## NIUE LAWS LEGISLATION AS AT DECEMBER 2006

## **BIRTHS AND DEATHS REGISTRATION REGULATIONS 1984**

1984 - 1 July 1984

1 Title

2 Interpretation

# PART 1 REGISTRATION GENERALLY

3 Appointment of Registrar

4 Place of registration of births and deaths

## PART 2 REGISTRATION OF BIRTHS

5 Form of Register of Births

6 Particulars required for registration

7 Persons responsible for reporting births

8 Notification form

9 Entry in the Register of Births

10 Certificate of registration

11 Births not previously registered

12 Births occurring outside Niue

13 Change of name

14 Informant may sign Register of Births

15 Entry of father's name

16 Notice to attend on Registrar

17 Legitimated children

18 Late registration

#### PART 3 REGISTRATION OF DEATHS

19 Form of Register of Deaths

20 Particulars of deaths

21 Persons responsible for reporting deaths

22 Entry in Register of Deaths

23 Informant may sign Register of Deaths

24 Certificate by medical practitioner

25 Deaths not attended

26 Failure by medical practitioner to give certificate

27 Notice by Minister of religion

# PART 4 GENERAL PROVISIONS

- 28 Registers open to public
- 29 Issue of certified copy for official use
- 30 Evidence of entries
- 31 Failure to supply required particulars
- 32 Fees
- 33 Custody of Registers
- 34 Correction of errors
- 35 Regulations to apply to stillborn child
- 36 Failure of Registrar to register information
- 37 Discretion of Registrar

SCHEDULES

# 1 Title

These are the Births and Deaths Registration Regulations 1984.

# 2 Interpretation

In these Regulations –

"informant" means any person required by these Regulations to furnish to the Registrar particulars of a birth or death, as the case may be;

"register" means the Register of Births or the Register of Deaths, as the case may be;

"Registrar" means the Registrar appointed under these Regulations and includes a Deputy Registrar so appointed.

## PART 1 REGISTRATION GENERALLY

# **3** Appointment of Registrar

There shall be appointed under Part VI of the Constitution such fit and proper persons as may be required to be Registrar and Deputy Registrar.

# 4 Place of registration of births and deaths

All births and deaths occurring in Niue shall be registered by the Registrar whose office is in Alofi.

## PART 2 REGISTRATION OF BIRTHS

# **5** Form of Register of Births

The Register of Births shall be in form 1 in Schedule 1.

# **6** Particulars required for registration

(1) For the purpose of these Regulations, the following particulars of a birth occurring in Niue shall be furnished to the Registrar –

- (a) The date and place of birth;
- (b) The christian or first name and sex of the child;

(c) The names of the father and mother respectively; when and where married, ages, place of birth, place of residence and occupations;

(d) The description of the father and mother (race to be stated in full) [For example, Europeans, Niuean, half-European, half-Niuean];

(e) The name, address, occupation and relationship of the informant to the child;

(f) The date of registration.

(2) The particulars of births specified in paragraph (1) shall be furnished to the Registrar within 14 days after the birth of the child.

# 7 Persons responsible for reporting births

(1) The following persons shall be responsible for furnishing to the Registrar particulars of births specified in regulation 6, namely -

(a) In the case of a birth occurring in the public hospital, the midwife, nursing sister or nurse-in-charge at the time of birth;

(b) In the case of a birth occurring outside of hospital, the father or mother of the child;

- (c) Every occupier of the house or building in which the child was born;
- (d) Any person present at the birth of the child.

(2) If any of the persons specified in paragraph (1) duly furnishes the required information, the others of those persons shall thereupon be freed from the obligation of doing so.

# 8 Notification form

The notification form shall be in form 2 in Schedule 1.

# 9 Entry in Register of Births

(1) Upon receipt of the particulars of birth of any child born in Niue the Registrar shall enter those particulars in the Register of Births.

(2) 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.

# **10** Certificate of registration

The certificate of registration shall be in form 3 in Schedule 1.

# 11 Births not previously registered

Notwithstanding anything in these Regulations, the Registrar may register the birth of any person born in Niue, whether before or after the commencing of these Regulations, whose birth has not been previously registered.

# 12 Births occurring outside Niue

(1) Where a child born out of Niue arrives and before attaining the age of 24 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 Niue, 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, shall register the birth of the child in the manner provided by these Regulations for the registration of births taken place in Niue.

(2) Documentary evidence as to the date of birth of the child must be submitted together with the application for the registration of such a birth.

(3) The Registrar shall not refuse the application of any person for registration of the birth of the child born out of Niue on the ground of the non-production of documentary evidence alone.

# 13 Change of name

(1) Any person whose birth is registered in Niue, and who has attained the age of 21 years or is married or has at any time been married, may change his or her name, whether as to his/her surname or as to any first name or christian name.

(2)

(a) 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/her surname or as to any first or christian name.

(b) Where the child has attained the age of 18 years his/her consent shall be required to the change of name.

(c) For the purposes of this paragraph the term "parents" –

(i) Where one of the parents has deserted the child or is dead or unknown or missing or of unsound mind, means the other parent;

(ii) Where the child has been adopted, according to the law in force for the time being, means the adoptive parents or one of them;

(iii) Where the child has a legal guardian, means or includes that guardian.

(3)

(a) For the purpose of this Regulation, any change of name shall be effected by Deed Poll in form 4.

(b) Any application at any time for the change of name shall be restricted in all respects to not more than 2 applications except in special circumstances and subject to the discretion of the Registrar whose decision shall be final.

(4) Any change of name shall be registered at the Registrar's Office and the original registration amended accordingly subject always to the payment of the prescribed fee set out in Schedule 2 except where fees are being waived by the Registrar in case of hardship or other valid reasons.

(5) Every certificate of the date of birth issue under this clause shall show the name as changed and no other name and reference to the original name or names for identification purposes.

# 14 Informant may sign Register of Births

Upon completing all the entries in the Register of Births, the Registrar shall request the informant, if then present, to sign the entries but this condition is obligatory rather than compulsory.

# 15 Entry of father's name

Unless the informant states that the child is 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 make 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 23 of the Niue Act 1966 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.

## 16 Notice to attend on Registrar

Notwithstanding that the birth of any child has not been registered within the period specified in regulation 5(2), the Registrar may after one month and not later than 6 months after the birth of the child, by notice in writing (form 5) requires the parent or parents 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 given.

# 17 Legitimated children

(1)

(a) Upon the intermarriage of parents of an illegitimate child born in Niue 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.

(b) Satisfactory evidence by statutory declaration or other such evidence he may deem necessary of the paternity of that child shall have been first given to the Registrar.

(2) Notwithstanding anything in paragraph (1) every case where it is not practical for the natural parents to attend personally at the office of the Registrar in whose office the birth was registered the application be made in writing with support documentary evidence to the Registrar who may authorise the registration of the particulars relating to the father.

### **18 Late registration**

Notwithstanding the time restriction imposed by regulation 12 the Registrar may authorise the registration of any birth which occurred out of Niue provided that satisfactory evidence by statutory declaration or other evidence may be deemed necessary as to the birth of the child irrespective as to whether or not the birth of the child has been registered at the country where it originally occurred or took place.

## PART 3 REGISTRATION OF DEATHS

### **19 Form of Register of Deaths**

The Register of Deaths shall be in form 6.

## **20** Particulars of deaths

(1) For the purpose of these Regulations, the following particulars of deaths occurring in Niue 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;
- (e) If married, the name of the deceased's husband or wife;
- (f) The number and sex of children living (if any);

(g) The cause of death certified by a medical officer who attended the deceased during last illness;

(h) The duration of illness of the deceased (if known);

(i) The name of medical practitioner giving the certificate and brief description of qualifications;

(j) The date when medical practitioner last saw the deceased;

(k) The names and descriptions of the father and mother of the deceased (race to be stated in detail). For example, European, Niuean, half European, and half Niuean and their place of residence;

(1) The name, description, place or residence, occupation and degree of relationship of informant (if any) to the deceased;

(m) The date of registration.

(2) The particulars of deaths specified in paragraph (1) shall be furnished to the Registrar within 24 hours after death occurred.

# 21 Persons responsible for reporting deaths

(1) The following persons or officer shall be responsible for furnishing the particulars of deaths specified in regulation 20, namely –

(a) The medical practitioner by issuing a death certificate duly executed under his hand;

(b) Every occupier of the house or building in which the death took place;

(c) Any person present at the death.

(2) If any of the persons or medical officer specified herein duly furnishes the required information, the others of those persons or officers shall thereupon be freed from the obligation of doing so.

# 22 Entry in Register of Deaths

(1) 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.

(2) 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.

# 23 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.

# 24 Certificate by medical practitioner

(1) On the death of any person who has been attended during his/her last illness by a medical practitioner, that medical practitioner shall sign and deliver or cause to be delivered to the Registrar a certificate in form 7 in Schedule 1 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 practitioner in the Register of Deaths.

# 25 Deaths not attended

(1) On the death of any person in Niue where there is for the time being a Director of Health and that person has not been attended by a medical practitioner as aforesaid, the Director of Health or his deputy, as the case may be, or other medical practitioner authorised by him in that behalf, shall sign and deliver, or cause to be delivered, to the Registrar a certificate in form 8 in Schedule 1, stating to the best of his knowledge and belief the cause of death (both primary and secondary) of the deceased.

(2)

(a) For the purpose of enabling him to issue such a certificate, the Director of Health, and in his absence the Deputy Director of Health, shall have the right to make such examination or who without reasonable cause obstructs or interferes with the Director of Health or his deputy, in conducting such an examination, is liable to a fine not exceeding 1 penalty unit.

(b) If any relative of the deceased objects to such an examination being made, the Director of Health or the deputy acting on his behalf, may appeal to Cabinet whose decision shall be final.

(3)

(a) On the receipt by the Registrar of a medical certificate under the provision of this regulation, the Registrar shall issue to such person as he deems entitled thereto an authority for the burial of the deceased.

(b) Every such authority under his hand shall be in form 9 in Schedule 1.

(4) Where in any case to which paragraph (3) applies any person, without an authority in form 9 being first obtained, bury or causes to be buried any person who has died in Niue, he is liable to a fine not exceeding 1 penalty unit.

# 26 Failure by medical practitioner to give certificate

Every medical practitioner required under regulations 24 and 25 to issue a certificate in form 7 or form 8 in Schedule 1 concerning any death 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 is liable to a fine not exceeding 0.5 penalty units.

# 27 Notice by Minister of religion

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 10 in Schedule 1 to the Registrar.

# PART 4

## GENERAL PROVISIONS

## 28 Registers open to public

(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 Schedule 2.

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

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

## 29 Issue of certified copies for official use

(1) Notwithstanding regulation 32, where a certified copy of any entry in a Register kept under these Regulations or a certificate as to any entry is required for the purposes of any Government Department, the Registrar shall issue the certified copy or special certificate in the prescribed form, free of charge.

(2) Every certified copy or certificate issued under paragraph (1) shall indicate 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.

# **30 Evidence of entries**

A certified copy of or a certificate relating to any entry in a Register, made or given and purporting to be issued and signed by the Registrar and sealed and stamped with his seal, shall be received in any court as prima facie evidence of the birth or death to which it relates.

# **31 Failure to supply 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 0.5 penalty units and for a second or any subsequent offence to a fine not exceeding 0.5 penalty units and any person who wilfully furnishes false particulars is liable to a fine not exceeding 1 penalty unit.

(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 register the birth or death accordingly.

# 32 Fees

For the purposes of these Regulations, the fees specified in Schedule 2 shall be payable to the Registrar as the case may require.

# **33 Custody of Registers**

(1) 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.

(2) Upon the death, dismissal, transfer or resignation of the Registrar, the custody of those Registers shall pass to his successor in office.

# **34** 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 as the case may require.

(2)

(a) Instead of making any correction as aforesaid, the Registrar may, if he thinks fit, direct a new entry to be made in the Register.

(b) 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.

(c) 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 persons as may be authorised by the Registrar.

(3) For the purpose of this regulation, the Registrar may 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.

# 35 Regulations to apply to stillborn child

(1)

(a) The provisions of these Regulations relating to the registration of births shall apply in the case of a stillborn child, but a Registrar may dispense with the registration of the death of any such child.

(b) A stillborn child shall be a child that has issued from its mother after the expiration of the 28 weeks of pregnancy and was not alive at the time of such issue.

(2) Particulars required for registration of a stillborn child shall be entered on a separate Register kept specially for that purpose.

## 36 Failure of Registrar to register information

Where -

(a) The Registrar refuses or without reasonable cause omits to register any birth or any death of which he had due notice and information; 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 1 penalty unit.

### **37 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.

## SCHEDULES

SCHEDULE 1

Reg 5

No.

# NIUE REGISTRATION OF BIRTH

Form 1

Child	Particulars
1 Date of Birth:	
2 Place of Birth:	
3 Christian and Surname:	
4 Sex:	
Parents	
5 When Married:	
6 Where Married:	
Father	
7 Name and Surname:	
8 Age and Race:	
9 Place of Birth and Residence:	
10 Occupation:	
Mother	
11 Name and Surname:	
12 Age and Race:	

13 Place of Birth and Residence:	
14 Occupation	
Informant	
15 Signature:	
16 Residence:	
17 Occupation:	
18 Relationship to Child:	
19 Date of Registration:	
20 Signature of Registrar:	

I certify that the above particulars are a true record of the birth of recorded this ......day of ......20 .....

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 Births and Deaths Registration Regulations 1984.

Form 2

Issue No. 001

# BIRTHS REGISTRATION REGULATIONS 1984 (Reg 8) NOTIFICATION FORM

(To be delivered or posted to the Registrar of Births within 14 days after the birth)

The Registration of Births Alofi, Niue

A TAKE NOTICE that a female/male child was born at Lord Liverpool Hospital on \_\_\_\_\_/20\_\_\_

Full name of mother: Village of residence:

Signature of Nurse/Midwife/Nursing Sister in attendance and date:

\_\_\_\_\_/\_\_\_\_/20\_\_\_

IF CHILD STILLBORN complete the following and delete where not applicable.

(a) Stillborn – born to \_\_\_\_\_\_ of \_\_\_\_\_ on \_\_\_\_\_ of

(b) Report pending/Report not required

Signature of Medical Practitioner

## C FOR OFFICE USE ONLY

(d) Registration No.: \_\_\_\_\_

Signature of officer responsible for the final actions

Form 3

Issue No.\_\_\_\_\_

## CERTIFICATE OF REGISTRATION (Reg 10)

# THIS IS TO CERTIFY that the birth of a male/female child born on \_\_\_\_/\_\_\_/20\_\_ has been registered in this office.

Name of Child:
Registration No:
Name of mother:
Name of father:
Village of residence:
Date of registration://20

**Deputy Registrar** 

Note: This is not a birth certificate but it can be used locally for school enrolment purposes, etc.

## BIRTHS AND DEATHS REGULATIONS 1984 (Reg 13)

Form 4

# CHANGE OF NAME BY DEED POLL

(Full Name) I,\_\_\_\_\_

(Full Address) of \_\_\_\_\_

(Occupation) an	n desirous
of abandoning and renouncing the use of the name of	
(Old Name)	I hereby
absolutely abandon and renounce the use of the name	
	_
and HEREBY DECLARE that at all times here after	
(New Name) I shall use and subscribe the name	
(Old Name) in lieu of the name in all deeds	and
documents and in all acts and proceedings and in all transactions and matter and upon all occasions, AND I HEREBY AUTHORISE all persons at all times he describe and address me by the name of	
(New Name)	IN
(Old Name) and also my assumed name of	
(New Name)this day of20	
SIGNED by the said	
hereafter to be known as in the	
presence of	
Signature:	
Old Name	
New Name	
Witness:Address:	
Occupation:	
Form 5	
BIRTHS REGISTRATION REGULATIONS 1984 (Reg 16) OFFICE OF REGISTRAR OF BIRTHS ALOFI NIUE	
То:	

-----

The birth of your child which occurred on the \_\_\_\_\_

has not yet been registered at my office.

You are therefore reminded that registration should be effected on or before the \_\_\_\_\_ day of \_\_\_\_\_20\_\_

Registrar

NOTE: If the birth is not registered within 14 days the persons responsible for registration render themselves LIABLE TO PROSECUTION.

### **REGISTER OF DEATHS**

#### Form 6

# (Reg 19) Registered at Alofi, in the Island of Niue

Entry NO:

DECEASED
1. Date of death:
2. Place of death:
3. Name:
4. Residence:
5. Sex:
6. Age:
7. Name of husband or wife (if any):
8. Number and sex of children living (if any):
9. Causes of death:
10. Duration of last illness:
11. Name of medical practitioner giving certificate and his qualifications (if
any):
12. Date when medical practitioner last saw deceased:
PARENTS OF DECEASED
Mother
13. Name:
14. Residence:
15. Description:
Father
16. Name:
17. Residence:
18. Description:
INFORMANT
19. Signature:
20. Residence and occupation:
21. Degree of relationship (if any) to deceased:
REGISTRAR

22. Date of registration:	
23. Signature of Registrar:	

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

Signature of Registrar

## Form 7

## BIRTHS AND DEATHS REGISTRATION REGULATIONS 1984 (Reg 20) MEDICAL CERTIFICATE OF CAUSES OF DEATH

A Particulars as to deceased:

Name of deceased: \_\_\_\_\_

Sex: \_\_\_\_\_Aged as stated to me: \_\_\_\_\_

Date of death: \_\_\_\_\_\_, day of \_\_\_\_\_ 20\_\_\_\_

Place of death;

Last seen by me:	, day of	20
------------------	----------	----

B Causes of death (State clearly in full and not in abbreviated form)

1 Disease, injury or complication	(a)
directly leading to death:	
due to, or as a consequence of: due to,	(b)
or as a consequence of:	
due to, or as a consequence of: due to,	(c)
or as a consequence of:	

2. Other significant factors: \_\_\_\_\_

- 3. Appropriate between onset and death: \_\_\_\_\_
- C Additional data (delete box not applicable)

1.	Did you see the body		Yes	No
after d	leath:			
2.	Post mortem	(a) not intended to be held	Yes	No
		(b) held and results available	Yes	No
		(c) being or to be held	Yes	No

I,		certify	that I was in	n medical
attendance during the abov	enamed deceased's	last illness and th	ne particular	s quoted above
are true to the best of my k	nowledge and belief	t.		
(1)	_ (2)	(3)		
(1) Signature of Medical Offic	er Qualificat	tions	Da	te
Note: Form 8 to be comple his/her last illness AND No		titioner did not at	tend the dec	eased during
	For	rm 8		
CERTIFICATE OF DEAT	A MEDICA	OFFICER OF PE L OFFICER g 20)	RSON NOT	ATTENDED BY
TO THE REGISTRAR OF	BIRTHS AND DE	ATHS, NIUE		
I, the undersigned, hereby or reported to have died at of	certify that I have ex 20	xamined the body on the	ofday	who is
To the best of my knowled	ge and belief the car	uses of death wer	e:	
Primary				
Secondary				
Witness by hand this	day of	20	at	
				Medical Officer
	For	rm 9		
		Y TO BURY 25(3))		
То	of			I
	, the Reg	istrar of Births an	d Deaths, N	liue hereby
authorise the burial of the b	oody of		who died	
at				
_ on the	day of		20	
Witness by hand this		day of		_20

Registrar

Please advise the deceased family that this death must be registered within one week

## Form 10

## CERTIFICATE AS TO BURIAL (Reg 27)

Ι,	,of	,

hereby certify that the body of \_\_\_\_\_

was duly buried on the \_\_\_\_\_\_day of \_\_\_\_\_20 \_\_\_\_in my presence

Minister and Denomination

# SCHEDULE 2

## FEES TO BE TAKEN BY REGISTRAR Reg 30

1. Subject to (2) for every certified copy or certificate	\$10.00
relating to an entry in any register	
2. For every "urgent" issue of a certified copy or	\$15.00
certificate of birth	
3. For registration of a name change including the issue	\$15.00
of a birth certificate	

FEES TO BE TAKEN BY NIUE CONSULATE GENERAL OFFICE IN NEW ZEALAND

1. For every certified copy or certificate relating to an	\$25.00
entry in any register	
2. For re-typing worn out copies of any certified copy or	\$15.00
certificate relating to an entry in any register	

at \_\_\_\_\_