



Births, Deaths, and Marriages Registration Amendment Act 2000

Public Act 2000 No 54
Date of assent 14 November 2000
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Births, Deaths, and Marriages Registration Amendment Act 2000.
- (2) In this Act, the Births, Deaths, and Marriages Registration Act 1995 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Interpretation

- (1) Section 2 of the principal Act is amended by inserting, after the definition of **funeral director**, the following definition:
“**give a doctor’s certificate**, in relation to a person’s death, means complete and sign a doctor’s certificate, and give it to the person having charge of the person’s body”.
- (2) Section 38 of the principal Act is amended—
 - (a) by omitting from subsection (1) the words “complete a doctor’s certificate in respect of the death of any”, and

substituting the words “give a doctor’s certificate for the death of a”; and

- (b) by omitting from subsection (2) the words “shall not issue a certificate under subsection (1) of this section”, and substituting the words “must not give a doctor’s certificate under subsection (1)”.

4 New section 37 substituted

The principal Act is amended by repealing section 37, and substituting the following section:

“37 Medical certificates in relation to illness

“(1) If a person dies after an illness,—

“(a) a doctor who attended the person during the illness must, if (and only if) satisfied that the person’s death was a natural consequence of the illness, give a doctor’s certificate for the death immediately after the doctor learns of the death; and

“(b) a doctor other than a doctor who attended the person during the illness may give a doctor’s certificate for the death if (and only if) satisfied that the person’s death was a natural consequence of the illness and that—

“(i) the doctor who last attended the person during the illness is unavailable; or

“(ii) less than 24 hours has passed since the death, and the doctor who last attended the person during the illness is unlikely to be able to give a doctor’s certificate for the death within 24 hours after the death; or

“(iii) 24 hours or a longer period has passed since the death, and the doctor who last attended the person during the illness has not given a doctor’s certificate for the death.

“(2) Subparagraphs (ii) and (iii) of subsection (1)(b) do not apply if the doctor who last attended the person during the illness has refused to give a doctor’s certificate for the death because that doctor was not satisfied, or was not yet satisfied, that the death was a natural consequence of the illness.

“(3) If a death is required to be reported to a coroner under paragraph (a), or any of paragraphs (c) to (j), of section 4 of the Coroners Act 1988, or has been reported to a coroner under

that Act, a doctor must not give a doctor's certificate for the death under subsection (1) unless a coroner has decided not to hold an inquest into the death.

- “(4) A doctor who must give a doctor's certificate under subsection (1)(a) but knows that since he or she attended the person concerned some other doctor attended the person must not give the certificate without taking all reasonable steps to consult the other doctor.
- “(5) A doctor must not give a doctor's certificate for a death under subsection (1)(b) unless the doctor has—
- “(a) had regard to the medical records relating to the person concerned of the doctor who last attended the person during the illness; and
 - “(b) had regard to the circumstances of the person's death; and
 - “(c) examined the person's body.”

Legislative history

9 November 2000	Divided from the Statutes Amendment Bill (No 7) as reported from the Justice and Electoral Committee (Bill 334–A2), third reading
14 November 2000	Royal assent

This Act is administered in the Department of Internal Affairs.
