



ANALYSIS

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1961, No. 23

An Act to amend the Births and Deaths Registration Act 1951
[18 October 1961]

BE IT ENACTED by the General Assembly of New Zealand in Parliament 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 Amendment Act 1961, and shall be read together with and deemed part of the Births and Deaths Registration Act 1951* (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-two.

2. Definition of "Maori" repealed—Section 2 of the principal Act is hereby amended by repealing the definition of the term "Maori".

*1957 Reprint, Vol. 1, p. 591
 Amendment: 1959, No. 25

3. Registration of birth of illegitimate child—(1) Section 18 of the principal Act is hereby amended by repealing subsection (2) (as amended by subsection (1) of section 2 of the Births and Deaths Registration Amendment Act 1955), and substituting the following subsection:

“(2) Subject to the provisions of subsection (3) of this section, the Registrar shall not enter in the register the name of or any particulars relating to any person as the father of any such 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) Section 2 of the Births and Deaths Registration Amendment Act 1955 is hereby consequentially amended by repealing subsection (1).

4. Registration of adoptions—(1) The principal Act is hereby amended by repealing section 21 (as amended by section 29 of the Adoption Act 1955), and substituting the following section:

“21. (1) Where an adoption order is made under the Adoption Act 1955 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 reregistered 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 where that Court was the Maori Land Court, the Maori Land Court district 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 reregistration 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 reregistered, note on the reregistration 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 reregistration 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 reregistration 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 New Zealand, 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 Wellington, 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 reregistered 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 face of any certified copy of the entry of birth of that child issued under section 38 or section 39 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 or the Registrar 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 or the Registrar is satisfied, that the particulars recorded in the original or any former entry are material for the purpose for which the inspection is required."

(2) Section 22 of the principal Act (as amended by section 29 of the Adoption Act 1955) is hereby repealed.

(3) The First Schedule to the Adoption Act 1955 is hereby consequentially amended by repealing so much thereof as relates to the principal Act.

5. Registration of adoptions made overseas—The principal Act is hereby further amended by inserting, after section 21 (as substituted by section 4 of this Act), the following section:

"21A. Where any person whose birth is registered in New Zealand has been adopted in any place outside New Zealand, the Registrar-General shall—

"(a) If he is satisfied that the adoption is one to which section 17 of the Adoption Act 1955 applies; and

"(b) 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 21 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 Adoption Act 1955."

6. Consequences of variation or discharge of adoption order—The principal Act is hereby amended by repealing section 23, and substituting the following section:

"23. (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 reregistration in respect of that child made under subsection (3) of section 21 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 reregistered 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 reregistration 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 21 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 reregistration entry made under subsection (3) of section 21 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.”

7. Act to apply to Maoris—Section 52 of the principal Act and subsection (2) of section 3 of the Births and Deaths Registration Amendment Act 1959 are hereby repealed.

8. Forms—The First Schedule to the principal Act is hereby amended by repealing the forms numbered 1, 2, and 3, and substituting the forms numbered 1, 2, and 3 set out in the First Schedule to this Act.

9. Consequential revocations and savings—(1) The regulations specified in the Second Schedule to this Act are hereby revoked.

(2) All registers and records which originated under any of the said regulations and which are subsisting at the commencement of this Act, shall enure for the purposes of the principal Act as fully and effectually as if they had originated under the corresponding provisions of the principal Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under any such regulations and pending or in progress at the commencement of this Act may be continued, completed, and enforced either under the provision so revoked as if it had not been so revoked or under the principal Act.

Form No. 1

New Zealand—The Births and Deaths Registration Act 1951

Section 7

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

| No. | Child | | | | Parents | | | | Informant | Registrar |
|-----|-------------------------------|---|--|-------------------------|---------|--------|--|-----|-----------|-----------|
| | 1. When Born 2. Where Born | Christian or First Names (only) (If a twin, state whether elder or younger) (If child stillborn, to be noted in this column) | Name, if Altered After Regis- tra- tion of Birth | Sex (M. or F.) | Father | Mother | 1. When Married 2. Where Married 3. Previous Children of Existing Marriage: (a) Living - Ages Each Sex (b) Dead - Number Each Sex 4. Degree of Maori Blood (if any), and Tribe: (a) Father: (b) Mother: (8) | | | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | |

Note.—In entries made pursuant to section 21 insert in column (8) the words "adoptive parents" and in column (9) the words "This entry is made under the authority of section 21 of the Births and Deaths Registration Act 1951".

Form No. 2

New Zealand—The Births and Deaths Registration Act 1951

Section 7

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

| Description of Deceased | | | | Cause of Death | Parents | If Burial Registered | Where Born | If Deceased was Married | | Maori Blood and Tribe of Parents | Informant | Registrar |
|-------------------------|-------------------------------|---|-----------------------------|---|--|----------------------|------------|--|-------------------------------------|--|-----------|-----------|
| No. | 1. When Died 2. Where Died | 1. Name and Surname 2. Profession or Occupation 3. Usual place of residence | 1. Sex (M. or F.) 2. Age | 1. Causes of Death and Intervals Between Onset and Death 2. Medical Attendant by Whom Certified 3. When He Last Saw Deceased (i.e., Before Death) | 1. Name and Surname of Father 2. Name and Surname of Mother 3. Maiden Surname of Mother 4. Profession or Occupation of Father | | | 1. Where Married 2. At What Age Married 3. To Whom Married 4. Age of Widow, if Living | If Issue Living State Ages Each Sex | Degree of Maori Blood (if any), and Tribe: (a) Deceased's Father; (b) Deceased's Mother: | | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) |

— 1 —

Section 8

FIKSISCHEDULE

FIRST SCHEDULE—continued

Form No. 3

Section 21

MEMORIAL OF ADOPTION TO BE ENDORSED ON BIRTH ENTRY

ORDER of adoption of [Name of child], dated the day of 19...., made by the Magistrate's Court held at or the Maori Land Court, District,* in favour of [Name or names of adoptive parent or adoptive parents]. Name conferred by Order: [.....].

*Delete whichever is inapplicable.

SECOND SCHEDULE

Section 9 (1)

REGULATIONS REVOKED

| Regulations | Reference |
|---|---|
| The Maori Births and Deaths Registration Regulations 1935 | <i>Gazette</i> , 1935, Vol. 1, p. 210. S.R. 1947/35. |
| The Maori Births and Deaths Registration Regulations 1935, Amendment No. 1 | S.R. 1952/30. |
| The Maori Births and Deaths Registration Regulations 1935, Amendment No. 2 | S.R. 1953/69. |
| Regulation 3 of the Births and Deaths Registration (Forms) Regulations 1953 | |

This Act is administered in the Department of Justice.