

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

10° Elizabeth II, No. XXXIV.

No. 34 of 1961¹.
(Affected by No. 113 of 1965)

[As amended by Acts:

No. 28 of 1965², assented to 21st October, 1965;

No. 11 of 1975³, assented to 9th May, 1975;

and by a notice published in the *Gazette* on 31/12/75; and
reprinted pursuant to the Amendments Incorporation Act,
1938.]

**AN ACT to consolidate and amend the Law relating
to the Registration of Births, Deaths and
Marriages and for incidental and other purposes.**

[Assented to 6th November, 1961.]

BE it enacted—

PART I.—PRELIMINARY.

1. (1) This Act may be cited as the *Registration
of Births, Deaths and Marriages Act, 1961-1975*.

Short title.
Amended by
No. 11 of 1975,
s. 1.

¹ Came into operation on 1st September, 1963; See *G.G.* 16/8/63, p. 2375.

² Came into operation on 1st January, 1966; See *G.G.* 24/12/65, p. 4235.

³ Came into operation on 1st October, 1975; See *G.G.* 3/10/75, p. 3758.

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and Marriages.*

Commence-
ment.

(2) This Act shall come into operation on a day to be fixed by proclamation.

(3) It shall not be necessary to proclaim that the whole Act shall commence on one day, but the several Parts and sections may be proclaimed to commence on such days as are respectively fixed by proclamation.

Arrange-
ment.

(4) This Act is arranged as follows:—

PART I.—PRELIMINARY, ss. 1-3.

PART II.—ADMINISTRATION, ss. 4-19.

PART III.—REGISTRATION OF BIRTHS, ss. 20-31.

PART IV.—REGISTRATION OF DEATHS, ss. 32-46.

PART V.—REGISTRATION OF MARRIAGES, ss. 47-50.

PART VI.—REGISTRATION OF LEGITIMATED CHILDREN, ss. 51-57.

PART VII.—MISCELLANEOUS AND PENALTIES, ss. 58-74.

Repeal.
First
Schedule.

2. (1) The Acts mentioned in the First Schedule to this Act are repealed to the extent prescribed by that Schedule.

(2) The provisions of sections fifteen and sixteen of the Interpretation Act, 1918, apply in respect of the repeals effected by subsection (1) of this section, but this express application of the provisions of those sections does not exclude the application to this Act of the other provisions of the Interpretation Act, 1918.

Interpreta-
tion.
Amended by
No. 28 of 1965,
s. 3.

3. In this Act, unless the contrary intention appears—

“assistant district registrar” means a person appointed to a registry district to assist the district registrar in the carrying out of his duties therein;

“birth” or “birth of a child” means the complete expulsion or extraction from its mother of a product of conception born alive or which is of such period of gestation or such weight as may be prescribed;

“district registrar” means a district registrar or a deputy district registrar appointed under this Act to administer this Act in a registry district;

“extract of entry” means an extract in writing under the seal of the office from which it is issued containing such particulars of a registration of a birth, death or marriage as the Registrar General approves;

“minister” means—

(a) a minister of religion registered under Division I. of Part IV. of the Marriage Act 1961 of the Parliament of the Commonwealth, or of that Act as amended from time to time; or

(b) an officer or person, not being a district registrar authorised to solemnise marriages pursuant to subsection (2) of section thirty-nine of that Act or of that Act as so amended;

“occupier of the building or place” means the principal occupier for the time being of any building or place and, in relation to a gaol, prison, hospital, mental hospital or other public or charitable institution, the principal officer or the person in actual charge thereof;

“parent” means the father, mother or guardian;

“seal” means any seal, stamp, or die caused to be made by the Registrar General for the purposes of this Act.

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PART II.—ADMINISTRATION.

Appointment
of, and
adminis-
tration
of Act by,
Registrar
General.

4. (1) The Governor may appoint a person to be the Registrar General, who shall be charged with the general administration of this Act.

(2) The Governor may appoint a person to be the Deputy Registrar General.

(3) Everything appointed, authorised or required to be done or signed under this or any other Act by the Registrar General may be done or signed by the Deputy Registrar General and shall be as valid and effectual as if done or signed by the Registrar General.

Registry
districts.

5. The Governor may, for the purposes of this Act, by notice in the *Government Gazette*, from time to time, establish and fix the boundaries of registry districts and may, in like manner, from time to time, by a subsequent notice, alter any such district and the boundaries thereof.

District
registrars
and assistant
district
registrars.
Amended by
No. 28 of 1965,
s. 4.

6. (1) The Registrar General may in writing under his hand appoint a person to be a district registrar or assistant district registrar for a registry district, and may also in like manner appoint a person to be the deputy of a district registrar or to act in the place of a district registrar whenever a district registrar is absent on leave or in consequence of sickness, or for any reason is temporarily unable to perform the duties of his office.

(2) A person appointed to act as deputy district registrar or acting district registrar has and may exercise while so acting all the powers, duties and functions of the district registrar for whom he is appointed deputy or in whose place he is acting.

Officers.

(3) There may be appointed under and subject to the Public Service Act, 1904, such number of officers as are required for the effective administration of this Act.

(4) The Registrar General shall in writing under his hand, appoint from among the persons who are employed—

Registration
Officers.

- (a) in the office of the Registrar General; and
- (b) in a permanent capacity in the Public Service of the State,

such number of persons to be registration officers as he considers necessary.

(5) Notice of the appointment of a person as a registration officer shall be published by the Registrar General in the *Government Gazette* as soon as practical after the appointment is made.

Notice of
appoint-
ment.

(6) The Registrar General may in writing under his hand cancel the appointment of a person as a registration officer and notice thereof shall be published by the Registrar General in the *Government Gazette* as soon as practicable after the appointment is so cancelled.

Cancellation
of appoint-
ment.

6A. (1) Every registration officer appointed under this Act has, subject to the general direction and control of the Registrar General, and to such restrictions and limitations as may be imposed by the Registrar General, power and authority for and on behalf of the Registrar General to sign and execute all such documents as require signature for execution.

Powers of
Registration
Officers.
Added by
No. 28 of 1965,
s. 5.

(2) A person dealing with a registration officer shall not be concerned to see and inquire whether any restrictions or limitations as are referred to in subsection (1) of this section have been imposed on the exercise of his powers and every act or omission of any registration officer, so far as it affects that person, has the same force and effect and the same consequence, as if it were done or omitted by the Registrar General.

Person
dealing with
Registration
Officer
not bound
to inquire.

7. Whenever the Registrar General is absent on leave or in consequence of sickness, or for any reason is temporarily unable to perform the duties of his

Temporary
vacancy in
office of
Registrar
General.

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office, the Governor may appoint a person to act in his stead and that person, while so acting, has all the powers, duties and functions of the Registrar General.

Notice to be exhibited outside office of district registrar or assistant district registrar.
Amended by No. 28 of 1965 s. 6.

8. (1) Every district registrar and assistant district registrar shall maintain an office within the registry district for which he is appointed and shall affix or cause to be affixed and keep affixed in some conspicuous place on the outside of the building in which the office is situated, a notice bearing the words, "district registrar" or "assistant district registrar", as the case may be.

Where registration to be made.

(2) Subject to the provisions of this Act, all births, deaths and marriages occurring in the State shall be registered by the Registrar General.

Duty of District Registrar to obtain and forward information to Registrar General.
Repealed and re-enacted by No. 28 of 1965, s. 7.

9. Every district registrar shall—

- (a) to the best of his ability procure information in the prescribed form of every birth or death occurring in the registry district for which he is appointed; and
- (b) as soon as practicable thereafter forward the form duly completed to the Registrar General.

Duty of Registrar General to register births, deaths and marriages.
Repealed and re-enacted by No. 28 of 1965, s. 8.

10. (1) Subject to this Act, the Registrar General shall—

- (a) register, or cause to be registered, every birth, death and marriage that occurs in the State by recording the particulars thereof according to the appropriate form prescribed in the Schedules to this Act, in the appropriate register provided for the purpose; and
- (b) as soon as practicable thereafter, send to the district registrar a duplicate of the particulars of each birth, death or marriage that—
 - (i) occurred in the registry district for which the district registrar is appointed; and

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(ii) particulars of which have been recorded in a register by the Registrar General in accordance with this subsection.

(2) The district registrar shall keep each duplicate of the particulars received by him from the Registrar General pursuant to subsection (1) of this section, in the appropriate register provided for the purpose.

11. Every assistant district registrar shall keep such records of births and deaths occurring in the registry district for which he is appointed as may be prescribed.

Records to be kept by assistant district registrar.

12. Where a duplicate referred to in section ten of this Act is lost, mislaid, mutilated or illegible, the Registrar General shall make and send to the appropriate district registrar a copy of the duplicate, certified under the hand of the Registrar General as being a true copy thereof, and the copy shall, for all purposes, be deemed to be the duplicate for which the copy is in substitution.

Registrar General to provide copies of lost, mislaid, etc., duplicates. Repealed and re-enacted by No. 28 of 1965, s. 9.

13. (1) The Registrar General shall supply every district registrar and every minister with such registers, books and forms as are required by a district registrar or minister for the purpose of enabling him to comply with the provisions of this Act.

Registrar General to supply registers, books to district registrars and ministers.

(2) Without prejudice to the operation of section two of this Act, all registers, books and forms prescribed under the Acts repealed by this Act may be used for the purpose until registers, books and forms prescribed under this Act are so supplied.

14. (1) Every certified copy and extract of entry of and every registration of birth, death or marriage shall be signed and sealed with a seal provided for the purpose, by the Registrar General or the district registrar for the registry district wherein the birth, death or marriage is recorded.

Registrar General to provide seal for use on documents. Amended by No. 28 of 1965, s. 10.

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(2) The seal referred to in subsection (1) of this section shall be provided by the Registrar General.

Power to prescribe certificates of causes of death to be supplied by medical practitioner.

15. (1) The Registrar General may from time to time prescribe—

- (a) the form of certificate of the causes of death that is to be given by duly qualified medical practitioners; and
- (b) the system of classification of the causes of death that is to be adopted by those practitioners.

(2) The Registrar General shall provide each duly qualified medical practitioner with printed forms of the certificate and full particulars of the system referred to in subsection (1) of this section.

Indexes to be kept by Registrar General and district registrar.

16. (1) The Registrar General shall keep, or cause to be kept, indexes of every birth, death and marriage registered in the State.

(2) Every district registrar shall keep and maintain, or cause to be kept and maintained, indexes of all entries made in the registers kept at his office.

Power of Registrar General to register birth, death or marriage. Amended by No. 28 of 1965, s. 11.

17. (1) Subject to section twenty-five of this Act, where the birth of a person born in the State, or a death or marriage that occurred therein, has not been registered under this Act or any Act repealed by this Act, the Registrar General may, whether the birth, death or marriage occurred before or after the coming into operation of this Act, if he is of opinion that he has sufficient evidence of the several particulars required to be recorded under this Act, cause the birth, death or marriage to be registered in accordance with this Act.

(2) Nothing in this section relieves a person from liability for failing to give notice of the birth, death or marriage or to inform a district registrar of the

particulars required to register the birth, death or marriage within the time limited by this Act or by any Act repealed by this Act.

18. (1) Subject to the provisions of subsections (2), (3) and (4) of this section and subsection (3) of section sixty-five, the Registrar General and every district registrar shall—

Searches of register and certified copies of searches.
Amended by No. 28 of 1965, s. 12; No. 11 of 1975, s. 3.

- (a) upon request cause a search to be made of any register kept by him;
- (b) [*Deleted by No. 11 of 1975, s.3.*]
- (c) if requested provide a certified copy or extract of entry, of an entry in the register on payment of the prescribed fees.

(2) Where a registration of birth in a register reveals the fact that the person whose birth the registration records has been legally adopted, legitimated or is an illegitimate child—

- (a) no search of the registration shall be permitted unless and until the Registrar General consents to the search being made; and
- (b) no certified copy of the registration shall be issued except by the authority and at the discretion of the Registrar General.

(3) Where the Registrar General or district registrar is of opinion that the reason for which a search of any register kept by him or certified copy or extract of entry of any entry in such register is required, is not sufficient, the Registrar General or district registrar shall refuse to allow the search to be made or to issue the certified copy or extract of entry.

(4) Where pursuant to subsection (3) of this section, a district registrar refuses to allow a search to be made or refuses to issue a certified copy or extract of entry in a register, the applicant therefor may in writing and upon payment of the prescribed fees for the search or certified copy or extract, as

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the case may be, request the Registrar General to cause the search to be made or certified copy or extract to be issued, and the Registrar General may either comply with the request or pursuant to subsection (3) of this section, refuse to do so.

(5) Where the Registrar General refuses to cause any search to be made or to issue any certified copy or extract, whether in the first instance or after a refusal by a district registrar, the applicant therefor may in writing, and upon payment of the appropriate prescribed fees, request the Minister to direct in writing the Registrar General to allow the search to be made or the certified copy or extract to be issued to the applicant, and if the Minister so directs, the Registrar General shall give effect to the direction of the Minister.

Certified copies of register or entries of registers to be *prima facie* evidence.

19. (1) Subject to the provisions of subsection (2) of this section, a certified copy of a registration of a birth, death or marriage issued by the Registrar General or a district registrar, if it is sealed with the seal of the Registrar General or the district registrar and purports to be signed by the Registrar General or the district registrar, shall be received as *prima facie* evidence in all legal proceedings, whether civil or criminal of the facts of the birth, death or marriage to which the certified copy relates.

(2) A certified copy of a registration of a death shall not be so received as *prima facie* evidence, unless the date and place of burial or other disposal of the body of the person to whom the certified copy relates, is stated therein.

PART III.—REGISTRATION OF BIRTHS.

Duty of parent to register birth.
Amended by No. 113 of 1965, s. 8.

20. (1) The parent of a child born in the State, whether when it issued from its mother it was alive or dead shall give or cause to be given to the district registrar or assistant district registrar of the registry district in which the child was born, the several particulars relating to that birth contained in the prescribed birth information paper.

(2) The particulars shall be so given or caused to be so given within sixty days after the date of the birth.

(3) Where, owing to the death, absence, inability, or default of the parent of a child born in the State, particulars of the birth have not been given as required by subsections (1) and (2) of this section, the occupier of the building or place where the child was born shall give those particulars to the district registrar or assistant district registrar in the manner and within the time provided by those subsections.

Penalty: Twenty dollars.

(4) If any person who is required to comply with the foregoing provisions of this section does so, no other person is required so to comply.

(5) When the particulars as to the paternity of a child are entered in a register in accordance with this section or section twenty-one of this Act, the surname of the child shall be deemed to be the same as the surname of the person who is shown in those particulars as the father of the child.

21. (1) Notwithstanding the provisions of section twenty of this Act, the father of an illegitimate child is not required to give the information referred to in that section concerning the birth of the child.

Registration
of birth of
illegitimate
child.
Amended by
No. 28 of 1965,
s. 13.

(2) The Registrar General shall not enter or cause to be entered in a register the name of any person as the father of such child, unless the several particulars required under section twenty of this Act are given by the mother of the child and a statutory declaration in the prescribed form declaring that he is the father of the child is made and furnished to the Registrar General by that person.

(3) Where at any time after the registration of the birth of an illegitimate child, the Registrar General is satisfied by a statutory declaration or such other evidence as he may require, that both

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the mother and the person acknowledging himself to be the father of the child require the name of, and any other particulars relating to the father of the child, to be entered in the register, the Registrar General may authorise the entry in the register of the name and those particulars.

(4) Where the mother of an illegitimate child is dead or cannot be found or is unable to make the request referred to in subsection (3) of this section, if the Registrar General thinks fit, he may upon the request of the father of the illegitimate child authorise the entry in the register of the name and particulars referred to in subsection (3) of this section.

(5) Where an entry of the name of the father of a child is made in the register pursuant to this section, an entry shall also be made in the register indicating that the first mentioned entry was made pursuant to this section.

All births
to be
registered.

22. The birth in the State of every child not born alive shall be registered under the provisions of this Act and for the purposes of this Act every such child shall be deemed to have been born alive and to have subsequently died.

23. [*Repealed by No. 28 of 1965, s. 14.*]

Registration
of birth after
twelve
months
from date
thereof.
Repealed
and
re-enacted
by No. 28 of
1965, s. 15;
Amended by
No. 11 of 1975,
s. 4.

24. Where the birth of a child born in the State is not registered under this Act within a period of twelve months next following the date of the birth, the birth shall not be registered under this Act except on the written authority of the Registrar General, and the fact that such authority was given and the date thereof, shall be entered in the register.

Appeal from
Registrar
General.
Repealed
and
re-enacted
by No. 11 of
1975, s. 5.

25. (1) Where the Registrar General authorises or refuses to authorise the registration of a birth under section twenty-four of this Act any person aggrieved by reason of that decision may apply to a Judge for an order against that decision.

(2) Upon production to him of a certified copy of an order made under subsection (1) of this section the Registrar General shall delete the registration of a birth from the register or authorise the registration of a birth in the register in terms of the order.

(3) Where the Registrar General registers a birth pursuant to an order made under this section he shall enter in the register the fact that the registration was ordered under this section.

26. Except where a birth is registered in accordance with section fifty-one, fifty-two or fifty-four of this Act, no register or certified copy of an entry in the register is evidence to prove the birth of a child if it appears from the entry that more than twelve months have elapsed between the date of the birth and the date of the registration of the birth of that child, unless the entry purports to have been made with the written authority of the Registrar General or by order of a Judge.

Certain registrations not to be evidence. Repealed and re-enacted by No. 11 of 1975, s. 6.

27. [*Repealed by No. 28 of 1965, s. 18.*]

28. (1) Where a child born out of the State arrives in the State before attaining the age of eighteen months and the birth of that child has not been registered elsewhere, if the parents of the child are about to reside in the State with the child, the parents shall at any time within sixty days from the date of the arrival of the child in the State—

Registration of births of children born out of the State. Amended by No. 28 of 1965, s. 19.

- (a) inform the Registrar General of the birth of the child;
- (b) give to the Registrar General the several particulars contained in the prescribed birth information paper; and
- (c) give to the Registrar General such proof as to the correctness of those particulars as the Registrar General may require,

and thereupon the Registrar General may cause the birth to be registered.

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(2) Where a parent of a child referred to in subsection (1) of this section, fails to register the birth of the child in accordance with that subsection, the Registrar General may cause the birth to be registered.

(3) Sections twenty-four and twenty-five of this Act apply to the registration of the birth of the child as though the reference in that section to the date of the birth of the child in the State were a reference to the date of the arrival of the child in the State and as though the child were born in the State.

Registration
of name after
registration
of birth.

29. (1) Notwithstanding the provisions of any other Act—

- (a) where a child whose birth has been registered under this Act without a first or christian name has any such name given to it after the registration;
- (b) where another first or christian name is given to a child in place of the first or christian name entered in the register at the time the birth of the child was registered; or
- (c) where an additional first or christian name has been given to a child after the registration of his birth,

the parents of the child, at any time within twelve months after the date of the birth, may in the prescribed manner apply to the Registrar General to register the name so given and the Registrar General, on payment to him of the prescribed fee, shall cause the name to be registered accordingly.

(2) The Registrar General may authorise an alteration or addition to the register pursuant to this section on the application of—

- (a) one parent of the child if the other is dead or if the parents of the child are divorced or legally separated and the parent making the application has the sole custody of the child;

- (b) the legal guardian of the child if the child has one;
- (c) the mother of the child in the case of an illegitimate child;
- (d) the parent of the child who has been deserted, where one parent has been deserted by the other parent; or
- (e) the parent of the child with whom the child lives permanently, where the parents are living apart but are not divorced or separated by an order of a court or by agreement.

(3) An alteration or addition to the register made pursuant to this section shall be entered in the margin of the appropriate registration entry and signed by the Registrar General or district registrar in whose office the register is kept on the authority of the Registrar General, but not more than one alteration or addition to the register in respect of the name of any child shall be so made.

30. (1) Where the Registrar General is satisfied that a person, whose birth or marriage is registered in the State, has lawfully changed his name or lawfully assumed a new name since any such registration, the Registrar General may, on receipt of—

Registration
of change
of name.
Amended by
No. 28 of 1965,
s. 20.

- (a) an application in the prescribed form by that person, or, in the case of a child, by the parents of the child, for the changed or assumed name to be entered in the appropriate register;
- (b) a copy of the document (if any) authorising the change or assumption of the name; and
- (c) the prescribed fee,

cause an entry referring to the change or assumption of name to be made in the margin of the appropriate registration.

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(2) The Registrar General shall not cause an entry to be made in the registration of the birth of a female person pursuant to this section, by reason only of the change of the name of that person consequent upon marriage or upon the change of such a name, to a name other than the maiden surname of that person.

(3) The provisions of subsection (2) of section twenty-nine of this Act apply to an application made under this section in respect of a child.

Information
respecting
foundlings
to be given.

31. Where a new born child is found exposed or abandoned any person in whose charge the child may be placed shall, so far as he is able, after due enquiry, give to the district registrar appointed for the registry district wherein the child was found, within seven days after the date of the finding of the child, the several particulars contained in the prescribed birth information paper.

PART IV.—REGISTRATION OF DEATHS.

Registration
of deaths
within
fourteen
days of
death.
Amended by
No. 11 of 1975,
s. 7.

32. The occupier of a building or place in the State in which a death occurs or the person disposing of a dead body shall within fourteen days next following the date of the death or finding of the body—

- (a) inform the district registrar or assistant district registrar appointed for the registry district in which the death occurred or the body was found, of the death; and
- (b) within that period to the best of his knowledge and belief give to that district registrar or assistant district registrar the several particulars contained in the prescribed death information paper.

33. (1) Where a ship arrives at any port in the State, if a death of a person has occurred in the ship during any part of the voyage to that port, the person having command or charge of the ship or his agent shall on the arrival of the ship at the port—

Commanders
of ships to
report
deaths.

- (a) inform the district registrar appointed for the registry district wherein the port is situated, or the assistant district registrar for that district, of the death;
- (b) to the best of his knowledge and belief give to that district registrar or that assistant district registrar the several particulars concerning the death, in the form contained in the prescribed death information paper; and
- (c) cause the district registrar to be furnished with a certificate as to the cause of the death of the person signed by a duly qualified medical practitioner.

(2) The district registrar on receipt of the information paper referred to in subsection (1) of this section shall forthwith forward it to the Registrar General, who shall, without fee, cause the death, to which the paper relates, to be registered.

34. (1) Where an aircraft that is carrying a dead body of a person lands in the State or where the death of a person occurs in an aircraft while it is in the State, the person having command or charge of the aircraft or his agent shall—

Commander
of aircraft
to report
deaths.

- (a) as soon as practicable inform the Registrar General;
- (b) within fourteen days of the death of the person, to the best of his knowledge and belief, give to the Registrar General, the several particulars concerning the death in the form contained in the prescribed death information paper; and
- (c) cause the district registrar to be furnished with a certificate as to the cause of the death of the person signed by a duly qualified medical practitioner.

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(2) The Registrar General on receipt of the information paper referred to in subsection (1) of this section shall forthwith, without fee, cause the death, to which the paper relates, to be registered.

Person in charge of Anatomy School to furnish particulars of death.

35. (1) A person in charge of a school of anatomy authorised by license under section four of the Anatomy Act, 1930, shall, within fourteen days after the date when the body of a deceased person is delivered to that school for anatomical examination, to the best of his knowledge and belief, furnish to the Registrar General the several particulars concerning the death of the deceased person contained in the prescribed death information paper.

(2) The Registrar General on receipt of the death information paper shall cause the death to be registered.

36. [*Repealed by No. 28 of 1965, s. 21.*]

37. [*Repealed by No. 28 of 1965, s. 22.*]

38. [*Repealed by No. 28 of 1965, s. 23.*]

39. [*Repealed by No. 28 of 1965, s. 24.*]

40. [*Repealed by No. 28 of 1965, s. 25.*]

Medical certificates as to cause of death.
Amended by No. 11 of 1975, s. 8.

41. (1) Except as provided in subsection (1) of section forty-four of this Act, on the death of a person who has been attended during his last illness by a duly qualified medical practitioner, that practitioner shall forthwith after the death—

- (a) complete and sign a medical certificate in the form approved by the Registrar General; and

- (b) give the certificate referred to in paragraph (a) of this subsection to a person required by this Part of this Act to give information concerning the death to the district registrar or assistant district registrar appointed for the registry district in which the death occurred.

(2) The person to whom the certificate is given by the medical practitioner shall, when notifying the death, give the certificate to the district registrar or assistant district registrar.

(3) Where the death of a person occurs prior to the twenty-ninth day next following his birth, the medical practitioner shall give a certificate as to the cause of death as provided in subsection (1) of this section, but the certificate shall be in the form approved by the Registrar General in respect of such a death.

42. The cause of death stated in a medical certificate given pursuant to section forty-one of this Act, or as stated by the Coroner in the information given by him pursuant to section forty-four of this Act, shall be entered in the register by the Registrar General.

Cause of death to be entered in register. Repealed and re-enacted by No. 28 of 1965, s. 27.

43. A duly qualified medical practitioner and any person required by this Part of this Act to give information concerning a death who, without reasonable cause, fails to comply with the provisions of section forty-one of this Act, commits an offence.

Penalty. Amended by No. 113 of 1965, s. 8.

Penalty: Twenty dollars.

44. (1) The medical practitioner who first views the dead body of a person shall—

- (a) where in the opinion of the practitioner, the death has occurred under any circumstances of suspicion;

Medical practitioner to notify Coroner in certain cases and not give death certificate.

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- (b) where the practitioner has reasonable cause to suspect that deceased person has died either a violent or an unnatural death; or
- (c) where the cause of death is not known to him,

forthwith notify the Coroner of the death and shall not issue a death certificate in respect of the death.

Notification to Coroner of finding of dead body.

(2) Where a dead body of a person is found exposed, the person finding it shall forthwith notify a member of the police force of the State.

(3) The member of the police force referred to in subsection (2) of this section shall—

- (a) forthwith notify the Coroner; and
- (b) after due enquiry furnish the district registrar or assistant district registrar appointed for the registry district wherein the body was found, with the several particulars contained in the prescribed death information paper.

Coroner to give particulars of death.

(4) Where the Coroner is informed of the death of a person he shall, after inquiry into the cause of the death in accordance with the Coroners Act, 1920, or if he does not hold such inquiry, give to the district registrar the information required by paragraph (3) of section forty-three of that Act.

Certificate of Minister and Undertaker.
Amended by No. 11 of 1975, s. 9.

45. (1) A person who buries, deposits at a crematorium or otherwise disposes of the body of a person shall, within fourteen days after the burial, deposit or disposal, give to the district registrar or assistant district registrar appointed for the registry district wherein the person died, a certificate in the form of the Fifth Schedule to this Act, countersigned by the minister officiating at the service when the body is buried or otherwise disposed of, or by two witnesses of the burial or other disposal of the body.

(2) The Registrar General shall, on receiving notice in the form prescribed by regulations made under the Cremation Act, 1929, of the cremation of

the dead body of a person, cause the date, place, name of the certifying officer and the fact that the body was cremated to be registered with the registration of the death of that person.

(3) [*Repealed by No. 11 of 1975, s. 9.*]

45A. A person shall not remove the dead body of a person from the State or cause it to be removed from the State unless and until the death of that person has been registered in accordance with this Act.

Removal of the body of a person from the State. Added by No. 11 of 1975, s. 10.

45B. A registration of the death of a person shall not be made unless an entry showing the manner in which the body of the person was disposed of is made in the register.

No registration of death without entry of manner of disposal. Added by No. 11 of 1975, s. 10.

46. For the purposes of this Part of this Act the product of a birth shall be deemed to be a body of a person.

Product of birth deemed to be body of person.

PART V.—REGISTRATION OF MARRIAGES.

47. (1) The official certificate of a marriage prepared by a minister in accordance with the Marriage Act 1961 of the Parliament of the Commonwealth, as amended from time to time, and required by that Act to be forwarded to the appropriate registering authority of the State, shall be so forwarded by the minister within a period of fourteen days of the date of the marriage to which the certificate relates.

Official certificate to be forwarded. Repealed and re-enacted by No. 28 of 1965, s. 28.

(2) Where a district registrar—

- (a) prepares an official certificate of a marriage; or
- (b) receives an official certificate of a marriage,

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pursuant to the Marriage Act 1961 of the Parliament of the Commonwealth, as so amended, he shall as soon as practicable thereafter forward the official certificate to the Registrar General for registration of the marriage.

Registration of marriage after original failure to register.

48. (1) Where a minister who celebrates a marriage fails to transmit the particulars of the marriage to a district registrar as required by this Act, the Registrar General may, if he is satisfied as to the correctness of the several particulars required for the registration of the marriage of which he then has knowledge, cause the marriage to be registered.

(2) For the purpose of registering a marriage the Registrar General may require—

- (a) the production by any person of an existing certificate of the marriage; and
- (b) from any person, such other evidence relating to the marriage, as he deems necessary, for the purpose of registering the marriage.

Registrar of Supreme Court to forward details of divorces and nullity decrees.

49. The Registrar of the Supreme Court shall, once in each month, forward to the Registrar General particulars in the prescribed form of every order or decree of dissolution of a marriage or of nullity of a marriage made by that Court and which has become final or absolute during the last preceding month.

Orders or decrees of divorce or nullity of competent court registrable in respect of marriages celebrated in the State.

50. Where a marriage celebrated in the State is finally dissolved or declared a nullity by order or decree of any court of competent jurisdiction in the Commonwealth or in the Dominion of New Zealand, the Registrar General shall, on receiving from that Court a certificate of the particulars of the order or decree under the hand of the Master or Registrar of the Court, cause an entry to be made in the registration of the marriage referring to the fact that the marriage has been finally dissolved or declared a nullity by the order or decree.

PART VI.—REGISTRATION OF LEGITIMATED
CHILDREN.

51. Where a child, whose parents were not married to each other at the time of his birth, is legitimated by the subsequent marriage of those parents, if the child was born in the State, the parents shall, unless the child has been registered in accordance with the Legitimation Act, 1909, inform the Registrar General, in accordance with the regulations, of the legitimation of the child.

Notice of legitimated child born in the State.
Amended by No. 113 of 1965, s. 8.

Penalty: Forty dollars.

52. (1) Where a child born outside the State, whose parents were not married to each other at the time of his birth, is legitimated by the subsequent marriage of those parents, if the child is domiciled in the State, application in accordance with this section and with the regulations may be made to the Registrar General to have the birth of the child registered.

Registration of birth of legitimated child born outside the State.

(2) The Registrar General may approve of the application duly made under this section if—

- (a) there is produced to him with the application, a certified copy of the registration of the birth of the child made prior to the application; or
- (b) there is produced to him with the application, an order of the Supreme Court of a State or Territory of the Commonwealth declaring the person in respect of whom the application is made, to be legitimate.

(3) The Registrar General shall enter or cause to be entered in such register as he thinks fit every registration of a birth made pursuant to an application under this section.

Registration of birth under this section to be in register kept by Registrar General.

53. Before the birth of a child is registered in accordance with this Part of this Act, the father of the child shall, if the Registrar General so

Father to make statutory declaration if requested by Registrar General.

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requests him, make a statutory declaration in the prescribed form declaring that he is the father of the child.

Power to Registrar General to register birth.

54. Where the relevant provisions of the foregoing sections of this Part of this Act have been complied with in respect of a child to the satisfaction of the Registrar General, he may cause the birth of the child to be registered and shall, if the birth of the child has previously been registered, cause an entry to be made in that registration, referring to the registration made under this Part of this Act.

Power to Registrar General to authorise registration of birth of legitimated children in certain cases.

55. (1) Notwithstanding the provisions of subsection (1) of section twenty-five of this Act, registration under this Part of this Act, of the birth of a person born in the State may be authorised by the Registrar General, in accordance with the regulations where—

- (a) prior to the registration under this Part of this Act, the birth of the person has been registered under this Act or any previous corresponding enactment; or
- (b) there is produced to him by the person applying for the registration of the birth to be made, an order of the Supreme Court of a State or Territory of the Commonwealth declaring the person, whose birth he is applying to register, to be legitimate,

and in either case the Registrar General is satisfied that the several particulars given to him concerning the birth are sufficient and correct for the purpose of registering the birth.

(2) Where a registration of a birth is effected pursuant to this section, the Registrar General shall cause an entry to be made in the prior registration of the birth of the person (if any) referring to the registration made under this Part of this Act.

56. Every registration of a birth made under this Part of this Act—

Registrations to be in form of Second Schedule.

- (a) shall be in the form of the Second Schedule to this Act; and
- (b) shall include an entry referring to the Part of this Act pursuant to which the registration is made.

57. Notwithstanding any law, where the birth of a child is registered in accordance with this Part of this Act, the surname of the child shall be the same as the surname of the father of the child.

Legitimated child may use name of father.

PART VII.—MISCELLANEOUS AND PENALTIES.

58. (1) A minister or district registrar, who celebrates a marriage or who is about to do so, may ask the parties to the marriage or proposed marriage, to give to him the several particulars required to be registered under this Act concerning the marriage.

Power of minister or district registrar to require information of birth, death or marriage. Amended by No. 113 of 1965, s. 8.

(2) A district registrar may ask any person required by this Act to give particulars required for the registration of a birth or death to give to him any of those particulars.

(3) A person who fails to give to a minister or district registrar any particulars of a marriage, birth or death when required by the minister or the district registrar pursuant to this section so to do, commits an offence.

Penalty: Twenty dollars.

59. (1) Where a person is convicted of failing to give to a district registrar or an assistant district registrar any particulars of a birth or a death that under this Act that person is required to so give, or is convicted of failing to cause those particulars to be so given, the court convicting the person may order him forthwith to give those particulars to the district registrar or the assistant district registrar.

Offence of failing to give particulars of a birth or death. Amended by No. 113 of 1965, s. 8.

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(2) A person who fails to comply with an order made pursuant to subsection (1) of this section commits an offence and the offence shall be deemed to continue so long as the order is not complied with by the person against whom it is made.

Penalty: Forty dollars and an additional sum not exceeding two dollars for each day during which the offence is deemed to have continued.

Power of Registrar General to require attendance of persons and information from persons. Amended by No. 113 of 1965, s. 8.

60. (1) When by reason of the default or inability of the persons required by or under this Act to give information, any birth, death or marriage has not been registered or has been registered without all the required particulars having been recorded, the Registrar General may by written notice given to any person whom he believes to be acquainted with any of the facts concerning the birth, death or marriage—

- (a) require the person to attend personally at the office of the Registrar General or at the office of the district registrar in whose district the person resides, within such time, being not less than seven days after the receipt by the person of the notice, as is specified in the notice; and
- (b) require the person to give in writing to the Registrar General or to that district registrar, such information as he possesses concerning the birth, death or marriage as the Registrar General or the district registrar may require to enable the birth, death or marriage to be registered, or to enable the required particulars to be recorded.

(2) A person who fails to comply with a notice given to him pursuant to subsection (1) of this section commits an offence.

Penalty: Forty dollars.

61. (1) Except as otherwise expressly provided by this Act, every person who knowingly registers a birth, death or marriage contrary to the provisions of this Act, commits an offence.

Offences.
Amended by
No. 113 of
1965, s. 8.

Penalty: Forty dollars.

(2) A person who—

- (a) does that which by or under this Act he is forbidden to do; or
- (b) does not do that which by or under this Act he is required or directed to do; or
- (c) otherwise contravenes or fails to comply with any provision of this Act,

commits an offence against this Act.

(3) A person who commits an offence against this Act is liable on conviction to a penalty or punishment not exceeding the penalty or punishment expressly mentioned as the penalty or punishment for the offence, or if a penalty or punishment is not so mentioned, to a penalty not exceeding forty dollars.

General
penalty.

62. (1) The Registrar General shall not without reasonable cause refuse or omit to register a birth, death or marriage of which he has had due notice and information under this Act.

Offence by
Registrar
General and
others.
Repealed
and
re-enacted
by No. 28 of
1965, s. 29.
Amended by
No. 113 of
1965, s. 8.

(2) Every person having the custody of any register or part thereof, who negligently loses or damages it or negligently allows it to be damaged while in his keeping, commits an offence.

Penalty: Forty dollars.

63. (1) Every prescribed birth information paper and every prescribed death information paper shall contain a declaration in the form in the Sixth Schedule to this Act or to the same effect.

Information
papers to
contain
declaration.
Amended by
No. 28 of
1965, s. 30.

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(2) The person who gives the information on the prescribed form required for the registration of a birth or a death shall—

- (a) complete and sign the declaration referred to in subsection (1) of this section; and
- (b) cause his signature to be attested by a subscribing witness.

(3) Where the district registrar receives a prescribed form or any other paper or document required for the registration of a birth, death or marriage under this Act, he shall where required therein sign the prescribed form, paper or document and as soon as practicable forward it to the Registrar General.

District Registrar prohibited from making entry in register except by authority of Registrar General.
Added by No. 28 of 1965, s.31.

63A. A district registrar shall not make or cause to be made an entry in any register of births, deaths or marriages kept by him, unless he is authorised in writing by the Registrar General, to do so.

Prohibition of demand of extracts, etc.
Added by No. 11 of 1975, s. 11.

63B. A person shall not without reasonable cause demand the production of any extract of entry or certified copy of an entry made or issued under the provisions of this Act.

No prosecution without authority of Registrar General.

64. No prosecution for an offence against this Act shall be commenced without the authority of the Registrar General.

Correction of errors in registers.

65. (1) No person shall make an alteration in a register of births, deaths or marriages unless the alteration is made in accordance with the provisions of this Act.

(2) A clerical error or an error of fact or substance, or an omission of a material fact, in a register of births, deaths or marriages, may be corrected in the manner and by any person authorised by the Registrar General.

(3) Instead of authorising any correction in a register as provided in subsection (2) of this section, the Registrar General may direct a new entry to be made in the register, whereupon no certified copies of the original entry, extracts of entry therefrom, or searches thereof, shall be issued or permitted except by the authority of the Registrar General.

(4) For the purposes of this section the Registrar General may require any person to make and produce to him a statutory declaration and give to him such other evidence as to the facts as he may deem necessary.

(5) A certified copy of an entry in a register corrected in accordance with this section shall show in addition to the matter contained in that entry, any entry that is in the margin thereof.

66. The Registrar General may impound and keep any extract of entry or certified copy of a registration of a birth, death or marriage that has, subsequent to its issue, been altered or changed in any particular.

Power of Registrar General to impound altered extracts or certified copies.

67. No existing or future entry in a register kept under this Act and no certified copy of such an entry is inadmissible in evidence by reason only of the fact—

Omission of informant's signature not to render entries inadmissible in evidence.
Amended by No. 28 of 1965, s. 32.

- (a) that the entry has not been signed by the informant; or
- (b) that the entry has not been signed in accordance with this Act or any Act repealed by this Act, if in such a case, the Registrar General is satisfied as to the correctness of the entry and has caused an entry to that effect to be inserted in the margin of the entry.

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Entries in
respect of
registration
of birth of
adopted
child.

68. (1) Where the Registrar General is required by the Adoption of Children Act, 1896 to register or re-register the birth of a child, the registration or re-registration shall be made in duplicate in the form prescribed.

(2) The Registrar General shall cause an entry referring to a re-registration made pursuant to the Adoption of Children Act, 1896, to be made in the margin of the original registration of the birth of the child in the register kept in the office of the district registrar and in the register kept in the office of the Registrar General.

(3) Where the Registrar General is required to endorse a re-registration of a birth made pursuant to the Adoption of Children Act, 1896, with particulars of a variation, reversal or discharge of an order of adoption, the Registrar General shall cause those particulars to be entered in the margin of the original entry of the birth made under this Act, in the register kept in the office of the district registrar and in the register kept in the office of the Registrar General.

(4) The Registrar General shall amend the index of the register kept in his office and shall cause the index of the register kept in the office of the district registrar to be amended, so as to refer to any re-registration of a birth effected in accordance with subsection (2) of this section.

Right of
ministers to
receive
fees.

69. Nothing in this Act affects the right of a minister to require or receive a fee for or in respect of the performance of any baptism or burial.

Sections of
Second
Schedule of
Interpreta-
tion Act,
1918, incor-
porated.

70. Sections E, F, G and H of the Second Schedule to the Interpretation Act, 1918, are incorporated in this Act.

Power of
Governor to
amend
forms in
schedules.

71. The Governor may from time to time amend the forms contained in the Schedules to this Act.

72. (1) There shall be paid—

Fees.

- (a) to the Registrar General, and to every district registrar and assistant district registrar such fees as may be prescribed in respect of the matters and things respectively mentioned in this Act; and
- (b) to every district registrar and assistant district registrar such fees and emoluments for duties performed by them under this Act as may be prescribed.

(2) Where the Registrar General or any district registrar is empowered by this Act to do any act for which a fee is payable, he may refuse to do the act until the fee is paid.

(3) Notwithstanding the provisions of any regulation, the Registrar General may dispense with the payment of the whole or any part of a fee payable under the regulations.

73. (1) The Governor may make regulations for any purpose for which regulations are contemplated or required by this Act and may make all such other regulations as may, in his opinion, be necessary or expedient for giving full effect to the provisions of this Act and for the due administration of this Act.

Regulations.
Amended by
No. 113 of
1965, s. 8.

(2) The regulations may impose a fine not exceeding forty dollars for a breach of any regulation made under this section.

74. The cost of the administration of this Act shall be paid out of the moneys appropriated by Parliament for the purpose.

Cost of
adminis-
tration.

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Section 2.

FIRST SCHEDULE.

No. of Act.	Title of Act.	Extent of Repeal.
58 Vict. No. 16	Registration of Births, Deaths, and Marriages Act, 1894	The whole.
64 Vict. No. 31	Registration of Births, Deaths, and Marriages Amendment Act, 1900	The whole.
19 of 1907	Registration of Births, Deaths, and Marriages Amendment Act, 1907	The whole.
4 of 1914	Registration of Births, Deaths and Marriages Act Amend- ment Act, 1914	The whole.
21 of 1948	Registration of Births, Deaths and Marriages Act Amend- ment Act, 1948	The whole.
72 of 1956	Marriage Act Amendment Act, 1956	S. 2 and the schedules to the Act.

Registration of Births, Deaths and Marriages.


SECOND SCHEDULE.

Registration of Births, Deaths and Marriages Act, 1961,
Section 10—Schedule 2.

Substituted
by G.G.
31/12/65,
p. 4391.

BIRTHS in the.....Registry District of Western Australia.

Col.

1	Registration Number	
2	CHILD (1) Date of Birth (2) Place of Birth (3) Name (4) Sex	Surname Other Names
3	FATHER (1) Name (2) Usual Occupation (3) Age (4) Birthplace	years.
4	MARRIAGE OF PARENTS AND PREVIOUS ISSUE OF SUCH MARRIAGE (1) Date of Marriage (2) Place of Marriage (3) Christian (or equivalent) Names and Ages of Previous Issue, in order of Birth	
5	MOTHER (1) Name when Child was Born (2) Maiden Surname (3) Age (4) Birthplace	years.
6	WITNESSES (1) Accoucheur (2) Nurse (3) Other Witnesses of Birth (4) Occupier of Place where Child was Born	
7	INFORMANT (1) Description (2) Residence (Usual Address) (3) Name	
8	REGISTRAR (1) Date, and (2) Place of Registration (3) Signature of Registration Officer	

Registration of Births, Deaths and Marriages.

Substituted
by G.G.
31/12/65,
p. 4392.

THIRD SCHEDULE.

Registration of Births, Deaths and Marriages Act, 1961,
Section 10—Schedule 3.

DEATHS in the.....Registry District of Western Australia.

Col.

1	Registration Number	
2	DECEASED PERSON	Surname Other Names
	(1) Name	
	(2) Usual Occupation	
	(3) Late Residence	
3	(4) Sex ; (5) Age	
	(1) Date of Death	
4	(2) Place of Death	
	(1) Cause of Death (approximate interval between onset of disease or condition and death shown in parenthesis)	
	(2) Name of Medical Practitioner by whom certified ; and (3) Date he last saw deceased alive	
5	(1) Place of Birth	
	(2) Number of years lived in each of the Australian States	
6	(1) Name of Father (surname last)	
	(2) Father's Usual Occupation	
	(3) Christian (or equivalent) Name and Maiden Surname of Mother (surname last)	
7	(1) Conjugal Condition of Deceased	
	(2) Place of Marriage	
	(3) Date of Marriage	
	(4) Name of Person to whom Married	
	(5) Christian (or equivalent) Names and Ages of Children of Deceased, in order of Birth	
8	DISPOSAL OF BODY	
	(1) Date of Burial or Cremation	
	(2) Place of Burial or Cremation	
	(3) Name of Person certifying to Disposal of Body	
	(4) Name of Certifying Crematorium Official	
	(5) Name of Officiating Minister	
	(6) Religious Denomination of Officiating Minister	
(7) Names of Witnesses of Burial or Depositing of Body at Crematorium		
9	INFORMANT	
	(1) Description	
	(2) Address	
10	(3) Name (or signature)	
	REGISTRAR	
	(1) Date, and (2) Place of Registration	Seal
	(3) Signature of Registration Officer	

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FOURTH SCHEDULE.

Registration of Births, Deaths and Marriages Act, 1961,
Section 10—Schedule 4.

Substituted
by G.G.
31/12/65,
p. 4393.

MARRIAGES in the.....Registry District of Western Australia.

Col.

1	Registration Number		
2	Date of Marriage		
3	Place of Marriage		
4	Rites Used		
		Bridegroom	Bride
5	Surname		
6	Christian or Other Names		
7	Usual Occupation		
8	Usual Place of Residence		
9	Conjugal Status		
10	Birthplace		
11	Date of Birth		
12	Father's Name in Full		
13	Mother's Maiden Name in Full		
14	Name of Celebrant		
15	Names of Witnesses : (1) (2)		
16	Registered at Signature of Registration Officer Date Registered		

FIFTH SCHEDULE.

Substituted
by No. 11 of
1975, s. 12.

Registration No.
Registration of Births, Deaths and Marriages Act, 1961.
(Section 45, Schedule 5.).

CERTIFICATE OF DISPOSAL OF BODY.

- (1) Full name.
- (2) Address.
- (3) Description of certifier e.g., "Funeral Director", "Police Officer".
- (4) Full name of deceased.
- (5) Late address of deceased.
- (6) State method of disposal—
 - (a) buried or cremated;
 - (b) mausoleum or other resting place;
 - (c) reception into school of anatomy;
 - (d) deposited at the premises of.....
.....
(Name and address)
 - pending transfer to
.....
(destination) for burial/cremation.
- (7) Signature of person disposing of the dead body.
- (8) Name of Funeral Director or Firm.

I, (1)
 of (2)
 (3) do hereby certify that the dead body of
 (4)
 of (5)
 was on the day of 19..... disposed
 of in the following manner—
 (6)

 in the presence of the undersigned
 * (1)
 (2)
 (1)
 (2)
 Dated this day of 19.....
 Signature of Certifier (7)
 Acting for (8)

*If a person who is registered for the celebration of marriages in Australia is a witness, only one witness is necessary, otherwise two witnesses are necessary—see section 45 (1) of the Act.

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SIXTH SCHEDULE.

(Registration of Births, Deaths and Marriages Act, 1961,
Section 63, Schedule 6.)

DECLARATION BY INFORMANT OF A BIRTH.

I, the undersigned (name in full),
residing at (full address),
being the of the Child mentioned
in Item 2 above, do solemnly and sincerely declare that
the particulars given in this Paper are true to the best
of my knowledge and belief. And I make this solemn
declaration knowing that by the Criminal Code I am liable,
in case of falsehood, to imprisonment with hard labour for
three years.

Signature of Informant

Declared at this day of,
19....., before me (signature of Witness),
of (address of Witness)

DECLARATION BY INFORMANT OF A DEATH.

I, the undersigned (name in full),
of (full address),
(description), being one of the
persons required by law to give information to the District
Registrar concerning the death of the abovementioned
deceased person, do solemnly and sincerely declare that the
particulars given in this Paper are true to the best of my
knowledge and belief. And I make this solemn declaration
knowing that by the Criminal Code I am liable, in case of
falsehood, to imprisonment with hard labour for three years.

Signature of Informant

Declared at this day of,
19...., before me (signature of Witness),
of (address of Witness)