



**Tuvalu**

**BIRTHS, DEATHS AND MARRIAGES  
REGISTRATION ACT**

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Tuvalu

## BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT

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Tuvalu

## BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT

AN ACT TO MAKE PROVISION FOR THE REGISTRATION OF BIRTHS,  
DEATHS AND MARRIAGES AND FOR MATTERS CONNECTED  
THEREWITH.

Commencement [1st October 1968]

### PART I - PRELIMINARY

#### 1 Short title

This Act may be cited as the Births, Deaths and Marriages Registration Act.

#### 2 Interpretation

In this Act unless the context otherwise requires:

“**birth**” includes a live-birth and a still-birth;

“**disposal**” in relation to a dead body means disposal by burial, cremation or by any other means; and cognate expressions shall be construed accordingly;

“**house**” means a separate dwelling-house and includes a public institution;

“**late registration assessor**” and “**assessor**” means an island magistrate appointed to act under section 15;

“**live-birth**” means the birth of a child born alive;

“**occupier**” in relation to a public institution means the officer responsible for the superintendence of that institution, and in relation to a house let in separate apartments or lodgings includes any person residing in the house who

is the person under whom the lodgings or separate apartments are immediately held or his agent;

“**public institution**” means a prison, lockup or hospital and such other public or charitable institution as may be prescribed;

“**qualified informant**” in relation to any birth or death means a person who is by this Act, or in the case of a birth or death occurring before the commencement of this Act, by any enactment then in force required or stated to be qualified to give information concerning that birth or death;

“**registrar**” in relation to any birth or death means the registrar of births, deaths and marriages appointed in accordance with the provisions of this Act for the district in which the birth or death takes place or, where any living new-born child is found exposed or any dead body is found and no information as to the place of birth or death is available, for the district in which the child or the dead body is found;

“**Registrar-General**” means the Registrar-General of Births, Deaths and Marriages appointed under section 3;

“**relative**” includes a relative by marriage;

“**still-born child**” means a child which has issued from its mother after the twenty-eighth week of pregnancy and which did not at anytime after being completely expelled from its mother breathe or show any other signs of life, and the expression “**still-birth**” shall be construed accordingly.

### **3 Appointment of Registrar-General of Births, Deaths and Marriages**

The Minister may from time to time appoint a person to be Registrar-General of Births, Deaths and Marriages and any person so appointed shall exercise the powers and perform the duties conferred or imposed by or under this Act or any other Act on the Registrar-General of Births, Deaths and Marriages.<sup>1</sup>

### **4 General Registry Office**

The office of the Registrar-General shall be known as the General Registry Office.

### **5 Designation of districts and appointment of registrars**

The Minister may by notice divide Tuvalu into districts for the purposes of this Act and may appoint any person to be the registrar of births, deaths and marriages for any such district.

### **6 Office of registrar**

(1) Every registrar shall have an office in the district for which he is appointed.



- (2) The office of every registrar shall be opened to the public on such days and at such hours as may be prescribed.
- (3) The office of every registrar shall be indicated by a notice in such form as the Registrar-General may require placed in some conspicuous place on or near the outer door thereof.

## **7 Provision of register boxes, registers, etc.**

- (1) The Registrar-General shall provide such number of strong fire-resisting boxes as may be required to hold the registers kept by each registrar.
- (2) It shall be the duty of the Registrar-General to ensure that each registrar is supplied and kept supplied with a sufficient number of registers in the prescribed form.
- (3) Register books furnished in accordance with the provisions of this section shall be of durable materials and the heads of information required to be known and registered in relation to births, deaths, or marriages as the case may be, shall be printed on each side of every leaf thereof; and every page of every register book, and every place of entry therein, shall be numbered progressively from the beginning to the end of the book, beginning with the number 1, and every entry shall be divided from the following entry by a printed line.

## **8 Delivering up of books, etc., on ceasing to hold office**

- (1) When any person ceases to hold the office of registrar for any district, all register boxes, keys, books and documents in his possession as holder of that office shall be handed over to his successor, or, if there is no successor, to such person as the Registrar-General may designate.
- (2) If any person who has in his custody or power any such articles as aforementioned wilfully fails to deliver it up or account for it to the satisfaction of the person in whose custody it should be, he shall be liable to a fine of \$50, and, if the failure continues after he is convicted thereof, he shall be guilty of a further offence and be liable to a fine of \$10 for every day on which the failure has so continued.
- (3) If a magistrate is satisfied by information on oath that there is reasonable cause to believe that any article withheld in contravention of the provisions of this section is in any specified house or place he may grant a search warrant authorising any police officer named therein to enter and search that house or place at any time and seize any such article so found and any such article so found shall be delivered to the person in whose custody it should be.

## PART II - REGISTRATION OF BIRTHS

### 9 Particulars of births to be registered

- (1) Subject to the provisions of this Part of this Act, the birth of every child born in Tuvalu shall be registered by the registrar for the district in which the child was born by entering in a register kept for that district such particulars concerning the birth as may be prescribed:

Provided that where a living new-born child is found exposed and no information as to the place of birth is available, the birth shall be registered by the registrar for the district in which the child is found.

- (2) The following persons shall be qualified to give information concerning a birth, that is to say:
- (a) the father and mother of the child;
  - (b) any person present at the birth;
  - (c) any person occupying at the time of the birth any part of the house wherein the child was born and having knowledge of the child having been born in the house;
  - (d) any medical practitioner or midwife in attendance after the birth and having personal knowledge of the birth having occurred;
  - (e) any person having charge of the child.

### 10 Information concerning birth to be given to registrar within 10 days

In the case of every birth it shall be the duty —

- (a) of the father and mother of the child; and
- (b) in the case of the death or inability of the father and mother, of such other qualified informant,

to give to the registrar before the expiration of 10 days from the date of birth, information of the particulars required to be registered concerning the birth:

Provided that —

- (i) the giving of information by any one qualified informant shall act as a discharge of any duty under this section of every other qualified informant;
- (ii) this section shall not apply if before the expiration of the said period and before the birth has been registered, an inquest is held at which the child is found to have been still-born.

**11 Information concerning finding of new-born child to be given within 42 days**

Where any living new-born child is found exposed, it shall be the duty of the person finding the child, and of any person in whose charge the child may be placed, to give to the best of his knowledge and belief to the registrar before the expiration of 42 days from the date on which the child was found, such information of the particulars required to be registered concerning the birth of the child as the informant possesses:

Provided that the giving of information by any one of the said persons shall act as a discharge of any duty under this section of any other of them.

**12 Registrar's power to require information concerning birth**

Where, after the expiration of 10 days from the date of the birth of any child or from the date when any living newborn child is found exposed, the birth of the child has, owing to the default of the persons required to register it, not been registered, the registrar may by notice in writing require any qualified informant —

- (a) to attend personally at the Registrar's office (or, if such office is more than 20 miles distant from the informant's usual place of business or abode, at some other place which is not so distant appointed by the registrar within his district) before such date (being not less than 7 days after the receipt of the notice nor more than 3 months after the date of the birth or finding) as may be specified in the notice; and
- (b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the birth to the registrar or to some person designated by him:

Provided that any such notice shall cease to have effect if, before the date specified in the notice and before the person to whom the notice is given complies with it, the birth is duly registered.

**13 Registration of births free of charge**

Where the registrar receives personally from any qualified informant at any time before the expiration of 3 months from the date of the birth of any child or from the date when any living new-born child is found exposed, information of the particulars required to be registered concerning the birth of the child, then, subject as may be prescribed in the case of an alleged still-birth where no certificate such as is mentioned in section 20(1) is delivered, he shall forthwith register the birth and the particulars, if not previously registered, in the prescribed form and manner without any fee or reward from the informant.

## **14 Registration of births free of charge**

- (1) Where on the expiration of 3 months and before the expiration of 12 months from the date of the birth of any child or from the date where any living new-born child is found, the birth has not been registered, the registrar may by notice in writing require any qualified informant —
  - (a) to attend personally at the registrar's office (or, if such office is more than 20 miles distant from the informant's usual place of business or abode, at some other place which is not so distant appointed by the registrar within his district) before such date (being not less than 7 days after the receipt of the notice nor more than 12 months after the date of the birth or finding) as may be specified in the notice; and
  - (b) to make before the registrar, or some person designated by him, a declaration according to the best of the declarant's knowledge and belief of the particulars required to be registered concerning the birth.
- (2) Upon any qualified informant attending before the registrar, whether in pursuance of a requirement or not, and making such a declaration as aforesaid and giving information concerning the birth the registrar shall then and there register the birth according to the information of the declarant and the registrar shall sign the entry of the birth.

## **15 Late registration assessors**

For the purposes of sections 16 and 17 the Minister shall appoint from among those persons appointed as island magistrates persons to be known as late registration assessors.

## **16 Registration after 12 months from date of birth**

Where after the expiration of 12 months from the date of the birth of any child or from the date when any living new-born child is found exposed, the birth of the child has not been registered, the birth shall not be registered except upon an order of a late registration assessor made in accordance with section 17 and in such manner as may be prescribed.

## **17 Late registration order**

- (1) Subject to the provisions of subsection (2) an application for an order under section 16 shall be made to a late registration assessor by a qualified informant and shall be accompanied by an affidavit setting out to the best of such qualified informant's information and belief the particulars required to be registered.
- (2) Notwithstanding the provisions of subsection (1), where any person of full age desires the registration of his own birth but in respect of which no

qualified informant able to give the particulars required to be registered is available, he may himself make application to a late registration assessor for an order under section 16 and any such application shall be accompanied by an affidavit setting out to the best of the applicant's information and belief the particulars of his birth required to be registered and the reasons why no qualified informant is available to give such particulars.

- (3) An applicant for an order under this section shall, at the same time as he makes application to a late registration assessor, cause a copy of the application and of any affidavit accompanying the application to be served upon the Registrar-General.
- (4) Upon receipt of an application under the provisions of this section, a late registration assessor may order the Registrar-General, or his representative, and the applicant to appear before them on such day, not being earlier than 42 days after the date of the application, as the assessor may determine.
- (5) When an applicant appears before a late registration assessor in pursuance of an order made under subsection (4) in that behalf —
  - (a) subject to the provisions of paragraph (b) the assessor may for the purpose of satisfying himself regarding any question of fact summon and examine on oath any person who the assessor has reason to believe is able to give material evidence relating to such question;
  - (b) the applicant may call witnesses in support of his application;
  - (c) the Registrar-General, or his representative, may call witnesses in rebuttal of any fact alleged by the applicant whether in any affidavit made by him for the purposes of this section or in any evidence given by him or by any witness called by him in support of his application;
  - (d) the applicant and any witness called by the applicant, and any witness called by the Registrar-General may be cross-examined by the Registrar-General, or his representative, or by the applicant as the case may be.
- (6) After hearing any evidence in accordance with the provisions of subsection (5) a late registration assessor may grant or refuse to grant an order that the birth in respect of which the application is made shall be registered:

Provided that a late registration assessor shall not grant an order for the registration of the birth of an applicant requiring his own birth to be registered unless he is satisfied that no qualified informant is available able to give evidence of the particulars required for registration of the birth.

## 18 Penalty for improper registration

Save as provided in sections 14 or 16 a registrar shall not register the birth of any child after the expiration of 3 months from the date of birth or in the case of a living new-born child found exposed, from the date of the finding, and any person who

registers any birth or causes any birth to be registered in contravention of this section shall be liable to a fine of \$100 and to imprisonment for 6 months.

## **19 Provision as to father of illegitimate child**

Notwithstanding anything in this Part, in the case of an illegitimate child no person shall, as father of the child, be required to give information concerning the birth of the child, and the registrar shall not enter in the register the name of any person as father of the child except at the joint request made in writing and signed by both the mother and the person acknowledging himself to be the father of the child.

## **20 Special provision as to registration of still-birth**

- (1) Any qualified informant giving information to the registrar of the particulars required to be registered concerning a still-birth shall upon giving that information either —
  - (a) deliver to the registrar a written certificate that the child was not born alive signed by a medical practitioner or a mid-wife who was in attendance at the birth or who has examined the body of the child; or
  - (b) make a declaration in the prescribed form to the effect that no medical practitioner or mid-wife was present at the birth or has examined the body or that his or her certificate cannot be obtained and that the child was not born alive.
- (2) The registrar upon registering a still-birth shall if so required give either to the informant or to the person who has control over, or who ordinarily effects the disposal of bodies at, the place where it is intended to dispose of the child's body, a certificate under his hand in the prescribed form that he has registered the still-birth, but may on receiving written notice of the still-birth accompanied by such a certificate as is mentioned in subsection (1)(a) before registering the still-birth give to the person sending the notice a certificate that he has received notice of the still-birth; and any certificate given under this subsection shall be given without fee.
- (3) A registrar by whom a certificate has been given under subsection (2) may upon receiving a satisfactory explanation of any circumstances by reason of which the certificate is not available for the purpose of any law for the time being in force relating to the disposal of the bodies of dead persons, issue on payment of the prescribed fee, a duplicate thereof either to the person to whom the original certificate was given or to the person effecting the disposal.

## **21 Certificate of registration of birth**

At the time of registering the birth of any child the registrar shall if so required by the informant of the birth and upon payment to him by the informant of such fee as

may be prescribed, give to the informant a certificate under his hand in the prescribed form that he has registered the birth.

## **22 Change of name**

Where the birth of any child has been registered before the child has received a name or the name by which any child was registered is altered, the registrar may upon the application of the parent or guardian of the child within 2 years of the date of the registration, and on payment of the prescribed fee and on receipt of such evidence as the registrar may require, without any erasure of the original entry, enter in the register the name given to the child or the alteration in the name as the case may be.

## **PART III - REGISTRATION OF DEATHS**

### **23 Particulars of deaths to be registered**

Subject to this Part, the death of every person dying in Tuvalu and the cause thereof shall be registered by the registrar for the district in which the death occurred by entering in a register kept for that district such particulars concerning the death as may be prescribed:

Provided that where a dead body is found and no information as to the place of death is available, the death shall be registered by the registrar for the district in which the body is found.

### **24 Information concerning death in a house**

- (1) The following provisions of this section shall have effect where a person dies in a house.
- (2) The following persons shall be qualified to give information concerning the death, that is to say —
  - (a) any relative of the deceased person present at the death or in attendance during his last illness;
  - (b) any other relative of the deceased residing or being in the district where the death occurred;
  - (c) any person present at the death;
  - (d) the occupier of the house if he knew of the happening of the death;
  - (e) an inmate of the house who knew of the happening of the death;
  - (f) the person causing the disposal of the body.
- (3) It shall be the duty —

- (a) of the nearest relative such as is mentioned in subsection (2)(a);
- (b) if there is no such relative, of each such relative as is mentioned in subsection (2)(b);
- (c) if there are no such relatives, of each such person as is mentioned in paragraph (c) or (d) of that subsection; or
- (d) if there are no such relatives or persons as aforesaid, of each such person as is mentioned in paragraph (e) or (f) of that subsection,

to give to the registrar, before the expiration of 5 days from the date of the death, information to the best of his knowledge and belief of the particulars required to be registered concerning the death:

Provided that —

- (i) the giving of information by any one qualified informant shall act as a discharge of any duty under this subsection of every other qualified informant;
- (ii) this subsection shall not have effect if an inquest is held on the body or touching the death of the deceased person.

## 25 Information concerning other deaths

- (1) The following provisions of this section shall have effect where a person dies elsewhere than in a house or where a dead body is found and no information as to the place of death is available.
- (2) The following persons shall be qualified to give information concerning the death, that is to say —
  - (a) any relative of the deceased who has knowledge of any of the particulars required to be registered concerning the death;
  - (b) any person present at the death;
  - (c) any person finding or taking charge of the body;
  - (d) any person causing the disposal of the body.
- (3) It shall be the duty —
  - (a) of each such relative as is mentioned in subsection(2)(a); or
  - (b) if there are no such relatives, of each other qualified informant,

to give to the registrar, before the expiration of 5 days from the date of the death or of the finding of the body, such information of the particulars required to be registered concerning the death as the informant possesses:

Provided that —

- (i) the giving of information by any one qualified informant shall act as a discharge of any duty under this subsection of every other qualified informant;



- (ii) this subsection shall not have effect if an inquest is held on the body or touching the death of the deceased person.

## **26 Notice preliminary to information of death**

If, before the expiration of 5 days from the date of the death or of the finding of the dead body of any person, a qualified informant of that person's death gives to the registrar a written notice of the person's death or of the finding of the body accompanied by a notice given under section 30(2) of the signing of a certificate of the cause of death, the information of the particulars required to be registered concerning the death need not be given before the expiration of the said 5 days, but shall, notwithstanding the notice, be given before the expiration of 14 days from the date aforesaid by the person giving the notice or by some other qualified informant.

## **27 Registrar's power to require information concerning death**

- (1) Where, after the expiration of the relevant period from the date of the death or finding of the dead body of any person, the death of that person has, owing to the default of the persons required to give information concerning it, not been registered, the registrar may by notice in writing require any qualified informant —
  - (a) to attend personally at the registrar's office (or, if such office is more than 20 miles distant from the informant's usual place of business or abode, at some other place which is not so distant appointed by the registrar within his district) before such date (being not less than 7 days after the receipt of the notice nor more than 12 months from the date of the death or of the finding of the body) as may be specified in the notice; and
  - (b) to give information to the best of the informant's knowledge and belief of the particulars required to be registered concerning the death to the registrar, or to some person designated by him:

Provided that any such requirement shall cease to have effect if, before the date specified in the notice and before the person to whom the notice is given complies with it either —

- (i) the death is duly registered; or
  - (ii) an inquest is held on the body or touching the death of the deceased person.
- (2) In this section, the expression “the relevant period” means —
    - (a) where notice has been duly given to the registrar in accordance with the provisions of section 26, 14 days; and
    - (b) in any other case, 5 days.

**28 Registration of death free of charge**

Where the registrar receives personally from any qualified informant, at any time before the expiration of 12 months from the date of the death or finding of the dead body of any person, information of the particulars required to be registered concerning that person's death, then, so soon as he has received any particulars required to be registered concerning the cause of the death which are required to be given by any person other than the informant, he shall forthwith register the death and the particulars, if not previously registered, in the prescribed form and manner without any fee or reward from the informant.

**29 Registration of death after 12 months**

- (1) After the expiration of 12 months from the date of the death or finding of the dead body of any person, the death of that person shall not be registered except with the written authority of the Registrar-General and in such manner and subject to such conditions as may be prescribed, and the fact that the authority of the Registrar-General has been obtained shall be entered in the register.
- (2) When any death is registered under this section upon the giving of information by a qualified informant that informant shall pay a fee of \$1 to the Registrar-General and, except where the delay was caused by the failure of the registrar to make a requirement under section 27 or otherwise by the registrar's default, a like fee to the registrar.

**30 Certificate of cause of death**

- (1) In the case of the death of any person who has been attended during his last illness by a medical practitioner, that practitioner shall sign a certificate in the prescribed form stating to the best of his knowledge and belief the cause of death and shall forthwith deliver that certificate to the registrar.
- (2) On signing a certificate of the cause of death under subsection (1), the medical practitioner shall give in the prescribed form to some qualified informant of the death, notice in writing of the signing of the certificate and that person shall, except where an inquest is held on the body or touching the death of the deceased person, deliver the said notice to the registrar.
- (3) Except when an inquest is held on the body or touching the death of the deceased person a registrar to whom a certificate of cause of death is delivered under subsection (1) shall enter in the register the cause of death as stated in the certificate together with the name of the certifying medical practitioner.

**31 Furnishing of information by magistrate holding inquiring**

- (1) When an inquiry is held on any dead body or touching any death the magistrate holding the same shall send to the registrar within 5 days after the finding of the inquiry is given a certificate under his hand giving information concerning the death and specifying the finding with respect of the particulars required to be registered concerning the death and specifying the time and place at which the inquiry was held.
- (2) On receiving a certificate under subsection (1) the registrar shall in the prescribed form and manner register the death and the particulars as found at the inquiry and if the death has been previously registered the said particulars shall be entered in the prescribed manner without any alteration of the original entry.

**32 Certificate as to registration of death**

- (1) The registrar upon registering any death shall forthwith give to the person giving information concerning the death a certificate under his hand that he has registered the death; but may, before registering the death and subject to such conditions as may be prescribed, upon receiving written notice of the occurrence of a death in respect of which he has received a certificate under section 30, give to the person sending the notice, if required to do so, a certificate under his hand that he has received notice of the death; and any certificate given under this subsection shall be given without fee.
- (2) Where the body of a deceased person has been removed into Tuvalu from some place outside Tuvalu for disposal and no order has been given by a magistrate in respect thereof the registrar of the district in which it is intended to dispose of the body if it appears that the death is not required by law to be registered in Tuvalu shall upon application by the person procuring the disposal and upon payment of the prescribed fee give a certificate to that effect in the prescribed form.
- (3) A person to whom any certificate issued by the registrar under this section is delivered shall transmit it to the person effecting the disposal of the body of the deceased person.
- (4) A registrar by whom a certificate has been given under this section may upon receiving a satisfactory explanation of any circumstances by reason of which the certificate is not available for the purposes of any enactment relating to the disposal of the bodies of dead persons issue on payment of the prescribed fee a duplicate thereof either to the person to whom the original certificate was given or to the person effecting the disposal of the body; and any such duplicate certificate shall be in a distinctive form.
- (5) Where on the expiration of the prescribed period after the issue in respect of any deceased person of a certificate under this section no notification as to the date, place and means of disposal of the body has been received by the

registrar from the person effecting its disposal, the registrar shall make inquiry of the person to whom the certificate or order was issued and it shall be the duty of that person to give information to the best of his knowledge and belief as to the person having the custody of the certificate or order, the place in which the body is lying or, if the body has been disposed of, the person effecting the disposal.

## **PART IV - MARRIAGES**

### **33 Duties of Registrar-General, registrars, certain ministers etc., with regard to registration etc., of marriages**

It shall be the duty of the Registrar-General, and of every registrar, to accept, keep in safe custody, maintain, and make any register, certificate, copy, entry or quarterly return, and to do, or act in or upon, any other matter or thing connected with the registration of marriages as he or they may be required by this or any other Act for the time being in force to be accepted, kept, maintained, made, done or acted in or upon.

## **PART V - GENERAL**

### **34 Duty of registrar to send certified copies of entries to Registrar-General**

Every registrar shall in the months of January, April, July and October on such days as may be appointed by the Registrar-General —

- (a) make and deliver to the Registrar-General in the prescribed form a true copy, certified by him in the prescribed manner of all the entries of births, deaths and marriages made in the registers kept by him during the period of 3 months ending with the last day of the month immediately preceding that in which the copy is required by this section to be made;
- (b) if no birth, death or marriage has been registered in his district during that period, deliver to the Registrar-General in the prescribed form a certificate to that effect under his hand.

### **35 Custody of registers, etc.**

- (1) Every registrar shall keep safely all registers of births, deaths and marriages which are in his custody and, when not in use, the registers shall be kept in the register box provided by the Registrar-General for the purpose.

- (2) When a register of births, deaths or marriages is filled, the registrar shall deliver it to the Registrar-General.
- (3) The certified copies sent to the Registrar-General under section 34 and the registers delivered to him under subsection (2) shall be kept in the General Registry Office in such order and manner as the Registrar-General, subject to the direction of the Minister, may think fit.

### **36 Correction of errors in registers**

- (1) No alteration shall be made in any register of births or deaths except as authorised by this or any other Act.
- (2) A clerical error, other than an error of fact or substance, in any register may, subject to any direction of the Registrar-General, be corrected by entry in the margin (without any alteration of the original entry) by the officer having custody of the register free of charge.
- (3) Notwithstanding the provisions of section 43(4), an error of fact or substance in any such register may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register upon payment to him by the person requiring the error to be corrected of a fee of 50 cents and on production to him by that person of a statutory declaration setting forth the nature of the error and the true facts of the case made by two qualified informants of the birth or death with reference to which the error has been made, or in default of two qualified informants then by two credible persons having knowledge of the truth of the case; and such statutory declarations shall be filed separately and maintained and preserved as a supplement to the register to which they relate.
- (4) Where an error of fact or substance (other than an error relating to the cause of death) occurs in the information given in a magistrate's certificate concerning a dead body upon which or a death touching which he has held an inquiry, the magistrate if satisfied on oath or statutory declaration that such error exists, may certify under his hand to the officer having the custody of the register in which the information is entered the nature of the error and the true facts of the case as ascertained by him on that evidence, and the error may thereupon be corrected by that officer, in the register by entering in the margin (without any alteration of the original entry) the facts so certified by the magistrate.
- (5) Any correction in a register made in accordance with this section or of section 43 (4) must be attested by the initials of the person making it.

### **37 Searches of indexes kept by the Registrar-General**

- (1) The Registrar-General shall cause indexes of all certified copies of entries in registers sent to him under the provisions of this Act or any other law for the

time being in force in Tuvalu to be made and kept in the General Registry Office.

- (2) Any person shall be entitled to search the said indexes at any time when the General Registry Office is open for the purpose and to have a certified copy of any entry in the said certified copies on payment to the Registrar-General of the prescribed fee.

### **38 Search in registers kept by registrars**

Every registrar shall at any time when his office is required to be open for the transaction of public business allow searches to be made in any register of births, register of deaths or register of marriages in his keeping and shall give a copy certified under his hand of any entry therein on payment of the prescribed fee.

### **39 Short certificate of birth**

- (1) Any person shall on payment of the prescribed fee and on furnishing the prescribed particulars be entitled to obtain from the Registrar-General or from a registrar a short certificate of the birth of any person.
- (2) Any such certificate shall be in the prescribed form and shall be compiled in the prescribed manner from the records and registers in the custody of the Registrar-General or from the register in the custody of the registrar, as the case may be, and shall register such particulars as may be prescribed:

Provided that any particulars prescribed in addition to name, surname, sex and date of birth shall not include any particulars as to parentage or adoption contained in any such records or registers.

### **40 Entry in register as evidence of birth, death or marriage**

- (1) The following provisions shall have effect in relation to entries in registers under this Act or under any provisions of any Act repealed by this Act.
- (2) Where more than 3 months have intervened between the date of birth of the child, or the date when any living new-born child was found exposed, and the date of registration of the birth of that child, the entry or a certified copy of the entry in the register, or a certified copy of the register shall not be evidence unless —
  - (a) if it appears that not more than 12 months have so intervened, the entry purports to be signed by the registrar;
  - (b) if more than 12 months have so intervened the entry purports to have been made on the authority of an order of a late registration assessor:

Provided that this subsection shall not apply in any case when the original entry in the register was made before the date of commencement of this Act.

- (3) Where more than 12 months have intervened between the date of the death, or the finding of the dead body of any person, and the date of the registration of that person's death, the entry or a certified copy of the entry of the death in the register, or a certified copy of the register, shall not be evidence of the death unless the entry purports to have been made with the authority of the Registrar-General:

Provided that this subsection shall not apply in any case when the original entry in the register was made before the date of commencement of this Act.

- (4) A certified copy of an entry in a register or in a certified copy of a register shall be deemed to be a true copy notwithstanding that it is made in a form different from that on which the original entry was made, if any difference in the column headings under which the particulars appear in the original entry and the copy respectively are differences of form only and not of substance.
- (5) The Registrar-General shall cause any certified copy of an entry given in the General Registry Office to be sealed or stamped with the prescribed seal of that office, and subject to the foregoing provisions of this section any certified copy of an entry purporting to be sealed or stamped with the seal of that office shall be received as evidence of the birth, death, or marriage to which it relates without any further or other proof of the entry, and no certified copy purporting to have been given in the said office shall be of any force or effect unless it is sealed or stamped as aforesaid.
- (6) The Registrar-General may cause to be transferred to the General Registry Office all registers of marriages and all records of births and deaths under any law or Act no longer in force, and subsections (4) and (5) shall apply to copies of entries in such transferred registers or records issued by the Registrar-General.

#### **41 Offences relating to registers**

If any person commits any of the following offences, that is to say —

- (a) if, being a registrar, he refuses, or without reasonable cause omits, to register any birth or death or particulars concerning which information has been tendered to him by a qualified informant and which he is required by or under this Act to register; or
- (b) if, being a registrar, he fails or neglects to maintain any register in the manner prescribed in this Act;
- (c) if, being a person having the custody of any register of births or register of deaths, he carelessly loses or injures the register or carelessly allows the register to be injured; or
- (d) being a deputy registrar appointed under section 44 without reasonable cause, he —
- (i) refuses to receive information concerning any birth, death or marriage tendered to him by any qualified informant, or

- (ii) having so received such information as aforesaid, omits to record or transmit it to the registrar of the district in the form and manner provided by this Act,

he shall be liable to a fine of \$50.

#### **42 Penalties for failing to give information, etc.**

If any person commits any of the following offences, that is to say —

- (a) if, being required by or under this Act to give information of any birth or death or of any living new-born child found exposed or of any dead body, he wilfully refuses to answer any question put to him by the registrar relating to the particulars required to be registered concerning the birth or death or, save as is provided in this Act, fails to comply with any requirement of the registrar made thereunder;
- (b) if he refuses or fails without reasonable excuse to give, deliver or send any certificate which he is required by this Act to give, deliver or send;
- (c) if, being a parent and save as provided in this Act, he fails to give information concerning the birth of his child as required by this Act;
- (d) if being a person upon whom a duty to give information concerning a marriage is imposed by section 33, he fails to give that information; or
- (e) if being a person upon whom a duty to give information concerning a death is imposed by section 25 (3)(a) he fails to give that information and that information is not given,

he shall be liable to a fine of \$10 for each offence.

#### **43 False statements, etc., as to births and deaths**

- (1) If any person —
  - (a) wilfully makes any false answer to any question put to him by any registrar relating to the particulars required to be registered of any birth or death, or of any living new-born child found exposed or of the finding of a dead body, or wilfully gives to any registrar any false information concerning the aforesaid matters; or
  - (b) wilfully makes any false certificate or declaration under or for the purposes of this Act or knowing or having reason to believe such certificate or declaration to be false, uses the same as genuine; or
  - (c) wilfully makes, gives or uses any false statement or declaration as to a child born alive or having been still-born, or as to disposal of the body of a deceased person or a still born child, or falsely pretends that any child born alive was still-born; or
  - (d) makes any false statement with intent to have the same inserted in any register of births or deaths,



he shall be liable to a fine of \$600 and to imprisonment for 3 years.

- (2) A prosecution for an offence under this section shall not be commenced more than 3 years after the date of the commission of the offence.
- (3) When any particulars relating to any birth or death or to a living new-born child found exposed or to the finding of a dead body are received by a registrar for the purposes of this Act and the registrar has reason to believe that such particulars are not, or may not be, true, the registrar shall forthwith report the matter to the Registrar-General, together with his reasons for so believing.
- (4) Where in any proceedings under subsection (1) the court is satisfied that by reason of the offence charged an error of fact or substance has been made in any register, the court may certify to the officer having custody of the register that such error exists and the true facts of the case so far as may have been ascertained by the court and the error may thereupon be corrected by that officer in the register by entering in the margin (without any alteration of the original entry) the facts so certified by the court; and such a correction shall be free of charge and the certificate of the court shall be filed separately and maintained and preserved as a supplement to the register to which it relates.

#### **44 Deputy registrars may be appointed to receive information on behalf of registrars**

- (1) It shall be lawful for the Registrar-General to appoint fit and proper persons to be deputy registrars of births, deaths and marriages in and for any part of a district for the purpose of receiving from any person on behalf of the registrar of births, deaths and marriages appointed for such district any information required by any of the provisions of sections 10, 11, 20, 24, 25, 26, 30, 31 or 33 or by the provisions of section 18 of the Marriage Act<sup>2</sup> to be given by such person to the registrar and the giving of any such information to a deputy registrar of births, deaths and marriages in and for any part of a district shall be deemed to be the giving thereof to the registrar of such district.
- (2) It shall be the duty of each and every deputy registrar of births, deaths and marriages appointed under the provisions of the preceding subsection to receive any information given to him thereunder and to record, and transmit, the same to the registrar of births, deaths and marriages for the district in question in such form and manner as may for the time being be prescribed, or, if no such prescription shall have been made, as the Registrar-General may direct.

**45 Forms Schedule 1**

Subject to the provisions of section 47, the forms in Schedule 1, or forms to the like effect, shall be used in the cases to which they refer, with such variation as circumstances may require.

**46 Fees Schedule 2**

The fees specified in Schedule 2 shall, until replaced, varied or revoked by regulations made under section 47, be charged for the various matters and things enumerated in the said Schedule.

**47 Regulations**

The Minister may make regulations for the better carrying into effect of the provisions of this Act and, without prejudice to the generality of the foregoing power, such regulations may —

- (a) prescribe forms or fees or replace, revoke, vary, or add to any of the forms or fees prescribed by this Act;
- (b) direct by whom and in what manner fees payable under this Act are to be collected and accounted for; and
- (c) provide for the furnishing of information required to be given under this Act.

**48 Savings**

Any registration effected, certificate issued, notice or information given, order, regulation or return made or other things done under the law making provision for the registration of births, deaths and marriages in force immediately before the commencement of this Act shall continue in force and have effect as if effected, issued, given, made or done under the corresponding provision of this Act.

**SCHEDULE 1**

(Section 45) - FORMS

**REGISTER OF BIRTHS**

[FORM 1]

No	CHILD			PARENTS							INFORMANT	REGISTRATION		
	Where born and when. (If still-born state so in this column)	Name	Sex	Father				Mother			Name, occupation and place of residence	When and where notified	Name if added after registration.	
				Name	Occupation	Age	Birth place	When and where married	Previous issues, living and deceased	Name	Age	Birth place		

**REGISTER OF DEATHS**

[FORM 2]

No	Date of Death and where it occurred	Name and Occupation	Sex	Age	Cause of death	Duration of last illness	Medical practitioner by whom certified	When he last saw deceased	Name of father	Occupation of father	Name of mother	Name, occupation and place of residence of informants	Where buried and where	Where born and how long in Tuvalu	Was deceased ever married? If so, state when, and to whom	Issue, in order of births: their names and ages

**REGISTER OF MARRIAGES**

[FORM 3]

NO	PARTICULARS OF PARTIES							PARTICULARS OF MARRIAGE		
	Name	Occupation	Age	Place of residence at time of marriage	Condition	Father's name, occupation and place of birth	Date of marriage	Place of marriage	By whom marriage performed	Witnesses of marriage
	HUSBAND									
	WIFE									

**SHORT CERTIFICATE OF BIRTH**

[FORM 4]

TUVALU

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT**

(Section 39)

**SHORT CERTIFICATE OF BIRTH**

No.

I HEREBY CERTIFY that, according to the record of birth in my office

.....

was born at....., in Tuvalu, on the  
.....day of .....20.....

REGISTRAR [GENERAL]

OF BIRTH, DEATHS AND MARRIAGES

[FOR.....DISTRICT]

Dated at .....this.....day of .....20.....

**SCHEDULE 2**

(Section 46)

**FEES<sup>3</sup>**

	\$	c
1. For a general search in any register..... Provided however that no fee shall be payable for a search made solely for the purpose of ascertaining the age of any person to enable evidence of such age to be given to any court or educational institution.....	2	00
2. For a certified copy of any entry in a register.....	8	00
3. For a short certificate of birth.....	4	00
4. For a late entry of any birth.....	4	00

**ENDNOTES**

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<sup>1</sup> By GN 41/1977 the Secretary to Government was appointed Registrar-General

<sup>2</sup> Cap. 17.25

<sup>3</sup> Amended by LN 10/1991