



## ANALYSIS

- Title
1. Short Title
  2. Particulars of father where not married to mother
  3. Transfer of charge of body
  4. Registrar-General's indexes

5. Restrictions on searches where error relating to person's sex has been corrected or sexual assignment or reassignment has been registered
6. Restrictions on searches relating to new names of certain witnesses
7. Further consequential amendments

SCHEDULE  
Further Amendments Consequential on  
Enactment of Principal Act

1997, No. 35

**An Act to amend the Births, Deaths, and Marriages  
Registration Act 1995**

[28 July 1997]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Births, Deaths, and Marriages Registration Amendment Act 1997, and is part of the Births, Deaths, and Marriages Registration Act 1995 (“the principal Act”).

**2. Particulars of father where not married to mother**—Section 15 of the principal Act is amended by omitting from the final subsection the expression “(7)”, and substituting the expression “(8)”.

**3. Transfer of charge of body**—Section 40 (2) (b) of the principal Act is amended by repealing subparagraph (iii), and substituting the following subparagraph:

“(iii) The occupier of a hospital,—”.

**4. Registrar-General's indexes**—(1) Section 74 of the principal Act is amended by inserting, after subsection (1), the following subsections:

“(1A) Subject to subsection (1B), to the extent that an index relating to several births, marriages, or deaths is or was compiled after the commencement of this Act, it—

“(a) Must contain (in relation to each birth, marriage, or death) as much of the following information as is registered:

“(i) The place where it took place or the place where it was registered (or both); and

“(ii) The name of the person born, the names of the people married, or the name of the person who died:

“(iii) In the case of a birth, the mother's name:

“(iv) In the case of a death, the person's date of birth or age at death (or both):

“(v) The day on which it took place:

“(vi) The day on which it was registered; and

“(b) May contain any other information the Registrar-General thinks fit; and

“(c) May be sorted by reference to any of the information it contains.

“(1B) No index relating to several births, marriages, or deaths that is or was compiled after the commencement of this Act and before 1 January 1998 is invalid or ineffectual by virtue only that it contains (in relation to any of the births, marriages, or deaths to which it relates)—

“(a) Only the year in which it took place (rather than the day on which it took place); or

“(b) Only the year in which it was registered (rather than the day on which it was registered).”

(2) Section 2 of the principal Act is amended by repealing the definition of the term “index”, and substituting the following definition:

“‘Index’ includes part of an index:”.

(3) Subsections (1A) and (1B) of section 74 of the principal Act do not—

(a) Limit or affect—

(i) The validity or effect of any index compiled before the commencement of the principal Act; or

(ii) The Registrar-General's duty to maintain indexes; or

- (iii) The Registrar-General's duties under section 73 or section 74 (2) of the principal Act in relation to any index; or
- (b) Require the Registrar-General to amend or augment, or compile another index in place of or in addition to, an index compiled before the commencement of the principal Act.
- (4) Subsection (3) does not prevent the Registrar-General from augmenting, or compiling another index in addition to, any index compiled at any time.

**5. Restrictions on searches where error relating to person's sex has been corrected or sexual assignment or reassignment has been registered**—Section 77 of the principal Act is amended by omitting from subsection (8) (c) and subsection (9) (a) the expression "28", and substituting in each case the expression "30 (1)".

**6. Restrictions on searches relating to new names of certain witnesses**—Section 78 (4) of the principal Act is amended by repealing paragraph (a), and substituting the following paragraph:

"(a) The fact that section 65 applies, or has at any time applied, to any person; and".

**7. Further consequential amendments**—The enactments specified in the Schedule are amended in the manner indicated in that schedule.

---

## Section 7

## SCHEDULE

## FURTHER AMENDMENTS CONSEQUENTIAL ON ENACTMENT OF PRINCIPAL ACT

Enactment Amended	Amendment
1948, No. 36—The Tuberculosis Act 1948 (R.S. Vol 11, p. 693)	<p>By repealing section 6, and substituting the following section:</p> <p>“6. (1) Forthwith after receiving a doctor’s certificate stating that the person to whose death it relates was affected by tuberculosis, a Registrar must give the Medical Officer of Health written notice of that fact.</p> <p>“(2) In subsection (1), the terms ‘doctor’s certificate’ and ‘Registrar’ have the meanings given to them by section 2 of the Births, Deaths, and Marriages Registration Act 1995.”</p>
1970, No. 43—The Pharmacy Act 1970 (R.S. Vol. 21, p. 691)	<p>By omitting from section 19 the words “of Births and Deaths in New Zealand”, and substituting the words “(within the meaning of section 2 of the Births, Deaths, and Marriages Registration Act 1995)”.</p>
1979, No. 27—The Toxic Substances Act 1979	<p>By repealing section 76 (2), and substituting the following subsections:</p> <p>“(2) Forthwith after receiving a doctor’s certificate stating that the person to whose death it relates was affected by poisoning, a Registrar must give the Medical Officer of Health written notice of that fact.</p> <p>“(2A) In subsection (2), the terms ‘doctor’s certificate’ and ‘Registrar’ have the meanings given to them by section 2 of the Births, Deaths, and Marriages Registration Act 1995.”</p>
1982, No. 118—The Friendly Societies and Credit Unions Act 1982	<p>By repealing section 45 (1) (a), and substituting the following paragraph:</p> <p>“(a) Of a death certificate or doctor’s certificate (within the meaning of section 2 of the Births, Deaths, and Marriages Registration Act 1995) relating to the death of the member or other person; or”.</p>
1988, No. 150—The Dental Act 1988	<p>By repealing section 31 (3), and substituting the following subsections:</p> <p>“(3) Forthwith after receiving a doctor’s certificate relating to the death of any person who appears to have been registered under this Act, a Registrar must give the Secretary to the body by</p>

SCHEDULE—*continued*FURTHER AMENDMENTS CONSEQUENTIAL ON ENACTMENT OF PRINCIPAL  
ACT—*continued*

Enactment Amended	Amendment
1988, No. 150—The Dental Act 1988— <i>continued</i>	<p>which the register concerned is maintained written notice of the death, with particulars of its date and place; and as soon as is practicable after receiving the notice the Secretary must remove the person's name from the register.</p> <p>“(3A) In subsection (3), the terms ‘doctor’s certificate’ and ‘Registrar’ have the meanings given to them by section 2 of the Births, Deaths, and Marriages Registration Act 1995.”</p>
1993, No. 87—The Electoral Act 1993	<p>By inserting in section 3 (1), after the definition of the term “Registrar”, the following definition:</p> <p>“‘Registrar of Births and Deaths’ means Registrar within the meaning of section 2 of the Births, Deaths, and Marriages Registration Act 1995.”</p>
1994, No. 107—The Veterinarians Act 1994	<p>By omitting from section 93 (1) the words “of Marriages”, and substituting the words “(within the meaning of section 2 of the Births, Deaths, and Marriages Registration Act 1995)”.</p> <p>By omitting from section 20 (1) the words “of Births and Deaths”, and substituting the words “(within the meaning of section 2 of the Births, Deaths, and Marriages Registration Act 1995)”.</p> <p>By omitting from section 20 (3) the words “of Births and Deaths”.</p>

This Act is administered in the Department of Internal Affairs.