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#### 1 Name

These are the Births and Deaths Registration Rules 1969.

### 2 Interpretation

- (1) In these Rules
  - "Deputy Registrar" means a person designated as a Deputy Registrar of Births and Deaths under rule 3(3); and "the Deputy Registrar" means the Deputy Registrar by whom the birth or death, as the case may be, is required to be or has been registered;
  - "informant" means any person required by these Rules to furnish to the Deputy Registrar particulars of a birth or death;
  - "Register" means the Register of Births or the Register of Deaths, as the case may be;
  - "Registrar" means the Registrar of Births and Deaths appointed under these Rules.
- (2) A reference to a numbered form is a reference to a form so numbered in the Schedule 1.

#### PART 1 REGISTRATION GENERALLY

#### 3 Registrar and Deputy Registrars

- (1) The Council for the Ongoing Government may designate a fit and proper person employed in the Tokelau Public Service to be the Registrar of Births and Deaths under these Rules.
- (2) The office of the Registrar shall be at Apia in Samoa.
- (3) The Council for the Ongoing Government may designate fit and proper persons employed in the Tokelau Public Service to be Deputy Registrars of Births and Deaths.

### 4 Place of registration of births and deaths

All births and deaths occurring in Tokelau shall be registered by the Deputy Registrar whose office is nearest to the place where the birth occurred or to the place where the death occurred, as the case may be.

# 5 All births and deaths to be registered also with the Registrar at Apia

- (1) All births and deaths occurring in Tokelau shall, in addition to being registered as required by rule 4, be registered with the Registrar at Apia also.
- (2) For the purpose of paragraph (1), each Deputy Registrar shall, <u>as soon as practically possible and in no more than 1 month</u>, transmit to the Registrar at Apia duplicate sheets of all registrations of births and deaths effected by that Deputy Registrar, and shall certify on each sheet that the entries are a correct copy of the corresponding entries in the Register of Births or Register of Deaths, as the case may be.

#### PART 2 REGISTRATION OF BIRTHS

### 6 Form of Register of Births

The Register of Births shall be in form 1.

# 7 Particulars of birth required for registration

For the purposes of these Rules, where a birth occurs in Tokelau the particulars specified in form 1 shall be furnished to a Deputy Registrar within 1 month after the date of birth of the child.

# 8 Persons responsible for furnishing particulars of birth

- (1) The following persons shall be responsible for furnishing to a Deputy Registrar the particulars of births required by rule 7, namely
  - (i) the father or mother of the child;
  - (ii) the occupier of the house or building in which the child was born;
  - (iii) any person present at the birth of the child.
- (2) If any of the persons specified in paragraph (1) duly furnishes the required information, the others of those persons shall thereupon be freed from the obligation of so doing.

## 9 Entry in Register of Births

- (1) Upon receipt of the particulars of birth of any child born in Tokelau, the Deputy Registrar shall enter those particulars in the Register of Births and on the duplicate sheet to be supplied to the Registrar at Apia under rule 5.
- (2) Any child born on a ship or vessel owned or operated by Tokelau shall be deemed to be born in Tokelau.
- (3) Notwithstanding that full particulars required by these Rules have not been furnished, if satisfied with the particulars that have been furnished, the Deputy Registrar may register the birth of any child in the Register of Births and on the duplicate sheet.

### 10 Registration of births not previously registered

- (1) Notwithstanding these Rules, a Deputy Registrar may register the birth of any person born in Tokelau, whether before or after the commencement of these Rules, whose birth has not been previously registered in Tokelau.
- (2) Before acting under paragraph (1), satisfactory evidence is required by declaration and such other evidence as the Deputy Registrar thinks necessary of the several particulars required to be registered concerning the birth of any such person.

# 11 Informant may sign Register of Births

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

# 12 Entry of father's name

Unless the informant states that the child was born in lawful wedlock, or is the posthumous child of lawfully married persons, or unless the father together with the mother attends personally at the Deputy Registrar's office and makes an admission that he is the father of the child and the mother agrees to the father's name being entered in the Register of Births, the Deputy Registrar shall not enter in the Register of Births the name of any person as the father of the child.

# 13 Notice to attend on Deputy Registrar

Notwithstanding that the birth of any child has not been registered within the period specified in rule 7, a Deputy Registrar may at any time, by notice in writing, require the parent or some person present at the birth of the child to attend personally at his office within the time specified in the notice and give information of the particulars required to be registered, and the Deputy Registrar shall thereupon register the birth according to the information so given.

# 14 Registration of birth of child born before marriage of parents

- (1) Upon the intermarriage of the parents of a child born in Tokelau before their marriage and upon application being made to the Deputy Registrar in whose office the birth of the child is registered, the Deputy Registrar may register the particulars of the father, and, in the case of a birth registered in Tokelau, shall advise the Registrar at Apia of that entry.
  - (ii) Provided that satisfactory evidence by declaration or other such evidence as the Deputy Registrar thinks necessary of the paternity of that child shall have been first given to the Deputy Registrar.
- (2) Notwithstanding anything in paragraph (1), in every case where it is not practicable for the natural parents to attend personally at the office of the Deputy Registrar in whose office the birth was registered, the application shall be made in writing to the Registrar at Apia, who may authorise the registration of the particulars relating to the father.

### **15** [repealed 2005/2]

#### 16 Registration of change of name

- (1) Any person whose birth is registered in Tokelau, and who has attained the age of 21 years or is married or has at any time been married, may change his name, whether as to his surname or as to any first name or Christian name.
- (2) (i) The parents of any child who has not attained the age of 21 years and has never been married may change the name of the child, whether as to his surname or any first name or Christian name.
  - (ii) Where the child has attained the age of 18 years his consent shall be required to the change of name.
  - (iii) In this paragraph the term "parents"
    - (I) where one of the parents has deserted the child or is dead or unknown or missing or of unsound mind, means, the other parent;
    - (II) where the child has been adopted according to the law in force for the time being, means the adoptive parents;
    - (III) where the child has a legal guardian, includes that guardian.
- (3) For the purposes of this rule, any change of name shall be effected by deed poll in form 3.
- (4) Any change of name shall be registered at the Registrar's office at Apia upon payment of the fee set out in the Second Schedule.
- (5) Upon the registration of any change of name of any person whose birth is registered in Tokelau, the Registrar at Apia shall send to the Deputy Registrar by whom the birth was registered particulars of the change of name, and that Deputy Registrar shall forthwith note and sign on the entry as to the birth, and on the duplicate of any entry in cases where the duplicate has not been transmitted to the Registrar at Apia, a memorial of the change of name.
- (6) Every certificate of the date of birth issued under these Rules shall show the name as changed and no other name.

## PART 3 REGISTRATION OF DEATHS

#### 17 Form of Register of Deaths

The Register of Deaths shall be in form 2.

#### 18 Particulars of death required for registration

For the purposes of these Rules, where a death occurs in Tokelau the particulars specified in form 2, except those specified in paragraphs (10) to (12) of that form, shall be furnished to the Deputy Registrar in the island where the death occurred, and shall be so furnished within 1 month after the date of death.

### 19 Persons responsible for furnishing particulars of death

- (1) The following persons shall be responsible for furnishing to the Deputy Registrar the particulars of death required by rule 18
  - (i) the Medical Officer who is responsible for completing the medical certificate of death;
  - (ii) the occupier of the house or building in which the death took place;
  - (iii) any person present at the death.
- (2) If any of the persons specified herein duly furnishes the required information, the others of those persons shall thereupon be freed from the obligation of doing so.

# 20 Entry in Register of Deaths

- (1) Upon the receipt of the particulars of the death of any person dying in Tokelau, the Deputy Registrar shall enter those particulars in the Register of Deaths, and on the duplicate sheet to be supplied to the Registrar at Apia under rule 5.
- (2) The Deputy Registrar may, notwithstanding that the full particulars required by these Rules have not been furnished, upon being satisfied with the particulars furnished to him, register the death of any person in the Register of Deaths and on the duplicate sheet.

### 21 Informant may sign Register of Deaths

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

# 22 Certificate by Medical Officer

(1) On the death in Tokelau of any person who has been attended during his last illness by a Medical Officer, that Medical Officer shall sign and deliver or cause to be delivered, to the Deputy Registrar in the island in

- which the death occurred, form 2 which includes the international cause of death certificate, stating to the best of his knowledge and belief the causes of death (both primary and secondary) and the duration of the last illness of the deceased.
- (2) The particulars set forth in the certificate shall be entered, together with the name of the certifying Medical Officer, in the Register of Deaths and on the duplicate sheet.

# 23 Death of person not attended by Medical Officer

- (1) Where any person dies in any island of Tokelau where there is for the time being a Medical Officer and that person has not been attended by a Medical Officer as aforesaid, any Medical Officer (or during his absence from Tokelau any medical attendant authorised by him in that behalf) may sign and deliver, or cause to be delivered, to the Deputy Registrar form 2 which includes the international cause of death certificate, stating to the best of his knowledge and belief the causes of death (both primary and secondary) of the deceased.
- (2) (i) For the purpose of enabling him to give such a certificate, the Medical Officer shall have the right to make such examination of the body of the deceased as he thinks fit, and any person who without reasonable cause prevents a Medical Officer from making such an examination or who without reasonable cause obstructs or interferes with a Medical Officer in such an examination is liable to a fine not exceeding 0.5 penalty units.
  - (ii) If any relative of the deceased objects to such an examination being made, he may appeal to the Council for the Ongoing Government whose decision shall be final.
- (3) (i) On the receipt by the Deputy Registrar of a medical certificate under this rule, the Deputy Registrar shall issue to such person as he deems entitled an authority for the burial of the deceased.
  - (ii) Every such authority shall be in <u>form 4</u>.
- (4) Where in any case to which paragraph (1) applies any person, without an authority in <u>form 4</u> having been first obtained, buries or causes to be buried any person who has died in any island of Tokelau, he is liable to a fine not exceeding 0.5 penalty units.

## Failure by Medical Officer to give certificate

Every Medical Officer required under rule 22 to give a certificate in <u>form 2</u> concerning any death who refuses or neglects to give that certificate and any person to whom any such certificate is given who fails to deliver the certificate to the Deputy Registrar in the island where the death occurred, is liable to a fine not exceeding 0.5 penalty units.

## 25 Notice by Minister of religion

Every Minister of religion or other person who performs any religious or funeral service for or at the burial of any dead body, or the person who conducts the burial of any dead body, shall give or forward within 7 days written notice of the burial in form 5 to the Deputy Registrar in the island where the death occurred.

#### PART 4 GENERAL

#### 26 Registers open to public, and issue of certificate of any entry

- (1) The Registers to be kept under these Rules shall at all reasonable times be open to the public.
- (2) The Registrar or Deputy Registrar shall, on the application of any person, and on payment of the appropriate fee prescribed in the Second Schedule, issue certificates of any entry made in the said Registers.
- (3) Notwithstanding paragraph (2), the Registrar or Deputy Registrar may dispense with the payment of any fee payable under these Rules in cases of genuine hardship.

# 27 Issue of certified copies of entries for official purposes

Notwithstanding rule 26, where a certified copy of any entry in a Register kept under these Rules or a certificate as to any such entry is required for any official purpose, the Registrar at Apia shall issue the certified copy or certificate free of any charge.

# 28 Evidence of entries in Registers

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

### 29 Failure to furnish required particulars

- (1) Every person required by these Rules to furnish particulars in respect of any matter who, without sufficient cause, fails to furnish those particulars is liable for a first offence to a fine not exceeding 0.5 penalty units and for a second or any subsequent offence to a fine not exceeding 0.5 penalty units; and any person who wilfully furnishes false particulars is liable to a fine not exceeding 0.5 penalty units.
- (2) Where any person who is convicted under these Rules for failure to furnish the particulars required for the registration of any birth or death, the Court shall direct the appropriate Deputy Registrar forthwith to register the birth or death, and if the birth or death has not been previously registered the Deputy Registrar shall forthwith register the birth or death accordingly.

#### 30 Fees

For the purposes of these Rules, the fees specified in the Second Schedule shall be payable to the Registrar or Deputy Registrar, as the case may require.

### 31 Custody of Registers

- (1) The Registers shall be safely kept by the Registrar or the Deputy Registrar in whose custody they are placed, and shall be the property of the Government of Tokelau.
- (2) Where any person designated as the Registrar or as a Deputy Registrar ceases to hold that office, those Registers shall be transferred to the custody of that person's successor in that office.

#### 32 Correction of errors

- (1) Any clerical error or any error of fact or substance or any omission of any material fact in any Register may be corrected by the Registrar or Deputy Registrar, as the case may require.
- (2) (i) Instead of making any correction as aforesaid, the Registrar or Deputy Registrar may direct a new entry to be made in the Register.

- (ii) Any such entry shall contain a reference to the original entry, and the original entry shall contain a reference to the new entry together with the date of the correction.
- (iii) Any such new entry shall be signed by a person who is required under these Rules to give the particulars of birth or death, as the case may be, or by such other person as may be authorised by the Registrar or Deputy Registrar.
- (3) For the purpose of this rule, the Registrar or Deputy Registrar may require to be produced a declaration and such other evidence as to the facts as he considers necessary.
- (4) Except as otherwise provided in these Rules, no alteration in any Register shall be made.

# 33 Rules to apply to stillborn child

- (1) The provisions of these Rules relating to the registration of births shall apply in the case of a stillborn child, but a Deputy Registrar may dispense with the registration of the death of any such child.
- (2) A stillborn child shall be a child that has issued from its mother after the expiration of the twenty-eighth week of pregnancy and was not alive at the time of such issue.

### 34 Registrar at Apia to keep indexes

The Registrar at Apia shall cause indexes of the certified copies transmitted to him by Deputy Registrars in Tokelau to be made and kept in his office.

# 35 Failure of Registrar or Deputy Registrar to register information

Where —

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

he is liable to a fine not exceeding 0.5 penalty units.

# 36 Discretion of Registrar and Deputy Registrars

Where for any sufficient cause shown to the satisfaction of the Registrar or a Deputy Registrar any act, matter, or thing required by these Rules cannot be done within the time limited by or in strict compliance with the conditions imposed by these Rules, it shall be sufficient if that act, matter, or thing is done within a reasonable time thereafter, or if the conditions imposed are complied with so far as is reasonably possible.

# 37 Certain Rules and Ordinances not to apply to Tokelau

[Spent]

# SCHEDULE 1

# FORM 1

rule 6

# REGISTRATION OF BIRTH

Lehitalaga o no pepa fanau			nuku na lehitala ai atoll of registration				
Registration of birth			aho na lehitala ai date of registration	aso day	mahina month	tauhaga year	
				date of registration	uay	monu	year
			Te tama	iti – The child			
igoa muamua first or given name(s)							
fakaiku last name							
aho fanau date of birth	aho day	mahina month	tauhaga year	taumalo / tautiti sex	tama male	teine female	
fenua na fanau ai atoll of birth				auala na fanau ai nature of birth	ola live birth	oti stillbirth	
Te matua – The parents							
Kua faipoipo pe heai marital status	faiporp marrie		nonofo k	ehekehe e heki faipoip eparated never marrio			
aho faipoipo date of marriage	aho day	mahina month	tauhaga year				
fenua na faipoipo ai atoll / city of marriage				atunuku na faipoipo ai country of marriage			
			Te tamar	na – The father			
igoa muamua first name				fakaiku last name			
te aho fanau date of birth	aho day	mahina month	tauhaga year	galuega occupation			
fenua / nuku na fanau atoll / city of birth				atunuku na fanau ai country of birth			
fenua / nuku e nofo mau ai atoll / city of residence				atunuku e nofo mau ai country of residence			
atunuku e hitiheni ai country of citizenship				_			
			Te matua	a – The mother			
igoa muamua first name				fakaiku last name			
te aho fanau date of birth	aho day	mahina month	tauhaga year	galuega occupation			
fenua / nuku na fanau atoll / city of birth				atunuku na fanau ai country of birth			
fenua / nuku e nofo mau ai atoll / city of residence				atunuku e nofo mau ai country of residence			
atunuku e hitiheni ai country of citizenship				_			
		Те	tino na fakaili	a e ia – The informant			
igoa muamua first name				fakaiku last name			
te aho fanau date of birth	aso day	mahina month	tauhaga year	hokotaga ki te tamaiti relationship to child			
fenua / nuku e nofo mau ai atoll / city of residence				atunuku e nofo mau ai country of residence			
Ko te hainia o te pepa tena o te mooni o na f fakahalaga i lalo o te T ma na Oti 1969 mo ni f tuku mai.	akamatala ulafono m akamatala	nga kua tuku mai. E o te Lehitalaga o na naga tau fakahehe pe	iei na Aho Fanau he hako e	fakailoaga o te fanauga m notification of birth received by I haini o te tinoa na tuku maia n fakamatalag informant's signatur	Deputy Registrar a a	io heai yes no	
Signing the form is a le information supplied. T Death Registration Rul information.	here are p	enalties under the B	irth and	haini o te Hui Lehital Deputy Registrar's signatur	a		

# FORM 2

# rule 17, 22 and 23

# **REGISTRATION OF DEATH**

Lehitalaga o l	liu		nuku na lehitala ai atoll of registration					
Registration of			aho na lehitala ai date of registration	aho day	mah mor		tauhaga year	
		Te	e tino kua mal	liu – The deceased				
igoa muamua first name				fakaiku last name				
aho fanau date of birth	aso day	mahina month	tauhaga year	taumalo / tautiti	taumalo male	tautit		
fenua / nuku e nofo mau ai atoll / city of residence	uay	monur	yeai	atunuku e nofo tumau ai country of residence	male	iemaie	•	
		Tino e ka	aiga pili kit e ti	no kua maliu – Next of I	kin			
igoa muamua first name				fakaiku last name				
aho fanau date of birth	aso	mahina	tauhaga	taumalo / tautiti	taumalo male	tautit		
fenua / nuku e nofo mau ai atoll / city of residence	day	month	year	atunuku e nofo tumau ai country of residence	male -	- Terriale	, —	
hokotaga kit e tino kua oti relationship to deceased				_ country of residence				
		Е	uiga ki te mali	iu– About the death				
Aho na maliu ai date of death	aso day	mahina month	tauhaga year	taimi na maliu ai time of death		taead		fiafi D
te koga na maliu ai place of death	fale at home	falemai in hospital	he tahi koga (fa	_			. —	
,			se of death				betwee	rimate interval en onset and
Disease or condition	on directly	(a)					death	
leading to death*		due to (or as a consequence of)						
	, ,	(b)						
1(b) Antecedent caus Morbid conditions		(c)	due to (or as a consequence of) (c)					
rise to the above cause, stateing the underlying condition last.		teing due to (or as	due to (or as a consequence of) (d)					
2) Other significant co	onditions							
contributing to the c related to the disea causing it								
	injury or cor	nplication which caused	death NOT ONLY	, for example, the mode of dyi	ing, such as '	heart failure,	cardio plu	menary arrest etc.
	Fom	ai / Teine Fomai na	a kitilagia te tir	no kua oti – Clinician wh	o attende	d death		
igoa muamua first name				fakaiku last name				
galuega occupation	fomai physician	teine fomai lehital registered nurs		o e galue I te falemai (faka patino): other clinician (specify):	<b></b>			
kafai na kitea, aho na ki tino k	tea mulimuli ae ko heki n	naliu aso	mahina	tauhaga	eine fomai na	e iei i te taimi maliu ai te ti	no io	
if seen, date when last sav			month	year clinician	present at	time of dea		s 🗆 no 🗆
Ko te hainia o te pepa ten mooni o na fakamatalaga Tulafono mo te Lehitalaga fakamatalaga tau fakaheh	kua tuku ma ı o na Aho F	ii. E iei na fakahalaga i l anau ma na Oti 1969 mo	alo o te	Signing the form is a legal do There are penalties under the supplying misleading or false	e Birth and D	Death Registra		
haini o te Fomai / Teine Fomai clinician's signature				haini o te Hui Lehitala Deputy Registrar's signature				
E fakatumu e te Hui Lehitala kafai e uma te tuku atu o te fakatagaga ke tanu te tino maliu Deputy Registrar to complete after issuing authority to bury								
aho na tanu ai date of burial	aso day	month month	year year	fenua na tanu ai atoll of burial				

# FORM 3 rule 16 DEED POLL

To all to whom these presents shall come
WHEREAS I, [Full name, address, and occupation], am desirous of abandoning and
renouncing the use of the name of
THESE PRESENTS that I hereby absolutely abandon and renounce the use of the
· · · · · · · · · · · · · · · · · · ·
name
name
and documents and in all acts and proceedings and in all transactions and matters and
things and upon all occasions, AND I HEREBY REQUEST AND AUTHORISE all
persons at all times hereafter to describe and address me by the name
of
subscribed the name of
of day of
Signed by the said
Hereafter to be known as
[Signature in old and new names]
In the presence of Witness
Address
Description
<u> </u>
FORM 4
rules 23(3)-(4)
AUTHORITY TO BURY
То,
of
<u> </u>
I,, the Deputy Registrar of Births and Deaths at
hereby authorise the burial of the body of who died
at on the day of
at on the day of
Deputy Registrar
Dopary Togethan

# FORM 5

# rule 25

# **CERTIFICATE AS TO BURIAL**

	, of, hereby certify that the body was duly buried on the day of
	presence.
Witne	ss my hand this day of
	ter and mination
Please	advise the family that this death must be registered in one month.
_	SCHEDULE 2 rule 30
	FEES TO BE TAKEN BY REGISTRAR AND DEPUTY REGISTRARS
For ev (i)	very certified copy of, or certificate relating to, an entry in any Register:  Supplied to any person who is in Tokelau or Samoa, including search  \$5
(ii)	Supplied to any person who is outside Tokelau or Samoa, including search \$10
Regist	tration of a change of name \$5
	SCHEDULE 3 [Spent]