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1973, No. 7

An Act to consolidate and amend the law relating to the registration of births and deaths

(30 May 1973)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title and commencement - (1) This Act may be cited as the Births and Deaths Registration Act 1973.
- (2) This Act shall come into force on the first day of April, nineteen hundred and seventy-three.

PART I - PRELIMINARY

2. Interpretation - In this Act, unless the context otherwise requires, -

"Burial" and all references thereto include cremation and any other lawful mode of disposing of the dead:
 "Coroner" includes a Commissioner or Justice of the Peace lawfully performing the functions of a Coroner:
 "Funeral director" includes any person in charge of a burial:
 "Late foetal death" (still born child) means a child which has issued from its mother after the expiration of the twenty-eighth week of pregnancy and which was not alive at the time of the issue:

"Minister" means the Minister in charge of the Department of Justice:

"Occupier" includes any person for the time being in charge of any prison, reformatory institution, hospital, mental hospital or other place where mental defectives are received, or any public or private or charitable institution, or any household:

"Registrar" means a Registrar of Births and Deaths appointed under this Act:

"Secretary for Justice" means the permanent head of the Department of Justice.

3. Appointment of Registrar-General and Deputy Registrar-General - (1) The Secretary for Justice shall be the Registrar-General who shall be charged with the general administration of this Act.

(2) There shall also be appointed an officer of the Public Service, to be called the Deputy Registrar-General, who shall, under the control of the Registrar-General, perform such general official duties as he is called upon to perform under this Act or by the Registrar-General.

(3) Where for any cause a vacancy occurs in the office of Registrar-General, or in case of the absence from duty of the Registrar-General, and so long as any such vacancy or absence continues, the Deputy Registrar-General shall have and may exercise all the powers, duties, and functions of the Registrar-General.

4. Appointment of Registrars and Deputy and Acting Registrars - (1) There shall from time to time be appointed such fit persons as may be required to be Registrars and Deputy Registrars under this Act. One or more Deputy Registrars may be appointed in any case where a Registrar is appointed.

(2) During a vacancy in the office of any Registrar or in case of the absence from duty of any Registrar there may be appointed to act for the Registrar a fit person to be Acting Registrar, and any such person while so acting shall have and may exercise all the powers, duties, and functions of the Registrar.

(3) Any appointment to the office of Registrar, Deputy Registrar, or Acting Registrar shall be made in accordance with the Public Service Act 1969 in the case of persons who are, or after the appointment will be, employed in the Public Service, and by the Registrar-General by writing under his hand in all other cases.

(4) During a vacancy in the office of Registrar at any place, or during the absence from duty of the Registrar at any place, and so long as no Acting Registrar has been appointed to act for the Registrar, every Deputy Registrar at that place shall have all the powers, duties and functions of the Registrar.

5. Fact of deputies acting conclusive evidence of authority - The fact that the Deputy Registrar-General or any Deputy Registrar or Acting Registrar exercises any power, duty, or function under this Act shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorising him to do so.

6. Place of registration of births and deaths - (1)

Subject to the provisions of this Act, all births and deaths occurring in the Cook Islands shall be registered by the Registrar whose office is nearest to the place where the birth occurred or to the place of burial, as the case may be:

Provided that any other Registrar may register any birth or death if it is shown to his satisfaction that the person whose duty it is to give the information required by this Act for the registration of a birth or a death could not, without difficulty, delay, or expense, attend at the aforesaid office.

(2) Where by this Act any notice or information in respect of any birth or death is required to be given to a Registrar, the notice or information shall be given to the Registrar by whom the birth or death is required to be or has been registered, as the case may be.

7. Entries in registers - Every Registrar shall in every case inform himself carefully of the particulars touching births and deaths required to be registered by him, and shall enter and register in duplicate all such particulars in the form No.1 or in the form No.2 in the First Schedule to this Act, as the case may be.

8. Quarterly returns - (1) Every Registrar shall, within the first ten days of each of the months of January, April, July, and October in each year, transmit to the Registrar-General the duplicates, certified under his hand as such, of all entries of births and deaths made in the register books in his office during the three months then last past, or a certificate under his hand that there have been no such entries, as the case may be.

(2) Every Registrar who refuses or neglects to comply with the provisions of this section commits an offence against this Act.

9. In case of loss of duplicate registrations, Registrar may send copies to Registrar-General - Where any of the duplicates referred to in section 8 of this Act are lost or mislaid the Registrar shall, at the request of the Registrar-General make and transmit to the Registrar-General true copies, certified under the hand of the Registrar, of the entries the duplicates of which have been lost or mislaid, and any such copies shall be substituted by the Registrar-General for the aforesaid duplicates.

PART II - REGISTRATION OF BIRTHS

10. Notice of births to be given to Registrar - (1) The occupier of any premises in which a child is born shall give notice to the Registrar according to the best of the knowledge and belief of the occupier of the fact of the birth, the date on which it occurred, the name and address of the mother or father of the child, and of such other particulars as the Registrar-General may require.

(2) Any such notice shall be in writing, signed by the occupier and endorsed by some other person, if any, in attendance at the confinement, and shall be delivered or posted to the Registrar within forty-eight hours after the birth.

(3) Where a child is born immediately before admission to any premises, the occupier thereof shall give notice to the Registrar in accordance with the provisions of subsection (1) of this section.

(4) The Registrar shall keep a register of the births of which notice is given under this section, but the register shall be open for inspection by such persons only as are authorised by the Minister.

11. Responsibility for providing information required for registration of birth - (1) The father and the mother of any child born in the Cook Islands, or, in case of the death, absence, or inability of the father and the mother, the occupier of the premises in which the child is born, and each person present at the birth of the child, shall be responsible for informing the Registrar of the particulars required to be registered concerning the birth of the child:

Provided that the father shall have no responsibility under this subsection if he is not married to the mother at the time of the child's birth and was not married to her at the time of the child's conception.

(2) Every person responsible as aforesaid shall, within fourteen days after the date of the birth, attend at the office of the Registrar and inform the Registrar, according to the best of the knowledge and belief of the informant, of the several particulars required to be registered concerning the birth, and sign the register:

Provided that any such person may, by writing under his hand, authorise any other person to act as his agent for the purpose of carrying out his obligations under this subsection.

(3) If any of the persons responsible as aforesaid or the authorised agent of any such person attends at the office of the Registrar in accordance with subsection (2) of this section and gives the information required by that subsection and signs the register, no other person shall be required to carry out any of the requirements of this section in respect of that birth.

(4) Notwithstanding anything to the contrary in the Crimes Act 1969 any information for an offence against this section may be laid at any time within two years from the date of the birth in respect of which the offence was committed.

(5) The requirements of this section are in addition to the requirements of section 10 of this Act in respect of the notification of births.

12. Limitation of time for registration of births - Except as otherwise provided by this Act, registration of the birth of a child born in the Cook Islands shall be effected after a period of fourteen days from the date of the birth of the child only upon payment of the prescribed fee, and after one of the parents of the child or some person present at the birth attends personally at the office of the Registrar and makes before him a statutory declaration containing, to the best of the knowledge and belief of the declarant, the particulars required to be registered:

Provided that registration under this section shall not be effected after a period of two months after the date of the birth of the child, except upon the direction of the Registrar-General, who may authorise registration in any case within two years after the date of birth.

13. Authorisation of registration in case of neglect to register - (1) If any person required under section 11 of this Act to give to the Registrar information in respect of any birth refuses or neglects to do so, the Registrar-General may, at any time within two years after the date of the birth of the child, authorise some person to give the Registrar the information required to enable him to register the birth, and to sign as informant the entry in the register in respect thereof.

(2) On receipt of any such information the Registrar shall register the birth accordingly.

14. Registrar-General may at any time register births not registered by Registrar - (1) Notwithstanding anything in the foregoing provisions of this Act, the Registrar-General may register the birth of any person born in the Cook Islands, whether before or after the commencement of this Act, whose birth has not been previously registered in the Cook Islands:

Provided that satisfactory evidence by statutory declaration and such other evidence as he may deem necessary of the several particulars required to be registered concerning the birth shall first be received by the Registrar-General.

(2) The particulars of the birth and of the nature of the evidence produced shall be entered by the Registrar-General in a separate register to be kept by him for that purpose.

(3) Nothing in this section shall relieve any person from liability for failing to give notice of any such birth or to inform the Registrar of the particulars required to register the birth within the time limited by the foregoing provisions of this Act or by any Act repealed by this Act.

15. Registration of births of children born out of the Cook Islands - Where a child born out of the Cook Islands arrives in the Cook Islands before attaining the age of eighteen months, and the parents or other persons having lawful charge of the child are about to take up their abode in the Cook Islands, a Registrar to whom application is made shall, at any time within six months from the date of the child's arrival, on the making of a statutory declaration by one of the parents, or by a person having lawful charge as aforesaid of the child, of the particulars required to be registered concerning the birth, register the birth of the child in the manner provided for the registration of births taking place in the Cook Islands:

Provided that the birth of a child over the age of eighteen months but not over the age of three years at the date of arrival in the Cook Islands may be registered in accordance with this section if the Registrar-General authorises the registration.

16. Information respecting foundlings to be given - Where any living new-born child is found exposed or abandoned, any person in whose charge the child may be placed shall give to the Registrar, within seven days after the date of the finding of the child, such information of the particulars required to be registered concerning the birth of the child as the informant possesses, and shall sign the register.

17. Registration of name after registration of birth - (1) If any 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, or if any additional first name or Christian name is given to a child to whom a first name or Christian name was given at the time when its birth was registered, or if another name is given to any child in place of the registered name, the parents of the child, at any time within two years after the date of the original registration of the birth, may in writing request the Registrar to register the name so given and the Registrar shall register the name accordingly:

Provided that the Registrar may make an alteration or addition to the register under this section on the application of one parent if the other is dead or if the parents are divorced or legally separated or have never been married and the parent making the application has the sole custody of the child.

(2) A memorial of any alteration or addition to the register under this section shall be entered on the appropriate birth registration entry and signed by the Registrar.

(3) Except upon the authority of the Registrar-General, not more than one alteration or addition to the register in respect of the name of any child shall be made under this section.

18. Registration of change of name - (1) Any person who has attained the age of twenty-one years or is married or has at any time been married may by deed poll change his name, whether as to his surname or as to any first name or Christian name.

(2) The parents of any child who has not attained the age of twenty-one years and has never been married may by deed poll change the name of the child, whether as to his surname or as to any first name or Christian name:

Provided that where the child has attained the age of eighteen years his consent shall be required to the change of name:

Provided also that for the purposes of this subsection the term "parents" -

- (a) Where one of the parents has deserted the child or is dead or unknown or missing or of unsound mind, means the other parent:
- (b) Where the child has been adopted, means the adoptive parents:
- (c) Where the child has a legal guardian, means or includes that guardian:
- (d) In the case of a child whose parents have never been married, does not include the father of the child if he is not and has never been a guardian of the child:

Provided further that where there are two parents within the meaning of this subsection either one of them may change the name under this subsection without the concurrence of the other if a Judge of the High Court in his discretion makes an order consenting to the change of name.

(3) Where the name of any person has been changed by deed poll under this section, or has been changed before the commencement of this section by deed poll in accordance with the law in force at the date of the deed, the change of name may be registered, on payment of the prescribed fee, by depositing the deed in the Registrar-General's office, together with a certified copy of the entry as to the birth of that person or, in the case of a person whose birth has not been registered in the Cook Islands, a certificate or other evidence to the satisfaction of the Registrar-General of the date and place of birth of that person.

(4) Where a deed poll changing, or evidencing a change of, the name of any person has been filed in any office of the High Court before the commencement of this section, a copy of the deed certified by the Registrar of the High Court may be deposited with the Registrar-General under subsection (3) of this section instead of the deed.

(5) Where a change of the name of any person whose birth has been registered in the Cook Islands is registered under this section -

- (a) The Registrar-General shall, if the duplicate of the entry as to the birth has been transmitted to him pursuant to section 8 of this Act, forthwith note and sign on the duplicate a memorial of the change of name except where the person was a woman and the change related only to a surname acquired on marriage and he has received from her a written request to the contrary:

- (b) The Registrar-General shall in every case other than one to which such a request as is mentioned in paragraph (a) of this subsection applies forthwith send to the Registrar by whom the birth was registered particulars of the change of name; and the Registrar by whom the birth was registered shall forthwith note and sign on the entry as to the birth, and on the duplicate of any such entry in cases where the duplicate has not been transmitted to the Registrar-General, a memorial of the change of name:
- (c) Every certificate of the date of birth issued under this Act after entry of the memorial shall show the name as changed and no other name.

(6) Section 45 of this Act (which relates to indexes and searches and certified copies) is hereby extended to apply with respect to deeds and certified copies of deeds deposited in the Registrar-General's office under this section.

19. Child of unmarried mother - (1) Subject to subsection (2) and subsection (3) of this section, where the parents of a child are not married to each other at the time of the child's birth and were not married to each other at, or since, the time of its conception, the Registrar shall not enter in the register the name of or any particulars relating to any person as the father of the child except where:

- (a) The mother and the person acknowledging himself to be the father jointly request at the time of registration that such an entry be made and both the mother and that person together sign the register:
Provided that if the mother is dead or cannot be found it shall be sufficient if the request is made by the father alone, and the signature of any other person required to give information as to the birth may be accepted in place of the mother's signature; or
- (b) The mother or her authorised agent attends at the Registrar's office and produces at the time of registration a consent in writing to such an entry being made, signed by the person acknowledging himself to be the father, and the Registrar is satisfied that the mother and that person were living together as man and wife at the time of the birth of the child.

(2) If at any time after the registration of the birth of a child whose father's name or any other particulars relating to him, are not, in accordance with the provisions of subsection (1) of this section, entered in the register, the Registrar-General is satisfied by statutory declaration or such other evidence as he may deem sufficient that both the mother and the person acknowledging himself to be the father require the name of or any other particulars relating to the

father to be entered in the register, the Registrar-General may authorise the entry in the register of the particulars required to be entered as aforesaid:

Provided that in any such case it shall not be necessary for the person acknowledging himself to be the father to sign the register:

Provided also that if the mother is dead or cannot be found it shall be sufficient if the request is made by the father alone.

(3) If at any time after the registration of the birth of a child whose father's name is not registered the Registrar-General is satisfied that a declaration of paternity in respect of the child has been made by the High Court or that the father has been appointed a guardian of the child under subsection (3) of section 6 of the Guardianship Act 1968, the Registrar-General shall authorise the entry in the register of the name of the father and such other particulars relating to the father as are supplied to him.

20. Father's particulars - Where the birth of any child whose parents were not married to each other at the time of the child's birth is registered pursuant to section 14 of this Act, the name of or any other particulars relating to the father shall not be entered in the register unless the Registrar-General is satisfied that:

- (a) The parents of the child were married to each other either at the time of his conception or after his conception and before his birth; or
- (b) A declaration of paternity in respect of the child has been made by the High Court or the father has been appointed his guardian under subsection (3) of section 6 of the Guardianship Act 1968 or both the mother and the person acknowledging himself to be the father of the child consent to the entry:

Provided that, in the last-mentioned case, if the mother is dead or cannot be found, the consent of the father alone shall be sufficient.

21. Re-registration of birth on subsequent marriage - (1) Where the parents of any person were not married to each other at the time of his birth, and were not married to each other either at the time of his conception or after his conception and before his birth, but subsequently marry each other, those parents, or if one of them is dead the survivor, shall apply within three months after the date of the marriage to the Registrar-General for the registration of particulars of the birth of that person in accordance with this section.

(2) Where the Registrar-General has reason to believe that an application should have been made under subsection (1) of this section and no such application has been made by the parents or the surviving parent within the time specified in subsection (1) of this section, the Registrar-General may by notice in writing require the parents or the surviving parent, as the case may be, to make an application for registration within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice. Any person failing to comply with the notice within the time specified therein commits an offence and is liable on conviction to a fine not exceeding forty dollars. No prosecution for an offence against this subsection shall be commenced without the leave of the Registrar-General.

(3) If no application for registration is made within the time mentioned in subsection (1) of this section or (where a notice is given under subsection (2) of this section) within the time specified in the notice, application for the registration under this section of the particulars of the birth of any person may be made by that person or by one of his parents or by any other person.

(4) If the Registrar-General is satisfied by such evidence as he may require that the parents of the person who is the subject of the application have married each other subsequent to the birth of that person he may direct that particulars of the birth of that person be registered under this Act in such manner as may be prescribed.

(5) If the Registrar-General is not so satisfied he shall refer the matter to a Judge of the High Court, who after giving the applicant an opportunity to be heard and hearing or receiving such evidence as he thinks fit shall either -

(a) Dismiss the application; or

(b) Make a finding that the parents of the person who is the subject of the application have married each other subsequent to the birth of that person.

(6) For the purposes of this section the decision of the Judge shall be final, but shall not prejudice the applicant or any other person in any subsequent proceedings of any nature.

(7) If the Judge makes a finding in accordance with paragraph (b) of subsection (5) of this section, he shall so advise the Registrar-General, who shall thereupon direct that particulars of the birth of the person be registered under this Act in such manner as may be prescribed.

(8) Whenever a copy of the entry as to the birth of any person particulars of whose birth have been registered pursuant to this section is required for any purpose, the Registrar or the Registrar-General, as the case may be, shall supply a copy of the entry made pursuant to this section instead of a copy of the original entry (if any), unless the applicant for the copy certifies, and the Registrar or Registrar-General is satisfied, that the copy of the original entry is material for the purpose for which it is required.

22. Registration of late foetal death - (1) The provisions of this Act relating to the notification and registration of births shall apply in the case of a late foetal death, but it shall not be necessary to register the death of any such child.

(2) Where in the case of any late foetal death required to be registered under this Act, or in the case of a foetal death where the child has issued from its mother after the twentieth week of pregnancy, a medical officer or a midwife is in attendance at the confinement, the medical officer or, if there was no medical officer in attendance, the midwife, shall forthwith sign and deliver to the Registrar a certificate, on the printed form to be supplied for that purpose, stating to the best of his or her knowledge and belief the cause of the late foetal death or the cause of the foetal death, as the case may be, and such other particulars as may be required by the Registrar-General.

(3) Every such certificate received by the Registrar shall be sent by him to the Registrar-General.

(4) The Registrar-General shall keep such records as he deems expedient in respect of certificates received by him under this section, and those records shall be open for inspection by such persons only as are authorised in that behalf by the Minister.

(5) No particulars contained in any certificate under this section shall be entered in any register of births kept under this Act.

(6) Any certificate or record as aforesaid may be destroyed after a period of ten years.

(7) Every medical officer or midwife required to give a certificate under this section who refuses or neglects to do so commits an offence against this Act.

PART III - REGISTRATION OF ADOPTIONS

23. Registration of adoptions - (1) Where an adoption order is made under the Cook Islands Act 1915 the Registrar of the Court by which the order was made shall forthwith send to the Registrar-General notice setting forth the following particulars so far as they are known to the Court:

- (a) The full name of the child as before the making of the order:
- (b) The full name conferred on the child by the adoption order:
- (c) The date and place of birth of the child:
- (d) The sex of the child:
- (e) The names of the parents of the child before the adoption order was made:
- (f) The name or names of the adoptive parent or adoptive parents and the occupation of the adoptive father:
- (g) The age of each adoptive parent at the date of the child's birth and the birthplace of each adoptive parent:
- (h) The maiden surname of the adoptive mother if she is or has been married:
- (i) Whether the adoptive parent or adoptive parents wish that the words 'adoptive parent' or 'adoptive parents', as the case may require, appear on the face of any certified copy of the entry of birth of the child issued after the birth has been re-registered under subsection (3) of this section:
- (j) The name of the Court by which the order of adoption was made, and the date of the order; and the Island in which the sitting of the Court was held:
- (k) Such other particulars as may be required by the Registrar-General.

(2) On receipt of the particulars referred to in subsection (1) of this section the Registrar-General shall, if the duplicate of the entry as to the birth of the child has been transmitted to him pursuant to section 8 of this Act, forthwith note and sign on the duplicate a memorial in the form No.3 in the First Schedule to this Act.

(3) The Registrar-General shall in every case forthwith send to the Registrar by whom the birth was registered a copy of the notice received by him from the Registrar of the Court; and the Registrar by whom the birth was registered shall forthwith -

- (a) Note and sign on the original entry and on any subsequent re-registration entry as to the birth of the child, and on the duplicate of any such entry in cases where the duplicate has not been

- transmitted to the Registrar-General, a memorial in the form referred to in subsection (2) of this section; and
- (b) Reregister, in duplicate, particulars as to the birth of the child, substituting the name conferred by adoption for the name of the child prior to adoption, and recording the particulars of each adoptive parent in substitution for the particulars as to the parents of the child before the adoption order was made; and
- (c) In all cases where the adoptive mother is an unmarried woman or where the particulars supplied under subsection (1) of this section indicate that the adoptive parent or adoptive parents wish that the words 'adoptive parent' or 'adoptive parents', as the case may require, appear on the face of any certified copy of the entry of birth issued after the birth has been re-registered, note on the re-registration entry a memorial to that effect:

Provided that where any of the particulars of the adoptive parents are not included in the entry made at the time of re-registration or where the memorial referred to in paragraph (c) of this subsection is not noted on that entry, whether that entry was made before or after the commencement of this section, those particulars may be included and that memorial may be noted at any time on the application of the adoptive parent or adoptive parents or the survivor of them or, in any case where there is no adoptive parent living, on the application of the child, if the Registrar-General is satisfied, on receipt of a statutory declaration or such other evidence as he deems sufficient, that those particulars are correct or that that memorial should be noted.

(4) The duplicate of the re-registration entry shall be transmitted to the Registrar-General as if it were a duplicate of an entry made pursuant to section 7 of this Act.

(5) In any case where the birth of the adopted child has not been registered in the Cook Islands, the Registrar-General, upon being satisfied as to the correctness of the information supplied to him as to the date and place of birth of the child, shall send a copy of the notice received by him under subsection (1) of this section to the Registrar at Rarotonga who shall register particulars as to the birth of the child in accordance with subsection (3) of this section.

(6) Where the particulars of the birth of any child have been re-registered under subsection (3) of this section or registered under subsection (5) of this section, and the memorial referred to in paragraph (c) of subsection (3) of this section has been noted on the entry, the Registrar-General or the Registrar, as the case may be, shall ensure that the words "adoptive parent" or 'adoptive parents', as the case may require, appear on the fact of any certified copy of the entry of birth of that child issued under section 42 or section 43 of this Act.

(7) Where a copy of the entry as to the birth of any child to which this section relates is required for any purpose, the Registrar-General or the Registrar, as the case may be, shall supply a copy of the last entry made pursuant to subsection (3)

of this section instead of a copy of any former entry, unless the applicant certifies, and the Registrar-General is satisfied that the particulars recorded in the original or any former entry are material for the purpose for which the copy is required.

(8) No person shall be permitted to inspect any such original or former entry, unless that person certifies, and the Registrar-General is satisfied that the particulars recorded in the original or any former entry are material for the purpose for which the inspection is required.

(9) In the case of any dispute as to whether a person should be supplied with a copy of the original or any former entry pursuant to subsection (7) of this section or permitted to inspect any such original or former entry pursuant to subsection (8) of this section, the Registrar-General shall, upon that person's request submit the matter to a Judge of the High Court whose decision shall be final.

24. Registration of adoptions made overseas - Where any person whose birth is registered in the Cook Islands has been adopted in any place outside the Cook Islands, the Registrar-General shall if he receives such particulars as he requires and is satisfied by statutory declaration or such other evidence as he deems sufficient as to the correctness of those particulars direct that the provisions of subsections (2) to (4) and subsections (6) to (8) of section 23 of this Act shall apply to that adoption, with all necessary modifications, as if that person had been adopted under an adoption order made under the Cook Islands Act 1915.

25. Consequences of variation or discharge of adoption order - (1) Where an order is made varying or discharging an adoption order, the Registrar of the Court in which the order is made as aforesaid shall forthwith send a copy of the order to the Registrar-General, who shall cause a memorial of the order of variation or discharge to be made on -

(a) The original entry of birth relating to the child to whom the order relates, and the duplicate of that entry; and

(b) The entry of re-registration entry in respect of that child made under subsection (3) of section 23 of this Act, and the duplicate of that entry, or the entry made under subsection (5) of that section and the duplicate of that entry.

(2) In the case of the variation of an order of adoption, the Registrar-General may, if he considers it expedient to do so, cause the particulars as to the birth of the child as so varied to be re-registered in the manner provided by the said subsection (3).

(3) In the case of the discharge of an order of adoption the Registrar-General shall include in the memorial to be made on the entry of birth and the entry of re-registration the names by which the child is thenceforth to be known.

(4) Where a certified copy of the entry of birth of any child in respect of whom an adoption order has been discharged is required for any purpose, and no other adoption order is for the time being in force in respect of that child, the Registrar-General or the Registrar, as the case may be, shall supply a certified copy of the original entry of birth omitting the memorial mentioned in subsection (2) of section 23 of this Act and also omitting the memorial of the discharge of the

adoption order but showing in the appropriate place the child's name after the order of discharge in any case where that name differs from the name shown on his original entry of birth; and every such certified copy, if otherwise correct, shall be deemed to be a true copy of the entry:

Provided that, in any case where the applicant certifies and the Registrar-General or the Registrar is satisfied that the memorials on the original entry of birth are material for the purpose for which the certified copy is required, the Registrar-General or the Registrar may issue the certified copy of that entry including the memorials:

Provided also that, in any case where the applicant certifies and the Registrar-General or the Registrar is satisfied that the re-registration entry made under subsection (3) of section 23 of this Act is material for the purpose for which the certified copy is required, the Registrar-General or the Registrar may issue a certified copy of that entry including the memorial.

26. Provisions of this Part to apply to adoptions prior to commencement of Act - The foregoing provisions of this Part of this Act relating to the registration of particulars as to adopted children shall apply in the case of children in respect of whom orders of adoption under Part XV and Part XXA of the Cook Islands Act 1915, or the corresponding provisions of any former Acts, were made at any time before the commencement of this Act, if the Registrar-General is satisfied as to the truth of the particulars required to be registered.

27. Certificate of registration - Every Registrar who has registered any birth shall upon request and without fee give to the person signing the entry in the register relating to the birth a certificate under his hand, in the form No.4 in the First Schedule to this Act, that the birth has been duly registered.

PART IV - REGISTRATION OF DEATHS

28. Medical certificate as to causes of death - (1) Except as provided by subsection (5) of this section, on the death of any person who has been attended during his last illness by a medical officer, that medical officer shall forthwith sign and make available to the funeral director having charge of the burial a certificate, on the printed form to be supplied for that purpose by the Registrar-General, stating to the best of his knowledge and belief the causes of death, and such other particulars as may be required by the Registrar-General.

(2) If the deceased was at the time of his death suffering from any infectious disease, that fact shall be stated on the certificate.

(3) The person receiving the certificate shall, when giving information concerning the death, deliver the certificate to the Registrar, and the particulars stated therein shall be entered in the register together with the name of the certifying medical officer.

(4) In any case where, in the opinion of the medical officer, the death has occurred under any circumstances of suspicion, the medical officer shall forthwith report the case to the Coroner.

(5) In any case where, pursuant to subsection (4) of this section, the medical officer notifies a death to the Coroner, and in every other case where the medical officer has reasonable cause to suspect that the deceased person has

died either a violent or an unnatural death, the medical officer shall not issue a certificate unless the Coroner decides that no inquest is necessary.

(6) Every medical officer required to give a certificate as aforesaid, or to report to the Coroner as provided by subsection (4) of this section, who refuses or neglects to do so, and any person to whom any such certificate is given who fails to deliver the same to the Registrar, commits an offence against this Act.

29. Deaths of persons not attended by medical officer -

(1) On the death in any island of the Cook Islands where there is for the time being a Medical Officer of any person who has not been attended by a medical officer as aforesaid, the Director of Health of the Cook Islands or other medical officers authorised by him in that behalf, shall sign and deliver, or cause to be delivered, to the Registrar a certificate on the printed form to be supplied for that purpose by the Registrar-General, stating to the best of his knowledge and belief the causes of death of the deceased, and such other particulars as may be required by the Registrar-General.

(2) 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 fifty dollars:

Provided that if any relative of the deceased objects to such an examination being made, he may appeal to the Minister of Health whose decision shall be final.

(3) On the receipt by the Registrar of a medical certificate under this section, the Registrar shall issue to the funeral director an authority for the burial of the deceased. Every such authority shall be on the printed form to be supplied for that purpose by the Registrar-General.

(4) Where in any case to which subsection (1) of this section applies to any person, without an authority in the form aforesaid having been first obtained, buries or causes to be buried any person who has died in any island of the Cook Islands, he is liable to a fine not exceeding one hundred dollars.

30. No burial without medical certificate or Coroner's order - (1) No person shall bury or permit to be buried the body of any deceased person, or for burial outside the Cook Islands unless and until the funeral director or the person in charge of the removal, as the case may be, has obtained in respect of that deceased person either -

- (a) A certificate of causes of death, signed by a medical officer, in the form referred to in subsection (1) of section 28 of this Act; or

- (b) A Coroner's order to bury the body.

(2) Every person who fails to comply with any provision of this section commits an offence and shall be liable on conviction to a fine not exceeding one hundred dollars.

31. Burial at sea - It shall be unlawful to bury at sea the body of a person who dies in the Cook Islands except under the authority of an order in writing under the hand of the Coroner.

32. Certificate of burial - (1) Every funeral director in charge of a burial shall forthwith after the burial sign and transmit to the Registrar a burial certificate in the form No.5 in the First Schedule hereto.

(2) Every burial certificate shall be countersigned by the Minister or other person officiating at the burial, or by two witnesses of the burial if no Minister or other person so officiated.

(3) The particulars stated in the burial certificate shall be entered in the register of deaths as part of the entry death of the person buried.

(4) Every funeral director who buries any dead body and fails to cause a burial certificate to be transmitted as aforesaid commits an offence against this Act.

33. Funeral director to give particulars of death to Registrar - Except as provided in sections 34 and 35 of this Act, every funeral director having charge of the burial of any deceased person shall, according to the best of his knowledge and belief, within three days after the day of the burial, inform the Registrar of the particulars required to be registered concerning the death, and attend at the Registrar's office and sign the register:

Provided that no day on which the office of the Registrar is not open shall be included in the computation of the said period of three days.

34. On inquest, Coroner to notify Registrar - Where an inquest is held (in respect of the death of any person) the Coroner holding the same shall, within three days after the holding of the inquest, notify to the Registrar whose office is nearest to that of the Coroner the finding of the Coroner, with the date of the finding and all other particulars required to be registered concerning the death, and the Coroner shall attend at the Registrar's office and sign the register:

Provided that no day on which the office of the Registrar is not open shall be included in the computation of the said period of three days.

35. Removal of body out of the Cook Islands - Before the body of any deceased person in respect of whose death an inquest has not been held is removed for burial outside the Cook Islands, the funeral director or other person proposing to remove the body or to cause it to be removed shall, within three days after the date of the death, inform the Registrar whose office is nearest to the place from which the body is to be removed, according to the best of his knowledge and belief, of the particulars required to be registered concerning the death, and shall attend at the Registrar's office and sign the register:

Provided that no day on which the office of the Registrar is not open shall be included in the computation of the said period of three days.

36. Persons responsible may authorise deputies to give information necessary for registration of death - Any person who, under the provisions of sections 33, 34 or 35 of this Act, is required to inform the Registrar of the particulars required to be registered concerning any death may, by writing under his hand, depute some other person to carry out those requirements in respect of the death:

Provided that, until the person so deputed gives to the Registrar the information required and signs the register, the obligations imposed on any person in respect of the death by any of the said sections shall not be deemed to be discharged.

37. Registration of deaths occurring outside the Cook Islands on a ship or aircraft - Where the death of any person has occurred outside the Cook Islands, whether before or after the commencement of this section and the death took place -

- (a) On board a ship licensed pursuant to the Cook Islands Shipping Licence Ordinance 1963; or
- (b) On board an aircraft registered pursuant to the Civil Aviation Act 1964 or as the result of any occurrence on board any such aircraft during its operation -

the Registrar-General may authorise any Registrar to register the death.

(2) The Registrar shall register the death in accordance with the provisions of this Act relating to the registration of deaths taking place in the Cook Islands so far as those provisions may be complied with in the circumstances:

Provided that it shall not be necessary for any person to sign the register as informant.

38. Certificate of registration - Every Registrar who has registered any death shall upon request and without fee give to the person signing the entry in the register relating to the death a certificate under his hand, in the form No.6 in the First Schedule to this Act, that the death has been duly registered.

39. Burial of deceased children as late foetal death - (1) No person shall wilfully bury or procure to be buried the body of any deceased child as if it were a late foetal death.

(2) No person who has control over any burial ground, or who ordinarily buries bodies therein, shall bury or permit to be buried therein the body of any deceased child as if it were foetal death, and no person shall bury or permit to be buried therein the body of any late foetal death unless there is delivered to him either -

- (a) A written certificate that the child was not born alive, signed by a registered medical officer who was in attendance at the birth or has examined the body of the child or by a midwife present at the birth if there was no medical officer in attendance; or
- (b) A statutory declaration, signed by some person required by this Act to give information concerning the birth, to the effect that no registered medical officer or midwife was present at the birth, or that his or her certificate cannot be obtained, and that the child was not born alive; or
- (c) An order for the burial of the body given by the Coroner.

PART V - MISCELLANEOUS

40. Correction of errors in registers - (1) Any clerical error or any error of fact or substance, or any omission of any

material fact, in any register of births or deaths may be corrected in the manner authorised by the Registrar-General.

(2) Instead of making any correction as aforesaid, the Registrar-General may, if he thinks fit, direct a new entry to be made in the register book. 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. Any such new entry shall be signed by a person who is required under this Act to give information of the birth or death, as the case may be, or by such other person as may be authorised by the Registrar-General.

(3) For the purpose of this section the Registrar-General may, if he thinks fit, require to be produced a statutory declaration and such other evidence as to the facts as he may deem necessary.

(4) Except as otherwise provided by this section or as otherwise specially provided in this Act, no alteration in any register of births or deaths shall be made.

41. Attendance to sign register - Where by any provision of this Act any person is required to attend at the office of a Registrar and sign a register, it shall be deemed sufficient compliance with that provision if that person attends at the Registrar's office and furnishes to the Registrar a written statement signed by the person attending as aforesaid, and containing the particulars required to be registered.

42. Searches of register and certified copies - Every Registrar who has in his keeping for the time being any register book of births or deaths shall, upon request, cause a search of any such register book to be made, and shall permit any person to inspect any entry and to have a copy, certified under his hand, of the entry of any birth or death registered therein or a certificate in the prescribed form of the date of any birth or death.

43. General registry indexes - The Registrar-General shall cause indexes of the certified duplicates transmitted to him by the Registrars under this Act to be made and kept in his office, and shall, upon request, cause a search to be made of any such index or of any register kept by him, and permit any person to inspect any entry and to have a copy, certified under his hand or under his seal, of any entry of a birth or death duly returned and certified to him by any Registrar or included in any register kept by the Registrar-General under this Act, or a certificate in the prescribed form of the date of any birth or death.

44. Shortened forms of birth and death certificates - (1) Every certified copy of an entry of a birth or of a death under section 42 or section 43 of this Act shall be in the prescribed form, and shall include only such particulars as are prescribed.

(2) Every such certified copy made in a prescribed form shall, if otherwise correct, be deemed to be a true copy of the original entry in the register, notwithstanding that the prescribed particulars do not include all the particulars in the original entry.

45. Provisions as to entries of births of illegitimate children - (1) All entries in any register made pursuant to the provisions of subclause (1) of regulation 15 of the Births and Deaths Registration Regulations 1962, or the corresponding provisions of any former enactment shall be deemed to be expunged and deleted.

(2) In making a certified copy of the entry in any register, the Registrar-General or the Registrar, as the case may be, shall omit from the copy the word "illegitimate" in any case where that word appears or formerly appeared in the register.

(3) In making a certified copy of the entry in any register relating to the birth of any child who has been legitimated, the Registrar-General or the Registrar, as the case may be, shall omit from the copy any note in the entry relating to the legitimation.

(4) Every certified copy made under subsection (2) or subsection (3) of this section shall, if otherwise correct, be deemed to be a true copy of the original entry in the register.

46. Special certificates for purposes of Government Departments - (1) Notwithstanding anything in the foregoing provisions of this Act, where a certified copy of any entry in a register book or a certificate as to any such entry is required for the purposes of any Government Department, the Registrar-General or a Registrar may issue the certified copy or special certificate in the prescribed form.

(2) Every certified copy or certificate issued under subsection (1) of this section shall indicate thereon the purpose for which it was issued, and shall not be available for any other purpose, and shall be retained by the Department for whose purposes it was required.

47. Certified copies of entries as prima facie evidence - A certified copy of any entry in a register, made or given and purporting to be signed by the Registrar-General or sealed or stamped with his seal, or made or given and purporting to be signed by any Registrar or Acting Registrar or Registrar-General or any Deputy Registrar, shall be received in any Court as prima facie evidence of the birth or death to which it relates.

48. Relaxation of conditions in certain cases - Where by reason of distance from a post office or Registrar's office, or from any other sufficient cause, any act, matter, or thing required by this Act cannot be done within the time limited by or in strict compliance with the conditions imposed by this Act, it shall be sufficient if, with the consent of the Registrar-General, any such act, matter, or thing is done within a reasonable time thereafter, or if, with the like consent, the conditions imposed are complied with so far as is reasonably possible.

49. Who may take declaration under Act - Any person for the time being holding the office of Registrar-General or Deputy Registrar-General or the office of Registrar or Acting Registrar or Deputy Registrar shall, in respect of any statutory declaration required for the purpose of this Act, be deemed to be a person duly authorised to take and receive a statutory declaration under section 653 of the Cook Islands Act 1915.

50. Regulations - (1) The High Commissioner from time to time, by Order in Executive Council, 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 thereof.

(2) All regulations under this Act shall be laid before the Legislative Assembly within twenty-eight days after the making thereof if the Legislative Assembly is then in session, and, if not, shall be laid before the Legislative Assembly within twenty-eight days after the commencement of the next ensuing session.

51. Offences and penalties - (1) Every person who refuses or neglects to give any notice or information required under this Act or who fails to comply with any of the provisions of this Act commits an offence.

(2) Any person who commits an offence against this Act for which no specific penalty is elsewhere provided shall be liable on conviction to a fine not exceeding twenty dollars.

52. Penalties on Registrars - Every Registrar who refuses or, without reasonable excuse, omits to register any birth or death of which he has due notice and information under this Act, and every person having the custody of any register book or certified copy or duplicate thereof, or of any part thereof, who negligently loses or injures the same, or negligently allows the same to be injured while in his keeping, commits an offence and shall be liable on conviction to a fine not exceeding forty dollars.

53. Punishment for false statements - Every person commits an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred dollars who wilfully makes or causes to be made, for the purpose of being inserted in any register book of births or deaths, any false statement touching any of the particulars required to be known and registered under this Act.

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

55. Fees - (1) There shall be paid to the Registrar-General and to every Registrar such fees as may from time to time be prescribed in that behalf by regulations under this Act.

(2) Where the Registrar-General or any 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 regulations under this Act, the Registrar-General may dispense with the payment of any fee payable under this Act.

56. Application of fines and fees - All fines recovered and all fees received under this Act shall be paid into the Cook Islands Government Account.

57. Revocations and savings - (1) The Cook Islands Births and Deaths Registration Regulations 1962 are hereby revoked.

(2) All offices, appointments, registers, registrations, records, instruments, and generally all acts of authority which originated under the said regulations, and are subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under the said regulations and pending or in progress at the commencement of this Act may be continued, completed and enforced under this Act.

SCHEDULES

FIRST SCHEDULE

Section 8

Form No. 1 Cook Islands - The Births and Deaths Registration Act 1972

BIRTHS REGISTERED IN THE OFFICE OF THE REGISTRAR OF BIRTHS AND DEATHS AT (RAROTONGA)

Section 7

No.	Child			Parents		Informant	Registrar		
	1. When Born 2. Where Born	3. Name, if altered 4. Sex (M. or F.)	5. Name and Surname of Mother	6. Name and Surname of Father					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
<p>NOTE - In entries made pursuant to section 23 insert in column (8) the words "adoptive parents" and in column (9) the words "This entry is made under the authority of section 23 of the Births and Deaths Registration Act 1972".</p>									

Form No. 2 Cook Islands - The Births and Deaths Registration Act 1972

DEATHS REGISTERED IN THE OFFICE OF THE REGISTRAR OF BIRTHS AND DEATHS AT (RAROTONGA)

Section 7

No.	Description of Decedent		Cause of Death	Parents	If Burial Registered	Where Born	If Decedent was Married	Race and Nationality	Informant	Registrar		
	1. Name and Surname	2. Profession or Occupation										
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
<p>NOTE - In entries made pursuant to section 23 insert in column (8) the words "adoptive parents" and in column (9) the words "This entry is made under the authority of section 23 of the Births and Deaths Registration Act 1972".</p>												

FIRST SCHEDULE - continued

Form No. 3

Section 22

MEMORIAL OF ADOPTION TO BE ENDORSED ON BIRTH
ENTRY

ORDER of adoption of (Name of child), dated the.....day of
..... 19....., made by the High Court held at or
the Land Court at, in favour of (Name or names
of adoptive parent or adoptive parents). Name conferred by Order:
(.....)

Form No. 4

Section 27

I, A.B., Registrar of Births and Deaths at..... do hereby
certify that the birth of.....who was born on the
day of..... 19..... atwas duly registered by me on
the..... day of 19.....

Witness my hand, this day of 19.....

A.B., Registrar

Form No. 5

Section 29

BURIAL CERTIFICATE

I, A.B., of....., funeral director (or other person having
charge of the burial), do hereby certify that the body of.....
was on the..... day of 19....., in my presence, duly
buried at (or placed in the crematorium at
for the purpose of cremation).

Witness my hand, this..... day of 19

A.B., Funeral Director (or
person as aforesaid.)

Signature of Minister or other(G.H., Minister.
witnesses of burial: (or C.B., Witness.
(F.F., Witness.)

Form No. 6

Section 38

CERTIFICATE OF REGISTRATION OF DEATH

I, A.B., Registrar of Births and Deaths at....., do hereby
certify that the death of was duly registered by me
on the day of 19.....

Witness my hand, this day of 19.....

A.B., Registrar

This Act is administered in the Ministry of Justice and
Land Development