Medical Officer (or during his absence from the Tokelau Islands any medical attendant authorised by him in that behalf) may sign and deliver, or cause to be delivered, to the Deputy Registrar a certificate in form 5 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 \$10:

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

(3) On the receipt by the Deputy Registrar of a medical certificate under this regulation, the Deputy 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 6 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 6 aforesaid having been first obtained, buries or causes to be buried any person who has died in any island of the Tokelau Islands, he is liable to a fine not exceeding \$10.

24. Failure by Medical Officer to give certificate—Every Medical Officer required under the provisions of regulation 22 hereof to give a certificate in form 4 or form 5 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 Deputy Registrar in the island where the death occurred, is liable to a fine not exceeding \$5.

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 7 days written notice of the burial in form 7 or to the effect thereof to the Deputy Registrar in the island where the death occurred.

PART IV—GENERAL

26. Registers open to public, and issue of certificate of any entry—
(1) The Registers to be kept under these regulations shall at all reasonable times be open to the public.

(2) The Registrar or Deputy 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 or Deputy 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 for official purposes—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 any official purpose, the Registrar at Apia shall issue the certified copy or certificate free of any charge.

28. Evidence of entries in Registers—A certified copy of or a certificate relating to any entry in a Register, made or given and purporting to be signed by the 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 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 \$2 and for a second or any subsequent offence to a fine not exceeding \$5; and any person who wilfully furnishes false particulars is liable to a fine not exceeding \$10.

(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 appropriate Deputy Registrar forthwith to register the birth or death, and if the birth or death has not been previously registered the Deputy 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 or Deputy Registrar, as the case may require.

31. Custody of Registers—The Registers shall be safely kept by the Registrar or Deputy 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 the Registrar or of any Deputy Registrar other than a *Faipule*, the custody of those Registers shall pass to his successor in office. On the death of any *Faipule* or on his ceasing to hold office as such, 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 or Deputy Registrar, as the case may require.

(2) Instead of making any correction as aforesaid, the Registrar or Deputy 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 or Deputy Registrar.

(3) For the purpose of this regulation, the Registrar or Deputy 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 a Deputy 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 Apia to keep indexes—The Registrar at Apia shall cause indexes of the certified copies transmitted to him by Deputy Registrars in the Tokelau Islands as hereinbefore provided to be made and kept in his office.

35. Failure of Registrar or Deputy Registrar to register information, etc.—Where—

- (a) The Registrar or any Deputy Registrar refuses or without reasonable cause omits to register any birth or any death of which he had due notice and information as aforesaid; or
- (b) Any person having the custody of any Register or certified copy thereof, or any part thereof, negligently loses or injures the same, or negligently allows the same to be injured while in his keeping,—

he is liable to a fine not exceeding \$10.

36. Discretion of Registrar and Deputy Registrars—Where for any sufficient cause shown to the satisfaction of the Registrar or a Deputy 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. Certain regulations and Ordinances not to apply to the Tokelau Islands—(1) The Queen's Regulations and Ordinances of the Gilbert and Ellice Islands Colony specified in the Third Schedule to these regulations shall, after the commencement of these regulations, cease to have effect as part of the law of the Tokelau Islands.

(2) The provisions of sections 20, 20A, and 21 of the Acts Interpretation Act 1924 shall apply with respect to the enactments specified in the Third Schedule to these regulations as if they were Acts of the Parliament of New Zealand that had been repealed by subclause (1) of this regulation.

SCHEDULES

FIRST SCHEDULE

FORMS

Reg. 6

Form 1

No.....

TOKELAU ISLANDS

REGISTRATION OF BIRTH

Island of Registration

Child	
1. Date of birth	
2. Place of birth	
3. Christian name	
4. Sex	
Parents	
5. When married	
6. Where married	
Father	
7. Name and surname	
8. Age	
9. Place of birth	
10. Occupation	
Mother	
11. Name and surname	
12. Age	
13. Place of birth	
14. Occupation	
Informant	
15. Signature	
16. Residence	
17. Occupation	
18. Relationship to child	

I certify that the above particulars are a true record of the birth of recorded this day of 19.....

.....
Deputy Registrar.

CAUTION—Any person who (1) falsifies any of the particulars on this certificate; or (2) uses it as true, knowing it to be false, is liable to prosecution under the Tokelau Islands Births and Deaths Registration Regulations 1969.

No.

Form 2

Reg. 17

TOKELAU ISLANDS

REGISTRATION OF DEATH

Island of Death

Description of Deceased	
1. Name and surname	
2. Occupation	
3. Usual place of residence	
4. Sex and age	
5. Where born	
6. Date died	
7. Where died	
8. Date buried	
9. Where buried	
Cause of Death	
10. Cause of death and interval between onset and death	
11. Medical attendant by whom certified and date last seen alive	
12. When he last saw deceased (i.e. before death)	
Parents	
13. Name and surname of father	
14. Occupation of father	
15. Name and surname of mother	
If Deceased was Married	
16. Where married	
17. At what age married	
18. To whom married	
19. Age of widow or widower if living	
20. Ages and sex of living issue	M. F.

I solemnly declare that to the best of my knowledge and belief the foregoing particulars are true in every respect.

.....
Signature of Party Giving Notice.

Declared before me, the undersigned this day of
19..... .

.....
Deputy Registrar.

Reg. 16

Form 3

TOKELAU ISLANDS

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 instead the name and I HEREBY DECLARE that at all times hereafter I shall use and subscribe the name instead 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 REQUEST AND 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

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

TOKELAU ISLANDS

CERTIFICATE OF DEATH BY MEDICAL OFFICER

To the Deputy 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.

Form 5

Reg. 23 (1)

TOKELAU ISLANDS

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

To the Deputy Registrar of Births and Deaths at

I, the undersigned, 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.

Form 6

Reg. 23 (3), (4)

TOKELAU ISLANDS

AUTHORITY TO BURY

To of

I,, the Deputy 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..... .

.....
Deputy Registrar.

Form 7

Reg. 25

TOKELAU ISLANDS

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.

SECOND SCHEDULE

Reg. 30

FEES TO BE TAKEN BY REGISTRARS AND DEPUTY REGISTRARS

For every certified copy of or certificate relating to an entry

in any Register, including search	50 cents
Registration of a change of name	50 cents

THIRD SCHEDULE

Reg. 37

ENACTMENTS NOT TO APPLY TO TOKELAU ISLANDS

1. Regulation 1 and regulations 13 to 19 of **Queens Regulation No. 1** of 1896, made on the 16th day of March 1896 by the Assistant High Commissioner for the Western Pacific.
2. So much of clause 2 of Part I of the Schedule to the Native Laws Ordinance 1917 of the Gilbert and Ellice Islands Colony as relates to the Birth and Death Registers, and Law No. 18 of Part II of that Schedule.

P. J. BROOKS,
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 make provision for the registration of births and deaths in the Tokelau Islands. The former provisions were contained in **Queens Regulations** under the provisions of the Pacific Order in Council 1893 (U.K.) and the Native Laws Ordinance 1917 of the Gilbert and Ellice Islands Colony.

The regulations provide for the appointment of a Registrar of Births and Deaths and Deputy Registrars, the keeping of registers, the procedure for the registration of births and deaths and changes of name, and incidental matters.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 July 1969.

These Regulations are administered in the Maori and Island Affairs Department.