

NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 28.

ANALYSIS :

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| <p>Title.
Preamble.
1. Repeal of Ordinance, Sess. viii., No. 9.
2. Registrar-General and Registrars to be appointed.
3. Governor may appoint Deputy of Registrar,
4. When Deputy to Act.
5. Registrar's District.
6. Fees.
7. Regulations.
8. Books, Forms, &c.
9. Entries in Register Books.
10. Quarterly Returns.
11. Registrars not liable to serve on juries, &c.
12. Registration of Births.
13. Case of a new-born child or a dead body being found exposed.
14. Occupier, who deemed.
15. Limit of time for Registration of Births.
16. Children born out of the Colony.
17. Further limitation of time.</p> | <p>18. Registration of Name.
19. Entry to be signed by Informant.
20. Certificates of Deaths.
21. Penalty.
22. Correction of accidental errors.
23. Searches of Register Books and certified copies.
24. General Registry Indexes.
25. Certified Copies of Entries to be received as <i>prima facie</i> evidence.
26. Penalty on refusing or neglecting to give information.
27. Penalties on Registrars.
28. Punishment for false statements.
29. Punishment for certain offences.
30. Recovery of Penalties.
31. Application of Fees and Penalties.
32. Aboriginal Natives.
33. Commencement of Act.
34. Short Title.
Schedules A. B. C. D.</p> |
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AN ACT for the Registration of Births, Deaths, and Marriages in New Zealand. Title.
[8th July, 1858.]

WHEREAS it is expedient to provide for the Registration of Births, Deaths, and Marriages in New Zealand. Preamble.

Be it enacted by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows :—

Registration.

Repeal of Ordinance
Sess. viii. No. 9.

I. An Ordinance enacted by the Lieutenant-Governor and Legislative Council of New Zealand, intituled "An Ordinance for Registering Births, Deaths, and Marriages in the Colony of New Zealand," Session VIII., No. 9, is hereby repealed: Provided always, that any Registration lawfully made, and every act or thing whatever lawfully done under the provisions of the said Ordinance, shall be as good, valid, and effectual, as though this Act had not been passed.

Registrar General and
Registrars to be ap-
pointed.

II. It shall be lawful for the Governor, in the name and on behalf of Her Majesty, from time to time by warrant under his hand, to appoint a fit person to be Registrar-General for the Colony, and fit persons to be Registrars of Births, Deaths, and Marriages under this Act; and from time to time to remove any person so appointed: Provided always, that the Registrar General and Deputy Registrars, who are now acting shall be deemed to have been appointed by the Governor, Registrar General and Registrars respectively under this Act. Provided also, that it shall be lawful for the Registrar General to be appointed and act as a Registrar under this Act.

Governor may appoint
Deputy of any Re-
gistrar.

III. It shall be lawful for the Governor at any time to appoint a fit person to be the Deputy of any Registrar, to act in case of death, illness, or unavoidable absence, and every Deputy shall, during the time he shall so act, have all the powers and privileges, and perform all the duties, and be subject to all the responsibilities of the Registrar for whom he shall have been appointed Deputy, and every such appointment when made shall be notified in the *New Zealand Gazette*.

When Deputy to Act.

IV. Whenever any Registrar shall die, the Deputy appointed as aforesaid, shall act as Registrar from the day of such death, and in case of illness or absence shall act as such from such day as such Registrar (or in case of illness incapacitating him to do so,) his Medical Attendant, shall certify under his hand to the Deputy appointed as aforesaid, to act for him, that he is ill and unable to perform his duties, or that he is about to be absent; and such Deputy shall cease to act as such from the day on which he shall receive from the Officer whose Deputy he is a certificate under his hand to the effect that such Officer has resumed his duties. No Registrar shall have power to act during such term as his Deputy shall be lawfully acting.

Registrar's Districts.

V. It shall be lawful for the Governor from time to time by Proclamation in the *New Zealand Gazette*, to divide the Colony, for the purposes of this Act, into such and so many Districts as he shall think fit, and every such District shall be called by a distinct name, and shall be a Registrar's District: Provided always, that the Governor may, at any time, revoke the whole, or any part of any such Proclamation, and issue a new Proclamation, dividing the Colony, or any portion of it, anew into Districts, or increasing the number, or altering the boundaries of Districts, as from time to time he may think requisite; and all Births and Deaths shall be registered in the District in which they respectively occur: Pro-

Registration.

vided always, that it shall be lawful, for the Registrar of any District, to register any Birth or Death according to the provisions of this Act, if it shall be shown to his satisfaction that the person upon whom it is obligatory to give the information herein required, could not without considerable difficulty, delay, or expense, attend at the office of the Registrar of the District, in which the Birth or Death has actually taken place: Provided also, that the Districts now existing, shall, until duly altered, be deemed to be Districts proclaimed under this Act.

VI. The Registrar-General and every Registrar duly appointed under this Act, are hereby respectively empowered, to receive and take the several Fees specified in this Act; and all Fees so received shall be accounted for by them quarterly to the Colonial Treasurer, in such manner as he shall from time to time direct.

Fees.

VII. It shall be lawful for the Registrar-General, from time to time, to make, amend, and abolish regulations, (not being repugnant to the provisions of this Act, or of any Act lawfully in force for regulating Marriages in the Colony,) for the general management of the Registry Offices, and the preparation and transmission of all Returns required from Registrars and Officiating Ministers respectively; and such Regulations, after being approved of by the Governor, shall be obeyed accordingly.

Regulations.

VIII. The Registrar-General shall, from time to time, at the Public expense, furnish to all parties requiring the same, such Books and Forms as may be requisite for the purposes of this Act.

Books, Forms, &c.

IX. Every Registrar shall, in every case, inform himself carefully of the particulars required to be registered by him touching Births, Deaths, and Marriages, under any Law for the time being in force, and shall without fee or reward, except when otherwise specially provided by Law, enter and register all such particulars, according to the forms in Schedule A and B, hereunto annexed, in cases of Births and Deaths respectively, and in cases of Marriages, according to such Forms as may be required by any Law for the time being in force, for regulating Marriages in New Zealand; and every entry shall be made from page to page, from the beginning to the end of the Book, and every such Book shall be paged consecutively: Provided always, that in case of the registration of a Birth when the child is illegitimate, or the father is unknown, the Registrar may enter the word "Illegitimate" or "Unknown" in the column of Schedule A, headed "Name and Surname of Father."

Entries in Register Books.

X. Every Registrar shall, in the months of April, July, October, and January in each year, make and transmit to the Registrar-General true copies, certified under his hand, of all entries of Births, Deaths, and Marriages made in the Register Books in his office during the three months next preceding, or a certificate under his hand that there have been no such entries, as the case may be; and every Registrar who shall refuse or neglect to do so, shall be liable for every such offence to forfeit and pay a sum not exceeding £10, to be recovered in a summary way.

Quarterly Returns.

Registration.

Registrars not liable to serve on juries, &c.

XI. The Registrar-General, and every Registrar holding office under this Act, shall be exempt from serving on any Jury or inquest, or in any parochial or corporate office whatever.

Registration of Births.

XII. In each case of a child born within the Colony, the father or mother, or some person acting on behalf of the parent, and becoming responsible under the provisions and penalties of this Act for the truth of the particulars, shall within sixty-two days (inclusive of the day of the Birth), and in each case of the death of any person, the occupier of the house or tenement, or some person present at the death, or in attendance during the last illness of any one dying in the Colony, or the undertaker having charge of the funeral, or some person acting on behalf of the occupier of the house or place in which the death shall have occurred, and becoming responsible under the provisions and penalties of this Act for the truth of the particulars, shall within thirty-one days (inclusive of the day of the Death), inform the Registrar of the particulars required to be registered concerning such Birth or Death.

Case of a new born child or a dead body being found exposed.

XIII. In case any new-born child or any dead body shall be found exposed, a Constable of the District shall forthwith inform the Registrar thereof, and of the place where such child or dead body was found, and where an inquest shall be held on any dead body, the Coroner or Justice of the Peace holding the same shall notify to the Registrar of the District the Verdict of the Jury, with all other particulars required to be registered concerning the Death, and such Registrar shall make the entry in his Register Book accordingly, and the same shall be signed by the Coroner or Justice of the Peace, by whom the information has been given.

Occupier, who deemed.

XIV. For the purposes of this Act, the Master, Keeper, Chief Officer, or other person in actual charge of any Gaol, Prison, House of Correction, Hospital, Lunatic Asylum, or Public or Charitable Institution, respectively, shall be deemed the occupier thereof.

Limit of time for Registration of Births.

XV. After the said period of sixty-two days, following the day of the Birth of any Child born in the Colony, it shall not be lawful for any Registrar to register such Birth, unless the parent, or some person who was present at such Birth, shall make a solemn declaration according to the best of his knowledge and belief, of the particulars required to be registered; and upon such Declaration being made, and a Fee of Ten Shillings and Sixpence paid, it shall then be lawful for the Registrar before whom such declaration is made, to register the Birth according to the information of the person making the same.

Children born out of the Colony.

XVI. In every case of the arrival in the Colony of a child under the age of eighteen months at the time of such arrival, born at sea or in any place out of the Colony, whose parents, or other persons having lawful charge of such child, are about to take up their abode in the Colony, it shall be lawful for the Registrar, at any time within six months next following the day of such child's arrival, on a solemn declaration by one of the parents, or by a per-

Registration.

son having lawful charge as aforesaid of such child, of the particulars required to be registered, to register the birth of such child according to the provisions made for the registration of Births taking place within the Colony, and the terms of sixty-two days, and six months respectively shall be reckoned from the day of such child's arrival in the Colony, instead of from the day of birth.

XVII. It shall not be lawful for any Registrar to register the birth of any child after the expiration of six months following such birth, if in the Colony, or after the arrival therein of the child, if born at sea or out of the Colony; and no Register, or certified copy of a Register of birth made contrary to this provision shall be received in evidence to prove the birth of any child.

Further limitation of time.

XVIII. If any child, whose birth shall have been registered without a Christian or first name, shall, within twelve calendar months next after such registration, have any such name given to it, the person who shall have signed the original entry, may cause the name so given to be added by the Registrar to such entry, on payment of a fee of two shillings and sixpence.

Registration of Name.

XIX. Every person by whom the information contained in any Register of Birth or Death under this Act shall have been given, shall sign his name in the Register, to which shall be added, either by himself or by the Registrar in his presence, his description and place of abode; and no Register of Births or Deaths according to this Act shall be given in evidence which shall not be signed by some person professing to be the informant of the Registrar.

Entry to be signed by Informant.

XX. Every Registrar, immediately upon registering any Death, or as soon thereafter as he shall be required so to do, shall without fee or reward deliver to the person giving information, or to the undertaker or other person having charge of the funeral, a certificate under his hand according to the form in Schedule C hereto annexed, that such Death has been duly registered; and such Certificate shall be delivered by such undertaker or other person to the Minister or officiating person who shall be required to bury or perform any funeral or religious service for the burial; and if any dead body shall be buried, for which no certificate shall have been so delivered, the person who shall bury the same, or perform any funeral or religious service for the burial, or who shall in any other way dispose of the body, shall forthwith give notice of the facts to the Registrar: Provided always, that the Coroner or Justice of the Peace holding any inquest upon any dead body for which no certificate shall have been delivered as aforesaid, may order the body to be buried, if he shall think fit, before registration; and shall in such case give a certificate of his order in writing under his hand in the form in Schedule D hereto annexed to the undertaker or other person having charge of the funeral.

Certificates of Deaths.

XXI. Every person who shall bury or perform any funeral or

Penalty.

Registration.

religious service for the burial of any dead body, or shall in any other way dispose of a dead body, for which no certificate shall have been duly made and delivered as aforesaid, either by the Registrar, or by the Coroner, or Justice of the Peace, holding an inquest on the body, and who shall not within two months give notice thereof to the Registrar of the District, shall be liable to forfeit and pay a sum not exceeding £10 for every such offence, to be recovered in a summary way.

Correction of Accidental Errors.

XXII. Any person upon whose information any Birth or Death shall have been registered, who shall discover any error to have been committed in the form or substance of such entry, shall not be liable to any penalty on account thereof, if, within three months next after the discovery of such error, he shall in the presence of the Registrar, and two credible witnesses who shall respectively attest the entry, truly correct the error by signing a new entry in the margin, or in another part of the Register Book to which a distinct reference shall be made by writing across the original entry, and adding the date of such correction, but in either case without alteration or obliteration of the original entry.

Searches of Register Books and Certified Copies.

XXIII. Every Registrar who shall have the keeping, for the time being, of any Register Book of Births, Deaths, or Marriages, shall, at all reasonable hours on every day except Sunday, Christmas Day, Good Friday, and Public Holidays, allow searches of any Register Book in his keeping, to be made, and shall, if called upon to do so, give a copy certified under his hand of the entry of any Birth or Death registered, or any Marriage registered by him, on payment of the following Fees respectively,—viz., for a search in the Register Book extending over a period not more than one year, Two Shillings and Six Pence, and for every additional year, One Shilling; and for every single certified copy of an entry, Two Shillings and Six Pence, or if such certified copy be under the Seal of the Registrar, Five Shillings.

General Registry Indexes.

XXIV. The Registrar-General shall cause Indexes of the certified copies transmitted to him by the Registrars according to the provisions of this Act, to be made and kept in his office; and shall permit any person demanding to do so, to search any such Index, and to have a copy certified under the Registrar-General's hand, of any entry of a Birth, Death, or Marriage duly returned and certified to him by any Officiating Minister or Registrar, or a certified copy of such Record of any Marriage, the particulars of which have been duly forwarded to the Registrar-General by the Officiating Minister or Registrar, or other legally competent person by whom such Marriage was celebrated or registered, as may be authorised by any Act for regulating Marriages which may be in force in the Colony: And for every search in any Index in the office of the Registrar-General a Fee of Five Shillings shall be paid by the person requiring such search; and for every certified copy of any entry in the records of his Office, shall be paid a Fee of Two Shillings and Sixpence, or if such certified copy be under the Seal of the Registrar-General, a Fee of Five Shillings.

Registration.

XXV. Certified copies of Registers or Entries made or given by the Registrar-General or any Registrar, and purporting to be signed by such Officers respectively, shall be received as *primâ facie* evidence in any Court of Justice within the Colony, of the fact of the Birth, Death, or Marriage, to which the same relates.

Certified Copies of Entries to be received as *primâ facie* evidence

XXVI. Every person who shall offend against this Act by refusing or neglecting to give any notice or information required by any of the foregoing Sections, shall for every such offence forfeit a sum not exceeding Ten Pounds: Provided that, in the case of a Birth, the Father, or if he be dead or absent, or the child be illegitimate, the mother of the child, and in the case of a Death, the occupier of the house in which such Death shall have taken place, shall respectively be the persons liable to this penalty.

Penalty on refusing or neglecting to give information.

XXVII. Every Registrar who shall refuse, or without reasonable cause omit to register any Birth of which he shall have had due notice and information as aforesaid, and every person having the custody of any Register Book, or certified copy thereof, or of any part thereof, who shall negligently lose or injure the same, or negligently allow the same to be injured whilst in his keeping, shall forfeit and pay a sum not exceeding Twenty Pounds for every such offence.

Penalties on Registrars.

XXVIII. Every person who shall wilfully make or cause to be made, for the purpose of being inserted in any Register Book of Births, Deaths, or Marriages, any false statement touching any of the particulars required to be known and registered under the provisions of this Act or of any Act for regulating Marriages in the Colony which shall at the time be in force, shall be deemed guilty of a misdemeanour.

Punishment for false statements.

XXIX. Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any Register Book of Births, Deaths, or Marriages, or any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of such Register Book or certified copy thereof, or shall wilfully insert or cause to be inserted in any Register Book or certified copy thereof any false entry of any Birth, Death, or Marriage, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any Register Book, knowing the same Register to be false in any part thereof, or shall forge or counterfeit the signature or seal or stamp of the Registrar-General or of any District Registrar, or any impression thereof, shall be deemed guilty of felony, and be liable on conviction to penal servitude for any term not exceeding five years: Provided always that every person having the custody or care of any Register Books of Births, Deaths, and Marriages, who shall wilfully permit or allow any such offence as aforesaid to be committed shall be liable to the punishment hereinbefore provided in reference to persons actually committing the same.

Punishment for certain Offences.

Registration.

Recovery of Penalties.

XXX. All fines, forfeitures, and penalties, by this Act imposed, shall be recovered before any two Justices of the Peace, in a summary way, upon the complaint of any person.

Application of Fees and Penalties.

XXXI. All fines and penalties recovered and all fees received under this Act shall be paid to Her Majesty, for the public uses of the Colony, and in support of the Government thereof.

Aboriginal Natives.

XXXII. Nothing herein contained shall apply to the Registration of Births or Deaths of the Aboriginal Native Race of New Zealand, or to Marriages between persons both of that Race, except in accordance with any provisions in that behalf contained in any Law for regulating Marriages in the Colony which may be in force for the time being: Provided that this Act shall come into operation in respect of the Births, Deaths, and Marriages of persons of the said Race, in such Districts, and at such times, as the Governor shall by proclamation from time to time appoint: Provided also that Half Castes and other persons of Mixed Race, living as members of any Native tribe, shall, for the purposes of this Act, be deemed to be persons of the Native Race.

Commencement of Act.

XXXIII. So far as respects the appointments, the proclamation of new or altered Districts, the supply of vacancies, the making of Regulations, and the provision of Books and Forms, this Act shall take effect from the day of the passing thereof, and, as to all other matters, on the first day of January next.

Short Title.

XXXIV. The Short Title of this Act shall be "The Registration Act, 1858."

SCHEDULE A.

18 . BIRTHS IN THE DISTRICT OF										
No.	When Born, and Where.	Name, if any.	Sex.	Name & Surname of Father.	Name & Maiden Surname of Mother.	Rank or profession of Father.	Signature, descrip- tion, and residence of Informant.	When registered.	Signature of Registrar.	Name if added after Registration of Birth.
20	17th January. Auckland.	James.	Male.	William Green.	Rebecca Green, formerly Jennings.	Carpenter.	William Green, Father,—carpenter, Shortland Crescent, Auckland.	20th Jan.	A. B., Registrar.	

SCHEDULE B.

18 . DEATHS IN THE DISTRICT OF									
No.	When Died, and Where.	Name and Surname.	Sex.	Age.	Rank or Profession.	Cause of Death.	Signature, description, and residence of Informant.	When registered.	Signature of Registrar.
17	4th February. Auckland.	William Green.	Male.	Forty Three.	Carpenter.		Rebecca Green, widow, 17, Shortland street.	5th February.	A. B., Registrar.

Registration.

